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SENATE—*Tuesday, May 22, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, thank You for the miracle of Your love. We discover Your affection in the beauty of nature and the farflung immensity of space. We feel Your embrace in the orderly movement of the seasons, in the laws of seedtime and harvest, and in the unfolding of Your merciful providence. We receive Your kisses in the cry of a new baby, in the softness of a leaf, and in the lilies of the field.

Today, use the Members of this body as agents of Your love. Remind them that they fulfill Your will by loving You passionately and by earnestly caring for their neighbors. Open their ears to the cries of the less fortunate. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARY L. LANDRIEU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 22, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided, with the first half of the time under the control of the Republicans and the second half of the time under the control of the majority.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, as you just announced, there will be a period for the transaction of morning business for 1 hour. Following morning business, we will resume consideration of the immigration legislation. Senator SESSIONS, under a previous order entered, is to be recognized for 2 hours. He will speak until 12:30 p.m. Today, the regular party conferences will be held beginning at 12:30 p.m., so Senator SESSIONS will complete his remarks after 2:15 p.m.

It is my understanding that the first amendment that has been agreed to be laid down will be by Senator DORGAN. I don't know if there is a consent agreement to that effect. Is there one, Madam President?

The ACTING PRESIDENT pro tempore. There is not.

Mr. REID. I think this has been cleared on both sides. I ask unanimous consent that the first amendment be offered by Senator DORGAN, after the remarks of Senator SESSIONS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, if there is any problem with this procedure, the two managers can ask unanimous consent, and we will all agree to change it. But I think that is the agreement which has been made. If it has not, we can start over. That is the general agreement. What we plan to do during consideration of the legislation is to alternate back and forth—Democrat and Republican, Democrat and Republican. That is what we did the last time.

The only thing I will announce—I told both managers and I think Senator MCCONNELL agrees with this, and if not, it is something we need to do for an orderly process here—is that we do an amendment at a time. The last time on this bill, we wound up with 30, 40 amendments pending. I am saying we are not going to do that this time. We are going to do one amendment at a time, unless there is something extraordinary to come along to change that procedure.

We have a long amendment list. The substitute amendment was laid down last night. It is now available to all Members.

Tonight, I should announce, as has been announced in the past, there is going to be a dinner in the Botanic Garden to honor the spouses of the Senate. I hope all Members will attend this event.

The ACTING PRESIDENT pro tempore. Who seeks time? The Senator from New Hampshire.

Mr. GREGG. Madam President, I believe I am to be recognized for 15 minutes; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

The Senator from New Hampshire is recognized.

Mr. GREGG. I thank the Chair.

(The remarks of Mr. GREGG pertaining to the introduction of S. 15 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

Mr. GREGG. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

2003 TAX CUTS

Mr. BENNETT. Madam President, if there is one thing I hear over and over again when I talk to my constituents about where we are in this Congress, it is the request that we get together and work together and that we get something done. There is always some particular issue someone will raise that will have to do with immigration, that will have to do with taxes, that will have to do with Social Security, but underlying all these issues is the refrain: Why can't you people work together? Why can't you get something done? As one constituent put it, almost plaintively: Senator, is there any hope, or are you just going to bicker back and forth between the parties, as you have always done?

Well, this month, there has been a sign of hope that I think we ought to make mention of that demonstrates that, in fact, maybe it is possible for us to work together on some of the more contentious issues. This sign of hope did not necessarily come from the Congress, it was an action that involved Members of Congress and members of the Bush administration, and it has to do with trade.

There are many issues that divide the two parties, but one that has divided us as much as any has been the issue of trade, with the Democrats saying under no circumstances will we approve any more free-trade agreements until we get the kinds of provisions with respect to labor standards that we insist on; and the Republicans have said and Republican administrations have said, those kinds of agreements are deal breakers; if we put those in the trade agreements, we make the trade agreement impossible to enforce. The two sides have yelled at each other over this issue now for years.

Well, this month we have had a breakthrough, and I will quote from the newspaper articles with respect to this, first, from the New York Times and then from the Wall Street Journal. With a May 11 headline "Bush and Democrats in Accord on Labor Rights in Trade Deals," the New York Times said the following:

> The Bush administration and House Speaker Pelosi, breaking a partisan impasse that had dragged on for months, reached an agreement this evening on the rights of workers overseas to join labor unions. Both sides predicted the agreement would clear the way for congressional approval of several pending trade agreements.

This came as happy news to me. I was with the majority leader and a group of Senators when we went to South America, and we heard from the President of Peru that the most significant thing we could do in the United States to maintain good relations with Peru was to approve the Peru Free Trade Agreement. After this conversation, some of the Democratic Senators who were on that trip said to me: BOB, that is going to be very hard. It is going to be very difficult. We are not getting the kind of cooperation we feel we need out of the Bush administration. Well, now they have. It has been worked out.

Again, back to The New York Times:

> Negotiations to complete the trade deals have been led by Susan Schwab, United States Trade Representative on the administration side, and by Representative Charles Rangel, the New York Democrat who is Chairman of the Ways and Means Committee on the House side.

Good news. Both sides giving a little and getting something done. Then this paragraph from the New York Times:

> Despite the endorsement of Mr. Rangel and Speaker Pelosi, many Democrats say that half or more of the Democrats in Congress may vote against the deal, but the agreement is expected to pass with strong backing among Republicans, whose leaders will urge them to vote with President Bush.

This reminds me of a meeting I had in the White House when Bill Clinton was the President. We were talking about how to deal with trade, and President Clinton said to the Members of Congress who were there: What do we need? The former Senator from New York, Pat Moynihan, sitting next to the President, spoke up and said: Sir, we need more Democrats. The Republicans are fine on this issue, it is the Democrats who are the problem.

Well, we have had that breakthrough on trade. It is encouraging. The Wall Street Journal had this to say about it.

> The agreement announced last night by House Speaker Pelosi, Treasury Secretary Henry Paulson, and other top officials and lawmakers clears the hurdle to passage of some small bilateral trade deals, and it could ultimately smooth the way for broader trade measures such as renewing President Bush's soon to expire authority to negotiate trade deals without the threat of congressional amendments as well as a new global trade agreement now being negotiated in the Doha round of world trade talks.

I raise this as a ray of hope and then as the background for a suggestion. I hope the sense of urgency that brought the two sides together on trade can apply to the question of the tax cuts and whether they will be made permanent. I was in New York yesterday with a group of representatives from Wall Street, from the venture capital community and those economists who deal with the question of growth and keeping the economy strong, and was interested to be told the one thing that would be the most important for them to keep the economy strong and growing was to keep the tax cuts that were enacted in 2003 in the law permanent.

We asked some of those representatives what would happen if the tax cuts were to expire? The reaction we got was: Well, we assume that Congress will, of course, not let them expire because they have worked so well. They have made significant differences with respect to corporate governance and economic growth that, of course, they are going to be extended. Then I pointed out to them that if we stay on the track that was established in the budget bill that was passed, the budget bill that the Senator from New Hampshire talked about, those tax cuts will expire in 2010.

The folks in New York were stunned. How could Congress do this? How could they allow that to expire in the face of the evidence that these tax cuts have been so beneficial? We said: Well, that is the path we are on. That is the glidepath that was set in this budget bill. The budget bill can be trumped by future budgets later on, but if nothing is done and we stay exactly as we are, these tax cuts are certain to expire.

What will be the consequences? Well, we have turned to some experts who will make these kinds of projections and asked that question. We would like to talk about this. I am sure no one can see the detail on the chart, but I will do my best to highlight the visual impact. I will say, in all fairness, as I always say, these are projections, and every projection is wrong. I don't know whether it is wrong on the high side or wrong on the low side, but every projection we ever have about the future, that is specific, is wrong. Nonetheless, I think the basic trend that is shown in these charts is a legitimate trend.

This first one talks about the number of jobs that will be created State by State if the tax cuts are made permanent. Now, don't pay attention to the numbers because you can't see them, look at the bars and let me identify the States that will see significant job growth if the tax cuts are made permanent.

The biggest line is California, followed by Florida, Illinois, New York, Ohio, Pennsylvania, and Texas. It might be interesting to go back to those States and look at how those Senators from those States voted on the budget bill that would have the tax cuts expire. Jobs in California, Florida, Illinois, New York, Ohio, Pennsylvania, and Texas.

Some of those States are complaining about their current economies. They are saying their unemployment rate is too high. Make the tax cuts permanent and you make a significant contribution to creating jobs in those States.

What about economic growth in those States? Let's look at that chart. Basically, they are the same States, but there are some slight changes. Once again, this is the income growth per State if the tax cuts are made permanent. And the winner, again, clearly, is California, followed by New York and Texas. But Michigan begins to show up, New Jersey begins to show up, along with Florida, Illinois, Ohio, and Pennsylvania. These are States, again, where they are saying: Our economic growth has been anemic, our job growth has been anemic. What can we do?

The answer to what can we do? We can make the tax cuts permanent. Well, no, politically, we don't want to do that. Politically, it makes good rhetoric for us to attack the rich.

One of the things we have to remember as we have these economic debates is the best thing you can do for someone who is poor is to find him a job. The best thing you can do for people who are at the bottom is to have strong economic growth. Who gets hurt the most in a recession? It is the poor. Who loses his job when unemployment goes up? It is the person with the least skills, who can least afford to lose his job.

I remember a hearing in the Joint Economic Committee, when one of my colleagues, in the midst of the boom of the late 1990s, asked Chairman Greenspan: Who has benefitted the most from this boom, expecting the answer to be: Well, it is the people at the top; the people at the top have gotten all the money; the people at the top have benefitted from the boom, and we have to do something about that. Chairman Greenspan said, very emphatically and very firmly, the people who have benefitted the most from this booming economy are the people at the bottom. The bottom quintile have seen their life change, their lifestyle, their availability to income improve better than anybody else.

We always single out Bill Gates as the richest person in the United States. Did Bill Gates get hurt with the recession? No. His lifestyle didn't change. He didn't lose his house. He wasn't in danger of being late on his mortgage payments because he didn't have any mortgage payments. The growth in the economy did not make that big an impact on his situation. But the people at the bottom, who were unable to get the jobs in the recession that began in 2000; the people at the bottom, who were unable to meet their bills with the recession of 2000; the people at the bottom, whose skills were such that they were the first laid off, they are the ones who have benefitted the most by the expansion that began with the passage of the tax cuts in 2003.

They are the ones who were benefited the most when the unemployment rate fell below 5 percent. It is currently 4.4 percent.

In my home State of Utah, the unemployment rate is 2.3 percent. Who is benefiting the most? It is the people who would otherwise be unemployed if the unemployment rate went back up to 6 percent.

When we look at income growth per State, don't say that only benefits the fat cats; that only benefits the people at the top. Recognize that the best welfare you can do for anyone is to find them a job. The best life-changing experience you can create for someone is to have a strong economy where that person can work and grow their own savings and get slightly ahead.

Chairman Greenspan was very firm about that, with respect to who benefited the most from the income growth of the 1990s. It is still true today. Who will get hurt if the tax cuts are not made permanent and the jobs represented on these charts do not materialize? It will be the people who lose their jobs.

We, the Congress and the administration, demonstrated that we could get together on the trade deals. It was announced with great gladness that the Democrats who had said "never" and the Republicans who had said "never" were able, finally, to get together and make this thing work. Can't we do that with respect to tax policy? Can't we understand now that the tax policy has worked?

Since the tax cuts were enacted, 8.5 million new jobs have grown up in the United States. More Americans are working today than ever in our history, both in total numbers and as a percentage of the workforce. Can't we celebrate that achievement and say let's keep in place the policies that caused it? Or will we continue to say, no, we can't let anything happen because, for some political reason we want to scare people, we want to use class warfare rhetoric; we want to say, no, this isn't really working, it is an illusion. Ignore the statistics. Ignore the facts.

I think we can work together. I think we should work together. I think the facts are clear. We should endorse them and move ahead in that spirit.

The ACTING PRESIDENT pro tempore. The Senator from Washington State is recognized.

Ms. CANTWELL. Madam President, I ask unanimous consent to speak for 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY POLICY

Ms. CANTWELL. Madam President, I am coming to the floor this morning to talk about energy policy. I know the Presiding Officer very much understands the importance of energy policy and has represented a State in a region of the country that has been a key component to the U.S. energy strategy. My own State, Washington State, with our long history, with our hydro system, is starting to become a leader in alternative energy and certainly in renewable energy.

But I rise today to talk about the beginning of the U.S.-China Strategic Economic Dialogue that is an ongoing bilateral forum between the United States and China. I think it will help lay the foundation for important, productive, and mutually beneficial ties between our two countries.

I appreciate that Treasury Secretary Paulson and Vice Premier Wu are starting that discussion today. I hope energy will be among the issues they talk about.

I am under no illusion that we have big challenges in working with China and particularly in embracing a concept I believe is very strategic to how the United States operates in a global economy, that is "coopetition"—you look at those with whom you are competing and also look for ways in which you can cooperate and have strategic benefits by working together. I think that "coopetition" is exactly the policy we ought to embrace with China as it relates to energy, and it is very important we use this Strategic Economic Dialogue to move forward on that issue.

I know they are going to talk about lots of different issues. It is not as if Washington State agrees with China on all issues. I know the currency issue will be part of the discussion. I know there are intellectual property rights and agricultural issues, there are restrictions on Washington products, and many things that will be discussed as part of a larger economic dialogue. But I think it is important to understand the Washington State experience. If you juxtapose our experience to that of the United States, and the U.S. trade imbalance with China, I venture to say Washington State almost has a trade surplus with China. That is, if you look at various aspects of our economic numbers, Washington State and China have been good trading partners.

Back last year, China was the largest export market for Washington State. We sent $6.8 billion in exports to China. Approximately two-thirds of Washington State's agricultural exports went to Asia and 17 percent to China: apples, potatoes, cherries, and a variety of other products. And Washington State companies have been aggressive at pursuing opportunities in China for a long time. I don't know if it is the proximity of our State to China and the fact that we both look to the Pacific, I don't know if it is the large Chinese-American population that resides in the State, or just the long cultural history on which we continue to build. But Washington State companies have been aggressively pursuing opportunities in China for years.

In fact, Boeing signed its first contract with the Chinese Government for 10 707 jetliners in 1972, shortly after President Nixon made his first visit there. It is amazing that today 60 percent of China's commercial aircraft are Boeing planes.

That relationship has grown over a long period of time, and we have benefited. In fact, in 2006 China purchased $7.7 billion dollars' worth of Boeing planes. That represents about 112 orders from different Chinese airlines. Today China is one of the largest opportunities for Boeing. Some have estimated the commercial aircraft market could be as large as $280 billion.

When we look at these issues, we look at the cooperation and the economic opportunity that has existed for our State. Microsoft is another example. It first opened an office in Beijing in 1992. It is no surprise, when President Hu was visiting the United States, he actually came to Everett and Seattle and Redmond and had an opportunity to be hosted by Bill Gates. Microsoft is benefiting greatly from the sales of computers and legally licensed software in China.

More recently, Starbucks has launched hundreds of stores in China. Who would have thought that a coffee company would go into a tea-drinking country and have so much success. But China represents roughly 20 percent of the new international store growth for Starbucks. It has become Starbucks' most important foreign market.

My point in saying this is that I hope, as we have a debate about currency—and I think it is important that we have a debate about currency—that we also realize that China is a market. It is a market for U.S. products. No export sector could be of greater interest, I believe, than the opportunity in the energy and environmental areas.

Today, China accounts for about 40 percent of the increase in world oil demand. The number of passenger vehicles on China's roads has tripled since 2001 and may equal the United States by 2030. The Chinese face this mass internal transformation from growth and modernization. We have the opportunity to help them with that transition. They are trying to keep pace. In fact, China is adding one huge 1,000-megawatt, coal-fired plant to its grid each week. That is like adding enough capacity every year to serve the entire country of Spain. But even with this new capacity, their country is without predictable electricity.

In 2004, China had power shortages in 24 of its 31 provinces and autonomous regions, so they are dealing with a challenge to deliver energy to various parts of their country.

What is the opportunity? The International Energy Agency estimated that China will spend $2.3 trillion over the next 25 years just to meet its growing energy demands, and that modernizing its electricity grid will require about $35 billion annually for the foreseeable future. That is where American technology can come in; that is where we can seek new opportunities for U.S. companies. In fact, the same International Energy Agency has talked about the fact that, if we institute demand-side management programs where we can leverage modernizing the electricity grid, we can show that investments of $700 billion in the demand side could avoid almost $1.5 trillion in additional generation, transmission, and distribution costs in China between now and 2030.

That is an interesting number. By the United States partnering with China, we would have an opportunity to help them save on their energy costs. What does that mean for us as far as the great opportunity? It means increasing exports of U.S. goods and services. It means U.S. opportunities to grow in the areas that I have mentioned. Good opportunities already exist in aerospace and software and coffee but they also can emerge in the energy and environmental sectors.

It is interesting to think that China realizes that they have a challenge and that they are trying to diversify into an array of more clean energy sources, including wind, solar, biofuels, and clean coal. They are trying to increase productivity and cost savings associated with modernizing the electricity grid.

I happened to visit Beijing last November with a group of Washington State business leaders that were there to promote long-term opportunities for us to work together. It was then that I realized how much the Chinese Government had embraced and was committed to its goal of cutting energy consumption per unit of GDP by 20 percent by 2010. For that very short period of time they have tremendous energy goals that we, the United States, can help them meet.

Modernizing the domestic energy infrastructure will require an estimated $35 billion a year. Again, that is an opportunity for the United States, exporting existing U.S. products and services, that could help us turn around the trade imbalance.

In a speech last month, Premier Wen acknowledged that China must focus on energy conservation and emission reduction in order to both develop the economy and protect the environment. I think this is an opportunity that is before us now as we are part of the Strategic Economic Dialogue with China. Increased U.S.-China cooperation on energy and environment would have tremendous economic, environmental, and security benefits for both our nations. It would help make U.S. companies better positioned for economic opportunities both inside and outside China as we develop standards associated with our energy policy.

I recently sent a bipartisan letter to the President asking for a comprehensive U.S.-China energy policy and bilateral energy summit. I am proud to say that the bipartisan letter, signed by several of my colleagues on the other side of the aisle—Senator SMITH, Senator MURKOWSKI, Senator VOINOVICH—also was signed by the four chairs of important committees—the Energy Committee, Finance Committee, Foreign Relations, and Homeland Security Committee—because I believe that they agree that this is an important opportunity for the U.S. and China to work together. In fact, we said, in sending the letter to the President:

> The way we approach global energy issues will affect the international economy and the world's environment for decades to come. A bilateral U.S.-China energy policy and a summit between our nations to focus on ways to cooperate on energy issues would have tremendous economic benefits for both our nations.

I hope as the Strategic Economic Dialogue goes forward this week that a great deal of focus will be placed on energy. When one of my predecessors, Warren Magnuson, went to China, he said, "pretending 700 million people in the world do not exist is the wrong approach." Today it is 1.3 billion people. It is time to understand China's internal transformation, our own global energy needs, and our nations' evolving relationship. It is time to see the great promise in our common interests and time to work together on shared challenges and opportunities involving energy and the environment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks time? The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I would like to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 1451 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WHITEHOUSE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

ORDER OF PROCEDURE

Mr. CASEY. I ask unanimous consent to be recognized for up to 10 minutes in morning business and that the Senate recess at 12:40 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. I thank the Senator from Alabama for his courtesy in allowing me this time.

Madam President, I rise today to focus the attention of the Congress, and the attention of the country, upon an issue that is at the heart of why I asked the people of Pennsylvania to allow me to serve in the U.S. Senate.

That issue is the well-being of our children and their future.

When we greet one another in this country we typically say "Hello" and

"How are you?" But the standard greeting of the East African Masai people is not, "How are you?" but, rather, "How are the children?" This culture embodies the wisdom that the health of any civilization is always a reflection of the well-being of its most vulnerable citizens—its children.

I am distressed and alarmed that in response to the question, "How are the children," the answer today, here in the richest country on Earth, is this: The children, and particularly children from low income and working families, are not well. Our children are not faring well because 6 years of this administration's budget cuts have decimated vital services for children and working families—cuts to childcare assistance, Head Start and other early childhood programs that help children get off to a good start.

I am determined to reverse the course this administration has taken in slashing funding for critical children's programs and I know that a great many of my colleagues—on both sides of the aisle—are equally determined. Some of the Presidential candidates have begun talking about the importance of early education and I am heartened by the increased public attention this will garner. If we don't invest money to give children—and particularly the most disadvantaged and at risk children—the services and programs they need in early childhood, they will be at much greater risk of academic failure, drug abuse and even criminal activity when they are older. We can spend upwards of $40,000 on incarceration, thousands of dollars on drug treatment and special education, or we can spend a small fraction of that now on high quality preschool and give children the good start they deserve. We can pay now or we can pay later. The choice is ours.

On Friday, May 11, I introduced a bill, the Prepare All Kids Act of 2007." The primary goal of my bill is to help States provide high quality prekindergarten programs that will prepare children, and particularly disadvantaged children, for a successful transition to kindergarten and elementary school. My bill reflects the wisdom that an ounce of prevention is worth a pound of cure.

Most States have either begun or are on the way to developing prekindergarten programs. In my own State, the new Pennsylvania Pre-K Counts initiative will provide approximately 11,000 3- and 4-year-olds with voluntary, high-quality prekindergarten that is targeted to reach children most at risk of academic failure. But States need our financial assistance. My Prepare All Kids Act provides this assistance—with conditions and matching commitments from States. Grounded in research and best practices, my bill provides a blend of State flexibility and high quality standards that will serve children well.

Here is a quick summary of the main components of my bill and why they are important for children and families:

The Prepare All Kids Act will assist States in providing at least 1 year of high quality prekindergarten to children. Studies show high quality prekindergarten programs provide enormous benefits that continue into adulthood.

Prekindergarten will be free for low-income children who need it the most. The cost of prekindergarten can be financially draining and even prohibitive for low-income and working families.

Prekindergarten programs will utilize a research-based curriculum that supports children's cognitive, social, emotional and physical development and individual learning styles. Experts tell us that at the preschool stage, social and emotional learning can be as important, perhaps even more important, than cognitive learning. This is where early socialization takes place—learning to share, pay attention, work independently, express feelings—all these are critical to successful childhood development.

Classrooms will have a maximum of 20 children and children-to-teacher ratios will be no more than 10 to 1. Children need individualized and quality attention to thrive and these requirements provide that.

Prekindergarten programs will consist of a 6-hour day. This requirement supports both children and working parents who need high quality programs for their children while they work.

Prekindergarten teachers will be required to have a bachelor's degree at the time they are employed, or obtain one within 6 years. Funding under my bill may also be used for professional development purposes by teachers.

States will not be able to divert designated funding for other early childhood programs into prekindergarten. We want prekindergarten to build upon and support other early childhood programs like Head Start and child care. We do not want prekindergarten to replace these programs in any way. All these programs are necessary and serve different purposes.

Prekindergarten programs will be accountable to a State monitoring plan that will appropriately measure individual program effectiveness.

Infant and toddler programs will receive a portion of the funding. These programs typically receive the lowest dollars of all early childhood programs, making it difficult for working parents, many of them single mothers, to find quality child care for the youngest of children.

A portion of funding will be used to create extended day and extended year programs. Working families struggle to afford high quality care for their children during after-school hours and the summer months—this provision will increase the availability of good options.

Finally, my bill supports the important role of parents in the education of their young children by encouraging parental involvement in programs and assisting families in getting the supportive services they may need. Children come in families and to truly help children, we have to involve and support their parents.

There is one additional component of my bill that I'd like to highlight. My bill ensures that prekindergarten providers will collaborate and coordinate with other early childhood providers so that prekindergarten programs can support and build upon existing programs and services for children. This is a very high priority for me. For example, Head Start has provided effective and comprehensive early education to the most economically disadvantaged children for the past 40 years. And community-based childcare providers are absolutely vital to the well being of our children. In crafting my bill and establishing a new Federal funding source for State prekindergarten programs, I have zealously protected the importance of Federal support and funding for Head Start and childcare programs. All these programs are necessary for a system of early childhood education that truly serves children and families by providing families with multiple options, avoiding duplication of services, and giving children access to the services and support they need to get the best possible start in life.

I believe that investing in our children is our moral responsibility. But for anyone who needs additional reasons, decades of research on the life outcomes of children who have attended early education programs prove the wisdom of this investment.

A landmark study of the Perry Preschool Program in Michigan began in 1962. Children were randomly assigned to attend the preschool or not, and then tracked over many years to measure the long-term impact of high quality preschool. By age 27, the children excluded from the program were five times more likely to have been chronic law-breakers than those who attended the program. By age 40, those who did not attend the Perry Preschool program were more than twice as likely to be arrested for violent crimes. Those who did not attend the Perry Preschool Program were also more likely to abuse illegal drugs.

The research also confirms that high quality prekindergarten programs not only keep children out of trouble, they help children succeed academically. Children in the Perry Preschool Program were 31 percent more likely to graduate from high school than children who did not attend the program. Children who were not enrolled in the Perry Preschool Program were also twice as likely to be placed in special education classes.

Another long-term study comparing 989 children in the Chicago Child-Parent Center to 550 similar children who were not in the program showed that children who did not participate in the program were 70 percent more likely to be arrested for a violent crime by age 18. Children who attended the program were 23 percent more likely to graduate from high school.

So we know that high-quality early education is invaluable for children. They do better in school, they're less likely to repeat a grade or be held back, less likely to need remedial help or special education. And they are less likely to engage in delinquency, drug use and other dangerous behaviors. But the research shows much more.

It turns out that these investments in young children save us quite a bit of money. Specifically, for every dollar invested, high quality early education programs save more than $17 in other costs. That is what I call a smart investment. Many leading economists agree that funding high-quality prekindergarten is among the best investments government can make. An analysis by Arthur Rolnick, senior vice president and director of research at the Federal Reserve Bank of Minneapolis, showed that the return on the investment of the Perry Preschool Program was 16 percent after adjusting for inflation. Seventy-five percent of that return went to the public in the form of decreased special education expenditures, crime costs, and welfare payments.

To put this in perspective, the long-term average return on U.S. stocks is 7 percent after adjusting for inflation. Thus, while an initial investment of $1,000 in the stock market is likely to return less than $4,000 in 20 years, the same investment in a program like the Perry Preschool is likely to return more than $19,000 in the same time period. William Gale and Isabel Sawhill of the Brookings Institution observe that investing in early childhood education provides government and society "with estimated rates of return that would make a venture capitalist envious."

With research as clear and compelling as this, I defy anyone to give me one good reason why we are not investing more—much more—in sound early education for our children.

I guess we shouldn't be surprised, though, that despite the evidence, this administration has gone in the opposite direction. Under this administration, cuts to early childhood programs have hurt hundreds of thousands of children and the numbers are only growing. Head Start has been cut 11 percent since 2002. The National Head Start Association calculates that by 2008 our country will have 30,399 fewer children in Head Start than in 2007—that figure includes nearly 1,100 children from Pennsylvania.

The President has also called for a freeze in funding for child care assistance—for the sixth year in a row. Currently, only 1 in 7 eligible children receives Federal childcare subsidies. Years of flat funding have already resulted in the loss of child care assistance for 150,000 children. By 2010, 300,000 more children are slated to lose out. In my own State, the current trajectory will mean the loss of $14 million in childcare assistance by 2012.

This is, very simply, unacceptable. And it is profoundly wrong. And it is fiscally irresponsible.

I began my remarks this morning with the question, "How are the Children?" The current answer to that question is not acceptable

It is my deep conviction that as elected public servants, we have a sacred responsibility to ensure that all children in this country have the opportunity to grow to responsible adulthood, the opportunity to realize their fullest potential, to live the lives they were born to live. The Protect All Kids Act is a big step in that direction, and I ask my colleagues to join me in supporting this bill. Everything we do in Congress has some impact—in one way or another and for good or for bad—upon the well being of our children. Our children are our future. With everything we do we must ask ourselves, "How are the children?" We cannot rest until the answer to this most fundamental of questions is: The children—all the children—are well.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama, Mr. SESSIONS, is recognized for up to 2 hours.

Mr. SESSIONS. Madam President, I thank the Chair for recognition and want to continue the discussion on the very important piece of legislation that is now before the Senate.

I do believe the immigration system is comprehensively broken. I have said for some time we need a comprehensive solution to it, to comprehensively reform it, but to reform it in a way that will actually work, that will do it with principles we can adhere to in the future, that will move us from a lawless system of immigration.

Most people may not know but 1.1 million people are arrested each year entering our country illegally. Think about the cost and personnel involved in processing that many people. It is a system that is not working. We know many people are getting by the border and not being apprehended.

It rightly causes the American people to question how serious we are in Congress when we say we want to do something about it. They believe we should do something about it. We say we want to do something about it, but eventually, as time goes along, for one reason or another, little ever seems to occur that actually works.

I have stated more than once we can pass a lot of legislation in this Senate dealing with immigration, but if you offer something that will actually work, to actually fix the problem, to actually be effective, we always have much wailing and crying and gnashing of teeth, and usually those things do not become law.

Last year, I was very critical of the bill that was offered. I said it was fatally flawed. I said it should be withdrawn and urged my colleagues that if we drafted a bill for this session of Congress it should not be based on last year's fatally flawed bill but that we should start over and create a system that would create a genuine temporary worker program, not the flawed program that was there last year, that would move us toward a Canadian-based system where people all over the world could apply to our country, and they would be selected based on their merits and the skills and abilities they bring that would be valuable to our country.

I noted that we needed, of course, effective border enforcement as well as workplace enforcement, and we ought not to create a system that gives someone who enters our country illegally every single benefit we give to those who come to the country legally. The legal people do deserve to be treated in a different way than those who come illegally.

Now, I know as a matter of compassion and practicality we have to wrestle with the 12 million people here. I never doubted that. Nobody doubts that. How we deal with it, though, is a matter that will determine what policies we, as a nation, adhere to. It will send a signal to people all over the world that we are actually going to insist that we have a legal system of immigration and we intend to enforce it.

It is one thing to have a law, but if you are not prepared to enforce it and go through the process that is oftentimes painful to catch someone who violated the law and then have them deported—oftentimes that is a painful process—you either are going to do that or we might as well admit here we have no intention of enforcing any laws.

I do not think that is what we do. Almost every Senator has stated they want a lawful system of immigration, Republicans and Democrats. I do not think we have a problem. I would say yesterday and last week I had a very great concern that a plan was afoot to get cloture on the bill yesterday. The old bill, which I steadfastly believe is not an effective piece of legislation, would then be substituted by a new piece of legislation. That happened last night. It is approximately 300 pages of fine print and maybe 1,000 pages of the kind of legislative bill language we normally use here. It is one of the largest pieces of legislation to be introduced since I have been in the Senate. I think the Presiding Officer, Senator LANDRIEU, might remember some of the omnibus bills may have been that big, but I cannot remember a single piece of legislation since I have been in the Senate that would be 800 to 1,000 pages.

So the scheme or the plan was to try to move that through this week. I am glad Senator HARRY REID, a man whom I enjoy working with, did agree last night he would not try to move this bill through this week, that we would be able to talk about it this week, that we would be in recess for Memorial Day, and the next week after that we would have another full week of discussions. I think we need more than that.

Madam President, I see my colleague Senator INHOFE is in the Chamber. I say to the Senator, I know he has a tight schedule, and when he is ready to make his remarks, I would be pleased to yield to him.

We are on the track now to have a full week of discussion. But it would be unfortunate, indeed, if my colleagues in the Senate, if the American people, were not to utilize that time to ask seriously what it is we are about in this "grand compromise" that has been proposed for us.

I think there is a possibility that good legislation could yet come out of this that would be worthy of passing. I am aware, as so many of us are, of the language from the supporters of this compromise that, well, they say: Nothing is perfect. The perfect is the enemy of the good. There are a lot of things in the bill I don't like. I think there are things that could be better, and that sort of thing, but I am for it.

I would ask why it is we do not take out those things that are not good? Why it is we do not create a bill we can be proud of and that eliminates weaknesses and problems? Because like jumping across a 10-foot ravine, jumping 9 feet is not good enough. If you jump 9 feet, you still fall to your doom. So let's create a system that will work. Many of the defects are of such a nature that could actually undermine the very principles that have been stated as the basis for this compromise. If we cannot accomplish those principles, why do it?

There are some good things in the bill and some things I am very troubled with. We will talk about them more as we go along.

Madam President, I see the Senator from Oklahoma. We serve together on the Armed Services Committee and I admire him greatly. He cares about our soldiers and has spent more time in Iraq than any Member of the House or the Senate, I suppose, meeting with our soldiers and trying to figure out the best way to handle our efforts there. I admire him greatly, Senator JIM INHOFE.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I thank the Senator very much for the time.

IRAQ

Madam President, before getting into this bill, I want to comment that last week when I was there—it was my 14th time to be in the AOR of the Middle East and where the conflict is—the progress that is being made there is incredible. I sat here and I heard a couple Senators talk about how bad things were there and that we are losing and all this.

This is the first time—I remember a year ago in Ramadi they actually declared Ramadi was going to be the al-Qaida capital of the Middle East or the terrorist capital of the Middle East. Right now, it is completely changed. IEDs are down 81 percent. Attacks are down 74 percent. Then, next door at Fallujah, they are now totally under the security of the Iraqi security forces.

So all these good things are happening there. I wish Members of this Senate would go over there and see for themselves instead of trying to use it politically to advance their careers. You are doing a great disservice to our troops over there.

But that is not why I am here in the Chamber.

I appreciate the comments that have been made by the Senator from Alabama. I agree with everything he has said. My concern is at 2 a.m. on Saturday morning is when all this came up. We did not have any way of knowing exactly what was in it. Yet I am concerned about all sorts of things, such as how do you make a Z visa work.

But the reason I want to have a little time right now is because I do have an amendment. It is my understanding I will be able to call up this amendment for consideration after the Senator from North Dakota has his up, and that will be later this afternoon.

My amendment is the English amendment. Those Members on the floor can remember a year ago I got an amendment adopted that made English the national language for the United States of America. It passed by a vote of 62 to 35. There are some extremist groups that opposed it and, quite frankly, some of the liberal Members of the Senate were afraid to vote for it without having a backup where they could negate it. This is what happened. They voted for my amendment.

The amendment is very simple. It says there is not an entitlement for a language, other than the English language, to be given to people who want Government services. Very simple. That is the same way over 50 other countries, including Ghana in West Africa, have it.

The Presiding Officer knows I have spent a lot of time in Africa on some of the same programs she has been involved with, and most of the countries in sub-Saharan Africa—the ones that speak English—all have English as their national language. Thirty states have it as their national language, but not we in the United States of America.

There is going to be an effort on my part to get this in the bill, and I am going to use similar text to what I had last time.

It is interesting when you hear different Presidents talk about this issue. In 1999, in his State of the Union Address, President Clinton said:

> Our new immigrants must be part of our one America . . . that means learning English.

Everyone said "hooray," and then he came along with an executive order right after that which did away with that statement completely.

President Bush said:

> The key to unlocking the full promise of America is the ability to speak English.

We know how many States have adopted this. The polling is incredible. A 2006 Zogby poll reported 84 percent of Americans—I have polls showing up to 91 percent—said English should be the national language. And 71 percent of Hispanics polled by that Zogby poll said the same thing. This poll was in 2006, only a year ago, demonstrating how many Americans believe English should be our national language. Establishing English as a national language should not be viewed as a partisan issue. It is widely supported throughout the country.

In this Congress, in this immigration debate, I am again offering my amendment to make English the national language. My amendment would accomplish three things. No. 1, it would establish English as the national language of the United States of America. No. 2, it would establish that the official business of the Federal Government should be conducted in English, and eliminates all of the entitlements people would have for language other than English. Now, it does respect current law. For example, we have the

Court Interpreters Act. The Court Interpreters Act is necessary to support the sixth amendment, the right to counsel, and we are making sure this doesn't affect that in a negative way.

So we create no restriction of providing materials of other languages and allow certain exceptions where it is specifically mandated by statute. We made that very clear.

My amendment does not prohibit the use of other languages. However, my amendment states:

> There is no entitlement to individuals that Federal agencies must act, communicate, perform, or provide services or materials in any language other than English.

So it is hypocritical that the immigration legislation we are considering now contains a section generally recognizing the importance of English. However, this section 702 of this immigration legislation does not establish English as a national language.

Now, we had this debate. We were on the Senate floor and debating this about a year ago right now, and people were hesitant to vote for it. We had every kind of excuse in the world. They came trotting in here with State flags that had foreign languages on them saying: We would have to do away with all of these State flags.

It has nothing to do with that. We are talking about entitlements.

We had one Member come in and say: You are going to be responsible for the deaths of Hispanics.

I said: Explain that.

This Member on the Senate floor, right down here, said: Well, you know, they have some bad currents down in the Potomac, and we have "no swimming" signs that are written in Spanish. If you don't have those, then people are going to drown.

This has nothing to do with that. You can put up any kind of sign you want that is in the best public interest.

We had one Member come down and say: You would never be able to speak in Spanish on the floor of the Senate.

Well, that has nothing to do with it. I have made a few speeches in Spanish, and there is a reason for it which I will not go into now. But these are things that people say are problems and things that just don't hold up.

Now, I think it should be pointed out—because a very good friend of mine was on a television station this morning, and I know this individual would not have said what he said if he were aware of the truth, but let me just bring this out. A year ago, when I had my amendment, which would do essentially what the amendment will do if it is passed today, Senator SALAZAR from Colorado came up with an amendment right afterwards. In fact, we voted on it in a matter of minutes after we voted on mine, 62 to 35, and his passed also. All his did was offer language that is totally different from mine.

For example, I am going to read his. It didn't say English is the national language, it says it is a common language.

> Preserving and Enhancing the Role of the English Language: The Government of the United States shall preserve and enhance the role of English as the language of the United States.

But listen to this:

> Nothing herein shall diminish or expand any existing rights under the laws of the United States relevant to services or materials provided by the Government of the United States in any language other than English.

There it is, folks: "Nothing herein shall diminish or expand . . ." In other words, it is going to continue to be the same.

Now, there are a lot of people out there who are going to be looking at this amendment. Americans are clamoring to have this done. They don't understand why we don't do this. I don't understand it either. But this language is found in the current immigration bill.

Down here under "definition" in section 702, which was in the language that was put in 2 minutes after my vote took place a year ago, it says:

> For the purposes of this section, law is defined as including provisions of the United States Constitution, the United States Code, controlling judicial decisions, regulations, and Presidential Executive Orders.

Now, this is a very significant one because what you hear about quite often is President Clinton's Executive Order No. 13166 entitlement, which offers entitlement to translation in any language of your choice, anyone who receives any Federal funds. Well, that completely opens the door for every possible language. A lot of people think we are only talking about Spanish. That is not correct. That Executive order refers to any language at all. This bill we are considering that I will oppose has language in there that would codify that Executive Order No. 13166, and I think it is one that people have to understand.

The Senator from Alabama is not back, so I will take a little bit more time. I am going to read the language now that is actually in the amendment which says English shall be the national language of the Government of the United States: The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America, unless specifically provided by statute.

Now, I use as an example the court interpreters law, existing law right now. It says, unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform, or provide services or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or in any language other than English.

Forms—it says:

> If any form is issued by the Federal Government in any language other than English, or such form is completed in a language other than English, the English language version of the form is the sole authority for all legal purposes.

Again, there is one sentence in there that says:

> Nothing in this chapter shall prohibit the use of language other than English if it is codified into law.

That is what we use the Court Interpreters Act for, and a few others, where there is a constitutional reason—in this case it is the sixth amendment to the Constitution—for having that language in there.

So what I will do until the Senator from Alabama returns is mention a few other things I think are significant. This is not a new issue. This is an old issue, and the old issue goes back to many years ago, to President Theodore Roosevelt in the 1900s:

> Let us say to the immigrant not that we hope he will learn English, but that he has got to learn it. He has got to consider the interests of the United States or he should not stay here. He must be made to see that his opportunities in this country depend on his knowing English and observing American standards. The employer cannot be permitted to regard him only as an industrial asset.

Now, that was President Theodore Roosevelt in 1916. I could go through—we have them all the way up, including Ronald Reagan and other Presidents. Later on, I will go over the polling data. Later on, if we have a chance to present this and debate this amendment, I am going to go over all the polling data. You cannot find any polling data that says less than 84 percent of the American people want to have English as the national language.

So even LaRaza, an extremist, left-wing group, says they found in a 2004 poll that LaRaza did, 97 percent strongly—86 percent—97 percent that is strongly or somewhat agreed that the ability to speak English is important to succeed in this country. That is the extremist group. In other words, if you want to be an attorney or a doctor instead of a busboy, you need to learn the language.

Now, I see the Senator from Alabama is back, but let me just repeat the one thing that I think is very important because so many of our own Members—Republicans and Democrats—believe somehow this bill positively addresses the problem or it makes English the national language. I am going to go ahead and tell you that when they put section 702 in instead of my language, section 701, all they said is English is a common language in the United States. Big deal. But it says in here:

> Nothing herein shall diminish or expand any existing rights under the laws of the

United States relative to services or materials provided by the Government of the United States in any language other than English.

Well, there it is, I say to my friend from Alabama. Nothing in here would diminish or expand. In other words, it is going to stay like it is today. But then it goes on to say—and this is the critical thing—all the criticism of President Clinton when he passed Executive Order No. 13166, which was an entitlement for a translator in any language you want other than English, or the language of your choice if you are a recipient of Federal funds. So that definition, if we pass this bill—which I don't think we are going to, and which I don't want to for many other reasons—but if we pass it, we would say for the purposes of this section of law, the law is defined as including provisions of the U.S. Constitution, the United States Code, controlling judicial decisions, regulation, and Presidential Executive orders. In other words, we are codifying this very Executive Order that so many people in America find so offensive.

So I think this is an opportunity to put this in. Quite frankly, I think unless the bill would be dramatically changed, I still wouldn't support the bill, but we need to have every opportunity we can, when we are addressing problems with immigrants or legislation of this nature, to make English the national language. Ninety percent of the American people are for it, 77 percent of the Hispanics are for it, and I am for it.

I thank my colleague very much for his time. I say to the Senator from Alabama, who has done a great job.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Casey). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator INHOFE for sharing this with us. I think he understands, and all of us need to understand, as we continue the flow of immigration at a level we have not sustained before in our history. Once or twice we have peaked at immigration levels close to what we have today. Most of those immigrants, in fact, or many of them, spoke English. Regardless of that, we are sustaining a level of immigration that is unprecedented in American history.

People are coming from all over the world, and English is being taught all over the world. What we need to understand is that it is even more important now that we officially and systematically and effectively emphasize that English is the unifying language because, as you have greater and greater numbers of people who don't speak English as a native language, encouraging, requiring, incentivizing English as the national language is the glue that can hold us together and can avoid cultural divisions that we might otherwise have.

I think the American people understand that, as the polling data of Senator INHOFE showed. Hispanic voters, when they are told about this, recognize it is critical for their children who are going—for them to receive the greatest benefits of the American dream, to flourish in our culture and our economy, that they be able to speak English. For some reason, we went through a period—and hopefully we are coming out of it—where we felt it necessary to try to communicate in foreign languages to other people, therefore diminishing their incentive to learn English and weakening our commitment as a nation that English should be the unifying language.

I thank the Senator for raising this subject, and I believe it is important.

I will just say one more thing. A lot of nations do have trouble getting along. Oftentimes, it goes down language lines. We have even seen our neighbors in Canada almost divide over French and English portions of the country. They wanted to separate from one another, and we see that around the world. So if we are to remain a nation of immigrants, and we are going to do that, I think it may be even more important today that we emphasize the unifying language of English than we ever have before.

I think most people when they came here wanted their children to learn English, and they did so. But we have a situation today that could get away from us in terms of transmitting to them the benefits of citizenship, the benefits of our economy because, if they can't communicate, it won't be effective.

The bipartisan negotiations that were carried out in an attempt to reach a good bill set forth some principles. Those principles seem to be the ones that were leaked as part of a PowerPoint presentation that the White House worked on. That presentation was made to me. I thought it was pretty good. I thought it was a much better framework for immigration than last year's bill. I said repeatedly in recent weeks that we had a framework superior to last year's bill that could actually lead us to something important.

Unfortunately, the four main principles that were so often talked about—the trigger, a temporary worker program, the elimination of chain migration, and the creation of a merit system and no amnesty for the illegal alien population—are insufficiently effectuated by this legislation. They have the appearance of doing those things and maybe in a few areas improve over current law or last year's bill, but they don't effectively carry it out. So I am worried about that situation.

I am worried that, yes, our supporters say: We have problems with the bill, but overall it is good. If we have problems with the bill, let's look at those problems, let's see if they can be fixed, and let's make a better bill. Let's not pass a bill that we tell the American people is going to fix the immigration problem in America when it has loopholes and weaknesses that will not work and will not accomplish what we are promising—what some are promising—will occur if it is passed. I worry when people say they disagree with large portions of the bill, yet they are for it.

Let's talk about some of the principles that were asserted.

Last year, when this bill was jammed through the Senate Judiciary Committee, of which I am a member, I came up with the idea—actually, it came to me in an interesting way. I realized, why, when I offer amendments on enforcement and to spend more money on this or that item, people would accept them in committee. If you offered an amendment that would change policy—empower State and local law enforcement officers, for example, to participate—you got a push back from other policy matters, but they would just accept any amendment that would spend more money on enforcement. You ask yourself: Why is that so? That is so because they were not spending any money. We are the Judiciary Committee, an authorization committee. We cannot appropriate a dime. So we can authorize money for border patrol, we can authorize fencing, we can authorize prison systems, we can authorize an entry-exit visa system, but if nobody comes up with the money to pay for it, it never becomes law. Do you see?

So I suggested on the question of amnesty that no amnesty be allowed until we have a certification by the Secretary of Homeland Security that the border was secure and that this would be a trigger. The trigger for amnesty would be a certification that the border laws were enforced. That was the philosophy behind the trigger amendment on which Senator ISAKSON worked so hard on the floor. It was not adopted in committee last year, and when we had a full debate on it, the people who were supporting last year's fatally flawed bill said: Oh, this goes to the core of the bill. We can't support this. It might be OK, but the coalition that put this bill together won't support it. It will cause it to fall apart. So they voted it down by a fairly close margin, but voted it down.

So now we are told: OK, we need a trigger. So one of the principles of this bill is to have a trigger in it. Let me show why I think there are some weaknesses in that trigger and it is not as effective as it needs to be. As a matter of fact, it is not very powerful at all. It applies only to the new guest worker program, but all other amnesty programs will begin immediately. In other words, the legalization process, the Z visas that allow people to stay here, will be issued before any of these steps are actually taken. See, we want to be sure that steps are not just promised but are actually taken, paid for, and implemented, because in 1986 what happened was amnesty was given—and they did not deny calling it amnesty in 1986—amnesty was given on a promise of enforcement, and they never funded the enforcement. They just never did it. We had 3 million illegal people here in 1986, and we have 12 million today. So Congresses and the Presidents since 1986 and before 1986 have never taken these matters seriously and given them the priority needed to be successful.

We have that weakness in the trigger which I mentioned. The legalization process will occur before any of these items are required to be funded and executed.

Secondly, the trigger only requires enforcement benchmarks already in the works, almost accomplished. So it does not require anything new. It does not require one critical thing, I believe, which is a U.S. visit exit system. You come into the country and show your identification. The new system we should have and proponents suggest is in this bill would say you come in with your identification, you show it at the border, you work. When your time is up, you are supposed to exit the country. But there is no system to record whether anybody exits. This was required to have been implemented by 2005. It has been put off and put off. Why? Because it creates a system, I suggest, that would actually work. It is a key component of an honest, effective border control system. If a spouse comes to visit a temporary worker for 30 days, how do we know they will ever leave? Who is going to keep up with this? Do people think agents are going out knocking on people's doors to see if their visiting spouses are still here? That is not the way the system is going to work. So an exit system is not part of a trigger requirement.

The language we wanted and was in the Secure Fence Act that we passed last year requires the Department of Homeland Security to attain operational control of the border. That is the fundamental principle of the trigger from the beginning. None of that language is in this bill. It does not require the Secretary of Homeland Security to certify operational control of the border. So we don't have a very great trigger.

Also, it requires under the trigger 18,000 Border Patrol agents to be employed—not that we hire new ones whom we plan to hire even above that but only the 18,000 who mostly are already there now.

Last year, right before the election, we passed legislation that requires the construction of 700 miles of fencing. Will that fence ever get built? I suggest that my colleagues read the fine print. We see already the fence is being undermined. There is no trigger requirement that occurs. Only 370 miles of fencing and 200 miles of vehicle barriers are part of the trigger. These have been in the works and some fencing already exists, and that should be there. But that leaves about 300 miles not part of the contingency, and we don't know if the money will ever be there for this 300 miles which we authorized just last fall. Do my colleagues follow me? Just because we authorized fencing last fall does not mean it will ever be built. If you want to say that is a shell game, I have to agree. It is done all the time around here. It is particularly done on immigration matters.

Bed space: We currently have 27,500 detention beds. What does a trigger require before the amnesty process can go forward? It requires 27,500, what we already have. But the bill, in a separate section of this legislation, would require 20,000 additional beds to be built because we need them. It is an essential part of gaining control of the border. Mr. President, 20,000 is not that large a number in the scheme of things, but it can get us to a tipping point where the border can be brought under control. But that is not part of the trigger. There are other matters in the trigger that are not available.

I will note this: If you want to be dubious about the intent of the drafters of this legislation to follow through on some of the things they promise, let me tell you how the bill words it. It is filled with phrases such as "subject to the availability of appropriations" and "authorized to be appropriated." Those words are used in the legislation 38 times—"authorized to be appropriated." You can authorize a fence in this legislation, but this is not an appropriations bill. Unless the Congress comes along and funds it, it will never be built. Worse than that, it has "subject to the availability of appropriations." That is a real suggestion by somebody, I would argue, who never intends to see that section funded appropriately. That was one of the principles.

I am disappointed in the trigger. We were told we would have a real temporary worker program this year, one that would fit the needs of businesses, and they do have needs, and the agriculture community, and they do have needs, and we would create one that would actually work. But I am afraid this one is set to fail. It is better than last year's bill in a number of ways. Let me tell you how it is better, and that is the good news.

Last year, the temporary worker program allowed an individual to come to this country as a temporary worker for 3 years, and they could bring their spouses and children with them. Then they could extend that 3 years another 3 years, another 3 years, another 3 years—I think indefinitely. Mr. President, 3 years, 3 years, 3 years, as long as you live, and your spouses and children can be here, and any children born here would be American citizens at birth. The first year the person was here, they could apply through their employer for a green card, permanent legal residence, which would put them on the pathway to citizenship within 5 years. That was a temporary guest worker program.

I say that to my colleagues because we need to be alert to the fact that just because it says we have a trigger, just because we have a temporary worker program, when you read the fine print, it may not be what it appears to be. So that was a disaster. That wasn't a temporary worker program at all. After a family has been here for 8, 10, 12 years, their children are in junior high school. Who is going to come and get them and send them home? That is a program which had no chance whatsoever. But the sponsors went around for months saying we have created a temporary guest worker program. That was not so, and I am glad eventually that came to be exposed for what it was.

This year's bill says, as part of the principles, that we would have a temporary worker program where the temporary workers did not bring families. That changes the dynamics dramatically because if they don't bring families, they have an incentive to go home. If they bring their families, their incentive is to put roots down and stay. It is not a temporary worker program, in my view.

So how did it come out in real fine print? In fine print, what we understand is it is not a 3-year program but a 2-year program; that 20 percent of the temporary workers can bring their families, and of the remaining 80 percent, their families can visit up to 30 days. Well, let's say that your spouse is pregnant and you are working here temporarily. You could ask that spouse to come to America for a visit and have good health care and have a child born who would have dual citizenship, or maybe they would stay in the United States and the child can be a citizen because of birthright citizenship. There are some problems with this.

I am troubled by the 2-year situation and the way it works. You come for 2 years, you would go home for 1 year; you come back for another 2 years, you would go home for a year; come back a third time for 2 years, and then you could never come back again.

What we have in the agriculture community is circularity, where people come for 8, 10, 11 months a year, maybe, without their families, and they work for a season, maybe 8 months, and go home. They are based and their home is among their family and their kin in the town or city or village they grew up in. They go to their church in their neighborhood.

So that is the way that worked, and I was hoping, or thought we would move in that direction. But, no, it looks like it is a 2-year deal, where you can bring your spouse to visit for 30 days, and 20 percent would be able to have their spouses with them the entire stay. They have to post a small bond. But that is not a defining event, I think.

What about the numbers? When I first asked, as they moved the PowerPoint presentation around, how many guest workers, temporary workers was contemplated in this program, I was told about 200,000 by an official in the Bush administration. Well, what do we have now? We have 400,000 to 600,000 workers a year who come up for 2 years at a time and go home for 1 year in between. But if you have 400,000 in this year and they stay for 2 years, and next year you have another 400,000 to go next year, then in years 2 and 3 you are at 800,000, except there is an escalating clause in there that will probably take it well above 900,000—follow me?—instead of 200,000 or 400,000, the real mechanism involved in the temporary guest worker program is to create numbers that amount to almost a million guest workers.

Now, these guest workers are different from the 12 million who will be given legal status here. It is different from the 1 million to 2 million flow of people who will be coming into the country on the citizenship track. This would be 1 million here as guest workers. So you see, we have to get these numbers straight. How many people are being let in by this bill? We are having a hard time getting it out.

Remember, the bill was only introduced last night. A staff offered draft copy of it was produced Saturday morning. So who knows for sure? Who can say for certain what this actually means? I tell you, we intend to look at it, and we intend to make sure the Members of the Senate and the American people understand how big an impact this is.

What we do know, from last year's bill, even after Senator BINGAMAN offered two amendments that passed, and I offered one to reduce the overall numbers, it dropped from 80 million to 200 million over 20 years. Let me go back and repeat that. Last year's bill, as introduced on the floor, the McCain-Kennedy bill, would have allowed into our country 78 million to 200 million people in 20 years. Now, we only have 300 million in America at this time. Do you understand the significance of that?

I don't know if they knew those numbers or somebody was trying to pull a fast one, but it was breathtaking. We came up with those numbers. The Heritage Foundation was doing an independent analysis, and they came up with very similar numbers. So Senator BINGAMAN offered two amendments and I offered one that passed and it reduced the number to 53 million. Real progress; right? Not so fast.

The current rate of immigration over 20 years in our country is 18.9 million, maybe closer to 20 million. So it was at 53 million, which is 2½ times the current rate of immigration. So I don't think the American people who thought we were reforming immigration ever understood that the real plan was to increase legal immigration by 2½ times.

So I am worried about the numbers in this year's bill, is all I am saying. We are going to look at it. I haven't been able to figure it out yet, but my super staff is getting close, and we are going to keep working on it. But that needs to be acknowledged. I think there is going to be push-back on this huge number of temporary workers, which appears to me to be three times what the administration suggested to me, this year, would be an appropriate number. Of course, the President is bent on having workers for everybody who needs one.

The 2 years, the 2 years, and the 2 years, let us say a person came as a temporary worker and they worked 2 years and went home; worked 2 years and went home; worked 2 years and went home. There are bad things that occur from that program as a practical matter. Is the employer going to depend on this person every 2 years, when that worker has to go home? That is not practical to me. Then they are finished. They, perhaps, had no desire to live in America permanently or become a citizen of America but wanted to be a temporary worker. Yet now they are put in a position where they have to apply for a green card and citizenship and try to compete on this permanent citizenship track so they can keep working. For people who may have no desire to apply for a green card, they would have to, under this system. So I think it creates a magnet for dual citizenship in a way that is not necessary.

I think it would complicate the life of a business to have this break in their employment. I would like to see a system, myself, in which a person could come 10 months a year in America, or less—they may want to work less—and they would have a good ID so they could go back and forth to visit their family or their home as many times as they chose. They would go home each year for several months and could come back the next year, if they chose and if the employer wanted and if they were certified to come back and hadn't been convicted of a crime or done anything else that would disqualify them. That, to me, makes more sense. Maybe the drafters have a better idea than I do on it—I don't think so at this point.

Now, one of the issues we talked about in last year's debate, and I emphasize it because nobody had even considered it, is why shouldn't we go to a merit-based system—a system that is skill based—where we would have people come into this country based on their opportunity for success here, based on their ability to flourish in our economy? What we learned was that Canada does that. Canada spent several years of national discussion, and then their Parliament got together and decided the question. They passed a law that said to the immigration department in Canada, you work with our economics department and you set up an immigration system for our country that says 60 percent of the people who would enter our country would enter based on skills and merit and education that we think are important for Canada because we believe our immigration policies should serve the national Canadian interest. It should make Canada better. We believe this is the right policy.

That was done and is being executed today. I met, in my office last year, with the gentleman who was the director of that program, and he explained to me that it was very popular. They like it in Canada. We had never even discussed it last year. I tried to get a hearing in the Judiciary Committee on it. No, they didn't have time. Senator MIKE ENZI, who was chairman of the Health, Education, Labor and Pensions Committee, agreed to have a hearing on it, and we did that. We had experts testify on that and very little negative was said about it. The witnesses at various hearings we had all said an immigration policy, in their opinion, should serve the national interest, and a skill-based program serves the national interest. That is why they did it.

Australia does the same thing. Australia has 60 percent enter on merit; New Zealand has a similar program; the United Kingdom is looking at it; and I believe the Netherlands and other countries are considering more movement in that area. The developed world is moving in that area, except the United States. Only 20 percent of the people who enter our country with green cards get those permanent resident green cards based on skills—only 20 percent. Sixty percent, almost, get their permanent residence based on family.

Now, no one disputes, and this bill certainly doesn't, and neither do I, that if we give permanent residence to anyone, to a man, to come to America, he should be able to bring his wife and his minor children. But if you choose to come to America—you tell me, I say to my church friends—tell me why, if you choose to leave your extended family and come to America and establish a new life, what right do you have to demand that your aging parents should come with you? What right do you have, what moral right do you have to demand that?

That is what we are doing today. Parents are allowed to come, as well as adult children, as well as brothers and sisters—the siblings. So under the current system of chain migration, a person comes to America and they get a green card, or become a citizen, and they are able then to bring their aging parents or bring their brothers and sisters, who are then able to bring their wives and their children. That is how we get nearly 60 percent of immigration in America not based on skills.

That is the policy question I thought had been established when we adopted the new framework that became the basis for the new bill that was introduced late last night. Does the new bill get us there? It does adopt a point system. I have to say I was excited about that because I believe so strongly that was the right direction for us to go. I was excited about that. But as I read the bill, I was very dispirited.

For example, what happens in the years 2008 to 2012 if this bill becomes law? Skill-based immigration will remain capped at the current level of 140,000 for the first 5 years until 2012. Even out of this 140,000, 10,000 will be carved out for temporary, low-skilled workers. I am not talking about temporary workers now but people on a track to citizenship—green card, permanent residence, and then citizenship. The 140,000 green cards we have set aside for that track, they have taken 10,000 of that for the temporary workers who come without a merit-based system.

So there is a step taken in the bill to reduce chain migration, and it reduces it, it appeared, immediately and even back I think 2 years. But it says that if you were an applicant to come into our country for a permanent residence, as part of a chain migration application, you are considered to be a backlogged applicant. As a backlogged applicant, this bill says we are going to give you the opportunity to come and to get permanent residence in America, even though people who applied after a certain date would not get to have that provision applied to them. This will free up some numbers that will not be coming in on chain migration, but the theory was the green card numbers would be shifted to a skill-based, point-based system like Canada's. That is how you get there, and this bill does attempt to do that. Unfortunately, it takes a lot of time to get there.

Under this bill, they will take 8 years of those saved green card numbers and apply them to the backlog. There are about 3 million backlogged chain migration petitions, and each one amounts to about 2.2 persons because they could bring a wife or a child with them, sometimes 3 or 4 children. If you are in the backlog as a brother of a citizen and you have been in the backlog for several years, then you get to come with your family—not just yourself as a brother, but you get to bring your family—in the next 8 years. So we think it will total up to 6 to 8 million people who are in the backlog. We are not moving to a merit-based system any time soon. Actually, it is going to be 8 years out before it really kicks in. I don't know what will happen in 8 years. I have grown, in my 10 years in this Senate, to be somewhat worried about what we are likely to do when that happens.

I salute my colleagues for making a decision that appears to shift us to a more healthy view of immigration that will be more likely to serve our national interest. But I am disappointed that it is not going to really take effect for 8 years. That is so long, I am not sure I can buy that as a legitimate compromise.

My colleagues say: We did the best we can do. JEFF, there are things in the bill I don't like. I would like to have it take place right now.

Why don't we make it happen right now? Why wait 8 years? We don't have a right to offer amendments and fix that? We need to think about it.

Another thing is, in Canada they have, as I said, 60 percent based on skills. We think the numbers in the United States—from 20 to 22 percent based on skills—will not exceed 40 percent. In fact, Senator KENNEDY, who really opposed this part of the provision, estimates it would only be 30 percent. That is not enough. We need to look at these numbers. If we don't have a proposal which would carry us 50 percent or above, I don't think we have made the kind of real progress in that area that we could.

Also, the system is going to skew, again, to the temporary workers. If you are here as a temporary worker, you get 6 to 8 points for adult sons and daughters who might apply under the point system, 4 points for brothers and sisters of citizens and permanent residents, and 2 extra points if you apply for a chain migration category between May 1, 2005, and now. So a significant number of points are given based on family, I am concerned about that.

Points are going to be given not just for higher skills but for high-demand occupations. That is what the temporary program is for, the high-demand occupations. I think the permanent track to citizenship should clearly shift to a more skill-based system. But we are going to give a lot of this skill-based system personnel—they will get 16 points on the point scale if they are in a high-demand occupation. These could be fairly low-skilled jobs. You could be in the service industry or things of that nature, low-skill personnel and things of that nature, or food processing. That is an undermining of the principle of moving to a merit-based, skill-based system. That worries me, that we are not getting there sufficiently on the point system. It is just frustrating to see that.

Why is that point-based system important in the long run? Just because Canada has gone through this process and has reached that conclusion? No.

Mr. Robert Rector is a senior fellow at the Heritage Foundation, a premier think tank, a conservative think tank but one of the most respected in America. Mr. Rector has for well over 20 years, I suppose, been recognized as one of the most knowledgeable persons in America on welfare and social policy. He is widely recognized as the architect of the highly successful major welfare reform that was done a number of years ago. Eventually, after 2 vetoes, President Clinton signed it, and it became a very popular program that reduced child poverty and created a system where lots of people went out and found work. The welfare office became an employment office where people can be counseled on how to get work, and people are now out being very proud to be breadwinners, bringing home money—more than they ever thought possible sometimes—just because they got out of the welfare trap and into workplace. That is what Mr. Rector was part of.

At a press conference yesterday, he was very strong in his view that we have a big problem with low-skilled immigrants. He talked about some things you don't like to talk about so much, but it is just a fact, and all these other countries have had to deal with it. When you are low skilled, have low education, you tend to collect more from the government than you put in. That is a big problem. What he concluded was that the necessary fiscal deficit for a house which is headed by a person without a high school degree is $19,000 a year. He put his pencil on it. He calculated it out. I don't know whether that figure is correct, I didn't calculate the numbers myself but that is what he said yesterday. This is Mr. Rector. He noted that $19,000 per year in benefits could buy each one of those families a new automobile every year.

He calculated that, over a lifetime, the numbers are worse, that we should calculate the numbers not in the first 10 years where they would be artificially low but calculate them over a lifetime. He calculated that if we pass this bill, the immigrant households headed by non-high school graduates would take out of the U.S. Treasury $2.3 trillion more than they pay in over their lifetime. That is the group which would be in the 12 million who would be legalized.

There are reasons for that. People with education, with language skills, who have skills and talents America needs, who apply in a point-based merit system, who have any college at all when they come, tend to do very well in America. In fact, the numbers show that if you just had 2 years of college, you tend to do very well and pay much more in taxes than you would ever take out in taxes. We have to be careful that our business friends understand that somebody is picking up the tab if they have low-skilled, low-wage workers. It may not be the employer, but somebody is paying. It is the Social Security system, it is the Medicare system, it is the American taxpayers who pay.

I see my good friend from Florida.

Mr. MARTINEZ. Will the Senator yield for a moment?

Mr. SESSIONS. I am pleased to yield such time as the Senator wishes.

Mr. MARTINEZ. The Senator is very kind.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. I wanted to point out that last year my colleague rightly pointed to a serious problem with last year's bill dealing with chain migration. I recall the Senator coming to the floor and explaining what had not been well understood until then, which is the fact that, as people were acquiring legal permanent resident status, then they would also have the opportunity to bring family members. That would result in a huge problem. We have 12 million illegals. If those 12 million are somehow legalized and then they can also chain migrate their families, we would end up with a problem manyfold what it would be otherwise.

In this bill, we tried mightily to end chain migration, and I think we have for the most part. I want to say to the Senator from Alabama, it is because of his good work last year in pointing out that flaw in the bill that I think now we have corrected and reversed course in what I think is, by some, a real problem in terms of family reunification. But at the end of the day, I think it is the right thing for America.

If we allow those who are here, after a probationary period, after payment of fines, and ultimately after returning to their home country, to legally apply for readmittance, that then chain migration would not be permitted, I think that is a fair tradeoff and is at the heart of what is called by some the "grand bargain," a massive coming together we had. I want to give the Senator very much due credit for having a real hand in what it is that is at the heart of this new agreement.

I realize the Senator may have many other issues of concern. I hope, as we go forward and talk about them, we will alleviate some of those concerns. I think one of the things that has happened is it is a massive bill. Here we have it now still not in printed form as we go through it. I compliment the majority leader for giving us the extra time so we all have a chance to get into what is in the details of the bill.

There has been a lot of emotion and a lot of conversation and a lot of it not very well based on what is in the bill. The trigger is in the bill, and I know Senator ISAKSON from Georgia will be speaking to that this afternoon. It is fundamental. Nothing happens until the border is secure.

I wish to give the Senator credit where credit is due for a good step along the way.

Mr. SESSIONS. I say to Senator MARTINEZ that I thank him for that, but he was one of the people who stood firm on this issue of a more merit-based, competitive system of immigration, like Canada. Without his leadership, I know it would not have happened. In fact, his personnel leadership was pivotal in a number of areas in this legislation that made it better than it would otherwise have been. I appreciate that.

My concern on the bill is that by saying the backlog gets approved, we delay about 8 years moving to the full implementation of a merit system. I know, when you are in a meeting and you have to negotiate with people—I know Senator KENNEDY didn't want to do this at all.

Mr. MARTINEZ. Right.

Mr. SESSIONS. You had to reach a compromise. But the compromise of waiting 8 years is troubling to me. I like the move. I thank the Senator for his leadership, and that is the point I have tried to make this morning.

I thank Senator MARTINEZ. The Senator himself is an immigrant from Cuba and has risen to serve as a member of the Cabinet of the President of the United States and now an outstanding Member of this Senate. I am proud to know him. I am also proud his wife is from my hometown of Mobile, AL. She is wonderful also.

As I understand the chain migration matter, in fact, it does end chain migration mostly, but it does allow 40,000 parents to come each year. There are some restrictions on it, but 40,000 parents. So those 40,000 more elderly parents—by the way, Canada gives points for youth. They believe Canada benefits from a younger rather than an older immigrant.

But those parents who come—we have to be honest with ourselves are not going to be net gain like a young skilled person. But that was the compromise they pounded away at. Some said family reunification, we have to have family reunification. So instead of eliminating aging parents, they agreed to cap them at about half the number we currently have of parents who get to come each year.

But what I want to ask you to think about is, here is a young man in Honduras who went to high school, graduated, maybe was valedictorian of his class, taken English, utilizes television and radio to improve his English, has 2 years of college. He applies to get in the United States.

He wants to come here very badly. Maybe he has a distant cousin here or maybe he has read about America. Maybe he wants to come here and work and go to college and earn a degree and be a doctor. I don't know what is in that young man's mind. It is a zero-sum game.

If you let the parent in, you deny someone such as that the ability to come in on a more meritorious basis. That is why this is not an easy call and why we need to be clear about this. Every time we allow a chain migrant or an aging parent to take an immigration slot, we are denying someone who deeply wants to come, who could be selected on merit from the large number out there who want to come to America, that would be more successful and flourish here. That is all I am saying.

We hear stories about familial reunification. I know that is nice to talk about. That could be important to an immigrant who becomes a citizen and wants to also bring their extended family. It might be important to them personally. But the real question is, what we have to ask is: Is this important to the national interest? What is in the best national interest? The best national interest, I believe, and other nations of the developed world have concluded, requires a movement where you can bring your wife and children, but you don't get to bring extended family in.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 7 minutes prior to the recess.

Mr. SESSIONS. All right. I will use that and then reserve the remainder of the time.

Another principle of the PowerPoint presentation was the question of giving legal status to persons currently illegally in the country through a new visa. But it was stated as one of the principles that there would be no special path to citizenship. That was a direct quote. "No special path to citizenship."

However, the bill clearly creates a system whereby current people here illegally are treated differently, better, than those who tried to come to the country lawfully.

That is a principle I think we have all said we don't want to breach. In fact, the PowerPoint principle about any new immigration bill stated that would be one of the principles. This bill is not jackpot amnesty, as some would say; but I think it is a form of amnesty, however you want to define it.

I have not tried to use that word too much because I am not sure what it means to anybody. If I use the word amnesty, it tends to mean that you allowed somebody who came here illegally to stay permanently. That is a form of amnesty. I mean, normally they would be apprehended and removed. That is what the law would require.

But whatever amnesty is, I have concluded that the principle we should adhere to is, that if someone did come to our country illegally, and we have now not enforced the law as we would expect the law to be enforced but are going to allow them to stay here in our country, come out of the shadows to have a legal status, that we can do that, but we should not provide to that illegal entrant every single benefit we provide the persons who wait in line and come lawfully.

I see no reason to do that. That is what we did in 1986. The speeches were crystal clear: Never again. This is the last amnesty. Because those people in 1986 understood that if amnesty became the rule, we would totally undermine respect for our legal system. So here we are, 20 years later, granting another amnesty. I think we need to maintain some clarity so there is a difference in status of those who come illegally.

Now, Senator McCONNELL, the Republican leader, gave a definition. He made a statement that is valuable. "One thing is for sure, if this bill gives them any preferential treatment towards citizenship over people who came into the country in the proper way, that is a non-starter."

I would go further. I think we can give some kind of legal status and certain benefits to people who come illegally, but I believe they should not be given benefits that lead to citizenship—that powerful, wonderful thing, citizenship in the United States—based on an illegal act. I do not think we should. I think we should say forever—in 1986, we said the truth then—you come illegally, you are not going to benefit. We are not going to do this again. We should do that.

Now, if they have children born here, the children can become citizens. But there will be detriments to having come illegally that would be permanent, that are not going to be wiped out. That is my personal view. We will see how it goes.

I would say, with regard to the question of moving to citizenship, there are at least five preferential treatments toward citizenship given to the illegal alien population by this bill. Preferential treatment.

First, illegal aliens who rushed across the border between January 7, 2004—the date contained in last year's bill—and January 1, 2007, this January, will be eligible for amnesty. This includes illegal aliens who have been here for a mere 5 months. They would be eligible for the amnesty, be eligible to be put on track for citizenship, even if they came into our country last December 31. Remember, we called out the National Guard, the President did, after the American people put the heat on, called out the National Guard. We are building fences now, not enough, but we are building barriers. We are increasing agents and we are saying: The border is closed. But we turn around and have a bill that says that somebody who got past the National Guard, got past the Border Patrol, got around the fence, is now going to be put on a path, guaranteed path to citizenship.

Now, I don't think that is good public policy. That does not breed respect for the law. I was a Federal prosecutor for nearly 15 years. I am telling you, if you don't enforce a law, it is undermined and undermines respect for the Government in general, frankly.

I will not go any further. I think our time is about finished. I would thank my colleagues for their attention to this bill. I hope they will be reading it. I hope the research we do might be helpful to some of you as you work on it and try to decide how you should handle this very important piece of legislation. We need to do something. We need to do something that is good. We need to pass a bill. I guess no bill will be perfect, but we do not need to pass bills with serious flaws in them, those that undermine the principles that any effective immigration system should be founded on.

I will have extra time. We will talk about that later and talk about some other things I have.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:40 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I understand under the order, Senator SESSIONS is to be recognized to speak for a period of time.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. I have consulted with Senator SESSIONS. I asked if it was OK if I proceeded for 5 minutes preceding his remarks. Accordingly, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAY RAISE FOR SOLDIERS

Mr. BAUCUS. Mr. President, I rise in support of our troops. There are few things as important as the gift of one's labor, one's love, one's life. Our soldiers are asked to make generous sacrifices of these precious commodities every day. Our finest young soldiers work 19 hours a day in hot, dry, dangerous places such as Fallujah and Kabul. They do so because they have a deep love of country. Many of our soldiers make the ultimate sacrifice with their lives. Increasingly, we are asking more and more of our soldiers. In April, Secretary Gates announced he is extending the tours of duty for active-duty soldiers in Iraq and Afghanistan from 12 to 15 months. Our troops have already accomplished so much: deposed Saddam Hussein, toppled the Taliban, responded to the threats posed by vicious terrorists around the world. They have done everything we have asked of them. I was, therefore, disappointed when I came across a newspaper article this weekend noting that the administration opposes a modest pay raise for American soldiers.

The House Defense authorization bill includes a one-half of 1 percent increase in military pay above the President's request. For the average new enlistee, this will amount to roughly $75 per year in extra pay—clearly, not enough to cover additional costs: school clothes for kids, a family trip to the ballpark, a few tanks of gas at the prices we are stuck paying.

The increase is aimed at reducing the gap in pay between comparable military and civilian jobs that stands at about 4 percent today. Even after the proposed increase, that gap will remain at least 1.4 percent, clearly not keeping up with civilian pay increases.

Of the billions of dollars we spend on the wars in Afghanistan and Iraq, it would seem absurd to oppose this small pay bump, but that is exactly what the administration is doing. In a May 17, 2007, letter to the House Armed Services Committee, the President's budget director announced the pay increase included in the House bill is "unnecessary." I believe it is necessary. I believe it is necessary to do anything we can to provide for the welfare of our fighting men and women. Salaries for newly minted enlistees start at about $15,600 per year. To put this in perspective, new enlistees with three or more dependents are eligible for food stamps.

Among the sacrifices we ask of our men and women in harm's way, going hungry should not be one of them. In addition, the administration opposes a $40 per month increase in allowances for the widows of slain soldiers. Again, this is a modest bump in benefits and pales in comparison to the sacrifice these families have made. Forty dollars a month extra won't make it any easier to face another day without a loved one who is lost, but it could help pay the rent, keep the heat on, and relieve a bit of stress for families facing a new world without their spouse. That is why I am urging the administration to reconsider their opposition to a pay increase and additional survivor benefit. Supporting our troops is something we all agree on, Republicans and Democrats alike.

I ask the President to reconsider his opposition to increased pay for our soldiers and aid for this war's widows. We may not all agree on what we should do in Iraq going forward, but I believe we can and should reach a simple accommodation on troop pay.

Mr. President, I see my friend getting prepared. I ask for 1 or 2 minutes' indulgence.

CHILDREN'S HEALTH

Mr. President, in the Catholic and Eastern Orthodox Bibles, the book of Ben Sirah counsels: "Observe the opportunity."

This year, the Senate has the opportunity to improve the health of millions of American children, for the next decade.

The Senate has the opportunity to renew and improve the State Children's Health Insurance Program, or CHIP.

Let us seize the opportunity.

There is no greater health care priority for me this year.

In a few short weeks, the Finance Committee will consider legislation to reauthorize and strengthen this successful 10-year-old program.

Many of us were present in this Chamber when we created CHIP in 1997. Since then, this program has proven to be a true success.

Since its inception, CHIP has brought health insurance to more than 40 million low-income children.

It has saved the lives of many children, and it has improved the availability and quality of care for many more.

In my home State of Montana, Fawn Tuhy has some pretty active kids. Montana is a State full of active kids, and active kids get hurt.

Fawn's 2-year-old needed stitches after hitting her head. Fawn's 6-year-old broke his arm twice.

Fawn's medical bills could have sunk their family of six. But she credits CHIP with keeping her kids healthy, and her family afloat.

CHIP has made that kind of difference for millions of Americans, in the last 10 years.

Among families with incomes less than about $34,000 a year—that is twice the poverty level—the share of uninsured children has dropped by a quarter.

CHIP has held the number of uninsured children down, even as the number of uninsured adult Americans has increased.

But Congress cannot rest on its laurels. We have to continue CHIP. We have to build on its success, and we have to do it before CHIP's funding expires, on September 30.

The Finance Committee is poised to act, with a markup early next month.

In this reauthorization, we will pursue five principles:

First, we must provide adequate funds to keep coverage for those who have it now.

Last week, the Congressional Budget Office reported that CHIP needs an additional $13.4 billion, just to maintain current coverage.

Maintaining level funding is just not good enough. If funding stays flat, then 4 million American children could lose health coverage, over the next 10 years.

Second, we must also reach the 6 million uninsured children who are eligible for either CHIP or Medicaid coverage but not enrolled.

CBO says that the best opportunity to further reduce the number of uninsured children is to target CHIP enrollment toward more families whose incomes are below twice the poverty level.

Third, we must support State efforts to expand CHIP coverage to more kids. States have found innovative ways to reach as many uninsured kids as possible. States have acted according to their unique abilities and needs.

Fourth, we must improve the quality of health care that children receive.

We are making great strides to improve the quality of health care for adults through Medicare. Yet there is no comparable investment in quality standards for children. We can and must do more.

Fifth, whatever we do, we must not add to the numbers of the uninsured.

Right now, Federal waivers let some States provide CHIP coverage to pregnant women, to parents of eligible children, and even to some adults without children.

Congress may not want CHIP to cover all those groups in the future, but we must not pull the rug out from under anyone who has health coverage today.

Too many CHIP recipients are already in imminent danger. Right now, 14 State programs are facing shortfalls for this year—even before CHIP's 10-year authorization expires.

I worked hard to include funds to cover funding shortfalls in the supplemental appropriations bill.

But even if we fix this year's shortfalls, many more States will face funding gaps in the coming years. We need to ensure greater predictability and stability of CHIP funding.

Ten years ago, we simply did not know how much funding CHIP would take. We know much more now, and we should make the appropriate financial commitment to keep kids healthy. We must take a forward-thinking approach.

We must consider the likelihood of continuing increases in health care costs, and we must consider likely population changes.

We must consider that a child born today may have a shorter life expectancy than his or her parents. But that is what we face, due to the threats of obesity and related illnesses. So reauthorization must strengthen prevention and early screening benefits.

As we tackle CHIP, we should keep in mind the deep need for broader health reform. There are still too many families whose health stories don't have happy endings. CHIP cannot help them all. But it should help more.

One morning last year, Kearstin Jacobson woke up in Whitefish, MT, with a severe headache. Tests showed that the high school senior had a clot, preventing the blood flow from her brain.

Kearstin got wonderful care. But it cost almost a quarter of a million dollars, and her family did not have health insurance.

So even as the hospital staff wheeled Kearstin out of the emergency room, this young lady with a life-threatening condition was worried about money.

She was telling her parents how concerned she was about the financial burdens that her care would cause.

Kearstin feared that her parents would be paying for her care for many years to come, and they are.

This year, Congress has a historic opportunity to help families like Kearstin's.

We have an opportunity to make a good health policy for children even better.

An overwhelming majority of Americans support CHIP.

I extend my hand to my colleagues on both sides of the aisle. Let's work together.

CHIP is not a Democratic priority or a Republican priority. It is an American priority.

America's kids are depending on us to do this right. We must not disappoint them.

Let us observe the opportunity to improve the health of millions of American children. Let us observe the opportunity to give peace of mind and financial security to millions of families. And let us renew and improve the Children's Health Insurance Program.

I thank the Senator from Alabama and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I was sharing with my colleagues before the leadership break a number of issues about the immigration bill. Perhaps it will cause some to think unless it is improved, it should not be passed. Some will be encouraged, hopefully, to support amendments that could make it better. To some, I am sure it will make no difference. They intend to vote for it, maybe, or against it, as it is today. But I am glad we will now have all week. The Democratic leader has changed his previously stated view that we would vote this week. We brought the bill up only last night. If it was written in formal bill language, it would be one of the longest pieces of legislation ever considered in the Senate, maybe the longest piece of legislation since I have been here, other than perhaps an omnibus bill, but not a legislative bill.

We need to be thinking about the basic principles that are important to immigration reform. That is what I wish to continue discussing. The Republican leader, MITCH MCCONNELL, said:

> One thing's for sure, if this bill gives them any preferential treatment towards citizenship over people who came into the country in the proper way, that's a nonstarter.

I have made a number of points about some of the things that actually are in the bill that provide for a person who came into our country preferential treatment toward the process of being a citizen that are not given to somebody dutifully waiting outside the country to be called up when their time comes. I want to point that out in a number of ways.

For example, only illegal persons would be eligible for these Z visas, visas that would allow them to live and work here forever, as long as they are renewed every 4 years. That visa would not be available to anyone currently living in the United States who came here to work legally or someone who did not overstay their visa but went home when they were supposed to. So if you came here for a work visa and your work visa is 1 year, and you are complying with the law, and you don't want to go home at the end of your year, you still have to go home. But if a person broke into the country illegally and they don't want to go home, they are given the Z visa, they get to stay, and they get to apply for a green card that leads to citizenship. Even if they entered the country last December 31, getting past our National Guard, the new fences and the Border Patrol, and got into the country as late as last December, a single person with no skills, that person is eligible for the Z visa and could be here forever.

A Z visa plan is a better plan than the plan we had last year, I have to say, but it still has some real problems with it. Namely, it still leads to citizenship.

My colleagues say: Well, nothing is perfect. Yes, there are things in it I don't like, but we have to do something.

Well, why don't we fix things such as that? If it is not right, why should it be in the bill? We don't have to let the Z visa be a pathway to citizenship, it could just be renewable forever.

Well, they say, we can't touch anything that affects the core of the bill. All of us—the senators in the secret room—have agreed.

Who agreed? This group that met for several months with one another and outside groups, and they wrote up this bill and plopped it down on the floor last night. Until last night, we were still on last year's fatally flawed bill that should never, ever have become law. Although it passed this Senate, it never had a dog's chance of passing in the House. That is where we are, and I am concerned about that.

A third example of preferential treatment is Z visa holders get legal status 24 hours after they apply, even if their background checks aren't complete. The bill says "No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner." Nobody else gets immigration status benefits if their background check is not complete. Fourth, visa holders are exempted from a long list of inadmissibility grounds, including fraud or misrepresentation to obtain an immigration benefit and false claims for U.S. citizenship, and their prior deportation or removal orders can be waived, even if they never left, if they can show extreme hardship to their illegal alien family members.

An illegal alien who applies to be a Z visa holder is exempted. That includes anyone that got here before January 1 of this year. They can walk in and they get a Z visa. They don't have to pass a background check to get the visa immediately—at the end of the next business day. Presumably, they will check pretty quickly. But what if we had hundreds and thousands of people showing up with convictions for crimes and that kind of thing that makes them ineligible, how are we going to find them? They will have the probationary z visa.

If they have participated in a scheme to obtain immigration benefits or have falsely claimed with official documents to the U.S. Government that they are a citizen, this is a crime under Title 18, section 911, that does not bar them either. What would happen if an American citizen made a false claim to the Government? Title 18, section 1001, false claims to the Government is a Federal felony that can put you in jail for 2 years, 5 years. But if you made a false claim to be a citizen or some other benefit under immigration law and you are one of the people who came here illegally and not through a system, you get immunity from those cases, whereas a citizen does not. We have to be careful about what we do in legislation such as this. This is why amnesty deals are important. We should not be put in the position of ever having to do this. We said we would not do it again. After 1986, we said we were not going to ever do another amnesty again because it was so painful. It worked so poorly. All it did was encourage additional immigration, as those who opposed it in 1986 predicted.

It is very interesting. I looked back at the debates. You could see who was right and who was wrong. The people said: This is going to be a one-time thing. Don't worry about it. This will end the backlog and bring people out of the shadows, and we don't have to enforce the law on these people. Let them stay, and we will give them for one time amnesty. We won't do it again.

Others said: Wait a minute. This is a principle of importance. How can we say in the future we won't give amnesty if people come illegally, when we did this time? Doesn't this put us on the road to repeat amnesty in the future? Aren't we afraid it won't work?

What happened? After the 1986 bill, 3 million people claimed the benefits of amnesty. Twenty years later, we now have maybe 12 to 20 million that will be claiming amnesty. There are consequences to making these kinds of choices. That is a preference given to people who have come illegally over someone waiting outside the country to come legally.

Fifth, a Z visa holder will be able to get a green card through their own separate point system and without being subject to the regular annual numerical limits. This is a huge benefit to them. In other words, they will not have to compete with other persons around the world on a merit basis, as we are supposed to be moving to, but, in fact, they will have an inside track. They will not be in a line that has the standard numerical limit, instead they will have their own like, so that at most they will have to wait only 5 years for a green card after they are eligible for one.

That makes clear to me—I think it is clear to anyone—the way the bill is now written there is a preference given in quite a number of areas on the question of citizenship, as well as other questions, frankly, that they get benefits over persons who came here waiting to come legally or came locally.

In fact, another thing they have left out of the bill—and it was in last year's bill—they do not have to pay back taxes. So the illegal alien community that has been working here for half a dozen years—and we hear there are so many of them, and many of them have decent-paying jobs. I think that is true, quite a number do have decent-paying jobs and are supposed to be paying taxes. If they did not pay their taxes, they don't have to pay them as a condition for getting z visa amnesty. American citizens have not been exempted from paying their taxes for those same years. That is just true.

You may say: Well, you are just harping and complaining, SESSIONS. Well, I pay my taxes. Most Americans pay their taxes. If somebody has come here illegally and makes $50,000, $80,000 a year—some do—and they did not pay taxes, we are just going to wipe that tax debt out? I do not think so. It is not a principle, to me, that I could adhere to, instead it is one I would dispute.

So what about the chain migration question? Are we eliminating that? And what should we do?

Let me say it this way—and this is accurate, and there are other ways to look at it—it is accurate to say that instead of eliminating chain migration, which was one of the principles in the talking points that circulated around as this new bill was drafted, the bill actually escalates chain migration two to three times over the next 8 years. That is an indisputable fact.

Not only are the current chain migration numbers maintained—the 140,000 that was eliminated is now used to adjust backlogged chain migration applications.

They did eliminate chain migration. No new applications will be accepted. Let's go back and be fair about the bill. The bill eliminates chain migration in the future. That is an important thing. Chain migration means collateral relatives; it does not mean your wife or your child. They would get to come with you. If you are a citizen or a permanent resident, your wife and children get to come with you. It is the question of the brothers and sisters, adult children that perhaps are married and have their own families, or aging parents that are part of chain migration.

If a person comes, then you can bring your brother and sister. If your brother is married, the wife comes with your brother. If they have three children, those come. If she moves forward to a green card or citizenship, she can also bring in her relatives. Then the wife can bring in her brothers and sisters. So that is how this system works. It is unrelated to skills and the productivity of the person intending to come. It is unrelated, therefore, to the national interests of the United States. It is unconnected to them. It is their interest they are concerned about and not the national interest, which is to make sure the persons who come are honest, hard-working, decent people with skills and capabilities to be successful in America.

So how did all this work out in reality? Not only are the current chain migration numbers maintained—the 140,000 was eliminated, so to speak, but it will be applied during the 8-year period after the bill to provide more green cards, increase the numbers of green cards for family migration, most of which are for chain migration persons who are waiting to get green cards as a result of their applications over a period of time. So if a brother applies to come to the United States with a wife and child, because they have a brother here who is a citizen, they apply and they are put on a list. This is non-skill-based immigration. It is purely based on kinship. Those numbers have been set aside to allow the people who are backlogged to clear, and it is going to take 8 years, they estimate 8 years. As we look at the numbers, it looks as if it could well be longer than that. It looks as if the backlog will not be eliminated in 8 years but could be much more.

So what we will do then I am not able to say because we have not had a chance to read the bill sufficiently from last night. So I just would say we are concerned about that aspect of it. So the first 8 years we can expect, as we calculate it this way—hold your hat—in the first 8 years, there would be family-based green cards—not skill based—lots of them chain migration-based green cards—issued in numbers over 920,000 each year. That is almost a million each year who would come in under that program, unrelated to skill-based immigration that the bill purports to establish.

I will admit, after that 8 years, if the bill is unchanged—and who knows what would happen in that period—there would be a bigger shift to merit-based immigration and well over a million people will enter the country legally—probably closer to 2 million per year under this plan—whereas the current number of legal immigrants each year into America is about 1 million. So it is going to increase quite a bit the number of people entering the country with green cards, but it is not going to shift us to a merit-based system until at least 8 years go by. That is a serious defect, in my mind.

They say: Well, it is implemented for those who qualify. That is right. Out of a million, a million and a half, 2 million—closer to a million and a half to 2 million—who will be coming legally in the next 8 years, only 150,000 of those will enter based on the Canadian point system, merit-based system. That is not much. It is a disappointment to me that the hopes that were held out for a system like Canada's point-based system were not realized. I am disappointed in that.

I will read an example prepared by the Senate Republican Policy committee, which did a nice study on merit-based permanent immigration. It is a look at Canada's point system.

Remember now, there are a number of categories of issues we will deal with. One is a temporary worker program. We are going to have two votes on that, I understand, this afternoon. I intend to support Senator BINGAMAN's amendment, although I have not seen it. But based on what I know about it, it would reduce the number of people who would come in under the temporary worker program from 400,000 to 200,000.

Now, this is all, in my view—I do not want to be too cynical—a little bit of a put-up job. I talked to administration officials earlier in the year, and I asked: Well, how many would be expected to enter under the temporary worker program? They said: Well, about 200,000.

So the bill comes out, and it is 400,000 per year, and you stay for 2 years. There is an escalator clause in it that could take the cap to 600,000. So under the bill that was plopped in last night, you would have 400,000 the first year—and it could be fifteen percent more than that with the escalator clause—plus 400,000-plus the second year. Now, at that point, in the second year of the new program, you have about 900,000 temporary workers here competing for jobs in our economy—at one time, almost a million. That is a big number. That is bigger than I think anybody ever intended.

So we are going to have an amendment this afternoon, and it is going to allow the Senators to impact the agreement, and they are going to bring those numbers down, and we are all going to pat ourselves on the back, I guess, and go back to our working people in our communities and union people and say: See, we knocked that business bill down to a rational number that is much better. Now we may be able to vote for the bill. But I have to tell you, that was the number I was told some months ago was the appropriate number by an official in the Bush administration who certainly is not timid about asking for temporary workers in America.

So I am inclined to support the Bingaman amendment. I do, however, have concerns about the Dorgan amendment because it strikes me that a good temporary worker program is good for America; it just needs to work, it just needs to be effective. I can tell you one good example. A portion of my State and a large portion of Louisiana and Mississippi were devastated by Hurricane Katrina. There is tremendous construction work there. A lot of people moved out of the neighborhoods and no longer live or even work there. So immigrant labor in numbers larger than you would normally expect to be needed were needed and were helpful and remain helpful. So a good system of temporary workers would consider those kinds of things because those workers in New Orleans, right now, are not likely to be putting Americans out of work or even pulling their wages down any noticeable degree.

I think a temporary worker program is good. I am not inclined to vote for the Dorgan amendment, as I understand it at this moment. But we do need to work to examine the temporary worker program that is in this bill because it still has defects.

Now, let's take an example of a would-be seeker of permanent residence as they apply to Canada according to the RPC paper. This is a made-up example of how the system works.

Stella, an individual from Cyprus, desires to reside permanently in Canada. She has a master's degree in computer science. For that, she would get 25 points. She has a job offer from Nortel. That would give her 10 points. She has 3 years of paid work experience in her home country. Canada gives her 19 points for that. She is 23 years old, and because she is younger and Canada prefers younger people—unfortunately, for some of us, she is younger—she gets extra points for being younger, an extra 10 points. She has a moderate to good proficiency in English. She gets 10 points for that. So she has a total of 74 points. She has met the minimum of points required to apply for permanent residency in Canada. But she previously studied in Canada, and that gives her another 7 points. And the fact that her sister resides in Toronto gives her another 5 points—for a total of 86 points. She can apply to be a permanent resident at the Canadian Embassy in Cyprus and would be eligible promptly—immediately. So that is the way the system works in Canada. It is something that I think without doubt should be a part of our immigration reform.

So we are a nation of immigrants. We are at a point in our history in which the influx of immigrants into America is as high as it has ever been. Once, I believe, in our country's history we peaked at this high of an immigration rate, but along came the Depression and World War II and we almost stopped immigration entirely. We went to very low immigration rates. Then we have gone back into a new cycle of very strong immigration.

It looks as if there is not any likelihood that this Nation will stop this current rate and go back to zero. Most of us believe immigration, properly handled, is good for America, but we do have to consider the actual numbers. The numbers cannot be too great, or it takes jobs from Americans and can, in fact, create cultural problems that wouldn't occur if it was a little slower. So we have a situation where we would like to see immigration continue.

Now, if we are going to maintain a very high level of immigration at historic highs for America, it only makes good sense and common sense, it seems to me, that we would look around the world and we would give points like Canada does to the persons who are most likely to be happy and prosperous in our country, who are most likely to not go on welfare, most likely to have good jobs and pay taxes, who will help us balance the budget rather than causing a drain on the budget, and in fact attract people who really desire to be an American and who want to be a part of our society and deeply desire to make a permanent move, and who want to create a new allegiance from their prior country to their new home in the United States. That was the ideal of American immigration, and I certainly think that remains our ideal today. We ought to keep that in mind as we go forward.

Doing the right thing, creating the right number in the right categories with the right skill sets, while at the same time having a legal system that really works, is within our grasp.

Forgive me if I am disappointed that the framework which I thought had so much great potential has not been fleshed out with statutory language that meets the ideals of that framework. My concern is it is so far from the ideals of that framework that it is not a good choice for us at this moment. There will be time for us to fix it on the Senate floor. There will be time for us to pass amendments that could make it better, but it is troubling to me at this point.

I hope our colleagues who are involved in actually writing this bill will not be so hard-headed about their commitment to sticking together on the core principles that they all agreed to and pull out all the stops to make sure they have the votes to not allow any significant amendments. We do need some significant amendments to make this bill appropriate.

Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCaskill). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I think there is a previous unanimous consent agreement by which I will be recognized for the purposes of offering an amendment. The Senator from Georgia has asked if he could be recognized in morning business for 10 minutes. I have no objection to that, providing that I be recognized following the presentation by the Senator from Georgia so that I might offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I thank the distinguished Senator from North Dakota for his graciousness in allowing me 10 minutes.

Two years and five months ago, I made my first speech as a United States Senator on the floor. It was a speech about the issue of immigration, both legal and illegal. A year ago today I made another speech about immigration on the day I offered an amendment that has become known as the trigger amendment on immigration.

I rise for the third time in 2 years and 5 months to talk about the most significant issue facing the United States of America as far as domestic policy is concerned.

Our borders to the south have been leaking far too long and in too great of numbers. We have had an immigration policy that for the better part of 21 years has been to look the other way as people flowed across our southern border to calibrate on a low basis legal immigration to say we are doing something about it, while millions come into this country. It has to come to an end. It is the reason the controversy is so great over this issue today.

I, first of all, want to thank the Members who have worked with me over the last 6 weeks on the concept of putting a trigger in the underlying bill, to be the trigger upon which immigration reform either takes place or doesn't. There is so much misinformation out there right now about this issue, so I want to spend the remainder of my time talking about what trigger must be pulled in order for immigration to be reformed.

The underlying bill we are debating today says the following: No program granting status to anyone who enters the United States of America illegally may be granted until the Secretary of Homeland Security has certified that all the border security measures in section 1 are completed, funded, and in operation. There is no wiggle room. There is no Presidential waiver. There is no possibility of the Secretary saying: Well, maybe we are OK. This is absolute.

Let me tell my colleagues what those five are. No. 1 is 370 new miles of walls. Many of us got this in the mail last year. When Congress attempted to debate a flawed immigration bill that called for no border security, they mailed bricks because they wanted barriers. This bill calls for 370 miles. It calls for 200 miles of obstacles on those areas where vehicles might come across the border. That 200, plus the 370 miles of walls, is 570 miles.

It calls for four unmanned aerial vehicles, eyes in the sky, 24/7, each with a 150-mile radius. That 600 miles, added to the 570 miles, is 1,170 miles. Then it calls for 70 ground-positioning radar systems with a radius of 12 miles, or 1,680 miles of seamless security. That 1,680 on top of the 1,170 is almost 2,800 miles of seamless security. There are not 2,800 miles on the border. We have redundancy all along the border.

The next trigger is 27,500 detention beds on the border so when somebody is intercepted, they are held until their court date comes up. No more catch and release. Then, importantly as well, 18,000 Border Patrol agents have to be trained and in place and functioning. We have 14,500 right now. That is another 3,500. Those agents, by the way, are trained ostensibly in Georgia at FLETC, the Federal Law Enforcement Training Center. They are trained on border security, on intervention, and on capture. Then, it requires the seamless border security. It requires the ID that is biometric and is secure. It ends the largest growth industry on the southern border, and that is the forged document industry.

When those five triggers are in place and when the Secretary of Homeland Security has certified them, then and only then is the immigration reform in place because we have stopped the bleeding.

There are a lot of people talking about this issue of immigration from a lot of different standpoints, but I know one thing: When you go to the doctor, you don't want him to treat the symptom. You want him to treat the cause. If you are cut, you want him to sew up the cut, not just put a Band-Aid on it. If you hurt and you hurt badly, you want him to x-ray and find out whatever that source is.

We know what the source is in America. The source is we have a 2,000-mile land contiguous border with a country that is less developed than ours and has less opportunity, and the United States of America is a magnet without obstacle for them to get in. We have to stop the source of the problem or we will never be able to reform it for the future.

I come to this debate as a second-generation American. My grandfather came here in 1903 from Sweden. In 1926, he became a naturalized citizen. It took him 23 years to follow what is the only right pathway to citizenship, and that is legal immigration.

I stand before my colleagues today to say the American people want border security. I want border security. If it is the trigger for immigration reform, it ensures that we will never have to repeat the mistakes of 1986 and that America once again will restore confidence in its borders, confidence in its immigration policy, and legitimacy with its people.

I am where I began. There is no wiggle room in this trigger. There is no waiver. There is no looking the other way. If we in Congress don't fund the money, it doesn't work. If the President doesn't do what he is supposed to do, it doesn't work. If the Secretary of Homeland Security doesn't do what he is supposed to do, it does not work.

The American people, for the first time, have an ironclad guarantee that our biggest problem, and that is an insecure border in the south, will be fixed and fixed forever.

I again thank the distinguished Senator from North Dakota for giving me the chance to make this presentation.

Madam President, I yield back the remainder of my time.

AMENDMENT NO. 1153 TO AMENDMENT NO. 1150

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am going to offer an amendment. I believe by a previous unanimous consent agreement, I will be recognized for offering an amendment. I don't know whether my amendment is at the desk.

I believe my amendment is at the desk, and I will offer that amendment on behalf of myself and Senator BOXER, who is a cosponsor of that amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN], for himself, and Senator BOXER, proposes an amendment numbered 1153 to amendment No. 1150.

Mr. DORGAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1153

(Purpose: To strike the Y nonimmigrant guestworker program)

Strike subtitle A of title IV.

Mr. DORGAN. Madam President, we will hear ample discussion today—and we heard it yesterday and we will hear it the rest of this week and perhaps another week going into the month of June—about this issue of immigration. It is not an insignificant issue; it is a very significant issue with great policy implications for our country. We will hear that it is a moral imperative that we deal with the issue of immigration.

We have a lot of moral imperatives in this country, and particularly in this Chamber of the Senate. I don't disagree that the issue of immigration is one of them. There are people living among us in this country who have been here 10, 20, 25 years who came across the border decades ago. They found work here, raised a family here. They were model citizens. I understand that we are not going to round up people who have been here for 2½ decades and deport them to say: You have come illegally and therefore you are not entitled to stay. That is a different sensitivity, however, than what is in the underlying bill that says: By the way, if you came here by December 31 of last year, we will deem you to be here legally.

I think there are serious problems with that approach. What about someone overseas who has been waiting to come to this country and they know that we have a legal method of coming to this country. There are quotas for each country, and we allow people to sign up and make application and then over a period of time their name comes to the top of the list and they are able to come to this country under their immigration quota. Some, perhaps, have waited 5 years, some 10 years and are now near the top of the list.

What they discover today is they would not have had to wait 5 or 10 years for a legal mechanism by which to come into this country. They could have come across the border at the end of last December, and by this legislation would have been deemed to be legal, would have been deemed to have been here legally.

I understand this country is a magnet for people from across the globe who would like to come to this country. I was flying via helicopter one day some time ago between Honduras, Nicaragua, and El Salvador. Regrettably, the helicopter I was flying in on ran out of gas. I learned one of the beautiful laws of the air that afternoon. That is, when you are in a flying machine and it runs out of fuel, you will be landing very quickly.

We landed, and we were safe, but, nonetheless, in the mountains and jungles, somewhere—we were not sure where—in an Army helicopter. We were there 4 or 5 hours before other helicopters found us and pulled us out. While there, the campesinos came walking to see who had come down in these helicopters. So I had a chance with some hours to talk to the campesinos, the poor people from around the area.

I recall visiting with one woman, a young woman in her early twenties. She told me she had only three children. She seemed disappointed by that fact. It was explained to me later that because they have no social security system in her country, you have as many children as you can in your childbearing years, hoping that enough of them will survive, and if you are lucky enough to grow old, you will have enough children to provide for your support. That was a form of family social security. Only three children, she said.

I said: What do you aspire for yourself and your children?

Oh, that is easy, she said through an interpreter. To come to America, to come to the United States of America.

I asked why.

She said: The United States of America, that is a country with opportunity and hope for me and my children. Standing there in the clearing near the helicopters, this young woman was telling me what people would tell you in many parts of the world. They would aspire to come to the United States because this is the land of opportunity.

Ask yourself what would happen were this country to have no immigration quotas, no immigration restrictions, no border security of any type, and instead a public policy that said the following: To those of you who live on this planet, let us say we welcome you. Come to America. See the United States. Stay here. Live here. Work here. We welcome you. We welcome any number.

I ask the question: How many people would migrate to the United States and from where? Before you answer, let me explain that this wonderful planet we live on circles the Sun, and on this planet there are, I believe, close to 6.5 billion neighbors, many of them living in very difficult conditions. Half of them have never made a telephone call, one-half of them live on less than $2 a day, and 1.5 billion do not have access to clean, potable water on a daily basis. It is a challenging planet on which we live.

So if the United States of America, this great beacon of hope and opportunity, said to the rest of the world: Times have changed, we no longer have any immigration laws, come here, join us, live here, be a part of the American experience, we would, I venture to say, have tens and tens, perhaps hundreds of millions of people journeying to this great country. Why? Because many live in abject poverty. Many, if they can find work, are working for 10 cents or 20 cents an hour in unsafe plants, in unsafe working conditions, in circumstances where they would be put in prison if they decided to organize the workplace. That is a fact of life in many parts of the world. We would be overrun by those who wish to come to this country.

As a result, what we have done is understand that immigration is good for our country. It refreshes and nurtures a country such as ours. So we have a process by which legal immigration occurs, with quota systems from various countries around the world, and immigrants come to live in this country.

I venture to say that almost every Member of the Senate found their way to this country or found their way at least to this Senate by looking back in the rearview mirror and seeing some unbelievable ancestors—mine were the same—people who came to this country with nothing.

One of my ancestors was a woman named Caroline. She came to this country with her husband. Her husband died of a heart attack, and with six children—think of this, six children and virtually no assets at all—she got on a train and went to the southwest corner of North Dakota and pitched a tent on the prairie to homestead. She, from that tent, built a house, raised a family, and operated a family farm. Think of the strength and courage of that Norwegian woman who decided: I am going to do this.

All of us have that story in our backgrounds. So we understand the value of immigration, the value of immigrants, and we provide for it in a quota system by which we accept people from around the world.

Last year, nearly 1.5 million people came into this country through that system. In addition, there were other people who came in as agricultural workers. In addition to that, there were people who came in illegally. So here we are on the floor of the Senate saying: Now we have about 12 million people who have decided to come to this country, no, not through the process by which we accept immigration on a legal basis but come to this country in other ways—get a visitor's visa, come in, get dropped off by an airplane, never go home, stay here illegally, or they come across the border, walk across the border without a visitor's visa and decide they are going to stay here without legal authorization. So we have, some say, 12 million people who are in that status.

The underlying bill says: Let's decide, as a matter of course, we say to all who came into this country or those who came to this country up until and through December 31 of last year: OK, you are no longer an illegal immigrant. You entered without legal authorization, but as of this day forward, when this legislation passes, you have legal authorization to stay. We will give you an opportunity to work and an opportunity to gain citizenship.

In addition to that, which is the ingredient of a compromise that was created in the last week, this legislation says we wish to add something called guest workers or temporary workers. I will talk at some length about those temporary workers. The issue of temporary workers is an important one because we live in a time in this country where there is downward pressure on income for American families.

This morning, Tuesday, a whole lot of people, millions of people got up this morning to put on clothes and go to work. When they got to work, they discovered, as they do every day these days, that there is no opportunity for upward mobility at their job. In fact, every day their employers are trying to find ways to push down wages, eliminate retirement, and eliminate health care.

What has happened in this country, with what is called the "new global economy," is dramatic downward pressure on income for American workers.

I couldn't help but notice a story recently—I mentioned this on the floor of the Senate a while back—that Circuit City, a corporation most people know about, decided they were going to fire 3,400 of their workers. Those folks got up in the morning, went to work that morning, probably kissed their spouse goodbye and said: Honey, I will see you this evening. I love my job. I do a good job. I have been there 8 years. I know my business. But they found out when they got there that the corporation that has a chief executive officer who makes $10 million a year decided they are going to eliminate 3,400 of these people. We are going to fire them. Why? Because they make $11 an hour, and we want to rehire people at a lower wage. So 3,400 people came home that night and said to their families: I lost my job. No, it wasn't because I did something wrong, it wasn't because I was a bad worker, it wasn't because of performance. My company told me that $11 an hour was too much money, and they want to replace me with someone with less experience and someone to whom they can pay a lower wage.

There is dramatic downward pressure on income all across this country for American workers, and that is especially true for workers at the bottom of the economic ladder.

I don't need to go through all the data, but it is unbelievable when you take a look at what is happening in this country. Those at the very top are getting wealthier, much wealthier, and those at the very bottom are being squeezed with substantially less income.

Incidentally, the bill that has been offered—this document—has been put on all our desks a few minutes ago, or in the last hour or so. This is the immigration bill. I think I can speak with certainty that no Member of the Senate has read this. It just became available. So I assume everyone will have their evening reading going through a bill that size and a bill of such importance.

Earlier, I stated that if we had no immigration quotas and no restrictions, we would have massive numbers of people who live and work in poverty, who in many cases can't find a job at all in other parts of the world, who are experiencing famine and war, pestilence and disease, who would want to find their way to this country.

It is interesting. You can now go to your computer and Google "Earth." If you haven't done that, I encourage people to do that. Google "Earth," and you can, from the air, come down and find out what is happening on Earth—any spot on the Earth. So if you Google "Earth" and try to evaluate what is happening on this planet, the United States doesn't look so much different than anyplace else. It is just a piece of property on this planet of ours. But it is a very different piece of property, a very unusual piece of property. It was born and nurtured by those who wrote a Constitution starting with the words "We the people" that has created the most affluent country on Earth, with a dramatic expansion of the middle class and opportunity that is universal opportunity—universal education, saying that every child can become whatever their God-given talents allow them to become in this country of ours.

What a great place we have created. But given what is happening on this planet, we have had to at least provide some order and some limitation with respect to immigration into this country because so many would want to come. So we have a legal system of import quotas. That is a system that many have used. They have waited for years to be at the top of the list to come to this country. But it is a system that many have ignored, instead deciding they wanted to get a visiting visa, jump on an airplane, and when it lands, disappear into the populace, never to be seen again, and stay here illegally, or others have come across on foot, across the Rio Grande or from other areas, deciding to remain here without legal authorization.

Border security has become very important. It was something discussed at great length in the year 1986, when the Simpson-Mazzoli bill was passed by the Congress. That was a period of time when we had an immigration crisis. The Simpson-Mazzoli bill was designed to address the immigration crisis. It was going to shut down employment opportunities for illegal immigrants by providing employer sanctions. It was going to provide for border security, employer sanctions, and it was going to shut down this system and, therefore, we were going to solve the immigration problem. Even as that bill was passed, it provided for amnesty for 3 million people at that point who had come here illegally.

Well, we know that since 1986 that didn't work. All the promises that were offered then have been promises that were not kept. So we find ourselves, from 1986 to 2001, with Osama bin Laden, al-Zawahiri, and others associated with al-Qaida deciding to launch an attack on our country and murder a good number of Americans, thousands of Americans, on that fateful day of 9/11/2001. All of a sudden, we have another spurt of interest in border security. Not with respect to specifically the issue of immigration but border security with respect to keeping terrorists out of our country. Because if you don't control your border, if you don't know who is coming in and keep track of them, you have unbelievable security problems for this country.

So we, at various times, have had these spurts of interest with respect to border security. Now we come to the year 2007, and the issue again is a comprehensive immigration bill—but as a portion of it, border security. Of course, border security ought to be, should be, some say will be, but certainly must be the first and foremost important element of any immigration reform. If you can't provide for border security, let us not spend a lot of time thinking about how we are going to keep people out if you can't keep them out. Border security is first and foremost the responsibility of any immigration reform plan—border security that works.

Yes, it is important for terrorism; it is also important with respect to this bill dealing with immigration. If border security is important, and I believe it is the most important issue at this moment, then other issues—if you have solved the border security issue, and I don't believe this piece of legislation has—other issues are also important as well, one of which is the issue I came to talk about, and that is the issue of the guest worker amendment.

The guest worker amendment in this compromise on immigration provides that 400,000 people who are not in this country now, who are living outside of our country, will be able to come in to assume jobs in our country per year—400,000 a year. The bill says there are 12 million people who came here illegally who will be given status to stay here and to work here. That is what the bill says. So it gives us 12 million people who will have legal status. It says to someone who came across December 30, 2006: You are going to be deemed to be here legally, or at least have legal status to stay, and we will give you an opportunity to work. So we have 12 million in that circumstance.

In addition, there is a provision dealing with guest workers. My understanding is that provision comes at the request of the Chamber of Commerce and big business that want an opportunity to continue the flow of cheap labor. That is not the way they would describe it, that is the way I am describing it. This is a country in which we are seeing more and more jobs being outsourced in search of cheap labor overseas, particularly to China, Sri Lanka, Bangladesh, and Indonesia, and the same interests that wanted to move American jobs overseas in search of cheap labor, enjoy the opportunity to bring, through the back door, cheap labor from other countries.

So we have what is called a guest worker or temporary worker provision. Here is how it works. I don't know how one can construct something this Byzantine, but it nonetheless got done. Here is how this system will work. A so-called guest or temporary worker will be able to come in, and 400,000 of them will come in the first year. They are able to stay for 2 years. They are able to bring their family, if they choose. Then they have to go home for 1 year, take their family home with them, and then they are able to come back 2 years later. So they are here 2 years working, then they go home for 1 year; then they can come back for 2 years, then they have to go home for 1 year; then they get to come back for 2 years. That is the case with 400,000 a year.

This grid shows you what it looks like and what it adds up to do. If you talk about the years of employment, you are talking about 18, 19 man-years of employment here with respect to this grid. It is a kind of Byzantine proposition. We say: Come here and work, bring your family and stay here 2 years. Then you all go back and stay where you came from for 1 year. Then everyone is welcome back for 2 more years, but you have to leave again and stay back 1 year and then come back for 2 more years.

I guess there is a provision that if you bring your family one of the first 2 years, which is your choice, then you only get to come back twice for 2 years. I don't know how you concoct something like that. It makes no sense at all. But aside from the merits of deciding that we don't have enough workers in this country so we need to import cheap labor, aside from that, how on Earth would you construct this approach to importing cheap labor?

I wish to make some comments about this suggestion that we don't have enough people in this country to assume jobs and, therefore, we must have a temporary worker or a guest worker program. There are plenty of big businesses, including the U.S. Chamber of Commerce, that take that position: We need to bring in people who aren't here now to assume American jobs. I mentioned earlier we are suggesting that is the case at a time when a whole lot of people at the bottom of the economic ladder in this country are trying to keep up and not doing well at all.

This chart shows from 1979 to 2003—and this is from the Congressional Budget Office—what has happened with respect to income for the various income groups. Look at what has happened to the top 1 percent. A 129-percent increase in income in nearly a quarter of a century.

Look what has happened to the bottom fifth in a quarter of a century. In a quarter of a century, these folks who are going to work every day, the people you don't see very often, they are the people who pass the coffee to you across the counter or help out at the gas station and do those kinds of jobs, they get a 4-percent increase in 25 years. Unbelievable.

In that circumstance, in an economic circumstance where the people at the top are doing well, where there is substantial inequality of income with greater income going to the people at the top and much less income going to the people at the bottom, we are told we need to bring in additional workers from overseas.

We are told they are to be brought in because, for example, in the area of food preparation jobs, we just can't find enough American workers. There are just not enough people, we are told, in food service.

Let's look at food service jobs: 86 percent of the people working in food service in this country are legal citizens, U.S. citizens, or legal immigrants. We are told these are jobs Americans will not take, so let's bring in some guest workers. Explain this. Explain how it is that, at least in food preparation, 86 percent of the people working in those areas are Americans or people here legally.

If you want to bring in people at the bottom of the economic ladder, low-wage workers, you know what that does to the other 86 percent. It pushes down. It puts downward pressure on income. We don't have to debate about that. That debate is over. That is exactly what that does.

We are told we have other industries like that, such as the construction industry. We can't find enough people in the construction industry. But 88 percent of the people in the construction industry in this country are U.S. citizens or legal immigrants. Once again, we have people who would love to bring in low-wage workers at the bottom to put downward pressure on wages. But it is simply not true that we need low-wage workers to come in, more workers to come in because we cannot find Americans to do this job.

I understand those who support the temporary worker provisions by and large want lower incomes. I am talking about the interests outside of this Chamber. There are plenty of them who want to pay less income. Transportation jobs—93 percent of the workers in transportation are U.S. citizens or legal immigrants. Is someone going to debate this issue, that we cannot find Americans to work in these jobs? Clearly, that is not the case.

I understand there are those who have these jobs who do not want to pay a decent wage for them. There are a whole lot of companies that do not want to pay a decent wage. They want to strip the retirement benefits away, they want to strip health care benefits if they ever gave them in the first place, and then they want to try to depress the income to the extent they can. I understand that. But it is not the right thing.

What is the moral imperative in this country? We have a moral imperative to stand up for all of the people in this country who get up in the morning and go to work and do a good job and hope at the end of the day they get a fair day's pay. Productivity is on the rise in this country. Productivity increases but workers' incomes do not increase. Why? Those who hire them do not have to increase those incomes even as workers become more productive because they have a supply of cheap labor coming in.

Transportation jobs—you can't find Americans to do them? Not true.

Manufacturing jobs—94 percent of manufacturing jobs are jobs that are performed by American citizens or legal immigrants.

I have made the point before that there is no one in this Chamber who has lost their job because of a job being outsourced. But there are so many Americans who understand this. There is a man named Blinder. He used to be the Vice Chairman of the Federal Reserve Board. He is a mainstream economist. With respect to the outsourcing of American jobs to China and other areas of low wages, he says there are 44 million to 52 million jobs that are able to be outsourced or tradable. He says not all of them will leave our country. But, he says, even those that stay will have downward pressure on their income because they will be competing with 1.5 billion people in the rest of the world, many of whom work for pennies an hour.

As American workers confront that issue, we are told we can't find enough workers in manufacturing and we need to bring in temporary workers who do not now live here. That is not true. Most of the workers in manufacturing are U.S. citizens and legal immigrants.

If someone wants more workers, I will tell you where you can get them. Go find the people who used to work for Levis. They don't make Levis in this country anymore. They got fired. Find the people who used to work for Fruit of the Loom underwear. They got fired, too. They must have some opportunity for some manufacturing jobs if you can find them. Find the people who used to work for Huffy bicycle. Their jobs went to China. They got fired. Go find the people who worked for Radio Flyer Little Red Wagon. They got fired. Go find the people who worked for Fig Newton cookies. They got fired. Their jobs went to Mexico.

I could talk at great length about where you might find American workers who lost their jobs because they couldn't compete with 20-cent-an-hour labor in China.

In my State of North Dakota, last week we received some pretty somber news. The Imation Corporation decided they were shutting down their plant in Wahpeton, ND, with 390 workers. After I pried it out of them, I discovered that slightly less than half of those people are going to lose their jobs because the product of their work is going to go to Juarez, Mexico, where you can pay 1/10 the wage. That is what is facing the American worker, that downward pressure on income.

Now we are told in this bill, let's ignore that. What we need is to bring in some more temporary workers to assume jobs Americans will not take. Again, how about paying a decent wage in this country? How about paying a decent wage? You will find plenty of people to take these jobs.

There is a study by Professor George Borjas at the John F. Kennedy School of Government, and he talks about the impact of immigration from 1980 to 2000, 20 years, on U.S. wages by ethnicity of workers. Over the last 20 years, as a result of immigration—that is low-wage workers coming into this country and putting downward pressure on wages—the average wage is down 3.7 percent; for the average Asian, 3.1; average White, 3.5; average Black, 4.5; Hispanic, minus 5 percent in wages. The fact is, it doesn't require a huge study to understand the consequences of that. We all understand that would be the result of bringing in a low-wage workforce. That is not unusual at all.

Let me be clear. None of the discussions we are having now have anything to do with agricultural workers. In addition to the temporary worker program, there is a separate program dealing with agricultural workers. So you have three things: You have legal immigration through import quotas and so on; then you have agricultural workers, well over 1 million of them, I believe 1.5 million in legal immigration; and then you have a temporary worker permit which, if you add up with the chart I have shown you, you are talking about millions of jobs. We are told, no, this doesn't matter much because, frankly, businesses say they just can't find Americans to take these jobs.

I believe that is not the case. I understand what is really at work. What is at work, in my judgment, is the handprints of those who want to bring in additional cheap labor. I do not support it.

The amendment I have offered is an amendment that is simple on its face. It addresses that provision, that title in this immigration bill that deals with temporary workers. I am not talking about the status of the 12 million people. I am talking about the creation of a status for people who are not in this country now, for people who live outside of this country who, as a result of this bill, are going to be told: You come on in to this country. We will give you a temporary worker status. You can come for 2 years at a time, 3 times, a total of 6 years. I do not understand the urgency of putting a provision like this in this bill.

I am told again, as we are always told, if you offer an amendment that is successful, you will kill this bill because it is a fragile compromise. It is the old argument. It is about the loose thread on a cheap sweater. You pull the thread and the arm falls off. God forbid if you pass an amendment, it is going to destroy this compromise.

In my judgment, part of offering amendments and getting amendments agreed to to improve this legislation should be beneficial even to those who represented a part of this compromise.

I say clearly that I think immigration has, for as long as this country has existed, refreshed and nurtured this country. I support immigration through the legal means of immigration quotas each year. I also support, at this point, strong, assertive border enforcement, border security. Let me describe why we have failed so miserably.

Here is a chart. When you talk about the need for border security and employer sanctions, here is a chart that shows what has happened in the last 6 or 7 years with respect to enforcement. As you see, there is a decline in the worksite enforcement to almost zero. It has gone back up a little bit. I haven't put the last 2 years on there. But you will see enforcement with respect to employer sanctions and worksite enforcement has gone down to almost zero. This administration didn't do anything with respect to worksite enforcement.

Let me describe what has happened with respect to fines that have been levied. In 1986 they passed an immigration bill and said we are going to impose fines if someone would hire illegal workers. Here is what has happened with the fines. It was $3.6 million nationally, across the whole country in 1999. It is down to $118,000 in 2004. That is pathetic enforcement. That is not enforcement, that is just looking the other way.

Yet we come to this floor with an urgent problem with immigration, and the compromisers say: Let's put all these things together to legalize 12 million people, up to those who came across on December 31, and let's decide, as well, we are going to bring additional people in who do not now live here. That doesn't make any sense to me.

One of the moral imperatives, as I indicated, is to stand up for the interests of workers in this country yes, all workers in this country.

Let me conclude. There is so much to say, but let me conclude by telling a story about a piece I saw in the New York Times one day. It was just a small piece. It was a few years ago. It was about a New Yorker who died. I thought it was a curious piece, so I asked a staff person: Can you track down and see what this little news item in the New York Times is? They did.

It was a man named Stanley Newberg who died in New York City. Stanley Newberg, my staff discovered, was a man who came to this country with his parents to flee the persecution of the Jews by the Nazis. Stanley Newberg and his parents landed in this country as new immigrants. Stanley was a little boy, and he followed his dad around the lower east side, apparently, peddling fish. This young boy walked with his dad peddling fish in New York City as a very young man.

As his parents made a living peddling fish, Stanley learned English. Then Stanley went off to school and Stanley became a pretty good student. Then Stanley graduated from school, he went to college, he graduated from college and then got a job in an aluminum company. He worked in this aluminum company, did really well, was a good worker, and he rose up to manage the aluminum company and then eventually he was able to buy the aluminum company.

So here was Stanley Newberg, this young boy who came with his father and mother to this new country and walked in the Lower East Side of New York peddling fish and now owns an aluminum company in this country. It is a very wonderful American success story.

Then Stanley Newberg died. They opened his will and that became the subject of a very small item in the New York Times. Stanley Newberg's will left $5.7 million to the United States of America. He said "with deep gratitude for the privilege of living in this great country."

This little boy who followed his daddy peddling fish, who went to school, became a successful businessman and then died, wanted in his will to remember this country and left $5.7 million to the United States of America "with deep gratitude for the privilege of living in this great country."

This country did not become this great country by accident. "We the people," the framework of our Government, a wonderful Constitution, a series of initiatives that created a body of law, initiatives in the private sector, the genius and the entrepreneurship of inventors and investors and business men and women—it is a wonderful place.

But we have obligations. As I indicated earlier, if we had no immigration quotas we would be overrun by millions, tens of millions of people who want to move from where they are on this planet to this spot because this is the land of opportunity.

We have a process of legal immigration. That process needs to work. First and foremost, we need border security. Second, it seems to me, we need to be sensitive to find a way to deal with the status of those who have been here a long while. Third, and most importantly, we ought not decide to bring legislation to the floor of the Senate that says: On behalf of those big interests, big economic interests that want to hire cheap labor through the back door—even as they export good American jobs through the front door—we ought to say this provision needs to be stricken.

My amendment is very simple. On behalf of myself and Senator BOXER, I offer an amendment to say: Strike this provision.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Tester.) The Senator from Arizona.

Mr. KYL. Mr. President, I wish to speak briefly in opposition to the amendment of the Senator from North Dakota. I certainly concur with several of the comments he made, about the need to secure our borders, about the need to have a workable immigration system, and the need for reform that ensures the rule of law is restored in the United States.

Where I differ with him is in his belief that we can actually achieve these goals if we have no ability for temporary workers to come to the country. His amendment would eliminate the temporary worker program from this bill.

Now, there are several reasons why a temporary worker program, within certain constraints, is a good idea. The first reason is because it will help to relieve the magnet for illegal immigration. This is one of the things President Bush has talked about frequently.

The reason most of the people are crossing our border illegally is to get employment. There are jobs available for them. Some people say this is work Americans will not do. That is actually not true. In all of the different work areas, whether it be construction or landscaping or working in a hotel or motel, whatever it might be, roughly half the people working in those industries are American citizens. But there are not enough American citizens to do all of the work that needs to be done. So naturally the law of supply and demand sets in here. People come across the border illegally, and they take that work. What we want to do is both close the border, secure the border of the United States, but also eliminate the magnet for illegal employment here, because the reality is desperate people will always try to find some way to get into the country.

It would be nice if, instead of having to rely strictly on fences and Border Patrol agents, we also relieved the pressure so American employers would have the workers they need and there would be no opportunity for illegal workers to come into the United States. Another way we have done that, by the way, is to have a very good employee verification system put into this legislation.

But the key here is to, in effect, have a pressure cooker safety valve. When there is too much employment need here to match up with the number of workers, then we let off the pressure by allowing some visas or temporary workers to come here temporarily. In the bill they either come 10 months out of the year—that is the seasonal workers—and then return home, or they can get a 2-year visa, which enables them to come here and work for 2 years, then go home for a year. They could reapply. They could reapply twice for a total time of 6 years. But in between each 2-year time period working in the United States, they would have to return to their home country for a year, in order to try to prevent the situation in which they put down a stake in the United States and believe after a period of time they are entitled to stay here, thus raising the same kind of problem we have had in the past where a group of people come here and then do not want to go home, and somehow America doesn't have the will to enforce its law, in this case to require them to go home.

That is why the program was set up the way it was. The concept here is if you relieve that pressure for employees, by having an opportunity for people to temporarily come here as the guests of the United States to work here under our conditions and our rules and then go back home, that will both serve our needs and serve their needs. That is the rationale for a temporary worker program.

Now, why wouldn't you want to immigrate all of the people here as legal permanent residents? Well, obviously you are talking about millions of people, as the Senator from North Dakota said, in addition to the quotas we currently have. But, secondly, you need to have some ability to adjust. Let me mention the construction industry in my home State of Arizona as a good example of this.

Two or three years ago we could not find enough workers to build homes in Arizona. The reality is, the Home Builders Association was candid in saying this, that if they had to guess, they would guess about half of the people building homes in Arizona were illegal immigrants. They had the legal papers, but we all know that is a joke. That is why we have to have a workable employee verification system, which we have put into the bill we are now debating. But the law currently is not good in terms of verifying employment documents.

So you have a construction boom that is occurring in Las Vegas, Phoenix, Tucson, and other cities in the Southwest, and we need workers desperately. About 6, 8 months ago, the market began to taper off, and today we are in a situation where we have an excess of workers for the jobs available. The market has not tanked completely, by any means, but there is clearly a downturn in the housing construction industry in Arizona. So we do not need nearly as many workers now. Now that is depressing wages.

The Senator from North Dakota is correct in one respect here with regard to wages. If you have a greater supply of labor than you have jobs available, you will depress wages. That indeed has happened in some sectors of our economy, particularly in some low-skilled areas. But the reason is because you have a glut of workers. The workers who came here illegally find it very difficult to go home. Moreover, they will undercut the wages of American workers or depress those wages. They are here and they are depressing wages. Wouldn't it be better to have a temporary worker program, where everyone is working within the law so when we need the temporary workers to build houses, for example, we issue more of these 2-year visas, but when we don't need them, we stop issuing the visas? When those visas run out, we wait until we need more workers. Then we issue more visas. That is the way the temporary worker program is designed to work.

The alternative some people want—well, there are two alternatives. Either you allow the illegal situation to continue, which nobody wants—that is not a solution—or you adjust all of the quotas Senator DORGAN was talking about and let everyone come in as a permanent worker.

That totally upsets our immigration quotas, for one thing. Secondly, you do not have the flexibility of moving up or down depending upon what the labor requirements or demands are. Again, in housing, if we had let all of these workers come in as green card holders, as legal permanent residents, they are here and there is no ability to send them back where they came from. They have a legal right to be in the United States for the rest of their lives. That is why you do not want to try to deal with temporary, especially low-skilled worker categories, with extra green cards. That is why you have a temporary worker program, in addition to relieving the magnet for illegal employment.

Let me make a couple of other points here. The Senator from North Dakota says even the temporary worker program will depress wages. Well, there are two reasons why that is not true. The first is it is adjusted based on the labor needs. So at least ideally you never have a glut of workers, an oversupply of workers compared to the demand. The market works to set the wages at the proper rate.

If you have green cards, for example, you can easily get a depression in wages, because you never can adjust that downward once the workers are here. Secondly, in order to get a temporary worker under this bill, you have to advertise at a wage which, in effect, is the average wage that is being paid in that area in that industry. Now, you have to do that to be fair to American workers, because otherwise what would happen is you say: Hey, I have got a construction job; it pays $8 an hour. Well, there are not very many Americans who would do heavy construction for $8 an hour, so nobody shows up.

Then the employer goes to the Department of Labor and says: Well, gee, I could not get an American to take the job. Let me have some temporary workers. You cannot do that. If it is a carpenter—I am not sure what the wage is; maybe it is $18 an hour, maybe more. If he says I need 10 carpenters, he has got to say the wage I am paying is $18 an hour. Then if American workers are out of work and want to work for that wage, that is the average wage in that industry in that place, and they can come in and work with the knowledge that they are not receiving a depressed wage.

If you have Americans willing to do the work, then there is no temporary worker. But if there is not an American to come do the work, the temporary worker comes in at the same wage that is paid to everyone else, so there is no wage depression under this temporary worker program. I think that argument is not an argument to eliminate this program.

Finally, the Senator from North Dakota began his argument with something that is absolutely true. He made the point that we cannot allow everybody in the world to come to a better place, to come to the United States. That is absolutely true. We have got a big heart, but we have only got so much room.

As a result, we have an immigration system that tries to establish quotas, and it establishes areas of immigration in which we will allow people to come here: countries from which they can come; some family immigration; some work visas; asylum, and all of the other categories we have. Then we draw a limit. We say that is it, except for certain categories, except for the nuclear family.

A temporary worker program allows us to remain true to that general immigration philosophy we have always had in this country. That is to say, when we need more workers temporarily, we will bring them into the country, but when we no longer need them here, they return home. That way you are not, as the Senator from North Dakota said, opening your doors to all of the people in the world who want to come here. I agree with him; we cannot do that. But when we have a need that is not being satisfied and we have advertised the job for the same wage Americans are earning, and we cannot get an American to do that work, then it is appropriate to say to a foreign national: If you want to come here and work under our conditions, abiding by our rules, we will allow you to do that and, of course, when you are done, you will return home.

That is the essence of the temporary worker program here. It is a good program. I hope my colleagues will appreciate that there are strong reasons for including it in this legislation, as I said, starting with the proposition that it will eliminate the magnet for illegal employment that exists today.

I urge my colleagues to oppose the amendment of the Senator from North Dakota.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the Comprehensive Immigration Reform Act we are debating right now is a long and complicated bill that touches on a number of important issues. It addresses the concerns I believe all of us have about securing our borders, something I strongly support, and that is long overdue. It addresses the need to hold employers accountable when they knowingly hire illegal immigrants, something which certainly under the Bush administration has not been the case.

This bill addresses the very contentious and difficult issue of how we respond to the reality that there are some 12 million illegal immigrants in this country today, and how we can carve out a path which eventually leads to citizenship, which is something I support.

But today I want to concentrate on one major aspect in this comprehensive bill, and that deals with the Dorgan amendment and the whole issue of guest laborers. That point centers around the state of the economy for working people in the United States and, in my view, my strong view, the negative impact this overall legislation will have for millions of Americans.

Let me begin by pointing to this quote, this quote right here, from Mr. Randel K. Johnson, the vice president of the U.S. Chamber of Commerce, which was reported in the New York Times on May 21, the other day. This is what Mr. Johnson said:

> We do not have enough workers to support a growing economy. We have members who

pay good wages but face worker shortages every day.

Mr. President, let me suggest that Mr. Johnson and many of the other big business organizations and multinational corporations that have helped craft this legislation are not being quite accurate when they make statements such as this. The major economic problem facing our country today is not that we do not have enough workers to fill good-paying jobs. Rather, the problem is we do not have enough good-paying, livable wage jobs for the American people, and that situation is getting worse. Over the last 6 years, 5.4 million more Americans have slipped into poverty, with the national minimum wage remaining at a disgraceful $5.15 an hour.

By the way, Mr. Johnson's organization, the U.S. Chamber of Commerce, opposes raising the minimum wage.

With over 5 million more Americans slipping into poverty, where are all those good-paying jobs these workers can't seem to find? Over the last 6 years, nearly 7 million more Americans have lost their health insurance. Where are all those good jobs that provide benefits such as a strong health insurance package? Where are all those good jobs Mr. Johnson talks about when millions of Americans are losing their health insurance completely or are asked to pay substantially more for inferior coverage?

In the last 6 years since President Bush has been in office, some 3 million American workers have lost their pensions. If all of these good jobs are out there, why are more and more Americans slipping into poverty, more and more Americans losing their health insurance, and more and more Americans losing their pensions?

From the year 2000 to 2005, median household income declined by $1,273. For 5 consecutive years, median household income for working age families has gone down. In other words, despite Mr. Johnson's assertion about all of the good-wage, good-paying jobs that are out there waiting for the American worker, the reality is, all over our country people are desperately looking for jobs that pay a livable wage. The real income of the bottom 90 percent of American taxpayers has declined steadily from $27.060 in 1979 to $25.646 in 2005. While women have done somewhat better in recent years, real median weekly earnings for males has actually gone down since 1979. Despite Mr. Johnson's assertion, the economic reality facing our country is that the middle class is shrinking, poverty is increasing, and the gap between the very rich and everybody else is growing wider and wider.

I am assuming most Members of the Senate took economics 101 in college. One of the major tenets of free market economics is the law of supply and demand. Under that basic economic proposition, if an employer is having a difficult time finding a worker—and Mr. Randel Johnson tells us that is the case—then the solution to that problem on the part of the employer is to provide higher wages and better benefits. That is what the free market economy is supposed to be about. That is what supply and demand is all about. If you are having a difficult time attracting workers, you pay them higher wages and better benefits, and they will come. I wonder how it could be that with a supposed scarcity of workers out there, wages and benefits are going down. That doesn't make a lot of sense to me. If Mr. Johnson were right, you would expect that wages would be going up, benefits would be going up. In fact, the opposite is true.

What this legislation is not about is addressing the real needs of American workers. It is not about raising wages or improving benefits. What it is about is bringing into this country over a period of years millions of low-wage temporary workers with the result that wages and benefits in this country, which are already going down, will go down even further.

Let's talk about what really is going on in our economy today. I ask unanimous consent to have printed in the RECORD a document entitled "May 2005 Occupational Wages and Estimates" which comes from the State of Vermont Department of Labor. That is the latest such report available.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 2005 VERMONT OCCUPATIONAL WAGE ESTIMATES

SOC	Occupation title	Reporting units	Employment	Mean
41-2011	Cashiers	399	9,950	8.71
41-2031	Retail Salespersons	537	9,910	11.88
25-9041	Teacher Assistants	183	5,840	n/a
43-3031	Bookkeeping, Accounting, and Auditing Clerks	1.660	5,710	14.14
29-1111	Registered Nurses	309	5.560	24.07
35-3031	Waiters and Waitresses	170	5,420	8.97
43-6014	Secretaries, Except Legal, Medical, and Executive	860	4.660	12.91
43-9061	Office Clerks, General	889	4,190	11.17
25-2021	Elementary School Teachers, Except Special Education	117	4,040	n/a
37-2011	Janitors and Cleaners, Except Maids and Housekeeping	640	4.020	10.51
53-3032	Truck Drivers, Heavy and Tractor-Trailer	315	4,000	15.64
43-6011	Executive Secretaries and Administrative Assistants	938	3.840	17.28
47-2031	Carpenters	182	3,550	16.20
49-9042	Maintenance and Repair Workers, General	600	3,280	15.06
43-5081	Stock Clerks and Order Fillers	333	3.240	10.19
43-4051	Customer Service Representatives	421	3,220	13.48
25-3099	Teachers and Instructors, All Other	132	3,070	n/a
31-1012	Nursing Aides, Orderlies, and Attendants	96	2,890	10.47
35-3021	Combined Food Preparation and Serving Workers, Inclu	146	2,860	8.58
25-2031	Secondary School Teachers, Except Special and Vocati	75	2,770	n/a
21-1093	Social and Human Service Assistants	109	2,740	13.40
53-7062	Laborers and Freight, Stock, and Material Movers, Hand	238	2.650	10.75
35-2021	Food Preparation Workers	257	2,570	9.04
37-2012	Maids and Housekeeping Cleaners	160	2.530	9.68
13-2011	Accountants and Auditors	730	2,490	26.10
37-3011	Landscaping and Groundskeeping Workers	229	2.440	11.32
43-4171	Receptionists and Information Clerks	542	2,400	11.22
41-1011	First-Line Supervisors/Managers of Retail Sales Workers	514	2,360	19.43
51-2092	Team Assemblers	70	2.330	12.71
43-1011	First-Line Supervisors/Managers of Office and Administr	743	2,230	22.36
41-4012	Sales Representatives, Wholesale and Manufacturing, E	408	2.210	24.81
53-3033	Truck Drivers, Light or Delivery Services	263	2,100	12.77
49-3023	Automotive Service Technicians and Mechanics	132	2.040	14.66
35-2014	Cooks, Restaurant	130	1,920	11.46
11-1021	General and Operations Managers	950	1,830	46.22
39-9011	Child Care Workers	79	1.810	9.97
35-9021	Dishwashers	164	1,760	8.06
51-1011	First-Line Supervisors/Managers of Production and Ope	464	1.650	24.46
35-3022	Counter Attendants, Cafeteria, Food Concession, and C	91	1,600	8.33
43-5071	Shipping, Receiving, and Traffic Clerks	428	1.590	12.96
25-2022	Middle School Teachers, Except Special and Vocational	88	1,580	n/a

Notes.—n/a = not available because employment or wage estimate was either not reliable or not calculated; + = indicates the top reportable wage, actual wage is at least this high and probably higher.

Source: Occupational Employment Statistics (OES) survey—released May 2006.

Mr. SANDERS. Let me discuss the 10 largest categories of employment in my State of Vermont and the wages workers earn who do that work. We will talk on some of them, not all 10. The occupation in Vermont with the most employment is that of being a cashier. Those are people who obviously work at retail stores and who take in money, make change. The average wage for this category of worker 2 years ago—these are the latest figures we have seen—was $8.71 an hour. Many of those workers have inadequate or no health care at all. That is $8.71 for that category of work in which more Vermonters perform than any other. Are these the good wages to which the Chamber of Commerce is referring?

In that same survey, the second largest job category in Vermont is that of retail salespersons. That mean hourly wage was, as of 2 years ago, $11.88 an hour. That is better than cashiers earn but less than $26,000 a year.

On and on it goes: bookkeepers in Vermont, $14.14 an hour; waiters and waitresses, $8.97; secretaries, $12.91; office clerks, $11.17 an hour; janitors and cleaners, $10.51 an hour.

I ask unanimous consent to print in the RECORD a list of jobs available today in northern Vermont and in the Littleton, NH, area as posted by the Vermont Department of Labor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Vermontjoblink.com, May 22, 2007]

1. Flagger

City: Newport, VT

Order Number: 47463

Basic Job Information: $10.00–$10.00, Full-time

Required Education: No Educational Requirement

Required Experience: No Experience Requirement

Flaggers are needed to work throughout the state. Employer will train and certify—no experience is nec., however ALL applicants must have valid VT Driver's License, their own, reliable transportation, and a telephone in their home. Work hours will not be flexible—40+ per week. Applicants must also be 18 years old. Please have company application completed before coming to course—DOL to hold. Those planning on attending course (to be held on May 29th from 9 am to noon CCV-Newport) must . . .

2. Dispatcher/Scheduler

City: St. Johnsbury, VT

Order Number: 47466

Basic Job Information: $11.00–$11.00, Full-time

Required Education: High School Diploma or Equivalent

Required Experience: 1 Year 0 Months

The Dispatcher/Scheduler reports to the Executive Director. Primary responsibilities include carrying out all procedures in dispatch, verifying client eligibility for Medicaid and/or other program subsidy. Verifying and changing appointments, questioning necessity or nature of treatment to the closest available facility. Schedules the passenger with a driver, notifying driver of specific information regarding trip/passenger. Schedules all rides with taxi companies at clients requests for . . .

3. Web Designer

City: Saint Johnsbury, VT

Order Number: 47470

Basic Job Information: $12.00–$25.00, Full-time or Part-time

Required Education: Associates Degree

Required Experience: 2 Years 0 Months

Web Technician Responsibilities include, Basic Web HTML maintenance, creating and sending weekly newsletters to e-mail data base, Creative internet marketing, and understanding and set up of merchant account cart options.

4. Home Care Attendant

City: St Johnsbury, VT

Order Number: 45721

Basic Job Information: $7.53–$7.53, Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 0 Years 3 Months

Home Care Attendant opening offering flexible schedule, weekdays and every other weekend required. Duties include providing household management assistance and minimal personal care to clients in their homes. May include light meal preparation, doing errands, cleaning, laundry and some socialization skills. If you enjoy helping others, working independently and having flexible hours you should apply. There is a shift differential for weekends/evenings. Training and orientation are provided . . .

5. Operations Manager

City: Lydonville, VT

Order Number: 46723

Basic Job Information: $40,000.00–$50,000.00, Full-time

Required Education: High School Diploma or Equivalent

Required Experience: 3 Years 0 Months

Earth Tech operates the Lyndon Wastewater Treatment Facility on behalf of the local community under an operation and maintenance contract. The Operations Manager will oversee the daily operations and maintenance of a .750 mgd extended aeration activated sludge secondary treatment plant with 3 employees. The plant has an ATAD system, Air Scrubber, and a Land Application program. Responsibilities include monthly reporting to the ANR, the client and Earth Tech. This position is responsible for . . .

6. Residential Crisis Counselors

City: Newport, VT

Order Number: 47441

Basic Job Information: $0.00–$0.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 0 Years 6 Months

Dynamic new crisis program is looking for mature, responsible, empathic counselors to work with adults with complex issues who need brief crisis intervention. Counselors will work with a team of clinical professionals providing supervision, peer recovery support, crisis intervention and discharge planning. All shifts and weekend coverage available. (This is shift work and not live-in employment). Will provide training. Full time & part time positions available.

7. Assistant Director. Adult Outpatient Services

City: Newport, VT

Order Number: 47442

Basic Job Information: $0.00–$0.00, Full-time

Required Education: Masters Degree

Required Experience: 4 Years 0 Months

Administers, coordinates and manages programs and services for Adult Outpatient Services. Mental Health & Substance Abuse, for St. Johnsbury area. This includes clinical and administrative supervision, budgetary controls, initiation and review of policies and procedures, and participation in quality control, assurance and improvement. Takes an active role in the development and implementation of new programs and services. May be assigned to act as the division director.

8. Store Clerk

City: W Danville, VT

Order Number: 47452

Basic Job Information: $8.00–$8.00, Part-time

Required Education: No Educational Requirement

Required Experience: 1 Year 0 Months

Job is fast paced therefore you must be able to multi-task. Lifting, stacking, cooking and cleaning involved. Must be customer service oriented and be able to run a cash register. Waitstaff experience a plus. Employer is looking for a self motivated, independent, reliable person. This job has potential of moving into a management position. Serious applicants only please.

9. CNC Mill or Lathe Setup Operator

City: Bradford, VT

Order Number: 46876

Basic Job Information: $11.00–$16.00, Full-time

Required Education: High School Diploma or Equivalent

Required Experience: 3 Years 0 Months

3–5 years experience on CNC equipment. Experience editing programs and/or programming would be a plus. Learning to program could be included in this position. Candidates need good math skills and attention to detail. Knowledge of geometry and trigonometry highly desirable. Full time position 6:30–3PM Monday-Friday with some flexibility of schedule possible.

10. Teacher

City: Lyndonville, VT

Order Number: 47415

Basic Job Information: $1,000.00–$1,000.00, Full-time

Required Education: Bachelors Degree

Required Experience: 0 Years 6 Months

This is a teaching position for an alternative high school for 9th through 12th grades with teaching experience in Math and Social Studies. This position would most likely involve troubled youths. This is a salaried position for the academic school year of 2007-2008. There is also a possible one-on-one paraeducator position opening with experience relevant to the above. This one would be an hourly position. Applicants must pass a criminal background check.

11. Real Estate Title Abstractor/Searcher (Legal Secretary)

City: St Johnsbury, VT

Order Number: 47423

Basic Job Information: $10.00–$13.00, Full-time or Part-time

Required Education: Associates Degree

Required Experience: 0 Years 6 Months

Full or part time Real Estate Abstractor/Searcher (Legal Secretary) needed. Qualified applicants will have excellent computer and communication skills as well as good writing, grammar and compositions skills, willing to learn, dependable with valid drivers license and reliable vehicle. Employer prefers someone with an Associates Degree and 3–5 years office experience. Job duties will include travelling to Orleans, Essex and Caledonia counties to search for land records.

Construction Laborer/Bridge Carpenters

City: Concord, VT

Order Number: 47409
Basic Job Information: $11.00-$11.00, Full-time
Required Education: High School Diploma or Equivalent
Required Experience: 0 Years 6 Months
Local construction company is seeking construction laborers and bridge carpenters to work in various sites throughout Vermont and Northern New Hampshire. Current jobs are located in Bradford, VT and West Lebanon, NH. Applicants must have a valid drivers license and employer would prefer someone with some construction experience. Job includes heavy physical work and occasionally work on Saturdays.

13. Loan Admin Support Staff
City: Littleton, NH
Order Number: 47359
Basic Job Information: $0.00-$0.00, Full-time or Part-time
Required Education: High School Diploma or Equivalent
Required Experience: No Experience Requirement
The successful candidate will perform a variety of clerical and administrative functions working within the Loan Administration department. Responsibilities include maintaining and updating loan files and insurance files, order supplies, reconcile loan checks, completing all loan files, and assisting the administration personnel when needed. This position is full time and comes with Career Opportunities and excellent benefit package.

14. Receptionist/Switchboard Operator
City: Littleton, NH
Order Number: 47360
Basic Job Information: $8.00-$10.00, Full-time or Part-time
Required Education: No Educational Requirement
Required Experience: No Experience Requirement
The successful candidate will greet and direct visitors in professional manner, sorts and distributes incoming mail, keeps current information up to date on locations, absences, travel plans, and is responsible for all incoming calls. The right candidate must have excellent communications and computer skills. This position has career opportunities, and comes with an excellent benefit package.

15. Director of Operations
City: Littleton, NH
Order Number: 47362
Basic Job Information: $0.00-$0.00, Full-time or Part-time
Required Education: Some College
Required Experience: 5 Years 0 Months
The right candidate will have direct leadership to ensure high quality patient care, fiscal responsibility, and employee satisfaction. Responsibility includes the overall business management. In addition to strong technical skills, you should be comfortable working in a team environment and fostering cross-functional teamwork. The individual in this role needs to have business savvy and be able to take initiative to identify/communicate/resolve discrepancies and drive process improvements.

16. Soldering
City: Littleton, NH
Order Number: 47363
Basic Job Information: $8.00-$12.00, Full-time or Part-time
Required Education: High School Diploma or Equivalent
Required Experience: 1 Year 0 Months
Previous experience in manufacturing as a machine operator is a plus.
Candidate will be responsible for soldering cables, working with hand tools, hand held machines, as well as assembling. On the job training is available.

17. Shipping / Order Processor
City: Littleton, NH
Order Number: 47365
Basic Job Information: $11.00-$11.00, Full-time or Part-time
Required Education: High School Diploma or Equivalent
Required Experience: 1 Year 0 Months
Excellent opportunity to work for a small business with worldwide clientelle. This position entails the following responsibilities: prepare product for shipping using various shipping methods, ability to lift 30 lbs on a frequent basis, all aspects of order processing including, but not limited to the following: quote/bid prices, customer service, invoicing, purchase orders to suppliers, and all accompanying paperwork. Experience in a manufacturing environment and a resume is required. Thi. . .

18. Machine Operator
City: Littleton, NH
Order Number: 47212
Basic Job Information: $8.00-$10.00, Full-time or Part-time
Required Education: High School Diploma or Equivalent
Required Experience: No Experience Requirement
Previous experience in a manufacturing environment as a machine operator is a plus.

19. Payroll Administrative Assistant
City: Littleton, NH
Order Number: 47215
Basic Job Information: $10.00-$14.00, Full-time or Part-time
Required Education: High School Diploma or Equivalent
Required Experience: 2 Years 0 Months
This position is full time and is responsible for payroll, payroll taxes, general ledger, inventory, excellent follow through and communications skills.

20. Sales and Marketing Analyst
City: Littleton, NH
Order Number: 47217
Basic Job Information: $8.00-$12.00, Full-time or Part-time
Required Education: High School Diploma or Equivalent
Required Experience: 2 Years 0 Months
This position requires a candidate who is detail oriented, multitasking, and can work in a fast pace environment. Excellent benefits come with this opportunity.

Mr. SANDERS. These are the jobs which are available today. If any Member of the Senate wanted to retire today and they wanted to run up to northern Vermont or to the Littleton, NH, area, these are the jobs which are available today, posted by the Vermont Department of Labor: If you wanted to be a flagger, you can make $10 an hour; if you want to be a dispatcher, $11 an hour; home care attendants, thousands of home care attendants taking care of the elderly and the frail make all of $7.53; store clerk, $8 an hour; construction laborer, $11 an hour; receptionist, $8 to $10 an hour; shipping, $11 an hour; machine operator, $8 to $10 an hour. On and on it goes. Those are the jobs available today in northern Vermont, what we call the Northeast Kingdom, and the Littleton, NH, area.

Over the years in Vermont and throughout this country, people have been trying to understand a very important concept: How much money does an individual and a family need in order to survive economically with dignity? That means having an adequate home, having a car that works, paying your electric bill on time, having some health insurance, having childcare for a child if that is what you need. That whole concept is called a livable wage—the means by which an American citizen can live in dignity.

For a single person living alone in the State of Vermont, that wage is $14.26 an hour. That is substantially more than the wage being paid in Vermont for a cashier, which is what more people do than anything else. If you are a single parent with one child, that livable wage is $21.40 an hour; single parent with two children, $20.59 an hour; two parents, two children, and one wage-earner, $24.89.

What is my point? My point is a simple one: Despite the Chamber of Commerce assertion that there are all these great-paying jobs out there and the major problem facing our economy is that we just can't find the workers to do them, I can tell you, in the Vermont-New Hampshire area, there are thousands and thousands of decent, hard-working people making 10 bucks an hour, 11 bucks an hour, 12 bucks an hour, less than that, and many of those workers have no health insurance. Many of those workers are having a hard time making ends meet.

Here is my concern about this legislation. At a time when millions of Americans are working longer hours for low wages and have seen real cuts in their wages and benefits, this legislation would, over a period of years, bring millions of low-wage workers from other countries into the United States. If wages are already this low in Vermont and throughout the country, what happens when more and more people are forced to compete for these jobs? Sadly, in our country today—and this is a real tragedy—over 25 percent of our children drop out of high school. In some minority neighborhoods, that number is even higher. What kind of jobs will be available for those young people?

This is not legislation designed to create jobs, raise wages, and strengthen our economy. Quite the contrary. This immigration bill is legislation which will lower wages and is designed to increase corporate profits. That is wrong, and that is not an approach we should accept.

Today, corporate leaders are telling us why they want more and more foreign workers to come into this country to compete with American workers. I find it interesting that just a few years ago, during the debate over our trade policy, this is what these same people had to say. Let me quote. According to an Associated Press article of July 1, 2004, Thomas Donohue, president and

CEO of the U.S. Chamber of Commerce, was quoted as saying that he "urged American companies to send jobs overseas" and that "Americans affected by off shoring should stop whining." Then he told the Commonwealth Club of California that "one job sent overseas, if it happens to be my job, is one too many. But the benefits of [outsourcing] jobs outweigh the cost." That was from an AP story, July 1, 2004.

Carly Fiorina, former CEO of Hewlett-Packard, said in January of 2004: "There's no job that is America's God-given right anymore," as her company Hewlett-Packard has shipped over 5,000 jobs to India, outsourced almost all of their notebook PC designs, production, and logistics to Taiwan, and manufactures much of their product in China. Ms. Fiorina may have had a point. A few years ago, she lost her job as CEO due to poor performance. But unlike the thousands of jobs she was responsible for shipping overseas, Ms. Fiorina walked away with a $21 million golden parachute.

I should add that Hewlett-Packard, among many other corporate leaders in outsourcing, just coincidentally happens to be one of those corporations most active in the immigration debate. In other words, if these large corporations are not shutting down plants in the United States, throwing American workers out on the streets, moving to China, where they pay people 50 cents an hour, what they are doing is developing and pushing legislation which displaces American workers and lowers wages in this country by bringing low-wage workers from abroad into America.

Mr. DORGAN. Mr. President, I wonder if the Senator from Vermont will yield for a question.

Mr. SANDERS. Mr. President, I yield.

Mr. DORGAN. Mr. President, on that point, I was thinking of something our colleague from Arizona said a few minutes ago. He talked about the fact they are going to provide substantial border security, No. 1. Then later he said the reason we have to allow guest or temporary workers—400,000 of them—to come into this country is if we do not let them come in, there will be more tension for illegal immigration. Well, where is the illegal immigration going to come from if you have secured the border? If you have not secured the border, isn't it the case that what you have simply done is said we are going to have 400,000 people come across the border or come into this country and assume jobs? Do you know what we will do? Let's just call them legal. Isn't there an inherent contradiction in what we just heard—and we will hear again, I am sure—the proposition that we have to have temporary workers because if we do not, people will come in illegally? How will they come in illegally if you have secured the border? And shouldn't you first secure the border in a way that is credible?

Mr. SANDERS. Mr. President, I agree with my friend from North Dakota. But he will remember something else. Doesn't this argument about passing legislation that will stop illegal immigration ring a bell in terms of the debate we had over NAFTA? Does my friend from North Dakota remember that one of the reasons we had to pass NAFTA was to improve the economy in Mexico so workers there would not be coming into this country?

It sounds to me as if it is the same old tired argument. It certainly has not worked with regard to NAFTA. Since NAFTA has passed, among many other things, there has been a huge increase in illegal immigration. The point the Senator makes is quite right.

Mr. DORGAN. Mr. President, if the Senator will yield further, this is another piece of evidence that in this kind of discussion in the Congress, you never have to be right; all you have to have is a new idea—and you just keep coming up with new ideas that are wrong.

The Senator is perfectly correct with respect to NAFTA. In fact, the same economists who were giving all this advice about NAFTA, who were fundamentally wrong, are now giving us advice on this issue and telling us how they are going to create new jobs and all of these related issues.

The fact is, at its roots, isn't it the case that what this kind of temporary worker provision does is put downward pressure on the income for American workers and bring in low-wage workers to assume American jobs? Isn't that the case?

Mr. SANDERS. Mr. President, that is exactly right.

I know the Senator from North Dakota has been very strong on this issue. We are looking at two sides of the same coin, with the result that the middle class gets squeezed and workers are forced to work for lower wages. That is, on one hand, a trade policy which corporate America pushed through the House and the Senate that says we can shut down plants in America, run to China, pay people there pennies an hour, and bring those products back into America. They have laid off millions of American workers. On the other side of the economy, we still have service jobs in this country, some of which may pay a living wage. Many of them do not. American corporations and companies say: We need to be able to make more profits, so if we cannot shut down restaurants and McDonald's in America and take them to China, well then, I guess what we have to do is bring those workers back into the United States. But as the Senator from North Dakota just indicated, the end result is the same: more and more workers experiencing cuts in their wages, poverty in America increasing, and the middle class shrinking.

Let's not forget—I think a lot of people do not know this, and the media does not necessarily make this point—behind a lot of this immigration legislation stands the largest corporations in America, one of them being Microsoft, having played a very active role in this debate. Here is what the vice president of Microsoft said, as quoted in BusinessWeek in 2003:

> It's definitely a cultural change to use foreign workers, but if I can save a dollar, hallelujah.

Four years ago, Brian Valentine, Microsoft's senior vice president, urged his managers to "pick something to move offshore today."

The CEO of Microsoft has said—this is Steve Ballmer; this is relevant to this debate—"Lower the pay of U.S. professionals to $50,000 and it won't make sense for employers to put up with the hassle of doing business in developing countries.

Lower the pay of professionals in America.

What I find interesting about corporate America's support for this type of legislation is their arguments now distinctly contradict the arguments they made when they told us how good outsourcing is for this country and how good our trade policies such as NAFTA and permanent normal trade relations with China would be. What hypocrisy. One day they shut down plants with high-skilled, well-paid American workers and move to China. That is one day. On the next day, after having shut down a plant with highly skilled workers, they have the nerve to come to the Congress and tell us they cannot find skilled workers to do the jobs they have. Give me a break.

I think we all know what is going on here. Greed rather than love of country has become the driving force behind corporate decisions. While corporate profits are at their highest share of gross domestic product since 1960—up more than 90 percent since President Bush took office—median earnings are at their lowest share since 1947. In other words, as a result of all of these policies, people on top—corporate America—are doing very well. The middle class is struggling. While millions of workers are working longer hours for lower wages, the CEOs of major corporations are now earning 400 times what their employees make.

Today, in America, the top 300,000 Americans earn nearly as much income as the bottom 150 million Americans combined. Today, in America, the richest 1 percent own more wealth than the bottom 90 percent, and we now have the most uneven distribution of wealth and income of any major nation on Earth. That is the reality, and these immigration policies, these trade policies, are directly causing this disparity of wealth and income.

We hear over and over again from large multinational corporations that there are jobs Americans just will not do and that we need foreign workers to fill those jobs. Well, that is really not quite accurate. If you pay an American or any person good wages and good benefits, they will do the work.

In June 2005, Toyota, in San Antonio, TX, announced the opening of a plant. That plant received, in a 2-week period, 63,000 applications for 2,000 jobs. That story has been repeated all over this country. If you are going to pay decent wages, they will come and they will do the work. Yes, it will be difficult to attract an American worker to work in, say, a meatpacking house if the pay is 24 percent lower today than it was in 1983—24 percent lower. But guess what. In 1980, when the wages of meatpacking workers were 17 percent higher than the average manufacturing sector wage—because they had a strong union—American workers were prepared to do that difficult and dirty job. They did it because they were paid well. They had a union. They had dignity.

I have talked about the crisis in terms of low-wage jobs. Now let me say a few words about the problems facing our country in terms of higher wage jobs.

While our corporate friends bemoan the lack of skilled professionals and want to bring hundreds of thousands of more employees into this country with a bachelor's degree, an M.A., or a Ph.D., earnings—while this process goes on—of college graduates were 5 percent lower in 2004 than they were in 2000, according to White House economists. In other words, for college graduates, their earnings are also in decline. But what this legislation does is expand the opportunity for people with M.A.s and Ph.D.s and B.A.s and B.S.s to come into this country. When it comes to the H-1B visa, our corporate friends tell us Americans cannot do it. We cannot do that work. We are either too dumb or just not willing to do the following jobs.

Let me for a moment mention some of the eligible occupations for H-1B visas that Americans are, apparently, too dumb to be able to do: information technology/computer professionals, university professors, engineers, health care workers, accountants, financial analysts, management consultants, lawyers—my God, if there is one thing in this country, one area where we have too many, it is lawyers; I am not sure there is a pressing need to bring more lawyers into this country—architects, nurses, physicians, surgeons, dentists, scientists, journalists and editors, foreign law advisers, psychologists, technical publication writers, market research analysts, fashion models—fashion models—and teachers in elementary or secondary schools. I just did not know we were incapable of providing teachers in our elementary or secondary schools.

Having said that, I do recognize we do have a serious problem in terms of labor shortages in some areas. That is true. But, in my view, our major strategy must be to educate our own students in these areas so they can benefit from these good-paying jobs. These are the jobs which are paying people good wages. Rather than bringing people from all over the world to fill them, I would rather our kids and grandchildren were able to do these kinds of jobs.

Let me give you one example. Right now, it is absolutely true that we have a major shortage of nurses in this country. That is true. But at the same time as we have a major shortage of nurses, some 50,000 Americans last year applied to nursing schools, and they could not get into those schools because we do not have the faculty to educate Americans to become nurses. How absurd is that? So it seems to me, before we deplete the Philippines and other countries of their stock of nurses—doing very serious harm to their health care systems—maybe, just maybe we might want to provide educators in this country for our nurses. The same thing is true of dentists. It is a very serious problem with regard to shortages of dentists. Yet in dental schools all over this country we lack faculty to educate people to become dentists. While there is a dispute as to whether we do have a shortage in information technology jobs, there is no doubt we should make sure that enough Americans—far more Americans—are better educated in math and computer science than we are currently doing.

The bottom line is we need to take a very hard look at our educational system and, among other things, make college education affordable to every American while we increase our focus on math and science. How absurd it is that hundreds of thousands of low-income kids no longer are able to go to college because they cannot afford it, and then we say: Well, we don't have the professionals we need in this country; we have to bring them in from abroad. So the long-term solution is making sure college is affordable and improving our public schools so our people can fill these jobs.

As this debate on this bill continues, I am going to do everything I can to make sure any immigration reform legislation passed by this body has the result of lifting wages up and expanding the middle class, rather than doing the contrary.

Mr. President, thank you very much.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to cooperate with my friend from California. I have been here for the debate with the Senator from North Dakota, and I want to respond.

If the Senator needs 5 or 8 or 10 minutes——

Mrs. BOXER. Ten minutes.

Mr. KENNEDY. Then I will be glad to withhold and speak after that time.

Mrs. BOXER. I thank the Senator so much.

Mr. KENNEDY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, can the Chair tell me when I have gone about 9 minutes, and then I will wrap up.

Mr. KENNEDY. Madam President, if the Senator will permit me, I ask to be recognized at the conclusion of the remarks of the Senator from California.

Mrs. BOXER. Madam President, would the Chair inform me when I have 1 minute left of my 10 minutes so I can wrap up at that time?

The PRESIDING OFFICER (Mrs. MCCASKILL). She will.

Mrs. BOXER. Thank you very much.

Madam President, I come to the floor this afternoon—I wanted to be here for this entire debate, but I have been chairing a hearing over in the Environment and Public Works Committee, where our attorney general, Jerry Brown, is here to make a very strong and persuasive case for our State and 11 other States to begin to take on the issue of global warming in terms of emissions of movable sources, mobile sources—cars. I came over as soon as I could.

I am so grateful to Senator DORGAN for once again showing the leadership to offer us an amendment that I think has tremendous merit and that is to strip from the immigration bill this guest worker program. I wish to make it clear that this guest worker program has nothing to do with the agricultural jobs program that is in this bill that I support, a bill that has been vetted at hearings. We know there is a need. There seems to be very little, if any, disagreement on that portion of the bill.

But this is a generalized guest worker program. I did hear the comments of Senator SANDERS. I wish to associate myself with his remarks. Senator SANDERS makes a brilliant point. How many times have we seen workers huddled in a corner with tears in their eyes because they received a notice that they have been laid off—not by the tens, not by the twenties, not by the hundreds but sometimes by the thousands. Big employers in this country seemingly with nowhere to turn tell us: Oh, my goodness, we have to compete, we have to pare down our employment, and they lay people off. Those same employers are now begging for a guest worker program. Why? You have to ask yourself why? I do have a degree in economics, but I would say that was a long time ago. You don't need a degree in economics to understand what is at stake. These large employers want a large, cheap labor pool that they can draw from. My colleagues on the other side say: Oh, we are protecting those workers. Oh, they will be fine.

No, they will not be fine. How many workers do you know ever in the history of America who have to leave after 2 years and wait a year to come back to a program, leave after the next 2 years, come back, and by the way, how powerless are these workers, these temporary guest workers? They know if they say one thing to criticize, perhaps, a manager or to complain or to beg for a sick day because they have a sick child at home, when they know they have no power, everything rides on their being able to come back into the country because the employer says they can come back in. We are setting up a system of exploitation. We are setting up a system with this generalized guest worker program, a system that will put downward pressure on the American worker. We are already worried about what is happening with trade.

Many of us have been saying for years: Where are the workers' rights in these trade agreements? Where are the environmental standards? Now they claim they are coming in with these agreements. I will believe it when I read the fine print. But the point is we are already in trouble, our workers are, competing with workers from around the world. Now we are bringing them in here, 400,000 a year, every single year, millions of workers.

Now, I know my dear friends who put this together tried their best to bring us a fair bill, but this is not fair. I know my friends who worked so hard to put this together said: Well, we have to give up something to get something. I know that, believe me. I just brought my first bill to the floor as a chairman. It was tough, very tough. I understand that. But there is a point at which you have to say: Time out; let's look at this. This isn't good. I say we make this bill so much better if we can strip out this generalized guest worker program. I think Senator SANDERS has shown us, by way of his research, that this whole thing is a phony request that we need these workers, when we already know that big business is laying off our workers.

I think we have to look at what we are about to do. The underlying bill takes 12 million undocumented immigrants, most of whom are in the workforce already, and they put them on a path to legality. I support that. If they have worked hard and if they have played by the rules and if they are good people, I support that. It is not amnesty. I have seen what this bill does. They have to pay heavy-duty fines. They have to get in the back of the line. That is fine. But on top of the 12 million workers, we then have our regular program of green cards. Madam President, 1.1 million receive green cards; 1.5 million in 2005 were given temporary worker admission. So here we have a circumstance where we are legalizing 12 million people, most of whom are workers; we have another 3 million who come in every year, plus we have our regular immigration system, and now we are adding on top of that 400,000 workers a year.

Now, according to the Economic Policy Institute, nearly 30 million Americans make an average wage of $7 an hour. The plight of these working poor is not getting better. In fact, real wages for the bottom 20 percent of American workers have declined from 2003 to 2005. Let me repeat that. Real wages between 2003 and 2005 have declined. People cannot live on $7 an hour, to be honest with you. I was going through my son's old pay stubs when he worked his way through college in the 1980s. He worked as a clerk at a grocery store. He made $7 an hour in the 1980s; $11 on the weekend. A good job. That is what a lot of the workers still make. That is not right, to stagnate like that. It is not right.

Now, you add to the fact that our workers are losing ground; you say 400,000 guest workers. By the way, if we did this industry by industry, it might make a little more sense, but oh, no. These workers can come in and go anywhere. They can go anywhere. So it is a pool of cheap labor at the expense of the American workers. It is as simple as that. I don't think it takes an economics degree to understand it. Our colleagues say: Well, these are jobs that American workers would not take. Baloney. We heard the jobs. A lot of them are good jobs.

We are going to work on this. We may not make this amendment. I hope we win it. I think everyone who cares about American workers today should vote for the Dorgan-Boxer amendment and strip this guest worker program from the bill—leaving the AgJOBS in place, of course—but strip this from the bill. Get rid of this terrible program. If that doesn't work, there will be amendments to cut it in half and maybe more. Let's do that. I will have amendments to make sure there are some checks on this program, that if more than 15 or 16 percent of the workers don't obey the rules and stay here, even though they are supposed to go back, the program will be finished, over, done.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mrs. BOXER. So there will be a series of amendments on this guest worker program.

I also will have an amendment that has the Department of Labor certifying that this guest worker program is good for America. It is good for the American worker. If they cannot so find, they will tell us, and we will have to reauthorize this program every single year. This is written in a way that no matter what the unemployment rate, no matter what is happening on the ground to our workers, 400,000 guest workers come in. Imagine that. Imagine that. Imagine a time in America where we could be up to 8 percent, 9 percent, 10 percent unemployment. I have lived through those days, and I know the Senator from North Dakota has as well. But there is no automatic change in this program. We will still have 400,000 workers a year coming in. We have to put a check and balance on that program.

So I want to be able to vote for an immigration bill that is fair and just. This program is unfair. It is unjust. It will place downward pressure on the American worker who is struggling as we speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I am going to address the Senate on a different but very important issue and ask that these remarks be placed in the appropriate place in the RECORD and then address the amendment that is before us.

I see my good friend from Florida wishes to address the amendment, and we have notified our leaders that we are hopeful we will be able to get a vote in the not-too-distant future, for the benefit of Members. I wanted to speak now briefly, if that is all right.

The Senator from Florida has been waiting a good deal of time, so if he would like to take 10 minutes and speak, I plan to be around here anyway, so if he would like to do that, I will be more than happy to do that.

Mr. MARTINEZ. That would be fine.

Mr. KENNEDY. I ask unanimous consent to be recognized after the Senator from Florida speaks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized for 10 minutes.

Mr. MARTINEZ. Madam President, I wanted to speak on the subject of the Dorgan amendment and maybe try to set the record straight on some things.

It is obvious that there is a different point of view on the relative merits of this amendment and also on the situation our country faces today relative to labor. I come from a State where the unemployment rate is barely above 2.5 percent and where, frankly, there is a shortage of workers to do any number of jobs, from picking citrus to working in our hotels and many other tourist attractions. That is a fact of life. When you talk to the hospital administrators of our hospitals, they will tell us without a doubt there is a shortage of nurses. Our Governor very wisely has created some programs to enhance the number of nurses in our State by providing expanded educational opportunities. But the fact remains, we do have a problem. From time to time, there are needs for workers that our Nation simply cannot meet. To say otherwise simply would be ignoring the reality we face today.

So as we speak to this issue, I wish to try to go through several aspects of the bill that I think are important to keep in mind as we talk about this guest worker program. The eligibility requirement for Y workers, this is what the workers must do. They have a valid labor certification issued within 180 days. They have to have eligibility to work. They must have a job offer from a U.S. petitioner employer, and they must also have the payment of a processing fee and the State impact fee. Whatever State they are going to be going to, there is going to be an impact on that State as it relates to health care and schools and whatever else, and that impact fee will be paid to the States. They have to have a medical examination and, very importantly for our national security, a complete criminal and terrorism-related background checks. They also must not be inadmissible or ineligible, meaning if we have deported you before, you need not apply.

Here is something else. For the Y-3 visa, they must have a wage 150 percent above the poverty level for the household size, and if they come with their families, which Y-3s would be allowed to in very limited numbers, they also must have insurance for their family as they come.

Now, if a worker fails to timely depart at the time that his temporary worker status is up, they will be barred from any future immigration benefit except where the applicant is seeking asylum. So it means that when the time is up, if you don't leave, you have quit playing the game, you are not coming back.

Here are some of the requirements that are placed on the employer before they can bring in an employee to work under this program. The employer of the Y visa worker must file an application for labor certification and a copy of the job offer. They have to pay a processing fee, so that this is a pay-as-you-go program. They must also make efforts to recruit U.S. workers for the position for which the labor certification is sought. Now, they must start recruiting no later than 90 days before the filing day for the application to the Department of Labor, and they must also, as part of their requirements, advertise in the area where the job is sought to be filled.

They advertise with labor unions, other labor organizations, and the Department of Labor Web site saying: Please come work for me, we have a job available. Then and only then, if there is a certification that the job goes unfilled, could a guest worker come to work on our shores.

The Secretary of Labor and the employers must attest that it will not displace, nor adversely affect, the wages or working conditions of U.S. workers, and that the wages will be paid not less than the greater of the actual wage paid by the employer to all similarly situated workers or the prevailing competitive wage.

We are doing this because there is a need, not because we simply want to. It is obvious that all of us would love to see American workers flourish first and foremost, but the facts are such that this is a necessary thing that we must have in our economy.

As to the issue of whether it will help border security, I happen to believe if we have a legal means for people to come across the border to meet that same supply and demand we are talking about—there is a demand for workers, there is a ready and available supply—those two are going to meet one another, and we are going to enhance our border security.

But would it not help border security if we also had a legal means by which people could come and work in this country? Of course, it will. That will give us a safety valve. It will give us an opportunity for legal workers to come to work for a period of time to fulfill a need when necessary—after certification, after advertising, and for the prevailing wage in that area. I think it is a reasonable thing to do. It is part of what our economy needs.

I could get into all kinds of other issues, such as wage scale and foreign trade and issues such as that, but I don't know that they are relevant to the subject at hand.

I do hope my colleagues will support defeating the Dorgan amendment because I believe this amendment would not only do great harm to the bill, it would be the end of this very comprehensive immigration bill. At the same time, in this bill I think we have, negotiated through this process, carefully balanced the needs of our economy with the rights of workers, as well as made sure that we are keeping a good balance between the needs of the economy and also that which is necessary to be fulfilled by a foreign workforce.

I see the Senator from Massachusetts on the Senate floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank my friend from Florida for his comments and helpful statements.

Madam President, I ask unanimous consent that the time until 5:45 p.m. today be for debate with respect to Dorgan amendment No. 1153, prior to a vote in relation to the amendment, with no amendments in order prior to the vote, and that the time be divided as follows: 20 minutes under the control of Senator DORGAN and the remaining time equally divided and controlled between Senators KENNEDY and KYL or their designees; and that at 5:45 p.m., the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I yield myself 12 minutes.

Madam President, we have the Dorgan amendment that is before us and will be acted on at 5:45 pm. It effectively eliminates the temporary worker program that provides for 400,000 visas a year. Let's understand where we are. It is important to look at the total legislation to understand each part of it.

First of all, Madam President, we have very tough border security proposals. That has been talked about and will have a greater opportunity to talk about those enormously important provisions.

Secondly, it has very important interior enforcement proposals. That is very important. It does not exist today. It didn't exist in the 1986 Act. I opposed the 1986 Act. President Reagan signed the Act and amnesty was part of it. But, the 1986 Act was a different proposal and legislation and has no relevancy whatever with this. So, this legislation has tough border security and tough interior enforcement provisions.

The legislation does have an impact on chain migration, which will be an issue to debate and discuss later. The legislation does include a temporary worker program. There are provisions that many in this body felt were extremely important. They are included in this legislation. We've also included in this legislation assurance to the 12 million undocumented immigrants that are here that they will be safe and secure and not deported like a number of families were deported in my own state of Massachusetts in the city of New Bedford.

The legislation also eliminates the backlog. Some families have been waiting 20 years to be reunited with their families will now be reunited over eight years. That is enormously important. It has the AgJobs bill. I listened carefully to my good friend from California being opposed to temporary workers, with the exception of temporary workers in agriculture. We have an AgJobs bill for farmworkers who probably have the most difficult backbreaking job in America. This bill gives them the opportunity to emerge from the shadows and into the sunlight. This is enormously important. Many of us remember the extraordinary work of Cesar Chavez, who was a leader on the issue of farmworker rights. This bill gives the workers the respect they deserve. This amendment would deny many families the opportunity to see their children of undocumented workers get help and assistance after the children have worked hard, played by the rules, graduated from school but would be unable to continue their education.

This bill is a real sign of hope for many families. These are the concepts in the temporary worker program, which are the target of the Senator from North Dakota. He wants to get rid of the temporary worker program. We believe, as the Senator from Florida pointed out, even if you have a secure border—we are hopeful of having secure borders—it won't stop illegal immigration.

As the Governor of Arizona who probably knows as much about this as any other member of the United States Senate, has pointed out, you can build the fence down there, but if it is 49 feet high, they will have a 50 foot ladder. Talk to the Arizona governor. The fact of the matter is, some workers will come here illegally, or legally, one way or the other they come in. That is where the temporary worker program comes in. We say if we close this down, if we eliminate this program, you will have those individuals that will crawl across the desert and continue to die as they do now. Or you can say, come through the front door and you will be given the opportunity to work for a period of time in the United States—two years—and return.

Who are these people we are talking about? If an employer wants a temporary worker, what does that employer have to do? First of all, that employer has to advertise at the local unemployment office. Second, they have to advertise at their workplace. Third, they have to advertise in the newspaper. Fourth, they have to offer the job at the prevailing wage to any American. All of that applies. Prevailing wage. Even if the employer is not paying the prevailing wage to the others, he still has to pay it to the new employee and if they do more they have to pay to the guest worker what they pay to the other workers. If they pay an average of $10 at the facility, they have to pay $10 here.

Also they cannot have guest workers in high unemployment areas as well. Now, that is the situation. Now, what do they get when they actually arrive in here? What kind of protections do they have? This is what they will have. If they are guest workers, they are treated equally under U.S. labor laws. They are not treated that way today.

They are not treated that way today, but under our legislation they will be. The employers provide workmen's compensation. So they are provided by protections under OSHA. If they have an accident they get workman's compensation. The employers with the history of worker abuse cannot participate in the program. And there are strict penalties for the employers that break the rules. Now, what is happening today? What is happening today?

We have listened to the Senator from North Dakota. Let's keep it as it is today. Let's look at the program today. Look what happens to undocumented workers that were exploited. This is what is happening today in America. This is what happens today. That is what the Senator from North Dakota wants. He wants to continue what we are doing today.

Here is the New Bedford example. Workers rights were trampled on. They were fined for going to the bathroom, denied overtime pay, docked 15 minutes pay for each minutes they were late, they would be fired for talking while on the clock, forced to ration on toilet paper.

Why? Because they were undocumented. Without this program, temporary workers will come here and be exploited. That is the history of immigration. Read history. It is sad. That is what has happened. There is exploitation. That is what we are trying to deal with. That is what we are trying to deal with.

One in 10 workers is injured every year by sharp hooks, knives, exhausting assembly line speeds or painful damage from repetitive motions. Workers are subject to chlorine mist, lead to bloody noses, vomiting and headache. Undocumented workers don't report their injuries because they live in fear they will lose their jobs and be deported. That is what the problem is. That is what we are attempting to eliminate. And the idea that you just write an amendment and eliminate that is reaching for the stars. It just ain't the way it is.

It isn't me that is saying this. But you take the Governor Napolitano and others who have studied it and lived it, they understand it. So that is what the alternative is. Either we are going to have a program that is limited. Might not be the program that I like but, it is the program that is in there. Those workers are going to come on in here. They are going to have protections. If you close and try and slam that door, it isn't going to work. It is not going to work. That is what we have seen over a period of time. They are going to come in as long as the magnet of the American economy is there. That is what is happening. And the idea that you just say, oh, we're offering an amendment and just going to eliminate this and then everything will be all set, everything will be all worked out, everything will just be fine. It just defies logic, understanding, experience and the history of this issue. Under this program, those that come in here will have the kind of worker protections that they should.

And finally, we won't have the situation that we have now where you have the undocumented workers come in here. They drive the wages down because they'll work for virtually nothing. And that drives American wages down.

You want more of that? I don't. You want more of that? I don't. I don't. So I would hope that this amendment will not pass.

Madam President, I reserve my time.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. GRAHAM. Madam President, I believe Senator KYL has 19 minutes?

The PRESIDING OFFICER. The Senator has 18 ½ minutes.

Mr. GRAHAM. Madam President, I ask unanimous consent to be recognized for 8 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 8 minutes.

Mr. GRAHAM. Madam President, we will put Senator KENNEDY down in the "undecided" column on this issue, but I was very much persuaded by his argument.

The goal is to create a balance that will allow this country to move forward and not replicate the problems of the past, allow us to move forward and learn from our mistakes of the past, allow us to move forward in the best traditions of this country, and allow us to move forward in order to be competitive in a global economy.

The temporary worker program is one of the key elements of this bill. Why do we have 12 million people, plus, probably, here illegally? I think most of them came, hopefully they all came, not to destroy America but to earn more money here than they could in their home area. The problem is they are doing it illegally. They are subject to being exploited. There are no controls over how these people are being treated. There is no control over how they are paying taxes. It is a lose-lose. It is a losing situation for the economy and it is a losing situation for the worker.

If we do away with the temporary worker program, the only thing I can promise you for sure is the next Congress and the next generation of political leaders will look back on our time in shame. They will be cursing us because we failed to rise to the occasion and to logically deal with a problem that is crying out for a solution.

Providing a temporary worker program allows people from other parts of the world to make their life better on our terms. They will pay taxes. They won't be exploited. And before they get one of these jobs, we will have to advertise it in the area in question to American citizens. Only when an American citizen refuses to do a job in question can the temporary worker be hired, and at a competitive wage in order to take care of our people and also to take care of our economy.

This is a win-win. People from other places in the world can come through in an orderly process, get a tamperproof card, so we will know who they are. They will have a visa where they will never have to worry about being afraid of the law while they are here, as long as they obey the law. They can do jobs American workers are not doing at a competitive wage. That is a blessing to this country.

Everybody in the world doesn't want to come here to get a green card. There are a lot of people who want to come for a temporary period of time and improve themselves and go back and improve the country from whence they came. If we want to be competitive, we need to have the workforce vis-a-vis the rest of the world to make us competitive. If you take the temporary worker program out of the mix, then you are going to ensure in the future more illegal immigration. If you don't have a temporary worker program that is regulated, you are going to ensure exploitation.

From the economic side and the humanitarian side, we need to do this. If this amendment would somehow pass, then we will have repeated the fundamental mistake of the past. We will not have fixed a thing, and we will have ensured that more people will come here illegally, because the magnet will still attract them. We will ensure they get exploited, and we will hurt our economy because we can't regulate this workforce.

The Y card will be tamper proof. People will have to give a fingerprint; they will have to sign up; they will be regulated in terms of how they are treated; they will be paid a competitive wage, and we will know where they are and what they are up to; and we will allow them to work here and go back to where they came three different times, 6 out of 8 years, to better themselves. If they want to be a citizen, they can apply for a green card. The more points they earn during their temporary worker period, the more competitive they will be.

If they go to school at night, as my good friend KEN SALAZAR has suggested, if they get a certificate in an employment area and learn a skill, they will get points. If they get a GED, if they work hard during the day and improve themselves at night, then they get rewarded. Let me tell you about the individuals we are talking about. They work hard. Neither one of my parents graduated high school. They started a small business, a restaurant, where they opened before the sun was up and closed at 10 o'clock at night. They worked like dogs. When they were sick, they went to work, because there was nobody there to take their place.

The people we are talking about here are coming from other parts of the world and who are good workers. I am confident they will have a chance to prove their worth to our country, add to our economy, and make us a better nation. Some of them will want to become citizens, and they can. We need the Ph.Ds from India and other places, but we also need people like my parents, who will come and work hard, play by the rules, better themselves, and find a niche in our economy. Without a temporary worker program, we are going to ensure people come here in fear, live in fear, get exploited, and don't contribute to our economy.

This bill is as balanced as I know how to make it. I am always openminded to better ideas, but I am close-minded when it comes to destroying it. A temporary worker program is the key to not repeating the mistakes of the past, which is exploitation, not controlling who comes here, not having economic control over your workforce, and leaving people to be exploited. If it stays a part of this bill, we all can hold our heads up high and say we created a win-win situation that says to the hard-working person, who looks to America as a place to start a new life, to learn a skill, to improve themselves, there will be a place for you. Those who want to stay after their temporary worker period is over, you can get points to stay, and the more you do, the more you better yourself, the better chance you will have.

To me, it is exactly what we have needed for years. My good friends, Senator KENNEDY and Senator SALAZAR, and so many others, have sat down and tried to make this temporary worker program meet our economic needs and be humanitarian in its application. I think we have done a darned good job. For the sake of this country and all we stand for, let us keep this bill moving forward.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, may I ask how much time we have on our side?

The PRESIDING OFFICER. There is 11½ minutes remaining.

Mr. DOMENICI. And on the other side?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes 25 seconds, and the Senator from North Dakota has 20 minutes.

Mr. DOMENICI. Mr. President, I yield myself the 11½ minutes we have remaining.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DOMENICI. Mr. President, might I first say how good it is to see the Senator from Colorado in the chair as debate on this first crucial vote on this bill winds down. Because while sitting in the chair and presiding is a functional part of the Senate's normal operation, in this debate, for the Senator from Colorado and this Senator from New Mexico, it means a little more than that. My neighboring Senator, the new Senator from Colorado, has indeed spent a great deal of time and effort and applied some very good common sense, when others were not applying it, to this bill. He has done more than his share to see to it that we arrived here today at this point and can move ahead with a very difficult bill, with some very difficult propositions being put forth, and I commend him for that.

Let me say to those who are listening, I still want, at some point before we close debate, probably within the next 5 or 6 or 8 days, to talk to the Senate about my family and the whole history of how we got here—how we survived the immigration laws, which were very complicated 50 or so years ago when I was a little kid. They were so complicated that my mother was arrested by the Federal Government because they said she was not a citizen. She was arrested right in front of all of us children, only to find out there were some technical problems with her efforts to become a citizen. We had to sit there and watch her march off, as some people talk about happening to them today.

But today I want to talk about where we are with a complicated bill and what should happen tonight. First, many Members worked hard and long with two Cabinet members to weave together a very interesting bill to manage illegal aliens and aliens who want to come to this country to get ahead, as my folks did when they got on a boat and went to France and ended up in Albuquerque from the little town of Lucca in northern Italy. They came and followed the laws of that day. Others want the same thing.

The important thing to know is that relevant laws, and what has happened to immigrants, and how those laws have been applied to those people, is in shambles. Americans know that. Every day they tell us about something happening on the border, and then they remind us of those things because they are very upset and angry citizens. And what they are upset about is that we have a body of laws but those laws aren't being enforced because we are right up alongside some countries that are poor and whose people want to work and make more money than they can make at home by getting over here and getting a job.

Everybody should understand that the big problem here is the problem of economics. People from Mexico and other countries in or near this continent want to make a living and they can't make a living at home. Things are in disarray because that big force, that economic force, drives these people who have families they want to send money to, who are trying to get away from starvation. That is pushing everything into the ground and pushing people from what they should do to what they are doing, and lo and behold, there is a huge illegal immigration problem everywhere you turn.

In putting the pieces together, those who wrote the bill we have before us decided that, among all of the pieces, we needed to have a legalized temporary worker piece to this American fabric of a bill that will control guest workers henceforth. When we are finished, we will have a law that works against and in favor of, depending upon who you are and what you are doing, and will regulate the law applying to guest workers and undocumented aliens.

There is no question, according to those who worked so hard on this bill, that we need a temporary worker component in the bill. So they put it in there. It is a 2-year program. You get a special card, and you can work for 2 years as a temporary worker and then you must go home for a year. This is a temporary worker permit. It is different from anything else in the bill. Those who worked so hard to piece the bill together so that it would work said: Among the things we have, let's make sure we have a temporary worker permit.

This is not for agricultural workers only, and anybody who thinks it is does not know what is happening in America. The illegal aliens are working in all kinds of jobs. It would shock you to know what industries. If this bill works and these undocumented workers turn themselves in, we are going to have a great big shock in America when we find out who these individuals are, what they do, where they work and how they make a living. When those 10 to 12 million Americans show up and agree that they want to take a chance on America, that will be one phase of this bill. But even after that is finished, we will decide tonight whether there will be room for the next 50 years, or until we change it, for new people to come here and take a place as temporary workers in the United States, as described and defined, for 2 years, and then they must go home. They must stay home a year and then come back. Do we want that?

Those who have worked hard on this bill say a resounding: Yes, we do. We need it. It is part of the entire panorama of the pieces of the bill, and taken all together, we ought to vote aye and this part of the bill ought to stay intact. That will be the first indication tonight that we understand that those who worked hard to put this bill together deserve our confidence regarding this very important piece of legislation for temporary workers.

I hope everybody who is interested in a good law will keep this piece in the bill tonight when they vote. With that, I understand there are others who might want to speak on our side. I had the remaining time because no one was here, but since Senator SPECTER is here, I am going to yield. Whatever that does for him, I am glad to do it. I yield back any time I have.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 20 minutes; the Senator from Massachusetts, 4 minutes 25 seconds; the Senator from Pennsylvania, 3½ minutes.

Mr. DORGAN. Does the Senator from Pennsylvania wish to make his statement at this point?

Mr. SPECTER. Not now.

Mr. DORGAN. Let me be recognized and ask I be notified when I have 5 minutes remaining. It will be my intention to close debate on my amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this is a Byzantine argument. This has been interesting to listen to. It reminded me, sitting here, of Will Rogers. He once said:

> It's not what they know that bothers me, it's what they say they know for sure that just ain't so.

I am listening to this, and I am hearing, first of all, we have border security in this bill. We are going to beef up border security. We have it fixed.

Then I hear this: We have to have a guest worker provision. We have to have temporary workers come in because: One way or another those immigrants are coming across the border. You try to close that door, it is not going to work.

This from the people who wrote the bill. Two of them have said it. It seems to me what they are saying is we can't stop illegal immigration so let's try to figure out who is coming across and call them legal. That is what this looks like to me.

Let me say it again. Those who put this bill together say: One way or another, these people are coming in. We are not going to stop them. You can't close that door. It would not work. The solution? Make them legal.

What does that say to people across the world who have decided they want to come to the United States of America, and there is a quota by which their country can allow some people to come in, we will accept them. They put their name on the list 8 years ago and they have been waiting patiently to be able to come to our country legally. Now they discover that on the floor of the Senate some people put together a plan that says: It is true you waited for 8 years and you are still not here and you may be near the top of the list, but all those who came here through December 31 of last year, we will now declare that they are here legally.

What does that say to a lot of people around the world who thought this was on the level, that our immigration quotas were real quotas?

If this amendment fails, the one that says let's get rid of the temporary worker provision which will bring millions of additional people into this country at the bottom of the economic ladder—if this amendment fails, it doesn't mean we are not going to have immigrant workers. There will be a million and a half who come in legally with the quota system and the relatives and so on; and there will be over a million a year who come in working in agriculture, because this is not about agriculture. You are talking about over 2 million a year, even if my amendment fails.

But we are told: No, this amendment has to fail. We have to keep this temporary worker provision in the bill because if it is not in the bill, we have this finely structured, crafted bill that is not perfect—everybody who worked on it said it is not perfect. We get that. We knew that when we saw it. But if you pass this amendment, that changes this bill and the whole stool collapses.

There has been no talk about American workers today. This is about immigration. I understand that. But we have a whole lot of folks at the bottom of the economic ladder who went to work this morning struggling, trying to make ends meet. It has been 9 years since we increased the minimum wage in this country, 9 years for those American workers out there struggling at the bottom of the ladder.

I mentioned a while ago what is happening to American workers. You know it. Read the paper. Circuit City says: You know what, we have decided we are going to fire 3,400 of our workers. Because they are bad workers? Oh, no. They are making too much money. The chief executive officer of Circuit City makes $10 million a year. The average worker was making $11 an hour. So we decided we are going to get rid of them. They have too much experience and we don't want to pay $11 an hour, so 3,400 people get fired.

Bo Anderson, the top executive agent for General Motors in purchasing, calls in all the companies making parts for General Motors. Here is what he said to them: You need to outsource your jobs to China to reduce costs. Get those American jobs moving to China right now.

Pennsylvania House Furniture—I have told this story before. Governor Rendell told me about that. Fine furniture made by Pennsylvania House, top-of-the-line furniture with Pennsylvania wood and craftsmen who made great pieces of furniture. La-Z-Boy bought it and said: You know what, we will move all those jobs to China. We will ship Pennsylvania wood to China, bring it back, and we will still call it Pennsylvania House Furniture.

On the last day of work, when all those craftsmen lost their jobs, the last piece of furniture to come off that line they turned upside down and all those workers, those craftsmen at Pennsylvania House Furniture, signed the bottom of that piece of furniture, knowing it was the last piece of furniture they were going to make as American workers, craftsmen who knew their jobs and made great furniture. The last piece—they all signed it.

Somebody in this country has a piece of fine furniture called Pennsylvania House, signed by all the craftsmen who got fired because those jobs went searching for 20-cent and 30-cent-an-hour labor.

I am telling you, the same economic interests, the same corporate interests that are finding ways and searching for ways to ship American jobs overseas in search of 20-cent and 30-cent-an-hour labor are the ones pushing this provision through the back door.

I have heard precious little discussion today about the plight of the American worker. They say we don't have enough workers, can't find workers. One of my colleagues said we have jobs in America that Americans will not do at a competitive wage.

Oh, really? Is that the case? Or is it the case they are not paying a competitive wage and don't want to have to pay a competitive wage? I thought maybe we would have some people here who studied economics 101, about supply and demand. You are having trouble finding workers? Maybe increase the price of that job a little bit, increase the wage offer a little bit. You know these people who work in the hospital corridors keeping it clean at night, the people who make the motel beds, the people who are across the counter of the convenience store. You can't find workers? Maybe you better pay a little better wage. That is supply and demand, isn't it? But you don't have to do that if you can bring in people at the bottom of the economic ladder, bring in millions of them.

This Byzantine plan, let me tell you what it is: 40,000 temporary workers a year, they can stay for 2 years, they can bring their family for 2 years if they wish. Then they have to go home for a year and they have to take their family with them. Then they can come back for 2 years. Then they have to go home for a year, can come back for 2 additional years, but if they brought their family either during the first or second stay, they can only come back twice for 2 years. You think that is goofy? That is the plan. I am telling you, if you can read, open it up and read it and ask yourself whether that makes any sense at all.

Do American workers have a stake in this plan? You are damn right they do. American workers have a big stake in this issue, and I hear precious little attention to the plight of the American workers. People say they can't find them. I will tell you what, go read the newspaper and figure out who is throwing them out of work today. These jobs migrate to China. I can stand here for 15 minutes and tell you the name of companies that have laid off thousands, tens of thousands, in fact, 3 million and counting more jobs in search of cheap labor overseas. You want to go find somebody to do your work? Find the people who got laid off because their job got outsourced to cheap labor. You don't have to bring in millions of additional people—no, not 400,000 a year. Add that up over 10 years, 400,000 a year, plus an escalator, plus stay for 2 years, go home for a year, come back 2 years, go home for a year, come back for 2 years, do that every year and you are talking about millions of low-wage workers coming in to assume low-wage jobs in this country.

I wish to put in the record at this point letters from folks who run some of the labor organizations in our country: Terry O'Sullivan, Laborers International Union of North America; Joe Hansen, United Food and Commercial Workers, the presidents of those unions; James Hoffa, president, Brotherhood of Teamsters; Newton Jones, international president, Boilermakers Union; Bill Samuel, director of the AFL–CIO; Ed Sullivan, president of Building and Construction Trades—they all say exactly the same thing, support this amendment.

I ask unanimous consent the letters be printed in the RECORD and I reserve the remainder of my time and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 21, 2007.

DEAR SENATOR: On behalf of our more than 3 million members, our Unions write to urge your support for true immigration reform, but in opposition to immigrant worker abuse. That is why our Unions have joined together to support Senator Dorgan's effort to strip out the new guestworker provision of the compromise immigration legislation.

The compromise legislation has good and bad elements, but as the New York Times noted just yesterday, "The agreement fails most dismally in its temporary worker program . . . It offers a way in but no way up, a shameful repudiation of American tradition that will encourage exploitation—and more illegal immigration.

This is not a deal that we would have negotiated, nor one that our members—if they had an opportunity to ratify—would accept. Neither should the United States Senate.

Senator Dorgan's amendment to eliminate the new guestworker Y visa program is the right approach at this time. With a positive plan to provide earned legalization to as many of the 12 million undocumented workers as proposed, it is hard to justify the need for an additional 400,000-600,000 workers at the same time. This new visa program is a Bracero-type guestworker model, forcing workers to toil in a truly temporary status with a high risk of exploitation and abuse by those seeking cheap labor. In addition, we are all aware that the current guestworker programs are badly in need of reform. Those reforms should be addressed before any broad new expansion takes place.

We appreciate the difficulties in brokering a compromise on this critical issue, as well as the conflicting perspectives that need to be addressed. However, on this critical issue, we have made it clear from the very beginning that an agreement which forced future immigrant workers to be obligated into indentured servitude would be anathema to us. We are disappointed that such a provision was included in the legislation, but are gratified that Senator Dorgan will be offering an amendment which will permit Senators who oppose this provision a positive vote to improve the legislation, and take a stand in support of worker's rights—both domestic workers and immigrant workers.

We strongly support Senator Dorgan's amendment to strike the guestworker provision and urge your support for it as well.

Thank you for your consideration of this request. If you have questions or need more information, please feel free to contact Yvette Pena Lopes of the International Brotherhood of Teamsters, Bevin Albertani of the Laborers' International Union of North America, or Michael J. Wilson of the United Food and Commercial Workers International Union.

Sincerely,

JAMES P. HOFFA,
General President, International Brotherhood of Teamsters.
TERENCE M. O'SULLIVAN,
General President, Laborers' International Union of North America.
JOSEPH T. HANSEN,
International President, United Food and Commercial Workers International Union.

INTERNATIONAL BROTHERHOOD OF BOILMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS & HELPERS,
Fairfax, VA, May 22, 2007.

DEAR SENATOR: On behalf of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers, I write to express our concern over the pending immigration legislation, which includes an enormous guestworker program that would allow employers to import hundreds of thousands of temporary workers very year to perform permanent jobs throughout the U.S. economy.

This new Y visa program will force workers to labor in a truly temporary status with a high risk of exploitation and abuse by those seeking a cheap workforce. In addition, the current guestworker programs are badly in need of reform. Those reforms should be addressed before any broad new expansion takes place.

For this reason, we urge your support for the Dorgan-Boxer Amendment to strip out the Y guestworker provision of the compromise immigration legislation. The Y visa would lock millions of new workers into a life of virual servitude. This is not a deal that we would have negotiated, nor one that our members—if they had an opportunity to ratify—would accept. Neither should the United States Senate.

If the Dorgan-Boxer Amendment fails, the Senate will then have an opportunity to curtail the size, scope and potential negative impacts of this new program. The Bingaman Amendment would cap the Y guest worker program at 200,000 each year and eliminate the escalator that allows it to grow as much as 600,000 guestworkers a year.

Certainly, our Union understands the difficulties in brokering a compromise on this crucial issue, as well as the conflicting viewpoints that need to be addressed. However, on this issue. any agreement which forces future immigrant workers to be obligated into a virtual indentured servitude would be deplorable to us.

The Boilermakers urge you to support the Dorgan-Boxer Amendment and the Bingaman Amendment, which will permit Senators who oppose this provision a positive vote to improve the legislation, and take a stand in supprt of worker's rights—both domestic workers and immigrant workers.

Thank you for your consideration of this request. If you have questions or need more information, please contact Bridget Martin.

Sincerely,

NEWTON B. JONES,
International President.

AMERICAN FEDERATION OF LABOR,
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, May 22, 2007.

DEAR SENATOR: The pending immigration bill includes a massive guestworker program that would allow employers to import hundreds of thousands of truly temporary workers every year to perform permanent jobs throughout the U.S. economy. Without a real path to legalization, the program will ensure that America has two classes of workers, only one of which can exercise even the most basic workplace rights. For this reason, we urge you to support the Dorgan-Boxer Amendment to eliminate the Y guestworker visa program from the bill.

If the Dorgan-Boxer Amendment fails, the Senate will then have an opportunity to curtail the size, scope and potential negative impacts of the poorly crafted Y guest worker program. The Bingaman Amendment would cap the Y guest worker program at 200,000 each year and eliminate the escalator that allows it to grow to as much as 600,000 guestworkers a year.

The Y visa would lock millions of new workers into a life of virtual servitude. It does not belong in a bill whose alleged purpose is to relieve 12 million currently undocumented workers of the very same exploitations. The AFL-CIO urges you to vote for the Dorgan-Boxer and Bingaman Amendments.

Sincerely,

WILLIAM SAMUEL,
Director,
Department of Legislation.

AMERICAN FEDERATION OF LABOR,
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, May 22, 2007.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the twelve international unions of the Building and Construction Trades Department, AFL-CIO, I urge you to support the Dorgan/Boxer Amendment to strike the guest worker provision from the compromise immigration legislation.

Throughout the debate on comprehensive immigration reform the Building Trades have opposed the creation of a new guest worker program. We feel that American workers have enough downward pressure on their wages and the last thing they need is to have an influx of hundreds of thousands of temporary workers every year competing for their jobs at substandard wages.

If the Dorgan/Boxer Amendment fails, we ask for your support to curtail the size and scope of the guest worker program by supporting the Bingaman Amendment. The Bingaman Amendment would cap the guest worker program at 200,000 each year and eliminate the escalator that allows it to grow as much as 600,000 guest workers a year.

On behalf of America's construction workers and all the workers that would be negatively impacted by the implementation of the proposed guest worker program, we urge you to vote for the Dorgan/Boxer and Bingaman Amendments.

Sincerely,

EDWARD C. SULLIVAN,
President.

The PRESIDING OFFICER. Who yields time?

Mr. WEBB. Will the Senator from North Dakota yield 5 minutes of his time?

Mr. DORGAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has used 9 minutes. He has 11 minutes remaining.

Mr. DORGAN. Mr. President, I will be happy to yield 4 minutes to my colleague from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. I thank the Senator from North Dakota. I did not come to the floor to speak on this amendment. I have long admired the Senator from North Dakota in his sometimes lonely attempts to preserve the well-being of the American worker. But I couldn't sit and listen to his comments without saying a few words in support of this amendment.

There seems to be a trend running through the Congress that disturbs me. It is a trend of omission. I do not see enough people who are willing to stand up and speak on behalf of the people who are doing the hard jobs in this society. We can talk about all the benefits of different portions of this bill, but at the same time we are faced with a set of realities, not only with respect to the American workers but, in a broader sense, with respect to people in this country who are having to do the hard work of our society. Who is speaking for them? This used to be the function of the Democratic Party, to speak for them.

We are in a situation in this country right now where corporate profits are at an all-time high as a percentage of our national wealth. Yet wages and salaries as a percentage of our national wealth are at an all-time low. How does this happen? One of the ways that it happens is exactly what the Senator from North Dakota is talking about. We have these programs that benefit Wall Street, and they are not necessarily benefiting the people who are doing the hard work of our society, the wage earners who are getting cut out because of an underground economy.

I support, in many ways, the move toward giving permanent status to people who have come to this country illegally at one point and who have put down roots and who want to move into the mainstream of our society. But this particular portion of this bill is not designed to do that. It is designed to increase the difficulties that we already have. It is not a compromise, it is a fabrication.

I have that concern also when it comes to what we are doing on the Iraq bill. We are sending a supplemental back right now that is not in any way going to support the troops who are having to do the hard work in Iraq. We are going to be talking about benchmarks.

There is nobody in the Pentagon, there is nobody in the administration, there are precious few people in the United States Congress who are aware, in a measurable way, of what we are doing to the well-being of the ground troops who are having to go back to Iraq again and again.

If this is a conflict that is requiring that sort of commitment on the ground, then why isn't the administration talking differently about the number of troops it needs? Because the people who volunteered to go in the military are supposed to go again and again and do their duty.

Well, they are probably on their third and their fourth tours. I put in a bill, along with Senator HAGEL, that said you cannot send anybody back to Iraq unless they have been home as long as they have been gone. That, to me, is common sense if you have ever been deployed. I have had a father who was deployed. I have been deployed. I have had a son who has been deployed. I know what it is like. There are a lot of people who know what it is like. Unfortunately, they do not seem to be forcing the administration on that end.

We see it in areas such as what has happened to our gas prices here. We are going to get a vote on the Attorney General, apparently, a no-confidence vote. How about getting a vote on how the American people are getting ripped off at the pump? Those things can be documented. You can have all of the economic theories in the world about why these gas prices are going up. Gas was $24 a barrel when we went into Iraq. It is now close to $70. The people who are making money off of that are making money largely off of foreign policy.

The PRESIDING OFFICER. The Senator will suspend. The Senator has used 4 minutes.

Mr. WEBB. Fifteen seconds, Mr. President. There is a theme in this. The theme is that this is the party that is supposed to be taking care of the people who are doing the hard work of our society. There is no shame to stand up and say that what the Senator from North Dakota is proposing is for the good of the people who are doing the hard work of our society.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, how much time remains under my control?

The PRESIDING OFFICER. There is 3½ minutes remaining.

Mr. SPECTER. Mr. President, I yield that time to myself.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I urge my colleagues to reject the amendment by the Senator from North Dakota. This identical issue was considered by the Senate a little more than a year ago, on May 16 of last year, when Senator DORGAN made a similar motion, and I, in my capacity at that time as chairman of the Judiciary Committee, moved to table. The tabling motion was agreed to 69 to 28.

I submit that the same reasons which justified the rejection of the Dorgan amendment last year are applicable here. We have a situation in the United States where according to the Bureau of Labor Statics, the national unemployment rate for April, last month, 2007, is 4.5 percent, which constitutes virtual full employment. So there is a need for extra workers.

In structuring the bill, we have provided for flexibility so that the number can be raised or lowered depending upon what circumstances exist. We have taken steps to protect American workers who are available to fill the jobs with a statutory requirement that there will have to be extensive advertising before the guest worker program can be utilized and workers can be employed.

Last year, the bill was considered by the Judiciary Committee. This year we did not follow that process. Perhaps it was an error. Instead, we had very extended meetings over the course of the past 3 months, hour upon hour, customarily with as many as 12 Senators sitting to work out the issues.

This issue was considered at some length. But last year when the matter was before the Judiciary Committee, we had very persuasive, really compelling testimony by a number of prominent economists in support of the guest worker program.

On April 25, 2006, we had Harry Holzer, professor of public policy, Georgetown University, April 25, 2006, before the Senate Judiciary Committee testifying that most economists believe immigration is a good thing for the overall economy, that it lowers costs, lowers prices, and enables us to produce more goods and services and to produce them more efficiently.

We had testimony of a similar nature from Dan Siciliano, executive director of the program in law, economics and business at Stanford Law School on April 25 of last year. Similarly, Richard Freedman, professor of economics at Harvard University, testified on April 25, expressed his view:

> I think all economists believe from evidence that immigration raises not only the GDP of the United States because we have more people now to do useful activities, but it also raises the part of the GDP that goes to current residents in our country.

This year, on May 3, earlier this month, the Assistant Secretary of Policy at the U.S. Department of Labor, Leon Segeuira, testified that there were three fundamental reasons the United States needs immigration.

The PRESIDING OFFICER. The Senator will suspend. The time for the Senator from Pennsylvania has expired.

Mr. SPECTER. Mr. President, I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. The three reasons were the aging workforce we have, the necessity to maintain a higher ratio of workers to retirees, and, third, that immigrants contribute to innovation and entrepreneurship.

So I think we have a record basis that this guest worker program is useful, helpful to the economy, and that it is very important to the economy to have an adequate workforce.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, as I indicated, as the sponsor of the amendment, I would prefer to conclude the debate. So if Senator KENNEDY has additional time remaining, my hope is that he would take that time so I may conclude.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes 20 seconds.

Mr. KENNEDY. Would the Chair let me know when I have 20 seconds left?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. Mr. President, what we are trying to do in this legislation is have secure borders. Secure borders, not open borders. Secure borders.

Part of having a secure border is making sure the people who are going to come in are going to come in legally. The idea that you can have a secure border and close it completely is something that has never happened before and will not happen now.

The idea that you eliminate completely the guest worker program means what? It means you are going to have border guards who are going to be chasing after landscapers out in the middle of the desert and racing after people who might be working in gardens or as bartenders in the future.

You want your border guards to be going after terrorists and smugglers. How do you do that? You give a pathway for people to come here legally. When they come here legally they get the protections of the labor laws. If you do not do that, you think you can eliminate this program? You are going to have people who are going to come in illegally and they are going to be exploited day in and day out. When they are exploited day in and day out, it is going to depress wages. That is the way it has been. That is the way it is today.

That is the difference. Maybe you don't like this particular guest worker program. It is better than many others. Maybe you would like to shape it somewhat differently. That is the issue plain and square, plain and square. We are trying to take illegality out of this system: illegality at the border, illegality at the workplace, illegality in exploiting the undocumented, and illegality from the people who are here, if they are going to pay their fines, work hard, go to end of the line. We are trying to reduce illegality.

If there is anybody in this Senate who believes you can just say, no, we are going to close that border, 1,800 miles, and that is it—I would like the chicken pluckers to pay $10 or $15 an hour. They do not do it. They are not going to do it. Who are you trying to kid? Who is the Senator from North Dakota trying to fool?

These are the realities, the economic realities. No one has fought for increasing the minimum wage more than I have. But you have got realties that employers are not going to pay it. They are going to exploit people if you can get them here undocumented.

So that is the issue, Mr. President. I believe we have a reasonable program that makes sense. I think it makes sense from a law enforcement point of view. I think it makes sense in terms of protecting the wages of American workers under this program.

We are going to make sure that all of those who are coming here with the guest worker program are going to get the prevailing wage, they are going to be protected by OSHA, if they get hurt on the job they are going to get the workers' compensation. They are going to get those worker protections. If they are working on construction sites, they are going to be covered by Davis-Bacon.

You can either do it legally, or you can do it with the undocumented. That is not just the Senator from Massachusetts, that is Governor Napolitano who knows something as the Governor of a border State who has pointed this out time in and time out, Mr. President.

So I would hope this amendment would not be accepted.

I yield the floor, and I reserve whatever time I have.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes 52 seconds.

Mr. DORGAN. Mr. President, would the Chair advise me when I have 30 seconds remaining?

Mr. DORGAN. Mr. President, let me stand up and say a word on behalf of chicken pluckers. I had no idea that was the debate. But they will never get $15 an hour as long as we bring in cheap labor through the back door to pluck chickens.

I am more interested in the issue of manufacturing. I am interested in people who got up this morning and packed a lunch pail and they are going to have to shower after work because they work hard and they sweat and they do not get paid very much. They have waited for 9 years for an increased minimum wage; it has not come. They are worried about whether they are going to be there. They are worried whether they are going to be called into a meeting someday and be told: Your job is gone. We are either moving your job to China or we are bringing in someone from the back door to take your job at much lower pay.

That is what workers face now. No one in this Chamber will face it. Nobody. We all get up and put on a white shirt and a blue suit. We come here and talk. No one is going to lose their job. None of it is going to be outsourced, and no one who comes through the back door is going to jeopardize a job in this Chamber. It is not going to happen on an editorial board in a newspaper. It is just the folks this morning who got up and had an aspiration of going to their job and working hard and providing for their families. They are the ones who are wondering: What is my future?

Now, let me make a very important point. The assumption is that if we defeat the temporary worker program we are not going to have immigration. The fact is, we are going to have a million and a half people coming into this country under legal immigration having nothing to do with this program. We are going to have over a million people coming into this country for agricultural jobs having nothing to do with this program. Oh, we will have immigration. It is just that those who wrote this said: That is not enough. We want more.

Now, my colleagues keep saying: Well, if we dump this thing called temporary workers, they are just going to come here anyway. They are going to be illegal.

Wait a second. I thought you were going to provide border security. Now you are telling me there is no border security because if you do not decide to call them legal, they are going to come anyway. If that is the case, point to the area of this bill that says that you provided border security. You know, this is like Groundhog Day. We have been here once before, 1986. We are going to secure the border. Twenty years later, 12 million people are here without legal authorization. Now we are going to secure the border.

But now we are told at this hour, just before the vote on my amendment: Oh, by the way, if we don't provide for temporary workers to call those coming in legal, if we do not do that, they will come in illegally anyway. So, then, where is the border security? Is that a false promise? One of these two options is the case. You either have border security, and people are not going to come here by the hundreds and thousands because they can't, or you have no border security so you have decided we will just name them all legal and call them temporary workers.

My colleague cited a Harvard economist. Many of these economists cannot remember their home phone number, and they are giving us their thoughts on what is going to happen 5 years from now.

This one, Professor George Borjas from the John F. Kennedy School of Government at Harvard, said: Here is what has happened to U.S. workers. U.S. workers have lost income in the 20 years as a result of immigration. That is not disputable. Is anybody here disputing that? I don't think so. We have had downward pressure on U.S. income as a result.

This proposition in this bill says: You know what. That may be the experience, but we have not had enough of it. We want more. We want more of it.

Again, finally, if you decide to vote against my amendment, I want you to have a town meeting and explain it.

We allow 400,000 workers in the first year. They can come for 2 years. They can bring their family, if they wish. Then they have to go home for a year and take their family with them. They can come back after going home for a year, for 2 more years. Then they have to go home for another year. Then they can come back for 2 more years unless they decided to bring their family with them in the first place. In that case, they get two stays for 2 years, with 1 year back home in between. We will do that cumulatively, and what you have here in 10 years is roughly 12 million man-years of work by people who come in, leave, come in, leave. By the way, how many of you think these people are going to leave?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. DORGAN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to put in the record the extraordinary story that was in the Washington Post today, "First Called to Duty, Then Citizenship," about green card workers, members of the Armed Forces. We have 70,000 who are in Iraq and Afghanistan. So many of them are working toward earning their citizenship and defending America. It is a great story. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 22, 2007]

FIRST CALLED TO DUTY, THEN CITIZENSHIP

(By Brigid Schulte)

In a crowd of nearly 100 eager faces of newly sworn-in citizens on the grounds of Mount Vernon yesterday, three men in the front row stood out. Their black shoes shone to glossy perfection. Their backs were ramrod straight. One wore the crisp white uniform of the Navy. Another, the drab khaki of the Marines and a third, the dress uniform of the Army. Two had campaign ribbons from serving in Iraq or Afghanistan.

Until yesterday, the sailor, the Marine and the soldier were among more than 40,000 "green card" service members—non-citizens serving in the U.S. military. After swearing to defend the Constitution, Petty Officer Reginald Cherubin, 30, Marine Sgt. Brian Joseph, 38, and Army Sgt. Jeremy Tattrie, 24, joined another group: the more than 26,000 service members who have become U.S. citizens since the Iraq war began and the Bush administration expedited the citizenship process for military members. Seventy-five service members have received their citizenship posthumously since then.

It was the sight of Iraqis pulling down Saddam Hussein's statue in 2003 that led Tattrie, a Canadian by birth who was then in college in Florida, to join the military.

"I felt the call to duty," he said, clutching one of the small American flags that immigration officials had just passed out. "I just felt the urge to serve my country." Even though when he enlisted, the United States wasn't, technically, it.

The three were sworn in as the military and the country are engaged in a vigorous, divisive debate about what place immigrants should have in the armed forces and society at large.

The ceremony at George Washington's home took place as lawmakers on the other side of the Potomac River began debating a controversial immigration bill that would, among other provisions, grant legal status to virtually all undocumented workers, create a temporary worker program and tighten border controls.

The bill also calls for allowing the military to be a path to citizenship for a limited number of undocumented immigrants—those who were brought to the United States when they were younger than 16 and have been living here for at least five years.

The ceremony also came as some military experts want to open the armed forces to undocumented immigrants and foreign recruits to fill the ranks as the Army and Marines plan troop increases.

Critics fear a flood of recruits lured solely by the promise of legal status. "A very large number of non-citizens could change the purpose of the military from the defense of the country to a job and a way to get a foot in the door of the United States," said Mark Krikorian, executive director of the Center for Immigration Studies, which advocates restrictions on immigration. "It becomes a kind of mercenary thing."

Others argue that a liberalized policy could improve the armed forces. Margaret Stock, an immigration lawyer, Army officer and law professor at West Point, noted that during wartime, military brass can already sign up undocumented immigrants, some of whom have received citizenship.

"I think that it's great for the military to allow people to enlist who are qualified to be in the military," Stock said. "Having papers doesn't tell me whether someone's qualified or not."

Official military policy is to accept legal permanent residents with green cards, although Congress in January 2006 gave military leaders wartime powers to enlist anyone they deem "vital to the national interest."

At Mount Vernon yesterday, the three military men remained stoic as they were swarmed by photographers and TV cameras and held out by federal officials as the best that immigration has to offer.

"There's too much immigrant-bashing going on," said Dan Kane, a spokesman for the U.S. Citizenship and Immigration Service. Featuring the three military personnel "sends a powerful message that immigrants make a meaningful contribution to the United States."

Legal permanent residents serving in the military were given the right to apply for citizenship immediately by a wartime executive order signed by President Bush in 2002. In peacetime, permanent residents in the military are required to wait three years.

Nonetheless, there has not been a rush to obtain citizenship, according to Emilio Gonzalez, USCIS director. "After the executive order, we have not seen hordes of people joining the military," he said. "These people don't join the military just to become citizens. These people joined the military because they wanted to serve."

Cherubin, who immigrated in May 1999, joined the Navy a few months later and is based at Anacostia Naval Station, was the first to be called to receive his citizenship papers yesterday.

After high school in Haiti, there was nothing for him. He just waited for the day when his father, already in the United States, would call and say his visa had come through.

"When you live in a country like Haiti, you don't think about your future," Cherubin said. "You live day by day. The biggest dream you could possibly have is coming to the United States."

Cherubin joined the military so he could go to college. It wasn't until the attacks of Sept. 11, 2001, that he found a sense of purpose to his life in the Navy. An aviation planner, he was deployed to an aircraft carrier and readied F-18 hornets for bombing runs over Afghanistan.

"To be part of that, to be among the first people over there fighting back, it was a beautiful feeling," he said.

During the ceremony, Glenda Joseph slipped to the front row to snap a photo of her husband. She'd been after him to get his citizenship for the 14 years they'd been married. He'd always wanted to but procrastinated. Then he was deployed for 10 months, running convoys throughout Iraq, and there was no time.

Based in Quantico, Joseph is an aviation assignments monitor and is charged with moving 10,000 Marines around the globe. He moved from St. Vincent to Brooklyn, N.Y., with his family when he was 6. He's been in the Marines for 16 years, has earned two bachelor's degrees and is working on a master's degree.

It was time to make it official.

"At least," he said, "now I'll be able to vote."

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this amendment is very simple. It strikes the temporary worker provision. It does not mean there won't be immigration coming into this country. We will have 2.5 million people coming in under legal channels, agricultural work, so on. This is extra. We are told that 2.5 million is not enough. When you cast this vote, cast this vote on behalf of American workers who want American jobs that pay well, and that has been all too hard to find recently.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 1153.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 64, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—31

Baucus
Bayh
Biden
Boxer
Brown
Byrd
Casey
Clinton
Coburn
Conrad
Dorgan
Durbin
Feingold
Harkin
Inouye
Landrieu
Lautenberg
Leahy
Levin
McCaskill
Murray
Nelson (NE)
Reed
Reid
Rockefeller
Sanders
Stabenow
Tester
Vitter
Webb
Whitehouse

NAYS—64

Akaka
Alexander
Allard
Bennett
Bingaman
Bond
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Chambliss
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Nelson (FL)
Pryor
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Voinovich
Warner
Wyden

NOT VOTING—5

Dodd
Johnson
McCain
Obama
Schumer

The amendment (No. 1153) was rejected.

Mr. KENNEDY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank all of the Members.

If we could have your attention, please. We are lining up the amendments for tomorrow. I think Senator GRAHAM has an amendment. Senator BINGAMAN also has an amendment that is going to reduce these numbers down to some 200,000. We had that issue that was raised before. So we are trying to line up some amendments, trying to go back and forth during the morning. We would like those who have amendments and who are prepared to go, if they would talk with Senator KYL or myself, and we will try to do the best we can to both give the Members the information and to work out a process.

We thank all of our colleagues for their cooperation.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. CORNYN. Mr. President, I inquire whether we are going to bring up an amendment one at a time and that has to be voted on and disposed of or whether there will be an opportunity to offer multiple amendments and then work with the managers of the bill to try to queue those up for a vote at the appropriate time?

Mr. KENNEDY. Well, I thank the Senator. I think for the start of this debate we ought to try to do them individually. I think that is what the leaders had decided. We can see. As we make progress with the legislation, we can consult. But it does seem to me we ought to just take these. We have had a good debate, an extensive one on this issue, and it is enormously important. I think at the start of this we would like to do them individually. We will do the best we can to cooperate with people and their schedules, but I think we ought to try to at least follow that. Then we can see, as we make progress on the legislation, whether the leaders will decide on a different strategy to move them.

Mr. CORNYN. Mr. President, if the Senator will yield for one more question.

The PRESIDING OFFICER. Does the Senator yield?

Mr. KENNEDY. Yes, Mr. President, I am glad to yield.

Mr. CORNYN. Mr. President, I appreciate the response, and certainly we want to do this in an orderly fashion. But I think the majority leader and the Republican leader were very farsighted in extending the time beyond this week where we could actually consider amendments on the bill because I think there is a real need to have a full and fair debate and a free opportunity to offer amendments because, frankly, there are a lot of people who do not know what is in this bill yet. The final bill text was, I guess, filed last night, laid down at 9 o'clock. So it is very hard to fashion those amendments until we have bill text back from legislative counsel and the opportunity to craft those amendments.

So my only point is I hope we are going to continue to have the opportunity to offer those amendments, to have the debate, to have those votes, and not get into a time crunch. Two weeks seems like a long time, but with the kind of amendments, the number of amendments I know are going to be offered, I think we need to have this opportunity for a full airing of the issues and an opportunity to vote on those amendments.

The PRESIDING OFFICER (Mr. MENENDEZ). The majority leader is recognized.

Mr. REID. Mr. President, we want to have a full and complete debate on this bill. But my experience has been that if we do not follow having one amendment—if the managers do not like it, they can move to table it, or there are a lot of things you can do. But where we run into trouble is where you stack up a bunch of amendments that are pending because that is when the managers lose control of the bill. The people who have offered all the amendments control what goes on with the legislation.

So unless something untoward happens, I think we are so much better off having people offer amendments. If they are dilatory, the managers can move to table. If that does not work, then we can try something else. But for the foreseeable future, why don't we try to move through this one at a time.

I think the debate today has been excellent. There have been no surprises to what Senator DORGAN was going to do. I thought what would be the right thing to do is have—we have had a Democratic amendment. If the Republicans want to offer an amendment, let them offer the next one, and go back and forth. The next Democratic amendment, as far as I understand it, is the Bingaman amendment; is that right?

Mr. KENNEDY. Well, we are working that out. Senator GRAHAM may offer his amendment. Then, there would be an amendment—I expect the Bingaman amendment will be in the morning, some time in the mid, late morning.

Mr. REID. My only point is——

Mr. KENNEDY. Yes. We are trying to go back and forth. We are working together, Senator KYL and ourselves. If there seems to be two amendments on the same subject, we are trying to deal with those issues.

Mr. REID. Even tonight—there is an event for the spouses—if people want to stay and work, that is fine, they can do that, too. There are no time limits on how late we can work. I want people to feel they can work as late as they want. And we can have some late votes. I don't think there is anything wrong with that.

Mr. McCONNELL. Mr. President, let me just make the point that the key is how many votes are allowed. We were on this measure for 2 weeks last Congress; there were 32 votes. This process will work fine provided we get votes and move along and follow in an orderly process. But if that breaks down, the Senator from Texas has a point, that we need to get some amendments in the queue and try to handle them as rapidly as we can.

Mr. KENNEDY. Mr. President, the Senator from Texas raised probably four or five points that I know of in the course of these discussions. We are familiar with the general subject matter.

If I could have the attention of my colleagues, he had raised probably four or five issues that related to the title II. I listened to him this morning at the breakfast, and he raised a point on title II. So if he wants to, we are prepared to move ahead with the Senator's amendments. We are familiar with the general area. I know there are going to be drafting issues, but we are glad to accommodate that. We don't want the technical aspects to slow the process.

So we are familiar with those subject matters. The Senator could get a hard look maybe over tonight about the particular areas and then talk with us tomorrow, and we will make sure we have the time and that we are prepared to go ahead. We are more than ready to be here. We had a good afternoon. We enjoyed it. We started on it at a quarter to 3 and worked until 6:15. We are prepared to go this evening or tomorrow or tomorrow night or the following night. We are not trying to rush anybody, but we are prepared to do business.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. SCHUMER. Mr. President, I enter this statement in the RECORD in support of the Dorgan-Boxer amendment to strike the temporary worker program from S. 1348. While we certainly should fill jobs for which there is a shortage of American workers, it should be done on specific needs and based on traditional visas. I believe that the introduction of a large stream of low-skilled foreign workers would have a negative impact on the wages of American workers. Finally, I fear that the inherent flaws in this proposed system will, in time, recreate the very same undocumented worker crisis this bill seeks to eliminate. A graduation event for my daughter requires me to be away from Washington, D. C. on the afternoon of May 22, 2007, and regrettably prevents me from officially registering my support of the Dorgan-Boxer amendment.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, unfortunately, I had to miss today's vote on the Dorgan amendment to strike the new Y visa worker program in the bill. As currently designed, the temporary worker program in this bill is designed to fail.

The program in the bill proposes to create a new 400,000 person annual temporary worker program that could grow to 600,000 without congressional approval. It expands the existing seasonal guestworker programs from 66,000 up to 100,000 in the first year and 200,000 after that. At the end of their temporary status, almost all of these workers would have to go home. That means at the end of the first 3 years, we would have at least 1.2 million of these new guestworkers in the country with only 30,000 having any real hope of getting to stay.

As we have learned with misguided immigration policies in the past, it is naïve to think that people who do not have a way to stay legally will just abide by the system and leave. They won't. The current group of undocumented immigrants will be replaced by a new group of second-class workers who will place downward pressure on American wages and working conditions. And when their time is up, they will go into the shadows where our current system exploits the undocumented today.•

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The minority leader.

HONORING OUR ARMED FORCES

CORPORAL NICHOLAS J. DIERUF

Mr. McCONNELL. Mr. President, 2 days ago, family and friends gathered at the Dieruf family farm near Lexington to celebrate a birthday and continue an annual tradition.

If this year was similar to years past, they played games and shared stories around a bonfire. But unlike years past, one man was missing. That man is CPL Nicholas J. Dieruf, a U.S. marine.

Corporal Dieruf was taken from us on April 8, 2004. It is his birthday that brings so many people together, a tradition that started when he was in high school.

Corporal Dieruf was mortally wounded in the Al Anbar Province of Iraq. As the gunner of a light armored vehicle, his vehicle was in the lead of a convey when terrorists attacked with rocket-propelled grenades and small arms. He was 21 years old.

For his valorous service, Corporal Dieruf received numerous medals and awards, including the Purple Heart.

As the youngest of four brothers—where the eldest and youngest are separated by only 4 years—Nich learned quickly how to get along with others.

His mother Barbara sheltered him from the youthful pranks that his brothers, Charlie, Matthew, and Paul, tried to play on him, like when they almost convinced him to swallow an earthworm fresh from their mother's rose bed.

But Charles Dieruf, their father, instilled confidence and self-respect in his sons and reminded them that the only thing you will ever have in life is your brothers. By the time the boys reached grade school, they had developed a respect and admiration for one another that persists to this day.

Nich became especially close to Matthew, the second oldest brother, with a spirit and a temperament much like Nich's. In high school, Matt and Nich would take what they called "fun runs," jogging through the bluegrass countryside. Runs that started as training for the cross-country team soon became what Matt calls "a chance to get out and talk about stuff." Barbara says Nich always looked up to Matthew and valued his advice.

After graduating from Paul Laurence Dunbar High School, in his hometown of Lexington in 2000, Nich enrolled in classes at Lexington Community College that fall. That October, however, he joined the Marines.

That decision was an important step in Nich's transformation, as his older brothers watched the youngest brother who looked to them for advice become the man they themselves would turn to for counsel.

"When Nich was in town, everyone would come around," says his brother, Matthew. "People just gravitated to my brother."

Nich deployed to Iraq for the first time in early 2003 and quickly acclimated to the 14-hour workdays. His commanding officers noted his leadership qualities, and when his platoon commander had to break in a new staff sergeant, he assigned the sergeant to Corporal Dieruf's vehicle, to learn from the best.

The trust Corporal Dieruf's commanders placed in him with this decision became clear when you realize that a staff sergeant is two full ranks above a corporal. Another marine who worked with Nich, SGT Joseph Leurs, had this to say:

> Corporal Dieruf was extremely tactful. If he saw me doing something differently than how it was normally done, he would suggest we get a drink, and only then would he propose that I try it another way.

Sergeant Leurs went on to say that Corporal Dieruf earned the respect of those he served with, and never soured on his duties to the Corps.

Shortly before his first deployment, Nich gave a young woman named Emily Duncan a pearl ring—a promise ring, which he asked her to wear while he was away. Emily Duncan, who would become Emily Dieruf, wore his ring and sent him letters and care packages. When Nich returned from his first tour in July 2003, he asked Emily to replace that promise ring with a wedding band.

The young couple exchanged vows in January of 2004, and on February 18, shared their last embrace before Nich deployed for his second tour in Iraq. In a note Nich sent to Emily from Iraq, he described why he was honored to wear his country's uniform: "If you could see what I see, and compare it to back home," he wrote, "you would see why we are needed."

He was a loving, caring marine who believed deeply in what he was doing, his wife Emily says. Nich was especially proud of the work he and his fellow marines were doing for the Iraqi children.

Nich, who had demonstrated his gift for taking things apart and putting them back together as a boy, planned to enroll in the University of Kentucky's engineering program when he returned.

Then came that fateful day in April. Emily wrote Nich a letter and at the end of the day fell asleep. Shortly after midnight, she was awakened by a knock at the door. Looking outside to see a marine on her doorstep, her first thought was that Nich had come home to surprise her, as he had in the past. Tragically, she learned, instead, that her husband had died earlier that day.

Corporal Dieruf was buried with full military honors at Lexington's Calvary Cemetery on Friday, April 16, 2004. Three years later, we continue to honor his life and his sacrifice, and I am very pleased that some of his family and friends have traveled to Washington to meet with me in the Capitol today.

Nich's beloved family members include his wife Emily, his father Charles, his mother Barbara, his brother Charlie, his brother Matthew, his brother Paul, his sister-in-law Katie, his sister-in-law Court, his nephew Charles R. Dieruf, IV, his grandmother Fran, his mother-in-law Jennifer Duncan, his uncle Thomas Greer, his aunt Wilma Greer, his cousin Ashley Greer, and many others. I ask the Senate to keep them in your thoughts and prayers today. I know they will be in mine.

No words we can say today will ease the pain of the Dieruf family or fill the hole Nich leaves behind. But I hope the reverence and respect this Senate shows Corporal Dieruf can remind them that he lived and served as a hero, and his country will forever honor and remember his sacrifice.

Even after his passing, Nich continues to bring his family and friends together, as he has today, as he did 2 days ago at the Dieruf family farm. Perhaps his mother Barbara said it best when she said, "Nich was the glue that held those he loved together."

The bond Nich formed with those who love him is so strong it holds fast today, and it will bring his friends and family together again, in his memory, year after year.

DRUG SAFETY

Mr. KENNEDY. Mr. President, I wish to address the Senate about a very important subject. Too often it takes a crisis for Congress to take action on a national need. We have had crisis after crisis on drug safety, and yesterday we learned of another. A report published in the New England Journal of Medicine showed that the diabetes drug Avandia may increase the risk of heart attacks and death. If further evidence were needed that improving drug safety is an urgent priority, yesterday's report puts the matter beyond doubt. The Senate has approved strong and comprehensive legislation to improve drug safety. That proposal should be taken up by the House and enacted without delay.

Yesterday's report was based on an analysis of clinical trials conducted by a team of physicians and scientists, and I commend them for their skill and perseverance. Why isn't FDA doing this kind of analysis, and why aren't companies required to undertake additional safety tests if there are unanswered questions about their products?

The simple answer is, the FDA does not have the resources to conduct these analyses itself, and it doesn't have the authority needed to require companies to perform them. The legislation the Senate recently approved corrects both of these major flaws.

Our legislation requires FDA to link electronic health care databases to allow for better, faster identification and assessment of safety problems. The bill adds to the fees that drug companies are required to pay and devotes new funds to drug safety.

Unforeseen risks of a drug must be caught as quickly as possible so that effective protections can be implemented before more lives are needlessly put at risk, and our legislation makes that happen.

The New England Journal recommended a large prospective trial as the best way to get the answers we need. FDA should have clear authority to require such trials, and our bill provides it.

Some trials studied in the journal report were included in a registry that Glaxo voluntarily maintains. The Senate bill requires the results of clinical trials to be made available to the public in a single, easily accessible database. That will help patients get information about the medicines they take, and it will help scientists identify drug safety problems faster.

Information alone is not enough to protect public health. FDA needs the authority to take action where needed. Right now all FDA can do after approval is request a labeling change or request a medication guide or request patient labeling or request a review of drug advertising. Safeguarding the lives of American patients should not have to depend on requests. Our bill gives the FDA the authority to require those measures and impose civil monetary penalties to enforce them.

Our legislation will make FDA, once again, the gold standard for protecting public health. It should not take a new crisis to bring Congress to act. I look forward to working with our colleagues in the House to see that this legislation is signed into law without delay.

TRIBUTE TO BETH SPIVEY

Mr. LOTT. Mr. President, I would like to take this opportunity to bid farewell to my senior legislative assistant, Beth Spivey, who is departing my staff after almost 10 years of outstanding service to the people of Mississippi and the Nation.

Beth has been an integral part of my personal office staff for so many years and we will genuinely miss her when she leaves. She joined my staff as an intern during the summer of 1997 and never left, starting as an employee that September. From the beginning, she demonstrated exceptional skills and confidence. Starting as a legislative correspondent, she showed that she could handle a large volume of mail, promptly answering all letters with well thought out responses.

Beth was eager to learn the substance of large and small issues alike, and it was only a matter of time and an available opening on my staff before she was ready to move up to serve as a legislative assistant. She proved herself adept at handling a range of issues with skill and efficiency; from transportation to telecommunications, and from energy to the environment. She understands the key concerns, organizations, and people for her issues and knows how to bring them together to find common ground in order to advance legislation to become law.

It is the latter quality that I found so valuable in Beth. As my colleagues know, I care about the Senate being productive in matters that are resolvable. While there will always be issues that define the differences between the political parties, the vast majority of bills can be worked out with a minimum of contested votes, or none at all, if Members and their staffs are willing to work hard to reach an agreement. Beth has the skills and the desire to move bills through the legislative process to enactment, sometimes negotiating two or more bills moving through the process at the same time.

Beth excels at multitasking. It has not been uncommon for her to simultaneously work on the highest priority bills of the Commerce, Science, and Transportation Committee and the Energy and Natural Resources Committee. This skill was evident early on as she planned her Mississippi wedding from Washington while working a rigorous schedule. Whether I was chairing a surface transportation subcommittee or an aviation subcommittee, Beth was my point person for moving nationally significant legislation through the committee and the Senate. When I was the majority leader, she led the Senate Energy Task Force staff efforts.

Beth has been a key figure in the enactment of several important bills into law: the Energy Policy Act of 2005 and its previous incarnations, the Vision 100—Century of Aviation Reauthorization Act, the Aviation Investment and Revitalization Vision Act, and the Safe, Accountable, Flexible and Efficient Transportation Equity Act—A Legacy for Users. She also shepherded the Passenger Rail Investment and Improvement Act of 2005 through the Senate and the Advanced Telecommunications and Opportunities Reform Act through the Commerce, Science, and Transportation Committee during the 109th Congress. During the 110th Congress, she has already guided the Aviation Investment and Modernization Act through the Commerce, Science, and Transportation Committee. Beth always ensured that these bills were good for the Nation and good for Mississippi.

While Beth is as gracious and charming as one would expect from her Mississippi upbringing, she is also assertive and confident, and deserving of respect for her abilities. She never hesitated to take charge of her areas of responsibility or speak up if she felt she or anyone else was being overlooked.

Beth is not just a hard working, skilled staff member. She has been part of my personal office family for almost 10 years. Whether training a new staff member, guiding interns through their Washington experience, or cutting birthday cakes, Beth has been a trusted, steady, and caring colleague. As a former intern, she always ensured that our legislative interns were provided challenging assignments and treated with respect.

Mr. President, Beth has come a long way from Brandon, MS, and the University of Mississippi. In addition to being a seasoned staff member, she also is a wife and a mother. Beth now moves on to a new phase in her life, leaving for the private sector and making more time for her husband Les and young daughter Ann Miller. We all will miss her very much. I wish her the very best as she heads out in a new direction and pray that God will continue to bless her and her family.

NOPEC

Mr. LEAHY. Mr. President, I am proud to be an original cosponsor of S. 879, the No Oil Producing and Exporting Cartels Act of 2007, or NOPEC. The Judiciary Committee today reports that bill favorably, with an accompanying committee report. This is not the first time the committee has reported this legislation, but it ought to be the last. Indeed, the Senate Judiciary Committee under three different chairmen has now considered and recommended this legislation for passage. It is long past time for this bill to become law.

NOPEC will hold certain oil producing nations accountable for their collusive behavior that has artificially—and drastically—reduced the supply and inflated the price of fuel. It authorizes the Attorney General to take legal action against any foreign state, including members of the Organization of Petroleum Exporting Countries, OPEC, for price fixing and artificially limiting the amount of available oil.

Just this morning, I read in the Washington Post that the Energy Department declared that "gasoline prices last week came within a half penny of tying the modern era's inflation-adjusted record set in March 1981," and that the nationwide average price at the pump is $3.218 a gallon. That is a rise of more than 11 cents a gallon just in the last week, according to the Energy Information Administration. These increases in price have led to renewed calls for investigation into their causes, but we already know well one significant cause: anticompetitive conduct by oil cartels.

While OPEC actions remain protected from antitrust enforcement, the ability of the governments involved to wreak havoc on the American economy remains unchecked. If OPEC were simply a collection of foreign businesses engaged in this type of behavior, they would already be subject to the antitrust laws.

I am disappointed that the administration recently announced it would oppose this bill and recommend that the President veto it. When entities engage in anticompetitive conduct that harms the American consumers it is the responsibility of the Department of Justice to investigate and prosecute. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of national governments.

Americans deserve better, and it is time for Congress to act. With the summer months approaching, there is no end in sight to the rise in gas prices. I am hopeful that the Senate will take up and pass this legislation in June. I thank Senator KOHL for his leadership on this important issue.

REVEREND JERRY FALWELL

Mr. HATCH. Mr. President, I want to say a few words about Reverend Jerry Falwell, who passed away last week. Reverend Falwell loved God, loved people, and loved his country. He not only spoke about what he believed, he acted on what he believed and worked to help people and to make this country better.

Jerry Falwell led a remarkable and inspiring life. He was born in Lynchburg, VA, the son of a nonreligious bootlegger and the grandson of a staunch atheist. This family background makes all the more real, some might say dramatic, his conversion to Christianity and his lifelong unwavering commitment to Christ.

In 1956, he founded Thomas Road Baptist Church. Just 35 people attended its first meeting in the local elementary school. Although Reverend Falwell became known to most for his national political efforts, he was in his heart a local church pastor and he led that congregation for more than 50 years, seeing it grow to more than 24,000 members.

Reverend Falwell knew that faith cannot be segregated from life and that Christ calls us to be doers, rather than simply hearers, of the Word. Reverend Falwell founded the Elim Home in 1959 as a residential program providing spiritual restoration and help for those battling alcohol and drug addiction. The home still operates today, just north of Lynchburg.

Proverbs 22:6 says to train up a child in the way he should go and so, in 1967, Reverend Falwell founded Lynchburg Christian Academy for children from kindergarten through high school. Four years later, he founded Lynchburg Bible College with just 154 students and 4 full-time faculty. Today, Liberty University is the largest evangelical college in the world, fully accredited with more than 20,000 students from around the world. In recent years, Reverend Falwell returned to this mission of Christian education and he was at work in his office when he passed away. His vision there continues to unfold. Liberty University Law School, which achieved provisional ABA accreditation in just 18 months, graduated its first class this year and a medical school is on the drawing board.

When it came to issues such as the sanctity of human life, Reverend Falwell once again put action to his words. He founded the Liberty Godparent Foundation in 1982, opening a home for unwed mothers while other evangelicals were content simply to protest abortion. I certainly agree that abortion is wrong because of what abortion is and does, but Reverend Falwell demonstrated that there is more to being pro-life than simply being opposed to death. He set an inspiring example, and today there are more crisis pregnancy centers than abortion clinics in America.

Reverend Falwell is perhaps best known for what launched him onto the national stage, founding the Moral Majority organization in 1979. This effort brought millions of Americans into the political process and made them more informed, more active citizens. In 1995, he launched a monthly magazine, the National Liberty Journal, which reaches hundreds of thousands of pastors and Christian citizens. The author of more than a dozen books over nearly 30 years, Reverend Falwell continued to write his own e-mail newsletter and columns distributed widely through the world.

Reverend Falwell certainly gained his share of notoriety for positions on certain issues or particularly controversial statements. That happens to people who speak out, especially those who speak against the drift of the prevailing culture. Reverend Falwell chose to adopt a national profile and received a good amount of criticism for taking public stances on difficult issues. But he accepted consequences and was not above admitting and apologizing for his mistakes or, after more thought and reflection, adjusting some views and adapting to change.

Reverend Falwell was not nearly as easily labeled as some might think. For all the opposition he received from those on the left, some on the right criticized him for appearing to move away from the fundamentalist and toward the evangelical camp. Others attacked him for his friendship with leaders of the charismatic movement, speaking at conferences hosted by groups or leaders from different Christian traditions, or working closely with Roman Catholic leaders. His Liberty Baptist College has hosted speakers from Reverend Billy Graham to, yes, Senator EDWARD KENNEDY. Through it all, Reverend Falwell stayed true to his own convictions while working with others on issues of common purpose to help people and to make our country better.

One of the most telling tributes about Reverend Jerry Falwell comes from a most unexpected source. After losing a libel suit to Penthouse publisher Larry Flynt in the Supreme Court back in 1988, Reverend Falwell befriended Flynt and the two appeared together in numerous media venues, visited each other, and even exchanged Christmas cards. In a column published just a few days ago in the Los Angeles Times, Flynt declared that while he disagreed with everything Reverend Falwell preached, he found that they actually had a lot in common. He wrote: "The more I got to know Falwell, the more I began to see that his public portrayals were caricatures of himself." The ultimate result of their relationship was, as Flynt put it, "just as shocking a turn to me as was winning that famous Supreme Court case: We became friends."

Jerry Falwell leaves behind Macel, his wife of nearly 50 years, his three children and eight grandchildren. His son Jerry has taken up the mantle as Chancellor of Liberty University and his son Jonathan had already been named Executive Pastor of Thomas Road Baptist Church. Reverend Falwell's example, his legacy, is so much more than the controversial remarks, views, or positions that some want to emphasize. Reverend Jerry Falwell lived what he believed, he put action to his faith, he inspired and educated, he led and equipped. He was a pastor, a teacher, and a leader. He helped change countless lives and helped make our country better. For all those reasons and so many more, he will be missed.

THE MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On May 18, 2007, in Greenville, SC, Sean Kennedy was beaten by an unnamed man which resulted in his death. Kennedy, a gay man, was punched in the face and knocked to the ground where he sustained injuries to his head. Kennedy died of his injuries later that night at a local hospital. The attacker was later brought into custody and charged with murder. Because Kennedy was attacked while leaving a gay bar and the attacker used anti-gay epithets, the Greenville County Sheriff turned the case over to the FBI for investigation as a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS

• Mr. SUNUNU. Mr. President, I wish to congratulate the 2007 recipients of the New Hampshire Excellence in Education Awards. These prestigious awards, commonly called the EDies, are presented each year to individuals and schools who demonstrate the highest level of excellence in education.

The EDies were founded as a way to honor the best of the best among New Hampshire's educators. In the 14 years since, there has been a rich source of talented and successful teachers, administrators, schools, and school boards to draw from to honor at each annual event. This year was no exception.

Those individuals selected have been compared against a criteria set by others in their discipline through their sponsoring organization. Schools are also chosen by experienced educators and community leaders in New Hampshire based on guidelines established by the New Hampshire Excellence in Education Board of Directors. I am proud to recognize the individuals and schools who will receive this year's awards on June 9, 2007.

In addition, I would also like to recognize the many teachers who have played such an important role in my children's lives and in my own life, as well. As I serve in the Senate, I remain proud and grateful for the excellent education I received in the public education system of the State of New Hampshire.

Mr. President, I ask that the list of the 2007 New Hampshire Excellence in Education Award winners be printed in the RECORD.

The list following.

2007 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS RECIPIENTS

Susan E. Auerbach, Ph.D.; Officer Robert Bennett; Susan Bradley; Linda Burdick; Marjorie Chiafery; Deborah Couture; Debbra Crowder; Judith Elliott; Debbie D. Gay; William Gibson; Christina Gribben; Jack Grube; Kathleen Hill; Russell Holden; Dr. Steven Kelley; Carolyn Kelley; Dr. Beverly R. King; Joseph Kopitsky; Bruce Larson; Dr. Patricia "Irish" Lindberg.

Shari J. Litch-Gray, Ph.D.; Constance Manchester-Bonefant; Deborah Nichols; Rosemary Nunnally; Jason Parent; William Ranauro; David Remillard; Linda Sherouse; Kathryn L. Skoglund; Marcia Trexler; Debra Vasconcellos; Karen P. Whitmore; Dr. Barbara Young-Hoffman.

Ashland Elementary School; Belmont Middle School; Chichester Central School; Claremont School Board; Hampstead Central School; Hampstead Middle School; Kearsarge Regional Middle School; South Londonderry Elementary School; Adeline C. Marston School; Pembroke Academy.•

RECOGNIZING FRANKFORT, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Frankfort, SD. Founded in 1882, the town of Frankfort will celebrate its 125th anniversary this year.

Located in Spink County, Frankfort was named after Frankfort I. Fisher, a settler who explored the area. It was also named in part after Frankfurt, Germany. Frankfort has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Frankfort on this milestone anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING WARNER, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Warner, SD. Located in Brown County, the town of Warner will celebrate the 125th anniversary of its founding this year.

Since its beginning in 1881, Warner has been a strong reflection of South Dakota's values and traditions. Their community spirit was recognized in 2000, when Warner was honored as South Dakota's "Community of the Year." As they celebrate this milestone anniversary, I am confident that Warner will continue to thrive and succeed for the next 125 years.

I would like to offer my congratulations to the citizens of Warner on their anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING LETCHER, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Letcher, SD. The town of Letcher will celebrate the 125th anniversary of its founding this year.

Located in Sanborn County, Letcher was named after O.T. Letcher, who was Assistant Secretary of Dakota Territory at the time. Since its beginning in 1883, Letcher has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Letcher will continue to thrive and succeed for the next 125 years.

I would like to offer my congratulations to the citizens of Letcher on this milestone anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING SANFORD SCHOOL OF MEDICINE

• Mr. THUNE. Mr. President, today I recognize the University of South Dakota's Sanford School of Medicine. Founded in 1907, the school will celebrate its 100th anniversary this year.

Throughout the past 100 years, the Sanford School of Medicine has served the State of South Dakota through its excellence in education and research. The school has earned a reputation as one of the best rural medicine and family medicine programs in the Nation. Consistently on the cutting edge of research, Sanford Medical School has world-class programs in heart disease, cell biology, multiple sclerosis, antibiotics, and rural health.

I am confident that the high standard of excellence that has been achieved at the Sanford School of Medicine will continue thanks in part to the generous donation of Sioux Falls businessman, T. Denny Sanford. Sanford's generous gift of $20 million has allowed and will continue to allow the school to develop into a leading research and training institution. In addition, the Sanford School of Medicine is currently constructing the Lee School of Medicine Building, a new high-tech science facility. These improvements will allow the school to continue to serve as a prominent medical institution in the State of South Dakota and across the Nation for the next 100 years.

I offer my congratulations to the Sanford School of Medicine on this milestone anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING THE SOUTH DAKOTA NEWSPAPER ASSOCIATION

• Mr. THUNE. Mr. President, today I recognize the South Dakota Newspaper Association as they celebrate their 125th anniversary this year.

Throughout the past 125 years, the SDNA has consistently provided outstanding service to the State of South Dakota. We count on our news organizations to keep the public informed and to promote a sense of community within our State. Currently representing 138 weekly and daily newspapers from all over South Dakota, the SDNA allows newspapers to more effectively perform their role of keeping citizens up-to-date on world events. As they celebrate this milestone anniversary, I am confident that the SDNA will continue to thrive and succeed for the next 125 years.

It gives me great pleasure to rise with the South Dakota Newspaper Association and to congratulate them on this historic occasion. I wish them and all of South Dakota's newspapers continued success in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 698. An act to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

H.R. 1425. An act to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin 'Rex' Young Post Office Building".

H.R. 2077. An act to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building".

H.R. 2078. An act to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer 'O.T.' Hawkins Post Office".

H.R. 2272. An act to invest in innovation through research and development, and to improve the competitiveness of the United States.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 698. An act to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1425. An act to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin "Rex" Young Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2077. An act to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2078. An act to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer T. 'O.T.' Hawkins Post Office"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2272. An act to invest in innovation through research and development, and to improve the competitiveness of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1984. A communication from the Under Secretary, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Data Collection Related to the Participation of Faith-Based and Community Organizations" ((RIN0584-AD43) (FNS-2007-0005)) received on May 21, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1985. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the competitive sourcing efforts of the Department during fiscal year 2006; to the Committee on Armed Services.

EC–1986. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Lieutenant General William G. Boykin, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1987. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Lieutenant General Dell L. Dailey, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1988. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Excessive Pass-Through Charges" (DFARS Case 2006–D057) received on May 21, 2007; to the Committee on Armed Services.

EC–1989. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Deletion of Obsolete Acquisition Procedures" (DFARS Case 2006–D046) received on May 21, 2007; to the Committee on Armed Services.

EC–1990. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Military Construction on Guam" (DFARS Case 2006–D065) received on May 21, 2007; to the Committee on Armed Services.

EC–1991. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Wage Determinations" (DFARS Case 2006–D043) received on May 21, 2007; to the Committee on Armed Services .

EC–1992. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisition Integrity" (DFARS Case 2006–D044) received on May 21, 2007; to the Committee on Armed Services .

EC–1993. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the Department's intent to obligate up to $5 million of fiscal year 2006 funds for the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–1994. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Stanley R. Szemborski, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–1995. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of General Bryan D. Brown, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–1996. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Small Business Programs" (DFARS Case 2003–D047) received on May 21, 2007; to the Committee on Armed Services.

EC–1997. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Native American Housing Assistance and Self-Determination Act; Revisions to the Indian Housing Block Grant Program" ((RIN2577-AC57) (FR-4938-F-03)) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1998. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Office Names, Office Addresses, Statements of Legal Authority and Statute Name and Citation" (RIN0694-AE01) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1999. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2006 Missile Technology Control Regime Plenary Agreements" (RIN0694-AD96) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2000. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determination" (72 FR 18587) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2001. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 20735) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2002. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 20755) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2003. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 20243) received on

May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2004. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 20251) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2005. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that the cost of response and recovery efforts in the State of Indiana has exceeded the $5 million limit; to the Committee on Banking, Housing, and Urban Affairs.

EC-2006. A communication from the Acting Director, Federal Housing Finance Board, transmitting, pursuant to law, a report relative to category rating for calendar year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-2007. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement 2007 2nd and 3rd Season Atlantic Shark Commercial Management Measures" (I.D. 021307B) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2008. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Interim Rule to Temporarily Amend the Monkfish Fishery Management Plan" (RIN0648-AT22) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2009. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Decrease of Landing Limit for Georges Bank Yellowtail Flounder" (I.D. 041707E) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2010. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (I.D. 041807B) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2011. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska" (I.D. 042007A) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2012. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish in the Western Regulatory Area and West Yakutat District of the Gulf of Alaska" (I.D. 042307B) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2013. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Action, Temporary Rule, Closure of the Eastern U.S./Canada Area" (RIN0648-AN17) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2014. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the Department's Annual Report on Transportation Security; to the Committee on Commerce, Science, and Transportation.

EC-2015. A communication from the Secretary of Energy, transmitting, pursuant to law, two reports relative to the Department's compliance with the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC-2016. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Quality of Water, Colorado River Basin, Progress Report No. 22"; to the Committee on Energy and Natural Resources.

EC-2017. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—June 2007" (Rev. Rul. 2007-36) received on May 21, 2007; to the Committee on Finance.

EC-2018. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-78—2007-99); to the Committee on Foreign Relations.

EC-2019. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays" (Docket No. 2005N-0471) received on May 21, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2020. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Obstetrical and Gynecological Devices; Classification of Computerized Labor Monitoring System" (Docket No. 2007N-0120) received on May 21, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2021. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Care and Development Fund State Match Provisions" (RIN0970-AC18) received on May 18, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2022. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Auditor's Concerns Regarding Matters that May Adversely Affect the Financial Operations of the District of Columbia Water and Sewer Authority"; to the Committee on Homeland Security and Governmental Affairs.

EC-2023. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2007 Revenue Estimate in Support of the Issuance of $300 Million in Public Utility Subordinated Lien Revenue Bonds (Series 2007)"; to the Committee on Homeland Security and Governmental Affairs.

EC-2024. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the semiannual report of the Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2025. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual report as prepared by the Inspector General for the six-month period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2026. A communication from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company's Balance Sheet as of December 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-2027. A communication from the Administrator, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-2028. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of draft legislation that would authorize four new competitive grant programs; to the Committee on the Judiciary.

EC-2029. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of draft legislation entitled "Criminal Judicial Procedure, Administration, and Technical Amendments Act of 2007"; to the Committee on the Judiciary.

EC-2030. A communication from the Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Trademark Classification Changes" (RIN0651-AC10) received on May 21, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 294. A bill to reauthorize Amtrak, and for other purposes (Rept. No. 110-67).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 879. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal (Rept. No. 110-68).

S. 863. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds (Rept. No. 110-69).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 414. A bill to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building".

H.R. 437. A bill to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office".

H.R. 625. A bill to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office".

H.R. 988. A bill to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office".

H.R. 1402. A bill to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building".

S. 1352. A bill to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building".

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veteran's Affairs.

*Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself, Mr. McCONNELL, Mr. KYL, Mr. DOMENICI, Mr. ALLARD, Mr. ENZI, Mr. BUNNING, Mr. CRAPO, Mr. ENSIGN, Mr. CORNYN, Mr. GRAHAM, Mr. SESSIONS, Mr. ALEXANDER, Mr. BROWNBACK, Mr. CRAIG, Mr. SUNUNU, Mr. MARTINEZ, Mr. THOMAS, Mr. VITTER, Mr. CHAMBLISS, Mr. ISAKSON, Mrs. DOLE, Mr. DEMINT, Mr. VOINOVICH, Mr. THUNE, and Mr. LOTT):

S. 15. A bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process; to the Committee on the Budget.

By Ms. COLLINS:

S. 31. A bill to amend the Immigration and Nationality Act to reduce fraud in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 32. A bill to reform the acquisition process of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 33. A bill to redesignate the Office for Vocational and Adult Education as the Office of Career, Technical, and Adult Education; considered and passed.

By Mr. ENZI:

S. 34. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on Finance.

By Mr. COLEMAN (for himself and Ms. COLLINS):

S. 35. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 1444. A bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 1445. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 1446. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KOHL:

S. 1447. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to make decisions relating to proposed amendments to milk marketing orders not later than 90 days after the date on which the Secretary holds a hearing; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself, Mr. LEAHY, and Mr. CORNYN):

S. 1448. A bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1449. A bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geologic artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature and Science in Denver, Colorado; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Ms. SNOWE):

S. 1450. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WHITEHOUSE:

S. 1451. A bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. DOMENICI):

S. 1452. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO:

S. Res. 213. A resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 119

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 119, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 579

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental

Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 901, supra.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 959

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 959, a bill to award a grant to enable Teach for America, Inc., to implement and expand its teaching program.

S. 970

At the request of Mr. SMITH, the names of the Senator from Alaska (Mr. STEVENS), the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1084

At the request of Mr. OBAMA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1145

At the request of Mr. LEAHY, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1145, a bill to amend title 35, United States Code, to provide for patent reform.

S. 1147

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1147, a bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as "Priority 8").

S. 1172

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1172, a bill to reduce hunger in the United States.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1232

At the request of Mr. DODD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1244

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1244, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1337

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. BROWN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1382

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1403

At the request of Ms. KLOBUCHAR, the names of the Senator from New York (Mrs. CLINTON) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1403, a bill to amend the Farm Security and Rural Investment Act of 2002 to provide incentives for the production of bioenergy crops.

S. 1407

At the request of Mr. PRYOR, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1407, a bill to amend the Internal Revenue Code of 1986 to temporarily provide a shorter recovery period for the depreciation of certain systems installed in nonresidential and residential rental buildings.

S. 1413

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1413, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1426

At the request of Mrs. BOXER, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 1426, a bill to amend the Agricultural Trade Act of 1978 to reauthorize the market access program, and for other purposes.

S. 1435

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1435, a bill to amend the Energy Policy and Conservation Act to increase the capacity of the Strategic Petroleum Reserve, and for other purposes.

S. 1439

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1439, a bill to reauthorize the broadband loan and loan guarantee program under title VI of the Rural Electrification Act of 1936.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself, Mr. MCCONNELL, Mr. KYL, Mr. DOMENICI, Mr. ALLARD, Mr. ENZI, Mr. BUNNING, Mr. CRAPO, Mr. ENSIGN, Mr. CORNYN, Mr. GRAHAM, Mr. SESSIONS, Mr. ALEXANDER, Mr. BROWNBACK, Mr. CRAIG, Mr. SUNUNU, Mr. MARTINEZ, Mr. THOMAS, Mr. VITTER, Mr. CHAMBLISS, Mr. ISAKSON, Mrs. DOLE, Mr. DEMINT, Mr. VOINOVICH, Mr. THUNE, and Mr. LOTT):

S. 15. A bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process; to the Committee on the Budget.

Mr. GREGG. Madam President, I rise today to talk specifically about how we get our fiscal house in order as a nation and especially as a government. Just last week, the Congress passed—or at least the Senate passed and the House passed—a proposal for a budget which, unfortunately, fails the American people dramatically in the area of controlling spending and in the area of good tax policy. It creates a cascade. It is a Democratic budget that creates a cascade of new spending, hundreds of billions of dollars of new spending which will grow the size of the Government dramatically and which is, therefore, undisciplined in its approach.

It also proposes tax policy which will radically increase taxes on working Americans and have the effect of stifling what has been an extraordinary economic expansion, which in part has been a function of having a tax policy which understands that if you let people keep their money, they tend to be more productive with those dollars, they tend to go out and take risks, be entrepreneurs, create jobs, and as a result, the Federal Government gets more revenue because people creating these jobs pay taxes and we end up with more economic activity. We have had 72 months of growth, and we have created 7.4 million new jobs in this country, and that is a significant step in the right direction toward economic expansion.

But all that is at risk because we, as a government, tend to spend more than we take in, and we do not have in place a discipline necessary as a government to effectively manage our own house. This was reflected in the budget that was just passed, regrettably. Therefore, as we also look to the future, we are confronting a cost to the Government which is going to radically increase the expenditures of the Federal Government to a point where our children and our children's children will not be able to afford them.

In fact, just the cost of three programs alone—Medicare, Social Security, and Medicaid—by the year 2025, because of the retirement of the baby boom generation, will actually exceed the amount of money which the Federal Government has historically spent as a percentage of gross national product. So by about the year 2025, because of the retirement of the baby boom generation, three programs—Social Security, Medicare, and Medicaid—will absorb all the money that historically the Federal Government has spent, which means there will be no money left over for education, laying out roads, or environmental protection.

We will be in a position where our children, in order to bear the burden of those three programs, will have to pay a tax rate which will make it impossible for them to afford their own Government and will make their lifestyle significantly constrained. The pressure on them will be dramatic because the burden of taxes will exceed their ability to pay them and still maintain a quality lifestyle. Their ability to send their children to college, to buy a house, to have a good lifestyle, to have the luxuries which our generation has had will be constrained by the fact that the size of the Federal Government is growing out of control as a function of the retirement of the baby boom generation.

So these two events combined—the dramatic expansion in entitlement spending and the Democratic budget which was essentially grossly irresponsible in the area of spending on the discretionary side of the account and in the area of creating debt; it will add $2.5 trillion of new debt to the Federal Government over the 5 years of this budget—these two events combined are going to put a lot of pressure on our economy and on the well-being of our Nation.

A group of us believe very strongly that we need to put in place mechanisms in this Government which more effectively discipline the spending of the Government. So I am introducing today, along with 27 colleagues—and that is a fair number of cosponsors—the Stop Over-Spending Act, SOS. This bill has eight basic elements. I am not going to go through them all, but I wish to highlight the ones that are significant.

Basically, what this bill does is it puts in place disciplines which allow this Congress, if it desires to do so—all of these disciplines can be waived by 60-vote points of order, basically—if Congress desires to do so, it can limit the growth of the Federal Government to something that is affordable to the American people.

The most important discipline this bill puts in place is one over entitlement spending. Right now, we have nothing that controls entitlement spending. This bill says that if entitlement spending reaches a certain level of use of general funds of the Treasury—and most of these entitlement programs—Social Security, Medicare, and Medicaid—are not supposed to be overwhelming burdens on the general fund, the general fund being basic income taxes, not retirement taxes and health insurance taxes—if the burden of these programs exceeds a certain level, then there are mechanisms which allow us to take a second look at these programs to improve them, to make them cost-effective while delivering quality services.

In addition, this proposal puts in place caps, serious caps on discretionary spending so that we know that when you hit a certain level of spending and you are trying to exceed the amount of money the Federal Government should spend, there will be a 60-vote point of order before that can occur. That is only reasonable, that is only good budgeting, and it is something we need to have in place.

Unfortunately, the Democratic budget which was just passed essentially got rid of caps for the year 2009, 2010, and it puts them in place for 2008, but that is almost irrelevant because it raises them so high that there is no way anybody is going to hit those caps unless they are truly spendthrifts.

They basically add $200 billion of new spending over the next 5 years, and next year they dramatically increase spending, both through taking programs off the budget by declaring them emergencies, such as in the agricultural area, and putting them into the next year through advanced funding, which is a total gamesmanship, and then actually increasing the spending levels under the discretionary account. It is a grossly irresponsible cascade of new spending we see coming at us next year as a result of this Democratic budget. This Stop Over-Spending Act will try to discipline that in a more effective way, and it is time we did that.

In addition, it puts in place two very aggressive proposals to try to take a look at how we are managing the bigger programs of the Federal Government. One is a proposal which came from Senator BROWNBACK which is a bipartisan commission on accountability and Federal review. It is basically a BRAC commission for all the Federal Government. So if we find programs that are overlapping—and believe me, there are an awful lot of overlapping programs in the Federal Government—if we find programs that are just not producing the results they are supposed to produce or which have served their time, which were supposed to be 3-year programs and they have been going on for 10, 15 years, we will have a mechanism where those programs can come back to the Congress and voted up or down, either they should be in place or not in place, the same way we approach managing the defense spending accounts through BRAC.

There is a second commission put in place which, again, has an automatic vote by the Congress, which is an attempt to address the most significant issue we have, which is this entitlement spending issue which was reflected in the chart I held up earlier. This is a commission which would be set up, which would be bipartisan, which would be Members of the Congress, and which would essentially take a look at these programs—Social Security and Medicare specifically—and see how we can improve them, see how we can make them work more effectively but see how we can make them more affordable for our children, and then in a bipartisan way, with an overwhelming supermajority, so there is no question that anybody will be gamed, everybody will be at the table, and nobody will be gamed, bring those proposals back to Congress and vote them up or down without amendment so that we know this commission, when it makes a report, will actually get action from a report.

The problem is that we get all these commissions and they produce wonderful reports and nothing happens. This commission will have something happening. It is a critical element. It is important.

If we don't get on this issue of mandatory spending, we will be irresponsible as a generation. We are the generation that created this problem, the baby boom generation. We are the generation governing today. Probably 80 percent of the people in this body are of the baby boom generation. And what we are doing is burying our heads in the sand and passing what we know is a huge problem—which is going to occur because all the people who are going to create this problem exist and they are going to retire—we are going to pass that problem on to our children and say: You figure it out, even though it is a problem we created. That is irresponsible.

As people who have obtained a position of governing in this country, we have an absolute responsibility to our children and our children's children and to this Nation's fiscal health to address this issue, and this commission is an attempt to do that. This Stop Over-Spending Act is an attempt to do just that.

In addition, the proposal includes biannual budgeting, which is something many people around here think will help us be more efficient in the way we approach the accounts of the Federal Government. It changes and reforms a lot of what are institutional mechanisms for the purposes of managing the day-to-day business of the spending of the Federal Government by putting in place baselines which are appropriate and limitations on the ability to spend money around here under reconciliation and limitations on the ability to raise taxes arbitrarily on the American people.

So it is a balanced approach. It has 27 cosponsors, and, quite honestly, if a percentage of these proposals were adopted, we would actually have some discipline around this place in the area of fiscal policy. We would be back on a path toward making sure we have a government that people can afford, while we still have a government that is delivering the services that people want. That should be our bottom-line goal.

It is an honor for me to have a chance to introduce this today, to be the primary sponsor of it, but I especially appreciate the support of my colleagues in signing onto this bill, which I hope will be considered or at least elements of this bill will be considered because we are running out of time.

By Ms. COLLINS:

S. 31. A bill to amend the Immigration and Nationality Act to reduce fraud in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise to introduce the H-1B Visa Fraud Prevention Act of 2007.

Many American businesses rely on the H-1B visa program. When employers can demonstrate that there are too few U.S. workers to fill particular positions with defined education and skills standards, the program allows temporary, non-immigrant workers to fill vacancies in engineering, sciences, medicine, health, and other specialties.

The program is of considerable benefit to our economy. Unfortunately, there has been a long history of some unscrupulous employers attempting to abuse the H-1B program. Last fall, the Portland Press Herald newspaper in Maine printed a three-part series resulting from its in-depth investigation of H-1B abuses.

The newspaper found evidence of shell companies filing applications for H-1B visas in Maine, but no evidence of H-1B visa holders actually working for those businesses in Maine. One company rented office space in Portland for a year and submitted at least 160 H-1B and green-card applications on behalf of foreign workers, but the building manager never saw anyone there, and was asked to forward all mail to an address in New Jersey.

This legislation will help detect and prevent the kind of fraud identified by the Portland Press Herald.

Before I describe the details of my legislation, I want to acknowledge the leadership of Senators GRASSLEY, DURBIN, GREGG, HAGEL, and LIEBERMAN on this issue. They have also drafted bills aimed at reforming the H-1B visa issuance process as well as expanding the number of H-1B visas. My hope is that we can join forces to craft an amendment to the immigration bill that will curb the fraud afflicting this program.

Specifically, my legislation is targeted at detecting employers who do not have legitimate business operations that require H-1B workers and who intend only to transfer the H-1B workers they receive to another employer. This bill prohibits employers from contracting their H-1B workers to an employer in a different State.

The Portland Press Herald's investigation showed that some employers may have filed for H-1B workers in Maine in order to take advantage of a lower prevailing wage, then transferred those employees to States where a higher prevailing wage would have been required on the H-1B application.

The legislation I am proposing would remove onerous restrictions on the Department of Labor's ability to investigate suspected fraud. It would allow the Department to investigate applications that have clear indicators of fraud or misrepresentation, instead of merely checking for completeness and obvious inaccuracies, as current law provides.

It also would expand the types of information that can be used to investigate fraudulent activity and eliminate a requirement that the Secretary of the Department of Labor personally approve each investigation. In addition, to further deter companies from filing fraudulent applications, the legislation would double the current monetary penalties.

Preventing H-1B fraud and abuse also requires that the Department of Labor work more closely with the Department of Homeland Security's U.S. Citizenship and Immigration Services, or

USCIS, which is the agency that ultimately approves an H–1B visa application. To that end, this legislation requires the Director of USCIS to share with Labor information it receives from employers who file H–1B visa applications that may indicate noncompliance with the H–1B visa program.

USCIS has taken first steps to detect fraud in other types of visas. For example, last July USCIS completed an assessment of religious-worker benefit fraud that showed fraud in one-third of the cases surveyed. From these surveys, USCIS developed known indicators of fraud for religious-worker visas that it can now compare against incoming applications.

USCIS began a similar assessment of benefit fraud for H–1B visas nearly a year ago. It is not yet completed, despite repeated inquiries by my staff on its status. This legislation requires completion of the H–1B fraud assessment within 30 days, so that USCIS can begin using this valuable tool to uncover fraud in other H–1B applications.

This legislation fills gaps in our ability to ensure that H–1B visas are granted and used in the manner Congress intended. I urge my colleagues to support this proposal as we consider immigration-reform legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 31

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "H–1B Visa Fraud Prevention Act of 2007".

SEC. 2. H–1B EMPLOYER REQUIREMENTS.

(a) Prohibition of Outplacement.—

(1) In general.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer if the worksite of the receiving employer is located in a different State;" and

(B) in paragraph (2), by striking subparagraph (E).

(2) Effective date.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) Immigration Documents.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(l) Employer To Share All Immigration Paperwork Exchanged With Federal Agencies.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.".

SEC. 3. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) Safeguards Against Fraud and Misrepresentation in Application Review Process.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(1) in the undesignated paragraph at the end, by striking "The employer" and inserting the following:

"(H) The employer"; and

(2) in subparagraph (H), as designated by paragraph (1) of this subsection—

(A) by inserting "and through the Department of Labor's website, without charge." after "D.C.";

(B) by inserting ", clear indicators of fraud, misrepresentation of material fact," after "completeness";

(C) by striking "or obviously inaccurate" and inserting ", presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate";

(D) by striking "within 7 days of" and inserting "not later than 14 days after"; and

(E) by adding at the end the following: "If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).".

(b) Investigations by Department of Labor.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A), by striking "The Secretary shall conduct" and all that follows and inserting "Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.";

(2) in subparagraph (C)(i)—

(A) by striking "a condition of paragraph (1)(B), (1)(E), or (1)(F)" and inserting "a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)"; and

(B) by striking "(1)(C)" and inserting "(1)(C)(ii)";

(3) in subparagraph (G)—

(A) in clause (i), by striking "if the Secretary" and all that follows and inserting "with regard to the employer's compliance with the requirements of this subsection.";

(B) in clause (ii), by striking "and whose identity" and all that follows through "failure or failures." and inserting "the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.";

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) by amending clause (v), as redesignated, to read as follows:

"(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.";

(G) in clause (vi), as redesignated, by striking "An investigation" and all that follows through "the determination." and inserting "If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination."; and

(H) by adding at the end the following:

"(vii) The Secretary of Labor may impose a penalty under subparagraph (C) if the Secretary, after a hearing, finds a reasonable basis to believe that—

"(I) the employer has violated the requirements under this subsection; and

"(II) the violation was not made in good faith."; and

(4) by striking subparagraph (H).

(c) Information Sharing Between Department of Labor and Department of Homeland Security.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

"(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.".

(d) Audits.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: "The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants.".

(e) Penalties.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking "$1,000" and inserting "$2,000";

(2) in clause (ii)(I), by striking "$5,000" and inserting "$10,000"; and

(3) in clause (vi)(III), by striking "$1,000" and inserting "$2,000".

(f) Information Provided to H–1B Nonimmigrants Upon Visa Issuance.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

"(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

"(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

"(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

"(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.".

SEC. 4. H–1B WHISTLEBLOWER PROTECTIONS.

Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting "take, fail to take, or threaten to take or fail to take, a personnel action, or" before "to intimidate"; and

(2) by adding at the end the following: "An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.".

SEC. 5. FRAUD ASSESSMENT.

Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H–1B visa program.

By Mr. McCAIN:

S. 32. A bill to reform the acquisition process of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. McCAIN. Mr. President, I am introducing this omnibus defense acquisition reform bill today to highlight the scope and urgent need for comprehensive reform in how the Pentagon procures its biggest and most expensive weapons systems.

Defense acquisition policy has been a major issue ever since President Eisenhower first warned the Nation, in 1961, about the military-industrial complex. As Operation Ill Wind in the 1980s and the Boeing tanker lease scandal just a few years ago have taught us, Eisenhower's comments apply with equal force today.

Despite the lessons of the past, the acquisition process continues to be dysfunctional. In the 110th Congress, major acquisition policy issues have arisen in some of the biggest defense programs, including the Navy transformational program, Littoral Combat Systems, LCS and the Air Force's second largest acquisition program, Combat Search and Rescue Vehicle Replacement Program, CSAR–X.

We can not do much to ensure that taxpayers' dollars are spent wisely in developing, testing and acquiring major defense systems. By increasing transparency and accountability and maximizing competition, comprehensive acquisition reform can provide the taxpayer with the best value; minimize waste, fraud and abuse; and, perhaps most importantly, help guarantee that the U.S. maintains the strongest, most capable fighting force in the world. That is what this legislative proposal is all about.

Our colleagues in the House Armed Services Committee have already taken considerable steps in this area, which I applaud. It is my intention to offer this acquisition package to the defense authorization bill this week. The defense bill which we will be considering this week in the Committee on Armed Services totals more than $650 billion. That's serious money.

As stewards of the taxpayers' dollars we must assure the public that we are buying the best programs for our servicemen and women at the best price for the taxpayer. I have already highlighted critical weapon systems with key acquisition problems. If we continue to buy weapon systems in an ineffective and inefficient manner so that costs continue to go up or the deployment of the system is delayed, it will only hurt the soldier, sailor, airman, or marine in the field.

The reason for this is quite simple. First, it does not take an economics degree to understand that the higher that costs of a weapon system unexpectedly goes up, the fewer of them we can buy. A prime example is the F–22 Raptor. The original requirement was for 781 jet fighters, now we can only afford 183. In addition, without fundamental reforms, such as I have proposed in this bill, we will continue to buy weapon systems in an ineffective manner, which usually results in long delays and unexpected cost growth, as requirements, acquisition policy and resources never get in synch.

One aspect of how the Pentagon buys the biggest weapons systems that my proposal addresses head-on is the "requirements process"; that is, the process by which the Pentagon defines the weapon system it wants to procure. All too often, costly requirements, many of which are unrelated to what the unified commands say they need, are piled on to these programs irresponsibly, without regard to the bottom-line. Just as egregious is the tendency to drop requirements that the warfighter has said they need, which sometimes justified the system in the first instance.

There is an emerging consensus that one way of addressing these, and related, problems is by integrating processes, that is, aligning the acquisition, resources, and requirements spheres of the procurement process in a way that provides the necessary accountability and agility for the Pentagon to make sound judgments on its defense investments. Historically, each sphere has been stove-piped and allowed to operate independently in a way that has produced poor cost, scheduling and performance outcomes, to the detriment of both the taxpayer and the warfighter.

Elements of this legislative proposal that provide for "integrated processes" include 1. having the Service Chiefs help oversee acquisition management decisions; 2. standing-up a "tri-chair committee"—so-called because it will be that headed by the primary players in the acquisition, resources and requirements communities—that can help make enterprise-wide investment decisions more powerfully and with greater agility than any other procurement-related organization currently within the Pentagon 3. increasing the membership of the Pentagon's main requirements-setting body to include leadership from all three spheres; and 4. setting out guidelines that, when coupled with certain provisions currently under law, can help the Pentagon better manage unexpected cost growth.

Other elements of this proposal address particular structural problems in major weapons procurement that Congress has observed over the last few years. One such provision restricts the services from entering into multiyear contracts irresponsibly when buying weapons. Buying weapons under a multiyear contract restricts Congress's ability to exercise appropriate oversight. If Congress bought these items under a series of annual contracts, there would be a meaningful opportunity for it to annually review the programs' progress. For this reason, using multiyear contracts should be limited to only the best performing and most stable programs. The approach provided for under this legislative proposal would help to ensure that.

Other elements of this proposal would help reign in abuses in how the Government pays award fees and require defense contractors to maintain a robust internal ethics compliance program that can help maintain effective oversight of defense programs.

In developing this reform package, I have pulled the "best of the best," that is, the best, most powerful ideas which enjoy the broadest consensus among some of the most respected experts, whose ideas have been ventilated in public hearings and reps over the last 3 years, including the Defense Acquisition Performance Assessment Report, a.k.a. the DAPA or the Kadish Report; the Center for Strategic International Studies' CSIS, Beyond Goldwater-Nichols Report; the section 804 report from the Undersecretary of Defense for Acquisition, Technology and Logistics; a number of reports and analyses from the Government Accountability Office and the Congressional Research Service; and others. Some of the elements of this package also institutionalize good ideas that the Pentagon has informally put in place recently.

Acquisition reform of a bureaucracy as large as the Pentagon does not happen overnight. That is why we need to act now. Our defense spending has doubled in the last decade, from $350 billion to $650 billion. Every American I talk to as I cross the country understands that we need to spend as much as necessary for national defense. However, how much is enough? Taxpayers also expect that we spend his or her hard-earned tax dollars in a sound and cost-effective manner. We have not been fulfilling that expectation. We need to. This proposed legislation sets us on that course.

Chairman Levin and I have discussed the need for greater oversight in the Senate Armed Services Committee and the common goal of producing concrete results on acquisition reform this year. I look forward to working with Chairman Levin to fully adopt this acquisition package this week and also working with his capable staff in taking comprehensive steps, similar to what our House colleagues have done, to assure that we buy weapon systems at the best price and field them as soon as practicable.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 32

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Acquisition Reform Act of 2007".

SEC. 2. JOINT REQUIREMENTS OVERSIGHT COUNCIL EVALUATION OF MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING CERTAIN COST INCREASES.

(a) In General.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2433 the following new section:

"§ 2433a. Joint Requirements Oversight Council evaluation of programs experiencing certain cost increases

"(a) In General.—The Secretary concerned may not reprogram funds for a major defense acquisition program described in subsection (b), or otherwise provide or provide for additional funding for such a program, until the Joint Requirements Oversight Council submits to the Secretary an assessment of the performance requirements for the item to be procured under the contract, including the effect of such requirements on cost increases under the program.

"(b) Covered Major Defense Acquisition Programs.—A major defense acquisition program described in this subsection is any major defense acquisition program as follows:

"(1) A major defense acquisition program that experiences a percentage increase in the program acquisition unit cost of—

"(A) at least 10 percent over the program acquisition unit cost for the program as shown in the current Baseline Estimate for the program; or

"(B) at least 25 percent over the program acquisition unit cost for the program as shown in the original Baseline Estimate for the program.

"(2) A major defense acquisition program that is a procurement program that experiences a percentage increase in the procurement unit cost of—

"(A) at least 10 percent over the procurement unit cost for the program as shown in the current Baseline Estimate for the program; or

"(B) at least 25 percent over the procurement unit cost for the program as shown in the original Baseline Estimate for the program.

"(c) Definitions.—In this section:

"(1) The terms 'program acquisition unit cost' and 'procurement unit cost' have the meaning given those terms in section 2432(a) of this title.

"(2) The terms 'Baseline Estimate' and 'procurement program' have the meaning given those terms in section 2433(a) of this title.".

(b) Clerical Amendment.—The table of sections at the beginning of such title is amended by inserting after the item relating to section 2433 the following new item:

"2433a. Joint Requirements Oversight Council evaluation of programs experiencing certain cost increases.".

SEC. 3. MEMBERSHIP OF THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 181(c) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(F) the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

"(G) the Under Secretary of Defense (Comptroller).";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Director of Program Analysis and Evaluation shall be an advisor to the Council in the performance of its mission under this section.".

SEC. 4. REQUIREMENT OF APPROVAL OF JOINT REQUIREMENTS OVERSIGHT COUNCIL FOR INITIAL OPERATIONAL TEST AND EVALUATION IN ENVIRONMENT NOT SPECIFIED IN TEST AND EVALUATION MASTER PLAN.

Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) Initial operational test and evaluation of a major defense acquisition program may not be conducted in an environment other than the environment specified and defined in the test and evaluation master plan (TEMP) concerned without the approval of the Joint Requirements Oversight Council.";

(3) in paragraph (4), as redesignated by paragraph (1) of this subsection, by striking "paragraph (2)" and inserting "paragraph (3)";

(4) in paragraph (5), as so redesignated, by striking "paragraph (2)" and inserting "paragraph (3)"; and

(5) in paragraph (6), as so redesignated—

(A) by striking "paragraph (4)" and inserting "paragraph (5)"; and

(B) by striking "paragraph (2)" and inserting "paragraph (3)".

SEC. 5. APPROVAL BY PROGRAM MANAGERS OF CERTAIN COST INCREASES IN CONTRACTS FOR THE ACQUISITION OF PROPERTY.

(a) Regulations Required.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations certain mechanisms that provide cost control measures in contracts for the acquisition of property for the Department of Defense that may be authorized or approved by the program manager.

(2) Objectives.—In prescribing the regulations, the Secretary shall seek, to the maximum extent practicable, to achieve cost control, the stabilization of requirements, and timely delivery in accordance with contract specifications in the performance of contracts for the acquisition of property for the Department.

(b) Covered Cost Increases.—The regulations required by subsection (a) shall provide that the cost increases that may be authorized or approved by a program manager under a contract shall be limited to the following:

(1) A cost increase necessary to secure or enhance safety in the property procured under the contract where the unsecure or unsafe condition or situation (as officially documented by a responsible oversight organization) is attributable to the Government.

(2) A cost increase necessary for the correction of a defect in the contract that is attributable to the Government, including a defect in contract specifications, a defect in or the unavailability of Government information necessary for the performance of the contract, or a defect in or the unavailability of Government equipment necessary for the performance of the contract.

(3) A cost increase associated with the unavailability of Government-specified, contractor-furnished equipment or components.

(4) A cost increase that is necessary for the modification of the property procured under the contract that is critical for the delivery or completion of operational testing.

(5) A cost increase resulting from a modification of applicable statutes or regulations, but only if—

(A) funds are specifically made available to implement such modification; or

(B) in the event funds are not so made available, the service acquisition executive concerned approves the cost increase.

(6) Any other cost increase approved and funded by an appropriate oversight organization that is the result of new or revised requirements or modifications that would result in an overall reduction in life cycle cost in the property procured under the contract.

(c) Availability of Change Order Funds for Cost Increases.—The regulations shall provide that amounts appropriated for a program and available for change orders to contracts under the program shall be available for costs authorized or approved under subsection (b).

(d) Prohibition on Other Cost Increases.—The regulations shall prohibit the authorization or approval by a program manager of any cost increase under a contract not authorized pursuant to subsection (b).

(e) Cost Reductions.—The regulations shall also authorize a program manager to authorize or approve an administrative change, whether engineering or non-engineering, to a contract for the acquisition of property for the Department if the change will reduce or have no effect on the cost of the contract.

(f) Prohibition on Use of Certain Cost Reductions for Offset.—The regulations shall prohibit the utilization as an offset for a cost increase in a contract under subsection (b)(6) of any reduction in the cost of the contract resulting from a cost change approved by the program manager, including a reduction attributable to a change authorized under subsection (e).

SEC. 6. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS AND THE CHIEFS OF STAFF.

(a) DEPARTMENT OF THE ARMY.—

(1) IN GENERAL.—There is in the Army a Military Deputy for Acquisition Matters, appointed by the President, by and with the advice and consent of the Senate, from among officers in the Army who have significant experience in the areas of acquisition and program management.

(2) GRADE.—The Military Deputy for Acquisition Matters has the grade of lieutenant general.

(3) DUTIES.—The Military Deputy for Acquisition Matters shall have the following duties:

(A) To assist the Assistant Secretary of the Army with responsibility for acquisition matters in the supervision of acquisition matters for the Army.

(B) To report to the Chief of Staff of the Army regarding such matters.

(b) DEPARTMENT OF THE NAVY.—

(1) IN GENERAL.—There is in the Navy a Naval Deputy for Acquisition Matters, appointed by the President, by and with the advice and consent of the Senate, from among officers in the Navy and Marine Corps who have significant experience in the areas of acquisition and program management.

(2) GRADE.—The Naval Deputy for Acquisition Matters has the grade of vice admiral or lieutenant general.

(3) DUTIES.—The Naval Deputy for Acquisition Matters shall have the following duties:

(A) To assist the Assistant Secretary of the Navy with responsibility for acquisition matters in the supervision of acquisition matters for the Navy.

(B) To report to the Chief of Naval Operations regarding such matters.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) IN GENERAL.—There is in the Air Force a Military Deputy for Acquisition Matters, appointed by the President, by and with the advice and consent of the Senate, from among officers in the Air Force who have significant experience in the areas of acquisition and program management.

(2) GRADE.—The Military Deputy for Acquisition Matters has the grade of lieutenant general.

(3) DUTIES.—The Military Deputy for Acquisition Matters shall have the following duties:

(A) To assist the Assistant Secretary of the Air Force with responsibility for acquisition matters in the supervision of acquisition matters for the Air Force.

(B) To report to the Chief of Staff of the Air Force regarding such matters.

(d) EXCLUSION OF MILITARY DEPUTIES FROM DISTRIBUTION AND STRENGTH IN GRADE LIMITATIONS.—

(1) DISTRIBUTION.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9)(A) An officer while serving in a position specified in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer's armed force for the grade of lieutenant general or vice admiral, as applicable.

"(B) A position specified in this subparagraph is each position as follows:

"(i) Military Deputy for Acquisition Matters of the Army.

"(ii) Naval Deputy for Acquisition Matters of the Navy.

"(iii) Military Deputy for Acquisition Matters of the Air Force.".

(2) AUTHORIZED STRENGTH.—Section 526 of such title is amended by adding at the end the following new subsection:

"(g) EXCLUSION OF MILITARY DEPUTIES TO ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS.—The limitations of this section do not apply to a general or flag officer who is covered by the exclusion under section 525(b)(9) of this title.".

SEC. 7. COMMITTEE ON STRATEGIC INVESTMENT IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a committee to ensure the effective allocation within major defense acquisition programs of the financial resources available for such programs.

(b) MEMBERS.—

(1) IN GENERAL.—The committee established under subsection (a) shall be composed of the following:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Vice Chairman of the Joint Chiefs of Staff.

(C) The Director of Program Analysis and Evaluation.

(D) Any other officials of the Department of Defense jointly agreed upon by the Under Secretary and the Vice Chairman.

(2) CHAIRS.—The officials referred to in subparagraphs (A) through (C) of paragraph (1) shall serve as joint chairs of the committee.

(c) DUTIES.—

(1) IN GENERAL.—The committee established under subsection (a) shall, at each point in the acquisition of a major defense acquisition program specified in paragraph (2), determine the most effective allocation among such program of the financial resources available to such program at such point. In making such determinations, the committee shall balance requirements, technological maturities, and available resources under such program utilizing solutions bounded by a time-certain and available resources (commonly referred to as "bounded solutions"), portfolio management techniques, and other appropriate investment evaluation techniques to identify the most appropriate allocation of financial resources to meet requirements.

(2) POINTS WITHIN ACQUISITION PROCESS.—The points in the acquisition of a major defense acquisition program specified in this paragraph are the points as follows:

(A) At an appropriate point early in the acquisition jointly specified by the Under Secretary and the Vice Chairman.

(B) At such other point in the acquisition as the Under Secretary and the Vice Chairman shall jointly specify for purposes of this section or otherwise jointly specify for purposes of the program.

(d) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term "major defense acquisition program" means a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

SEC. 8. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE ORGANIZATION AND STRUCTURE FOR THE ACQUISITION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on potential modifications of the organization and structure of the Department of Defense for the acquisition of major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall include the results of a review, conducted by the Comptroller General for purposes of the report, regarding the feasibility and advisability of, at a minimum, the following:

(1) Establishing system commands within each military department, each of which commands would be headed by a 4-star general officer, to whom the program managers and program executive officers for major defense acquisition programs would report.

(2) Revising the acquisition process for major defense acquisition programs by establishing shorter, more frequent acquisition program milestones.

(3) Requiring certifications of program status to the defense acquisition executive and Congress prior to milestone approval for major defense acquisition programs.

(4) Establishing a new office (to be known as the "Office of Independent Assessment") to provide independent cost estimates and performance estimates for major defense acquisition programs.

(5) Establishing a milestone system for major defense acquisition programs utilizing the following milestones (or such other milestones as the Comptroller General considers appropriate for purposes of the review):

(A) MILESTONE 0.—The time for the development and approval of a mission need statement for a major defense acquisition program.

(B) MILESTONE 1.—The time for the development and approval of a capability need definition for a major defense acquisition program, including development and approval of a certification statement on the characteristics required for the system under the program and a determination of the priorities among such characteristics.

(C) MILESTONE 2.—The time or technology development and assessment for a major defense acquisition program, including development and approval of a certification statement on technology maturity of elements under the program.

(D) MILESTONE 3.—The time for system development and demonstration for a major defense acquisition program, including development and approval of a certification statement on design proof of concept.

(E) MILESTONE 4.—The time for final design, production prototyping, and testing of a major defense acquisition program, including development and approval of a certification statement on cost, performance, and schedule in advance of initiation of low-rate production of the system under the program.

(F) MILESTONE 5.—The time for limited production and field testing of the system under a major defense acquisition program.

(G) MILESTONE 6.—The time for initiation of full-rate production of the system under a major defense acquisition program.

(6) Requiring the Milestone Decision Authority for a major defense acquisition program to specify, at the time of Milestone B approval, or Key Decision Point B approval, as applicable, the period of time that will be required to deliver an initial operational capability to the relevant combatant commanders.

(7) Establishing a materiel solutions process for addressing identified gaps in critical warfighting capabilities, under which process the Under Secretary of Defense for Acquisition, Technology, and Logistics circulates among the military departments and appropriate Defense Agencies a request for proposals for technologies and systems to address such gaps.

(c) CONSULTATION.—In conducting the review required under subsection (b) for the report required by subsection (a), the Comptroller General shall obtain the views of the following:

(1) Senior acquisition officials currently serving in the Department of Defense.

(2) Individuals who formerly served as senior acquisition officials in the Department of Defense.

(3) Participants in previous reviews of the organization and structure of the Department of Defense for the acquisition of major weapon systems, including the President's Blue Ribbon Commission on Defense Management in 1986.

(4) Other experts on the acquisition of major weapon systems.

(5) Appropriate experts in the Government Accountability Office.

SEC. 9. CHANGES TO MILESTONE B CERTIFICATIONS.

Section 2366a of title 10, United States Code, is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

"(b) CHANGES TO CERTIFICATION.—(1) The program manager for a major defense acquisition program that has received certification under subsection (a) shall immediately notify the milestone decision authority of any changes to the program that are—

"(A) inconsistent with such certification; or

"(B) deviate significantly from the material provided to the milestone decision authority in support of such certification.

"(2) Upon receipt of information under paragraph (1), the milestone decision authority may withdraw the certification concerned or rescind Milestone B approval (or Key Decision Point B approval in the case of a space program) if the milestone decision authority determines that such action is in the best interest of the national security of the United States.";

(3) in subsection (c), as redesignated by paragraph (1)—

(A) by inserting "(1)" before "The certification"; and

(B) by adding at the end the following new paragraph (2):

"(2) Any information provided to the milestone decision authority pursuant to subsection (b) shall be summarized in the first Selected Acquisition Report submitted under section 2432 of this title after such information is received by the milestone decision authority."; and

(4) in subsection (e), as so redesignated, by striking "subsection (c)" and inserting "subsection (d)".

SEC. 10. BUSINESS CASE ANALYSIS FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANALYSIS BEFORE MILESTONE B APPROVAL.—The milestone decision authority for a major defense acquisition program may not grant Milestone B approval for the program until the milestone decision authority obtains from a federally funded research and development center (FFRDC) a business case analysis for the program meeting the requirements of subsection (c).

(b) ANALYSIS FOLLOWING DEVIATIONS FROM MILESTONE B APPROVAL CERTIFICATION.—If the milestone decision authority for a major defense acquisition program determines that information provided to the milestone decision authority by the program manager reveals changes to the program that are inconsistent with the certification for Milestone B approval with respect to the program under section 2366a(a) of title 10, United States Code, or that significantly deviate from the material provided to the milestone decision authority in support of such certification, the milestone decision authority shall require the conduct by a federally funded research and development center of a new business case analysis for the program meeting the requirements of subsection (c).

(c) ELEMENTS OF BUSINESS CASE ANALYSIS.—The business case analysis for a major defense acquisition program under this section shall ensure the following:

(1) That the needs of the user for the system under the program have been accurately defined.

(2) That alternative approaches to satisfying such needs have been properly analyzed, and that the quantities of the system required are well understood.

(3) That the system developed or, in the case of a new developmental program, the system to be developed, is producible at a cost that matches the expectations and financial resources of the system user.

(4) That the developer has the resources to design the system with the features that the user wants and to deliver the system when the user needs the system.

(d) SUBMITTAL TO CONGRESS.—Each business case analysis conducted under this section shall be submitted to the congressional defense committees not later than seven days after the date on which such business case analysis is submitted to the milestone decision authority under this section.

(e) DEFINITIONS.—In this section:

(1) The term "major defense acquisition program" means a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

(2) The term "Milestone B approval", with respect to a major defense acquisition program, has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

SEC. 11. GUIDANCE ON UTILIZATION OF AWARD FEES IN CONTRACTS UNDER DEPARTMENT OF DEFENSE ACQUISITION PROGRAMS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations guidance on the appropriate use of award fees in contracts under Department of Defense acquisition programs.

(b) UTILIZATION OF OBJECTIVE CRITERIA IN ASSESSMENT OF CONTRACTOR PERFORMANCE.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide that, to the extent practicable, objective criteria are utilized in the assessment of contractor performance in Department acquisition programs.

(2) MIXED UTILIZATION OF OBJECTIVE AND SUBJECTIVE CRITERIA.—The regulations shall provide that, in any case in which objective criteria are available for the assessment of contractor performance, the program manager and contracting officer concerned may elect to assess contractor performance through an appropriate mixture of objective criteria and such subjective criteria as the program manager and contracting officer jointly consider appropriate under a contract providing both incentive fees and awards fees, including a cost-plus-incentive/award fee contract or a fixed-price-incentive/award fee contract.

(3) UTILIZATION OF SUBJECTIVE CRITERIA.—

(A) IN GENERAL.—The regulations shall provide that, if it is determined that objective criteria do not exist and it is appropriate to use a cost-plus-award-fee contract, the head of the contracting activity concerned shall find that the work to be performed under the contract is such that it is not feasible or effective to establish objective incentive criteria for the contract.

(B) DELEGATION.—The authority to make a determination and finding under subparagraph (A) may be delegated by the head of a contracting activity but only to an official in the contracting activity who is one level lower in the contracting chain of authority than the head of the contracting activity.

(c) SCHEDULE FOR AWARD FEES.—

(1) IN GENERAL.—The regulations required by subsection (a) shall set forth a schedule of ratings of contractor performance for award fees in contracts under Department acquisition programs, including—

(A) a range of authorized ratings;

(B) the contractor performance required for each authorized rating; and

(C) the percentage of potential award fees payable as a result of the achievement of each authorized rating.

(2) AUTHORIZED RATINGS AND PERFORMANCE.—The schedule shall set forth a range of authorized ratings and associated contractor performance as follows:

(A) Outstanding, for a contractor who meets—

(i) the minimum essential requirements of the contract; and

(ii) at least 90 percent of the criteria for the award of award fees under the contract.

(B) Excellent, for a contractor who meets—

(i) the minimum essential requirements of the contract; and

(ii) at least 75 percent of the criteria for the award of award fees under the contract.

(C) Good, for a contractor who meets—

(i) the minimum essential requirements under the contract; and

(ii) at least 50 percent of the criteria for the award of award fees under the contract.

(D) Satisfactory, for a contractor who meets the minimum essential requirements under the contract but does not meet at least 50 percent of the criteria for the award of award fees under the contract.

(E) Unsatisfactory, for a contractor who does not meet the minimum essential requirements under the contract.

(3) AWARD FEES PAYABLE.—The schedule shall provide that the amount payable from amounts available for the payment of award fees under a contract (commonly referred to as an "award fee pool") to a contractor who achieves a particular rating under the schedule shall be the percentage of such amounts, as determined appropriate by the contracting officer, from the percentages as follows:

(A) In the case of outstanding, 90 percent to 100 percent.

(B) In the case of excellent, 75 percent to 90 percent.

(C) In the case of good, 50 percent to 75 percent.

(D) In the case of satisfactory, not more than 50 percent.

(E) In the case of unsatisfactory, 0 percent.

(d) ESTABLISHMENT OF AWARD FEE REQUIREMENTS.—The regulations required by subsection (a) shall provide that the requirements to be satisfied for the award of award fees under a contract shall be determined by the contracting officer, in consultation with the program manager concerned and the fee determining official for the contract. The specification of such requirements in the contract may be referred to as the "Award Fee Plan" for the contract.

(e) ROLLOVER OF AWARD FEES TO LATER AWARD PERIODS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall establish a negative presumption against the rollover of amounts

available for the payment of award fees under a contract from one award fee period under the contract to another award fee period under the contract unless the rollover of such amounts is specifically set forth in the acquisition strategy under which the contract is entered into.

(2) Limitation on amount of rollover.—The regulations shall set forth specific limits on the amount available for the payment of award fees under a contract that may be rolled over from one award fee period under the contract to another award fee period under the contract. Such limits may be expressed as specific dollar amounts or as percentages of the amount available for payment of award fees under the contract concerned.

(3) Documentation of rollover.—The regulations shall require that any determination by the fee determining official to roll over amounts available for the payment of award fees under a contract from one award fee period under the contract to another award fee period under the contract shall be included in writing in the contract file for the contract.

SEC. 12. SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.

(a) Definition in Regulations of Substantial Savings Under Multiyear Contracts.—

(1) In general.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations prescribed pursuant to subsection (b)(2)(A) of section 2306b of title 10, United States Code, to define the term "substantial savings" for purposes of subsection (a)(1) of such section. Such regulations shall specify the following:

(A) Savings that exceed 10 percent of the total anticipated costs of carrying out a program through annual contracts shall be considered to be substantial.

(B) Savings that exceed 8 percent of the total anticipated costs of carrying out a program through annual contracts, but do not exceed 10 percent of such costs, shall not be considered to be substantial unless the following conditions are satisfied:

(i) The program has not breached any threshold under section 2433 of title 10, United States Code, during the two-year period ending on the date on which the military department concerned first submits to Congress a multiyear procurement proposal with respect to the program.

(ii) The program is estimated to save at least $500,000,000 under a multiyear contract, as compared to annual contracts.

(C) Savings that do not exceed 8 percent of the total anticipated costs of carrying out a program through annual contracts shall not be considered to be substantial.

(2) Determination of savings.—The regulations required under this subsection shall require that the determination of the amount of savings to be achieved under a multiyear contract, including whether or not such savings are treatable as substantial savings for purposes of subsection (a)(1) of section 2306b of title 10, United States Code, shall be made by the Cost Analysis Improvement Group (CAIG) of the Department of Defense.

(3) Effective date.—The modification required by paragraph (1) shall apply with regard to any multiyear contract that is authorized after the date that is 60 days after the date of the enactment of this Act.

(b) Reports on Savings Achieved.—

(1) Reports required.—Not later than January 15 of 2008, 2009, and 2010, the Secretary shall submit to the congressional defense committees a report on the savings achieved through the use of multiyear contracts that were entered under the authority of section 2306b of title 10, United States Code, and the performance of which was completed in the preceding fiscal year.

(2) Elements.—Each report under paragraph (1) shall specify, for each multiyear contract covered by such report—

(A) the savings that the Department of Defense estimated it would achieve through the use of the multiyear contract at the time such contract was awarded; and

(B) the best estimate of the Department on the savings actually achieved under such contract.

SEC. 13. INVESTMENT STRATEGY FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an investment strategy for the allocation of funds and other resources among major defense acquisition programs.

(b) Elements.—The strategy required by subsection (a) shall do the following:

(1) Establish priorities among needed capabilities under major defense acquisition programs, and to assess the resources (including funds, technologies, time, and personnel) needed to achieve such capabilities.

(2) Balance cost, schedule, and requirements for major defense acquisition programs to ensure the most efficient use of Department of Defense resources.

(3) Ensure that the budget, requirements, and acquisition processes of the Department of Defense work in a complementary manner to achieve desired results.

(c) Recommendations.—In submitting the strategy required by subsection (a), the Secretary shall include any recommendations, including recommendations for legislative action, that the Secretary considers appropriate to implement the strategy.

(d) Utilization for Budget Purposes.—The Secretary shall utilize the strategy required by subsection (a) in developing requests for funding and other resources to be allocated to major defense acquisition programs under the budget of the President to be submitted to Congress each fiscal year under section 1105(a) of title 31, United States Code.

(e) Current Programs Beyond Milestone B Approval.—Pending completion of the strategy required by subsection (a), the Secretary shall, to the extent practicable, establish priorities in the allocation of funds and other resources for major defense acquisition programs that have Milestone B approval in order to ensure the acquisition of items under such programs in the most cost-effective and efficient manner.

(f) Definitions.—In this section:

(1) The term "major defense acquisition program" has the meaning given that term in section 2430 of title 10, United States Code.

(2) The term "Milestone B approval" has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

SEC. 14. ETHICS COMPLIANCE BY DEPARTMENT OF DEFENSE CONTRACTORS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations a requirement that a contracting officer of the Department of Defense may not determine a contractor to be responsible for purposes of the award of a new covered contract for the Department, or an agency or component of the Department, unless the entity to be awarded the contract has in place, by the deadline specified in subsection (c), an internal ethics compliance program, including a code of ethics and internal controls, to facilitate the timely detection and disclosure of improper conduct in connection with the award or performance of the covered contract and to ensure that appropriate corrective action is taken with respect to such conduct.

(b) Elements of Ethics Compliance Program.—Each ethics compliance program required of a contractor under subsection (a) shall include the following:

(1) Requirements for periodic reviews of the program for which the covered contract concerned is awarded to ensure compliance of contractor personnel with applicable Government contracting requirements, including laws, regulations, and contractual requirements.

(2) Internal reporting mechanisms, such as a hot-line, for contractor personnel to report suspected improper conduct among contractor personnel.

(3) Audits of the program for which the covered contract concerned is awarded.

(4) Mechanisms for disciplinary actions against contractor personnel found to have engaged in improper conduct, including the exclusion of such personnel from the exercise of substantial authority.

(5) Mechanisms for the reporting to appropriate Government officials, including the contracting officer and the Office of the Inspector General of the Department of Defense, of suspected improper conduct among contractor personnel, including suspected conduct involving corruption of a Government official or individual acting on behalf of the Government, not later than 30 days after the date of discovery of such suspected conduct.

(6) Mechanisms to ensure full cooperation with Government officials responsible for investigating suspected improper conduct among contractor personnel and for taking corrective actions.

(7) Mechanisms to ensure the recurring provision of training to contractor personnel on the requirements and mechanisms of the program.

(8) Mechanisms to ensure the oversight of the program by contractor personnel with substantial authority within the contractor.

(c) Deadline for Program.—The deadline specified in this subsection for a contractor having in place an ethics compliance program required under subsection (a) for purposes of a covered contract is 30 days after the date of the award of the contract.

(d) Determination of Existence of Program.—In determining whether or not contractor has in place an ethics compliance program required under subsection (a), a contracting officer of the Department may utilize the assistance of the Office of the Inspector General of the Department of Defense.

(e) Suspension or Debarment.—The regulations prescribed under subsection (a) shall provide that any contractor under a covered contract whose personnel are determined not to have reported suspected improper conduct in accordance with the requirements and mechanisms of the ethics compliance program concerned may, at the election of the Secretary of Defense, be suspended from the contract or debarred from further contracting with the Department of Defense.

(f) Covered Contract Defined.—In this section, the term "covered contract" means any contract to be awarded to a contractor of the Department of Defense if, in the year before the contract is to be awarded, the total amount of contracts of the contractor with the Federal Government exceeded $5,000,000.

SEC. 15. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS ON TOTAL OWNERSHIP COSTS AND READINESS RATES FOR MAJOR WEAPON SYSTEMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the extent of the implementation of the recommendations set forth in the February 2003 report of the Government Accountability Office entitled "Setting Requirements Differently Could Reduce Weapon Systems' Total Ownership Costs".

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each recommendation described in subsection (a) that has been implemented, or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement such recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of such recommendation.

(2) For each recommendation that the Secretary has not implemented and does not plan to implement—

(A) the reasons for the decision not to implement such recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

(3) A summary of any additional actions the Secretary has taken or plans to take to ensure that total ownership cost is appropriately considered in the requirements process for major weapon systems.

By Mr. COLEMAN (for himself and Ms. COLLINS):

S. 35. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 35

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Hemisphere Traveler Improvement Act of 2007".

SEC. 2. CERTIFICATIONS.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (v)—

(i) by striking "process" and inserting "read"; and

(ii) inserting "at all ports of entry" after "installed";

(B) in clause (vi), by striking "and" at the end;

(C) in clause (vii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(viii) a pilot program in which not fewer than 1 State has been initiated and evaluated to determine if an enhanced driver's license, which is machine-readable and tamper-proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the individual's driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry;

"(ix) the report described in subparagraph (C) has been submitted to the appropriate congressional committees;

"(x) a study has been conducted to determine the number of passports and passport cards that will be issued as a consequence of the documentation requirements under subparagraph (A); and

"(xi) sufficient passport adjudication personnel have been hired or contracted—

"(I) to accommodate—

"(aa) increased demand for passports as a consequence of the documentation requirements under subparagraph (A); and

"(bb) a surge in such demand during seasonal peak travel times; and

"(II) to ensure that the time required to issue a passport or passport card is not anticipated to exceed 8 weeks."; and

(2) by adding at the end the following:

"(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report, which includes—

"(i) an analysis of the impact of the pilot program on national security;

"(ii) recommendations on how to expand the pilot program to other States;

"(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

"(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists;

"(v) an evaluation of and recommendations for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses;

"(vi) recommendations for improving the pilot program; and

"(vii) an analysis of any cost savings for a citizen of the United States participating in an enhanced driver's license program as compared with participating in an alternative program.".

SEC. 3. SPECIAL RULE FOR MINORS.

Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR MINORS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if the individual—

"(A)(i) is less than 16 years old;

"(ii) is accompanied by the individual's legal guardian;

"(iii) is entering the United States from Canada or Mexico;

"(iv) is a citizen of the United States or Canada; and

"(v) provides a birth certificate; or

"(B)(i) is less than 18 years old;

"(ii) is traveling under adult supervision with a public or private school group, religious group, social or cultural organization, or team associated with a youth athletics organization; and

"(iii) provides a birth certificate.".

SEC. 4. TRAVEL FACILITATION INITIATIVES.

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new subsections:

"(e) STATE DRIVER'S LICENSE AND IDENTIFICATION CARD ENROLLMENT PROGRAM.—

"(1) IN GENERAL.—Notwithstanding any other provision of law and not later than 180 days after the submission of the report described in subsection (b)(1)(C), the Secretary of State and the Secretary of Homeland Security shall issue regulations to establish a State Driver's License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the 'Program') and which allows the Secretary of Homeland Security to enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

"(2) PURPOSE.—The purpose of the Program is to permit a citizen of the United States who produces a driver's license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada by land or sea without providing any other documentation or evidence of citizenship.

"(3) ADMISSION OF CITIZENS OF THE UNITED STATES.—A driver's license or identity card meets the requirements of this paragraph if—

"(A) the license or card—

"(i) was issued by a State that is participating in the Program; and

"(ii) is tamper-proof and machine readable; and

"(B) the State that issued the license or card—

"(i) has a mechanism to verify the United States citizenship status of an applicant for such a license or card;

"(ii) does not require an individual to include the individual's citizenship status on such a license or card; and

"(iii) manages all information regarding an applicant's United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

"(4) ADMISSION OF CITIZENS OF CANADA.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver's license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

"(B) TECHNOLOGY STANDARDS.—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

"(5) AUTHORITY TO EXPAND.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

"(A) from a country other than Canada; or

"(B) using evidence of citizenship other than a driver's license or identity card described in paragraph (3) or a document described in paragraph (4).

"(6) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

"(7) STATE DEFINED.—In this subsection, the term 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

"(f) WAIVER FOR INTRASTATE TRAVEL.—The Secretary of Homeland Security shall accept a birth certificate as proof of citizenship for any United States citizen who is traveling directly from one part of a State to a noncontiguous part of that State through Canada, if such citizen cannot travel by land to such part of the State without traveling through Canada, and such travel in Canada is limited to no more than 2 hours.

"(g) WAIVER OF PASS CARD AND PASSPORT EXECUTION FEES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date on which the Secretary of Homeland Security publishes a final rule in the Federal Register to carry out subsection (b), the Secretary of State shall—

"(A) designate 1 facility in each city or port of entry designated under paragraph (2), including a State Department of Motor Vehicles facility located in such city or port of entry if the Secretary determines appropriate, in which a passport or passport card may be procured without an execution fee during such period; and

"(B) develop not fewer than 6 mobile enrollment teams that—

"(i) are able to issue passports or other identity documents issued by the Secretary of State without an execution fee during such period;

"(ii) are operated along the northern and southern borders of the United States; and

"(iii) focus on providing passports and other such documents to citizens of the United States who live in areas of the United States that are near such an international border and that have relatively low population density.

"(2) DESIGNATION OF CITIES AND PORTS OF ENTRY.—The Secretary of State shall designate cities and ports of entry for purposes of paragraph (1)(A) as follows:

"(A) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the northern border of the United States.

"(B) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the southern border of the United States.

"(h) COST-BENEFIT ANALYSIS.—Prior to publishing a final rule in the Federal Register to carry out subsection (b), the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of carrying out this section. Such analysis shall include analysis of—

"(1) any potential costs of carrying out this section on trade, travel, and the tourism industry; and

"(2) any potential savings that would result from the implementation of the State Driver's License and Identity Card Enrollment Program established under subsection (e) as an alternative to passports and passport cards.

"(i) REPORT.—During the 2-year period beginning on the date that is the 3 months after the date on which the Secretary of Homeland Security begins implementation of subsection (b)(1)—

"(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report not less than once every 3 months on—

"(A) the average delay at border crossings; and

"(B) the average processing time for a NEXUS card, FAST card, or SENTRI card; and

"(2) the Secretary of State shall submit to the appropriate congressional committees a report not less than once every 3 months on the average processing time for a passport or passport card.

"(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

"(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.".

SEC. 5. SENSE OF CONGRESS REGARDING IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.

The intent of Congress in enacting section 546 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1386) was to prevent the Secretary of Homeland Security from implementing the plan described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) before the earlier of June 1, 2009, or the date on which the Secretary certifies to Congress that an alternative travel document, known as a passport card, has been developed and widely distributed to eligible citizens of the United States.

SEC. 6. PASSPORT PROCESSING STAFF AUTHORITIES.

(a) REEMPLOYMENT OF CIVIL SERVICE ANNUITANTS.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

(1) in paragraph (1), by striking "To facilitate" and all that follows through ", the Secretary" and inserting "The Secretary"; and

(2) in paragraph (2), by striking "2008" and inserting "2010".

(b) REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)(B), by striking "to facilitate" and all that follows through "Afghanistan,"; and

(2) in paragraph (2), by striking "2008" and inserting "2010".

SEC. 7. REPORT ON BORDER INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report on the adequacy of the infrastructure of the United States to manage cross-border travel associated with the NEXUS, FAST, and SENTRI programs. Such report shall include consideration of—

(1) the ability of frequent travelers to access dedicated lanes for such travel;

(2) the total time required for border crossing, including time spent prior to ports of entry;

(3) the frequency, adequacy of facilities and any additional delays associated with secondary inspections; and

(4) the adequacy of readers to rapidly read identity documents of such individuals.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 1445. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection; to the Committee on Health, Education, Labor and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague Senator HUTCHISON in introducing the Hepatitis C Epidemic Control and Prevention Act of 2007. Senator HUTCHISON's leadership has been essential in developing this legislation, which will encourage programs for hepatitis C across the country similar to the programs that have been so effective in Texas. Our goal is to expand and improve health education, screening, and treatment to deal more effectively with the epidemic of hepatitis C.

Hepatitis C is a life-threatening disease caused by a virus and is the most common chronic, blood-borne infection in the United States. An estimated 5 million people, almost 2 percent of the population, are now infected with the hepatitis C virus. More than half a million of these Americans are suffering from chronic infection, and 30,000 more are infected every year.

Those infected come from all walks of life, and their numbers are growing fast. People at greatest risk include emergency service personnel, veterans, health care workers, and intravenous drug and methamphetamine users. Hepatitis C also disproportionately affects medically underserved populations, including African Americans, Native Americans, persons of Hispanic or Asian/Pacific Island descent, and the homeless.

It is truly a "silent" epidemic since the vast majority of these individuals are unaware of their infection. Millions are not receiving the care that could slow the progression of the disease or even cure it. Those who are not aware of their infection are less likely to take precautions against spreading the disease to others. Unlike the hepatitis A and B viruses, there is no vaccine currently available to prevent hepatitis C infection. It is critical to improve the screening process, so that everyone infected can be identified, obtain treatment, and learn healthier behavior.

The infection has serious health effects. It can cause liver disease, including cirrhosis and liver cancer, and is the leading cause of adult liver transplants. Chronic liver disease, most of which is caused by this virus, is now the most common cause of death among persons infected with HIV. In addition to the human costs, the disease has massive financial implications. Direct medical costs associated with care are alone expected to exceed $1 billion a year by 2010, and those costs will undoubtedly increase without better prevention and treatment programs.

Greater Federal investment will play a critical role in reversing this silent epidemic. Our bill will increase public awareness of the dangers of hepatitis C, and make testing widely available. For those already infected, it will provide counseling, referrals, and vaccination against hepatitis A and B and other infectious diseases. It will also support research, including the development of a vaccine against hepatitis C. It also supports increased hepatitis C surveillance activities by the Centers for Disease Control and Prevention, and creates hepatitis C coordinators to provide technical assistance and training to State public health agencies.

This bill will have a major impact on the lives of millions of Americans who are infected by hepatitis C, and the families and loved ones who care for them. I look forward to working closely with my colleagues to act quickly to pass this needed legislation.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 1446. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARDIN. Mr. President, today I am introducing legislation to help sustain the Federal Government's longstanding commitment to the Washington Metropolitan area's Metrorail system. The National Capital Transportation Amendments Act of 2007 authorizes a total of $1,500,000,000 in matching Federal funds over the next 10 years to maintain and improve America's public transit system. It is a companion to a measure introduced in the House by Representative TOM DAVIS, with strong regional and bipartisan support, and is nearly identical to the legislation which was approved by the House in the 109th Congress.

In March 2006, the Washington Metropolitan Area Transit Authority celebrated the 30th anniversary of passenger service on the Metrorail system. Since service first began in 1976, Metrorail has grown from a 4.6-mile, five-station, 22,000-passenger system into the Nation's second busiest rapid transit operation. Today the Metrorail system consists of 106.3 miles, 86 stations and carries more than 100 million passengers a year. The Metrorail system provides a unified and coordinated transportation system for the region, enhances mobility for the millions of residents, visitors and the Federal workforce in the region, promotes orderly growth and development of the region, enhances our environment, and preserves the beauty and dignity of our Nation's Capital. It is also an example of an unparalleled partnership that spans every level of government from city to State to Federal.

As the largest employer in this region, the Federal Government has had a longstanding and unique responsibility to support the Metro system. This special responsibility was recognized more than 40 years ago in the National Capital Transportation Act of 1960, when Congress found that "an improved transportation system for the National Capital region is essential for the continued and effective performance of the functions of the Government of the United States." Today more than a third of Federal employees in this region rely on Metrorail to get to work, and at rush hour, more than 40 percent of Metro's riders are Federal employees. The service that WMATA provides is also a critical component of Federal emergency evacuation plans for the region. The Federal Government's interest in Metro is "unique and enduring."

It took extraordinary perseverance and effort to build the 106-mile Metorail system. From its origins in legislation first approved by the Congress during the Eisenhower Administration, three major statutes, the National Capital Transportation Act of 1969, the National Capital Transportation amendments of 1979, and the National Capital Transportation Amendments of 1990 were enacted to provide Federal and matching local funds for construction of the system. In addition, in ISTEA, TEA-21 and most-recently in SAFETEA-LU, we made the Metrorail eligible for millions of dollars in Federal funds annually to maintain and modernize the system, and provided an additional $104 million for WMATA's procurement of 52 rail cars and construction of upgrades to traction power equipment on 20 stations to allow the transit agency to expand many of its trains from 6 to 8 cars.

But the system is aging and has been experiencing increasing incidents of equipment breakdowns, delays in scheduled service, and unprecedented crowding on trains. In 2004, WMATA released a "Metro Matters" report which found a $1.5 billion shortfall in funding over 6 years to meet WMATA's capital and operating needs. A Blue Ribbon Panel, sponsored by the Metropolitan Washington Council of Governments, the Greater Washington Board of Trade and the Federal City Council published a report a year later which concluded that WMATA faces an average annual operating and capital shortfall of approximately $300 million between fiscal year 2006 and fiscal year 2015.

This legislation seeks to provide additional Federal funds to help close this gap. To be eligible for any Federals funds that may be appropriated annually under this legislation, the District of Columbia, the State of Maryland, and the Commonwealth of Virginia must first enact the required Compact amendments and either establish or use an existing dedicated funding source, such as Maryland's Transportation Trust fund, to provide the local matching funds. The legislation is still subject to the annual appropriations process and it is my hope that federal funding authorized under this Act will be forthcoming in future years. I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "National Capital Transportation Amendments Act of 2007".

(b) FINDINGS.—Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.

The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official

Code) is amended by adding at the end the following new section:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

"SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

"(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

"(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

"(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

"(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

"(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

"(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

"(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

"(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

"(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

"(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed **$1,500,000,000** to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended. .

"(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

"(1) shall remain available until expended; and

"(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.".

SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.

(a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—The Washington Metropolitan Area Transit Authority (hereafter referred to as the "Transit Authority") shall establish in the Transit Authority the Office of the Inspector General (hereafter in this section referred to as the "Office"), headed by the Inspector General of the Transit Authority (hereafter in this section referred to as the "Inspector General").

(2) DEFINITION.—In paragraph (1), the "Washington Metropolitan Area Transit Authority" means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(3) REPORTS.—

(A) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(B) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(5) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(2) STAFF.—

(A) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(i) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(ii) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(iii) such other personnel as the Inspector General considers appropriate.

(B) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(C) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (B).

(3) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

SEC. 4. STUDY AND REPORT BY COMPTROLLER GENERAL.

(a) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this Act).

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under subsection (a).

Mr. WEBB. Mr. President, I am pleased to join my colleagues, Senators MIKULSKI, CARDIN and WARNER, to introduce legislation that will reaffirm the Federal Government's continuing responsibility for the Washington Metropolitan Area Transit Authority, WMATA. Our legislation, in cooperation with State and local governments of the national capital region, will aid in the preservation and maintenance of our regional transportation system.

Our predecessors in Congress had a clear vision for rapid rail and bus service that would not only transport Federal employees, residents, and visitors around the national capital region but that would also alleviate traffic congestion, spur growth and development, improve the economic welfare and vitality of all parts of the region, and ensure that all area residents have sufficient mobility options.

The Washington Metro transit system has fulfilled that vision and more, providing critical support to the Federal Government and the region during emergencies, helping to protect the environment and improve air quality in our Nation's Capital, and attracting visitors from around the country and the world to ride the system—now a monument of its own.

With the Federal Government's commitment to reduce our Nation's dependence on foreign oil and to increase national security, Federal support of the Washington Metro system is more important now than ever before. Congress has a fundamental interest in the transit system, and we must join our longstanding regional partners to help meet the demand of Metro's growing ridership and aging infrastructure.

Since the Washington Metro transit system began operating its first 4.6 miles of the Red Line between Rhode Island Avenue and Farragut North in 1976, the Metrorail system has added over 100 miles and extended operations to a total of 86 stations throughout the District of Columbia, Maryland, and Virginia. Almost half of all Metrorail stations today serve Federal facilities, and 42 percent of Metro's peak period commuters are Federal employees.

Metrorail and Metrobus ridership continue to grow as more than a million riders on average per weekday choose Metro as their preferred mode of transit for traveling around the national capital region. Metrorail ridership has grown steadily at an average annual growth of 4 percent, according to the Progress Report on the National Capital Region's Six-Year Transportation Capital Funding Needs, 2007–2012, by the Metropolitan Washington Transportation Planning Board, TPB. The report predicts that transit ridership demand will exceed system capacity by the year 2010. New funding authorized in this legislation would provide the necessary resources to increase bus and rail capacity and meet forecasted ridership demands, before the system and region become totally mired in congestion.

The Washington Metro transit system has proven critical to the Federal Government, not only in moving its employees and serving Federal facilities but also in providing significant support during emergencies. Immediately following the September 11, 2001, terrorist attack on the Pentagon, Metro continued operations and helped safely evacuate hundreds of thousands of people from the downtown core of the District of Columbia. For a 30-day period after September 11, Metro opened Metrorail service half an hour early to support the Department of Defense as it heightened security actions and encountered major traffic congestion accessing the Pentagon.

Metro is a key component in emergency transportation and continuity of operations plans for the entire region, including the civilian and military Federal workforce. Without the use of the Metro system, gridlock would ensue on the region's roadways to a degree that would make all emergency transportation evacuation plans inoperable. With enactment of the legislation we propose today, Congress will assist the Washington Metro transit system to continue to provide its vital service and bolster security measures throughout the system.

Additional funding will also enable the transit system to continue to provide the invaluable service of helping to reduce traffic congestion throughout the region. With area roadways becoming increasingly congested, the Washington Metro transit system is critical to the region's infrastructure.

According to the 2005 Urban Mobility Report by the Texas Transportation Institute, TTI, the Washington metropolitan area has the third-worst traffic congestion in the United States. Washington area commuters sat in traffic for 145.5 million hours in 2003, costing drivers an estimated $2.46 billion and wasting more than 87 million gallons of fuel. The report shows that the Washington area would have the worst congestion in the Nation if not for its public transportation system. Moreover, the report concludes that Washington Metro transit improvements are necessary to help further relieve congested corridors and serve major activity centers.

Currently, Metrorail and Metrobus services result in 580,000 cars being removed from the region's highways each weekday and eliminate the need for 1,400 additional highway lane miles. A reliable and safe public transportation system is essential to encouraging more commuters to utilize alternative modes of transportation, especially as congestion on regional roadways is projected to increase, along with strong job and population growth in the National Capital region.

The Metropolitan Washington Council of Governments, MWCOG, estimates the area's population will grow 36 percent by 2030. Already struggling to meet its current ridership demands, the Washington Metro transit system desperately needs increased support from the Federal Government and State and local governments in the national capital region to keep up with the region's current and future economic progress.

Metro is an unparalleled asset to the region, not only reducing traffic congestion and air pollutants but also helping to reduce our Nation's dependence on foreign oil. Public transportation is an inherently energy efficient travel mode, with each transit user consuming an average of one-half the oil consumed by the typical automobile user, according to the American Public Transportation Association, APTA.

Current public transportation usage reduces U.S. gasoline consumption by 1.4 billion gallons each year. In concrete terms, that means 108 million fewer cars are filling up with gas per year, or almost 300,000 per day, 34 fewer supertankers are leaving the Middle East per year, and over 140,000 fewer tanker trucks are making deliveries to service stations.

Locally, the Washington Metro transit system saves the region from using 75 million gallons of gasoline each year. As gas prices continue to rise, many Washington area residents will continue to seize upon the opportunity to save money on fuel consumption by taking public transportation. Additional Federal funding will allow Metro to purchase 340 new railcars and 275 new buses, which are necessary to accommodate more riders and help further reduce oil consumption throughout the Washington region.

Public transportation not only helps reduce our dependence on foreign oil, but it also helps reduce toxic emissions and air pollution caused by the large number of cars sitting in bumper-to-bumper traffic on area roadways. The Washington Metro transit system eliminates more than 10,000 tons of pollutants from the air each year. Much of the Metrobus fleet is comprised of eco-friendly buses that run on ultra low sulfur diesel fuel, compressed natural gas, diesel electric hybrid and advanced technology fuels. Investing in Metro is one of the most significant contributions the Federal Government can make to help protect the environment in the Washington metropolitan area.

Reliable Metrorail and Metrobus service is an attractive alternative to sitting in traffic, but if Metro does not receive additional funding, reliability will diminish along with the public's confidence in the transit system. Already, Metro is struggling to accommodate more riders and modernize its existing assets. Additional dedicated sources of funding are needed if Metro is to continue to serve the Federal workforce and thousands of other area residents and visitors.

For the past 30 years, the Washington Metro transit system has been a bedrock for the national capital region, providing reliable transportation, facilitating day-to-day operations of the Federal Government, spurring economic growth and sensible development, reducing sprawl and traffic congestion, and improving the quality of life for the region's citizens and visitors to the Nation's Capital.

The future of Metro and its continued success relies upon consistent support from the Federal Government and the regional localities it serves. Now is the time for the Federal Government to commit itself to providing more long-term Federal funding for the Washington Metro system. Together, along with our jurisdictional partners, we must continue to invest in the transit system that has brought so many rewards not only to the region but also to the Federal Government and the entire Nation. I urge my colleagues to support this bill as it moves through the Senate.

By Mr. REED (for himself, Mr. LEAHY, and Mr. CORNYN):

S. 1448. A bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government; to the Committee on the Judiciary.

Mr. REED. Mr. President, on April 16, 2007, our Nation faced a terrible tragedy, the deadliest shooting in the history of our Nation. I want to express my sympathy to the victims of this senseless violence, one of whom was Daniel O'Neil, a 22-year-old Virginia Tech graduate student from Lincoln, RI.

The unfortunate truth is that this unspeakable event could have happened on any campus, anywhere. It highlighted how vulnerable our Nation's university and college campuses can be to this type of attack.

Today, I am reintroducing the Equity in Law Enforcement Act, to extend Federal benefits to law enforcement officers who serve private institutions of higher education and rail carriers, including line-of-duty death benefits under the Public Safety Officers' Benefits Program, and eligibility for bulletproof vest partnership grants through the Department of Justice. This legislation would give sworn, licensed, or certified police officers serving private institutions of higher education and rail carriers the same Federal benefits that apply to law enforcement officers serving units of State and local government.

The Public Safety Officers' Benefits, PSOB, Act of 1976 was enacted to aid in the recruitment and retention of law enforcement officers and firefighters by providing a one-time financial benefit to the eligible survivors of public safety officers whose deaths are the direct result of traumatic injury sustained in the line of duty. Specifically, this law addresses concerns that the hazards inherent in law enforcement and fire suppression, and the low level of State and local death benefits, might discourage qualified individuals from seeking careers in these fields.

The same risks also apply to police officers protecting our private universities and railways. Unfortunately, the Public Safety Officers' Benefits Act omitted coverage to sworn officers who are privately employed, even though they enforce the law and have arrest powers within their jurisdiction. These brave officers, who protect our college and university campuses and railways every day and receive the same training as their government counterparts, are thus excluded from receiving the same line-of-duty Federal death benefits as law enforcement officers serving units of State and local governments.

According to the National Law Enforcement Officers Memorial Fund, 25 college or university officers have been killed in the line of duty since September 20, 1963. The names of these 25 officers, including Officer Joseph Francis Doyle, who was killed in the line of duty at Brown University in 1988, as well as 59 railway officers who have been killed in the line-of-duty are inscribed on the Memorial.

Since September 2004, three sworn campus police officers have been killed in the line-of-duty. Two of these officers were from public universities: the University of Florida and the University of Mississippi, whose sworn officers are covered by the Public Safety Officers' Benefits Act. The third, however, was Butler University Police Department Officer James L. Davis, Jr., who was shot and killed in the line of duty on September 24, 2004, while responding to a campus disturbance. Because Butler University is a private university, Officer Davis was not eligible for the same Federal benefits as his counterparts at the University of Florida or the University of Mississippi.

I am pleased that Senators LEAHY and CORNYN have joined me in introducing this legislation to help remedy this discrepancy in death benefit payments for law enforcement officers and ensure that these public safety officers have access to the protective equipment they need.

The bill would apply only to sworn peace officers who receive State certification or licensing, and is supported by the International Association of Chiefs of Police, IACP, and the International Association of Campus Law Enforcement Administrators, IACLEA. Indeed, the benefits of this legislation far outweigh the costs. A 2004 analysis by the Congressional Budget Office found that there would be no significant budget impact by its enactment.

I urge my colleagues to join me, and Senators LEAHY and CORNYN, in cosponsoring and passing the Equity in Law Enforcement Act, to ensure that the brave officers that serve and protect our private college and university campuses and railways receive the benefits that they deserve. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equity in Law Enforcement Act".

SEC. 2. LINE-OF-DUTY DEATH AND DISABILITY BENEFITS.

Section 1204(8) of part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(8)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) an individual who is—

"(i) serving a private institution of higher education in an official capacity, with or without compensation, as a law enforcement officer; and

"(ii) sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority); or

"(E) a rail police officer who is—

"(i) employed by a rail carrier; and

"(ii) sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority).".

SEC. 3. LAW ENFORCEMENT ARMOR VESTS.

(a) GRANT PROGRAM.—Section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a)—

(A) by striking "and Indian tribes" and inserting "Indian tribes, private institutions of higher education, and rail carriers"; and

(B) by inserting before the period the following: "and law enforcement officers serving private institutions of higher education and rail carriers who are sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority)";

(2) in subsection (b)(1), by striking "or Indian tribe" and inserting "Indian tribe, private institution of higher education, or rail carrier"; and

(3) in subsection (e), by striking "or Indian tribe" and inserting "Indian tribe, private institution of higher education, or rail carrier".

(b) APPLICATIONS.—Section 2502 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll–1) is amended—

(1) in subsection (a), by striking "or Indian tribe" and inserting "Indian tribe, private institution of higher education, or rail carrier"; and

(2) in subsection (b), by striking "and Indian tribes" and inserting "Indian tribes, private institutions of higher education, and rail carriers".

(c) DEFINITIONS.—Section 2503(6) of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll–2(6)) is amended by striking "or Indian tribe" and inserting "Indian tribe, private institution of higher education, or rail carrier".

SEC. 4. BYRNE GRANTS.

Section 501(b)(2) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)(2)) is amended by inserting after "units of local government" the following: ", private institutions of higher education, and rail carriers".

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1449. A bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geologic artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature and Science in Denver, Colorado; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today Senator ALLARD and I introduced the "Rocky Mountain Science Collections Center Act of 2007," a bill to establish a secure collections facility and education center for archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from throughout the Rocky Mountain region at the Denver Museum of Nature & Science, Denver, Colorado.

Our bill would authorize $15 million, subject to appropriations, for the Secretary of Interior to provide grants to pay the Federal share, 50 percent of the cost of constructing appropriate, museum-standard facilities to house the collections of the Museum.

Since its founding in 1900, the Denver Museum of Nature & Science has been the principal natural history museum between Chicago and Los Angeles and has educated more than 70 million visitors. The Museum holds more than a million objects in public trust. Together, the Museum's collections, library, and archives provide the foundation for understanding science and the natural and cultural history of the region and serve as the primary resource for informal science education to Colorado school and general audiences. The Museum is a world leader in creating opportunities that allow the general public to participate in authentic collection based scientific research.

The majority of the collections that the Museum maintains in perpetuity are acquired through federal authorization, are cared for on behalf of Federal agencies, or are controlled by federal legislation. Of the more than 840,000 items in the Museum's collection, more than half were recovered from federally managed public land. Construction of on-site collection facilities, exhibition facilities and an education center for the Museum will provide a secure facility for the collection and ensure that it is accessible to members of the public, universities and research scientists alike. The Federal cost share will help pay for construction as well as the costs of design, planning, furnishing, equipping and supporting the Museum.

For the benefit of my colleagues, here is a summary of the bill's provisions:

Section 1. Short Title. The Rocky Mountain Science Collections Center Act of 2007.

Section 2. Findings. Recites several of the findings of Congress, including the size and breadth of the collections held by the Denver Museum of Nature and Science and the finding that significant portions of these collections were recovered from public lands managed by various Federal agencies. The Denver Museum of Nature and Science is the federally designated repository for these collections and as such is governed by various Federal statutes and regulations in carrying out its trustee responsibilities.

Section 3. Definitions. The term "Museum" in the Act refers to the Denver Museum of Nature and Science. The term "Secretary" in the Act refers to the Secretary of the Department of the Interior.

Section 4. Grant to the Museum. This section provides that the Secretary may provide grants to pay for the Federal share of the cost of constructing appropriate, Museum standard facilities to house the collections of the Museum. The Federal share reflects the continuing Federal ownership of the artifacts and other scientifically significant materials held by the Museum in a trust responsibility. This section authorizes the use of any grant funds for construction, design, engineering, plans, equipment, furnishing and other services or goods in furtherance of the construction of the Collections Center.

Subsection 4 (b). Application. The subsection provides an application process whereby the Museum provides the Secretary with the necessary documentation and information to assure the Secretary that grant proceeds are expended for the intended result.

Subsection 4 (c). Matching Funds. This subsection requires the Museum to provide a match for any amounts granted under the section and allows the Museum to use cash, in-kind donations and/or services in satisfaction of the match requirement.

Subsection 4 (d). Authorization. The Act authorizes $15,000,000 to be appropriated to the Secretary in carrying out the Act; such funds to remain available until expended.

By Mr. KOHL (for himself and Ms. SNOWE):

S. 1450. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I rise today to introduce the Housing Assistance Council Authorization Act. This legislation will authorize appropriations for the Housing Assistance Council, HAC, which has been committed to developing affordable housing in rural communities for over 35 years.

The bill provides $10 million for HAC in fiscal year 2008 and then $15 million in fiscal year 2009-2014. In the past, the Council has received appropriations from the Self Help and Assisted Homeownership Opportunity Program. The funding has helped HAC provide loans to 1,875 organizations across the country, raise and distribute over $5 million in capacity building grants and hold regional training workshops. These critical services help local organizations, rural communities and cities develop safe and affordable housing.

Throughout the country, approximately one-fifth of the Nation's population lives in rural communities. About 7.5 million of the rural population is living in poverty and 2.5 million of them are children. Nearly 3.6 million rural households pay more than 30 percent of their income in housing costs. While housing costs are generally lower in rural counties, wages are dramatically outpaced by the cost of housing. Additionally, the housing conditions are often substandard and there are many families doubled up due to lack of housing. Rural areas lack both affordable rental units and homeownership opportunities needed to serve the population.

There are several Federal programs that are aimed at developing affordable housing and economic opportunities in rural communities in both the Department of Housing and Urban Development and the Department of Agriculture. However, over the past 6 years, funding for these programs has been reduced by 20 percent. For the fiscal year 2008 budget, the administration proposed to eliminate $1.3 billion in rural housing assistance. In many regions Federal funding might be the only assistance available for housing and economic development. The Housing Assistance Council is yet another tool that rural communities can utilize when trying to develop affordable housing.

In Wisconsin, HAC has provided close to $5.2 million in grants and loans to 17 nonprofit housing organizations and helped develop 820 units of housing. Specifically, since 1972 the Southeastern Wisconsin Housing Corporation has partnered with the Housing Assistance Council to develop 268 units of self-help housing. The presence of the Council in Wisconsin has made a huge impact on rural housing development in Wisconsin and other rural communities across the country.

I am very honored to work with Senator SNOWE this legislation. Its passage will allow every State to better serve the needs of the people living in rural areas. I look forward to Working with my colleagues to ensure the adoption of this bill.

By Mr. WHITEHOUSE:

S. 1451. A bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system; to the Committee on Health, Education, Labor, and Pensions.

Mr. WHITEHOUSE. Madam President, I rise today because I will be introducing my first bills as a Member of this esteemed body; legislation that I hope will provide a helpful step forward as we address one of the most significant challenges this Senate faces, reforming America's broken health care system.

I have heard from countless Rhode Islanders who have struggled to pay for their health care and who live in fear of losing coverage on which they and their families depend. I have met nurses frustrated and heartbroken that they must spend so much time coping with the paperwork and so little time caring for patients. I have talked with families whose lives and health were shaken by terrifying medical errors, lost paperwork, missed diagnoses that should have been totally avoided.

I believe our current health care system is too complex and costs so much, yet so often does not provide patients with the quality of care they should have. It does not have to be this way. I have seen firsthand that we can make the system work better for everyone, we can cut costs, save lives, and improve the quality of the health care we receive, a critical step toward ensuring that all Americans have health care they can afford.

In Rhode Island, we have been working and experimenting for years to find solutions to many of these challenges. I have been privileged to be part of much of that work, most directly when I founded the Rhode Island Quality Institute to focus on quality reforms in health care.

While we have a long way to go, so far we have been successful. It is that Rhode Island experience that I bring to you today. It is Rhode Island's good work that I hope will provide a good example.

Right now our health care system is a mess, such a mess that we should hesitate to call it a health care system. It yields unsatisfactory results at vast expense. What I wish to talk about today is not how you finance the health care system—that is an important issue—but it is a different issue. I don't even want to talk about how you get all Americans covered by our health care system. That is another important issue, but that is not the subject today.

The subject today is the issue of how the system itself runs, how it operates, put bluntly, how badly in America it runs. If we can reduce the cost of the underlying system by improving its performance, it will make solutions easier for financing our health care system and for finding a way to make sure every American gets health care coverage. Our health care system is a mess. The number of uninsured Americans is climbing and will soon reach 50 million. The annual cost of the system exceeds $2 trillion every year, and that number is expected soon to double. We spend more of our gross domestic product on health care than any other industrialized country in the world, 16 percent. That is double the European Union average.

There is today more health care in Ford cars than there is steel. There is more health care in Starbucks coffee than there are coffee beans. Worse still, for all this money we spend, we get a mediocre product. We have the best doctors, the best nurses, the best procedures and equipment, the best medical education in the world. Yet the system produces mediocre results. As many as 100,000 Americans are killed every year by unnecessary and avoidable medical errors. That is just the fatalities. Think how many people have to stay longer in the hospital and run up costs.

Life expectancy, obesity rates, and infant mortality rates are much worse than they should be in a country such as ours. We fail by most international measures. The system itself does not work. Hospitals are going broke. Doctors are furious, and paperwork chokes the system.

Quarrels between the providers and the payers drive up costs, while potential savings in billions of dollars are left lying on the table. More American families are bankrupted by health care costs than any other cause. It is a system in crisis.

I urge my colleagues to consider this point too. If we do not fix this system now, while we still can, if we don't get these savings now, then we are going to be forced to consider very tragic choices in the future: Cutting coverage for seniors now on Medicare, throwing children off S-CHIP or pushing more and more out-of-pocket costs onto families who need Medicaid in their struggle to get by.

Those will be tragic choices, awful choices, ones I hope we never have to deliberate. But if we end up having to make these choices because today we failed to do our duty, then shame on us.

I believe what is wrong with our system can be identified. The reasons for its failures can be identified. The causes of those failures can be corrected, and the failings can be cured.

In the days to come, I will speak at greater length on three critical areas of reform, one by one, and advance proposals for each one that will help provide a cure.

Today, I wish to highlight all three of the major failures, how they combine to worsen each other and keep our system broken, and how reforming those three areas can reinforce each other and repair our broken system.

Left unattended, these three conditions will continue to degrade our system. Properly reformed, they will begin to improve it. This is because what we are dealing with, in a nutshell, is market failure. Market forces are bottled up, logjammed, conflicted, and misdirected to push the health care system in a bad direction.

I trust market forces and I believe in market forces, but I see it as our job in Government to create the environment in which market forces operate in a healthy way to serve the public interest.

That is our job. It always has been. Where that healthy environment for market forces does not exist—which is the case right now in our health care system—Government must act. The market failure in health care has three core components: One, the American health care system does not optimize investment in quality of care, even where—indeed, particularly where—that quality investment in improving care would also lower costs; two, the system does not have the information technology infrastructure to support the improvements we need; three, the way we pay for health care sends perverse price signals that steer us away from the public interest.

These problems can each be fixed, but fixing each in isolation will not yield the change we need. Similar to three climbers roped together for an ascent, the three solutions need to track with each other, not necessarily in lockstep but staying close because each one reinforces the other.

Let me tell a story about each one of those problems to illustrate the three points. Let's look at the area where improved quality of care would lower costs. That intersection, where improved quality of care and lower costs converge, should be our Holy Grail. A good example comes out of the Keystone Project in Michigan, home to Senators LEVIN and STABENOW.

The Keystone Project went into a significant number of Michigan intensive care units to improve quality and reduce line infections, respiratory complications, and other conditions that are associated with intensive care units. In a 15-month span, between March 2004 and June 2005, the project saved 1,578 lives, 81,020 days patients would otherwise have been spent in the hospital, and it saved—in that 15 months—over $165 million.

The Rhode Island Quality Institute has taken this model statewide in Rhode Island, with every hospital participating. Infections in patients with catheters decreased 36 percent from the first quarter of 2006 to the fourth quarter. Eleven out of twenty-three participating intensive care units had zero infections for 12 months. Savings from the initiative are on track to produce $4 million annually. That is pretty good money in Rhode Island.

What is true in intensive care units in Michigan and Rhode Island is also true far more broadly in health care. There are many areas where significant savings can be achieved by making care better. There could be initiatives similar to Keystone throughout the health care sector. They do not necessarily have to be reforms of existing procedures and practices because Keystone was. Quality improvements, quality reform, could well involve improvements in prevention and detection of illness, stopping it before it even gets to the hospital. There are vast and unexplored horizons out there, rich with opportunity, and the Keystone story is one example of how improved quality of care can lower costs and save lives. This takes us to the second story, this one about the reimbursement problem. Why isn't this quality reform happening spontaneously all over the country if these big savings are there? Think of Michigan, $165 million in 15 months in one State. That is big money.

Why isn't it being pursued? Why aren't we all doing this? Well, primarily because the economics of health care pays providers not to and punishes providers who try. When a group of hospitals in Utah began following the guidelines of the American Thoracic Society for treating community-acquired pneumonia, significant complications fell from 15.3 percent to 11.6 percent, inpatient mortality fell from 7.2 to 5.3 percent, and the resulting cost savings exceeded half a million dollars a year. But net operating income of participating facilities dropped by over $200,000 per year because treating the healthier patients was reimbursed at roughly $12,000 less per case.

In Rhode Island, when we got into this intensive care unit reform, the Hospital Association estimated a $400,000 cost for $8 million in savings, a 20-to-1 return on investment. But all the savings went to the insurers and the payers, and the costs came out of the hospitals' pockets. Do you know a lot of businesses that invest money in order to reduce their revenue? I don't. How many businesses would spend $400,000 in cash to lose $8 million in revenues every year? With reimbursement incentives such as the ones we have, it is no wonder that quality investments face an uphill struggle.

The final problem is our health care information technology, which is inexcusably underdeveloped and underdeployed. It has been described by the Economist magazine as the worst information technology system in any American industry except one, the mining industry. We are leaving massive savings in health care costs unclaimed as a result.

Some pretty respectable groups have looked at health information technology to see what an adequate system would save in health care costs, and here is what they report: Rand Corporation, $81 billion per year conservatively. David Brailer, the former National Coordinator for Health Information Technology, $100 billion per year. The Center for Information Technology Leadership, $77 billion per year. That is a lot of savings to leave sitting on the table, savings desperately needed by American businesses and American families.

Here is my third story, about a courageous and passionate doctor in Rhode Island trying to build an electronic health record for patients in our State. By the way of context, Rhode Island may be the lead State in the country at developing health information technology. We have PATRICK KENNEDY in the House, our Representative, who has been an absolute leader on this issue; Lifespan and other hospitals are leaders in electronic physician order entry; the Rhode Island Quality Institute is a leader in e-prescribing, electronic health records and health information exchange; Rhode Island Blue Cross is beginning to fund innovations; all the local Rhode Island health care folks are active in this. It is very impressive. I mean no criticism by telling this story, only to illustrate what an uphill struggle it is.

The lead on developing electronic health records in Rhode Island is being taken by a very frustrated doctor, Dr. Mark Jacobs, who put his practice on hold, went out and looked at what was available, found an e-clinical works platform, had it modified to suit what he thought would be more useful for his needs, and is now raising capital and trying to recruit his colleagues to get around that system and get it up. It is his passion, and he is dedicating himself to it with energy and conviction.

What Dr. Jacobs is doing is heroic, but if you went to any business school and if they asked you, what is the best way to seize that $81 billion a year in savings that RAND Corporation has said is out there, and you had said: Well, we are going to wait until a doctor gets so frustrated he is willing to give up his practice and go out and try to learn about health care technology and do it on his own, you would be laughed out of that business school classroom. They wouldn't just say you flunked the course, they would suggest you should maybe look at another livelihood. But that is exactly the system we have right now.

If a truckdriver were to go out with a pick and shovel building bits of the interstate highway for us, that would be pretty heroic and noble. But all the way back to Dwight Eisenhower, people in Government knew that would be a pretty nonsensical way to finance the Federal highway system.

We have work to do in these three areas: fixing our information technology to increase efficiency and generate savings; improving health care quality and prevention in ways that lower costs; and repairing the reimbursement system so it does not discourage those reforms but encourages and rewards them.

In the coming days, I will expand on each of these problems, and I will propose solutions in those three areas that will unleash market incentives in positive directions. As I conclude, my message is this: The health care system that underlies all our health care financing and coverage problems is itself broken. The underlying health care delivery system is itself broken. It is administrative and bureaucratic machinery, but it is still machinery. It needs to be repaired the way any broken machinery does. Fixing it, however, will reduce costs, improve care, and make a badly operating system run better and move us a critical step forward to making sure every American family has access to health care they can afford.

I sincerely hope to work with all of my colleagues on solving this. Please think of it this way: If your car is not running right, there is no Republican or Democratic way to tune it up. There is just getting it working. If your plumbing is jammed and water is flooding out, there is not a Republican or Democratic way to fix that. It is either flowing properly or it isn't. If your electric system is sparking and short circuited, again, there is no Democratic or Republican way to solve that problem. It is working right or it is not. Our health care system is not working right, and it needs to be fixed. Because the health care system is a dynamic system, you can't tell it what to do. You have to take the trouble to identify what is wrong, identify why it is wrong, and correct the cause.

By Mrs. CLINTON (for herself and Mr. DOMENICI):

S. 1452. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today Senator DOMENICI and I are introducing the Public Mental Health Emergency Preparedness Act of 2007. I originally introduced this legislation during the 109 Congress to address mental health needs of those affected by disasters and public health emergencies, and I want to thank Senator DOMENICI for his support of this legislation and for his strong leadership on mental health issues. The Public Mental Health Emergency Preparedness Act of 2007 would take several important steps toward preparing our Nation to effectively address mental health issues in the wake of public health emergencies, including potential bioterrorist attacks. We are pleased to be introducing this important legislation in anticipation of reauthorization of the Substance Abuse and Mental Health Services Administration SAMHSA.

I want to acknowledge and thank our partners from the mental health community who have collaborated with us and have been working diligently on these issues for several years, including the American Psychological Association, the American Public Health Association, the National Association of Social Workers, and the American Academy of Child and Adolescent Psychiatry, and all the other groups who have lent their support.

The events of September 11, Hurricanes Katrina and Rita, and other recent natural and man-made catastrophes have sadly taught us that our current resources are not sufficient or coordinated enough to meet the mental health needs of those devastated by emergency events. We need a network of trained mental health professionals, first responders and leaders, and a process to mobilize and deploy mental health resources in a rapid and sustained manner at times of an emergency.

It is clear that the consequences of emergency events like hurricanes or terrorist attacks result in increased emotional and psychological suffering among survivors and responders, and we must do more to assist all who are affected. That is why I, along with Senator DOMENICI, am introducing the Public Mental Health Emergency Preparedness Act of 2007.

This bill would require the Secretary of Health and Human services to establish the National Center for Public Mental Health Emergency Preparedness the National Center to coordinate the development and delivery of mental health services in collaboration with existing Federal, State and local entities when our Nation is confronted with public health catastrophes.

This legislation would charge the National Center with five functions to benefit affected Americans at the community level, including vulnerable populations like children, older Americans, caregivers, persons with disabilities, and persons living in poverty.

First, the Public Mental Health Emergency Preparedness Act of 2007 would make sure we have evidence-based or emerging best practices curricula available to meet the diverse training needs of a wide range of emergency health professionals, including mental health professionals, public health and health care professionals, and emergency services personnel, working in coordination with county emergency managers, school personnel, spiritual care professionals, and State and local government officials responsible for emergency preparedness. By using these curricula to educate responders, the National Center would build a network of trained emergency health professionals at the State and local levels.

Second, this legislation would establish and maintain a clearinghouse of educational materials, guidelines, and research on public mental health emergency preparedness and service delivery that would be evaluated and updated to ensure the information is accurate and current. Technical assistance would be provided to help users access those resources most effective for their communities.

Third, this bill would create an annual national forum for emergency health professionals, researchers, and other experts as well as Federal, State and local government officials to identify and address gaps in science, practice, policy and education related to public mental health emergency preparedness and service delivery.

Fourth, this bill would require annual evaluations of both the National Center's efforts and those across the Federal Government in building our Nation's public mental health emergency preparedness and service delivery capacity. Based on these evaluations, recommendations would be made to improve such activities.

Finally, the Public Mental Health Emergency Preparedness Act of 2007 would ensure that licensed mental health professionals are included in the deployment of Disaster Medical Assistance Teams DMAT. Deployment of licensed mental health professionals will increase the efficacy of the medical team members by providing psychological assistance and crisis counseling to survivors and to the other DMAT team members. Further, this legislation would mandate that licensed mental health professionals are included in the leadership of the National Disaster Medical System, NDMS, to provide appropriate support for behavioral programs and personnel within the DMATs.

We must not wait until another disaster strikes before we take action to improve the way we respond to the psychological needs of affected Americans. I look forward to working with all of my colleagues to ensure passage of this bill that would take critical steps toward preparing our nation to successfully deal with the mental health consequences of public health emergencies.

I ask unanimous consent that the text and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Mental Health Emergency Preparedness Act of 2007".

SEC. 2. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

(a) Technical Amendments.—The second part G (relating to services provided through religious organizations) of title V of the Public Health Service Act (42 U.S.C. 290kk et seq.) is amended—

(1) by redesignating such part as part J; and

(2) by redesignating sections 581 through 584 as sections 596 through 596C, respectively.

(b) National Center.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by subsection (a), is further amended by adding at the end the following:

“PART K—NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS

“SEC. 599. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

“(a) In General.—

“(1) Definition.—

“(A) In general.—For purposes of this part, the term ‘emergency health professionals’ means—

“(i) mental health professionals, including psychiatrists, psychologists, social workers, counselors, psychiatric nurses, psychiatric aides and case managers, group home staff, and those mental health professionals with expertise in psychological trauma and issues related to vulnerable populations such as children, older adults, caregivers, individuals with disabilities, pre-existing mental health and substance abuse disorders, and individuals living in poverty;

“(ii) public health and healthcare professionals, including skilled nursing and assisted living professionals; and

“(iii) emergency services personnel such as police, fire, and emergency medical services personnel.

“(B) Coordination.—In conducting activities under this part, emergency health professionals shall coordinate with—

“(i) county emergency managers;

“(ii) school personnel such as teachers, counselors, and other personnel;

“(iii) spiritual care professionals;

“(iv) other disaster relief personnel; and

“(v) State and local government officials that are responsible for emergency preparedness.

“(2) Establishment.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall establish the National Center for Public Mental Health Emergency Preparedness (referred to in this part as the ‘NCPMHEP’) to address mental health concerns and coordinate and implement the development and delivery of mental health services in conjunction with the entities described in subsection (b)(2), in the event of bioterrorism or other public health emergency.

“(3) Location; director.—

“(A) In general.—The Secretary shall offer to award a grant to an eligible institution to provide the location of the NCPMHEP.

“(B) Eligible institution.—To be an eligible institution under subparagraph (A), an institution shall—

“(i) be an academic medical center or similar institution that has prior experience conducting statewide training, and has a demonstrated record of leadership in national and international forums, in public mental health emergency preparedness, which may include disaster mental health preparedness; and

“(ii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(C) Director.—The NCPMHEP shall be headed by a Director, who shall be appointed by the Secretary (referred to in this part as the ‘Director’) from the eligible institution to which the Secretary awards a grant under subparagraph (A).

“(b) Duties.—The NCPMHEP shall—

“(1) prepare the Nation’s emergency health professionals to provide mental health services in the aftermath of catastrophic events, such as bioterrorism or other public health emergencies, that present psychological consequences for communities and individuals, including vulnerable populations such as children, individuals with disabilities, individuals with preexisting mental health problems (including substance-related disorders), older adults, caregivers, and individuals living in poverty;

“(2) coordinate with existing mental health preparedness and service delivery efforts of—

“(A) Federal agencies (such as the National Disaster Medical System, the Medical Reserve Corps, the Substance Abuse and Mental Health Services Administration (including the National Child Traumatic Stress Network), the Administration on Aging, the National Institute of Mental Health, the National Council on Disabilities, the Administration on Children and Families, the Department of Defense, the Department of Veterans Affairs (including the National Center for Post Traumatic Stress Disorder), and tribal nations);

“(B) State agencies (such as the State mental health authority, office of substance abuse services, public health authority, department of aging, the office of mental retardation and developmental disabilities, agencies responsible rehabilitation services);

“(C) local agencies (such as county offices of mental health and substance abuse services, public health, child and family community-based services, law enforcement, fire, emergency medical services, school districts, Aging Services Network, county emergency management, and academic and community-based service centers affiliated with the National Child Traumatic Stress Network); and

“(D) other governmental and nongovernmental disaster relief organizations; and

“(3) coordinate with childcare centers, childcare providers, community-based youth serving programs (including local Center for Mental Health Services children’s systems of care grant sites), Head Start, the National Child Traumatic Stress Network, and school districts to provide—

“(A) support services to adults and their family members with mental health and substance-related disorders to facilitate access to mental health and substance-related treatment;

“(B) prevention and intervention services for mental health and substance-related disorders to youth of all ages that integrate the training curricula under section 599A; and

“(C) resources and consultation to address the psychological trauma needs of the families, caregivers, emergency health professionals; and all other professionals providing care in emergency situations.

“(c) Panel of Experts.—

“(1) In general.—The Director, in consultation with Federal (such as the National Association of State Mental Health Program Directors, National Association of County and City Health Officials, and the Association of State and Territorial Health Officials), State, and local mental health and public health authorities, shall develop a mechanism to appoint a panel of experts for the NCPMHEP.

“(2) Membership.—

“(A) In general.—The panel of experts appointed under paragraph (1) shall be composed of individuals—

“(i) who are—

“(I) experts in their respective fields with extensive experience in public mental health emergency preparedness or service delivery, such as mental health professionals, researchers, spiritual care professionals, school counselors, educators, and mental health professionals who are emergency health professionals (as defined in subsection (a)(1)(A)) and who shall coordinate with the individuals described in subsection (a)(1)(B); and

“(II) recommended by their respective national professional organizations and universities to such a position; and

“(ii) who represent families with family members who have mental health and substance-related disorders.

“(B) Terms.—The members of the panel of experts appointed under paragraph (1)—

“(i) shall be appointed for a term of 3 years; and

“(ii) may be reappointed for an unlimited number of terms.

“(C) Balance of composition.—The Director shall ensure that the membership composition of the panel of experts fairly represents a balance of the type and number of experts described under subparagraph (A).

“(D) Vacancies.—

“(i) In general.—A vacancy on the panel of experts shall be filled in the manner in which the original appointment was made and shall be subject to conditions which applied with respect to the original appointment.

“(ii) Filling unexpired term.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

“(iii) Expiration of terms.—The term of any member shall not expire before the date on which the member’s successor takes office.

“SEC. 599A. TRAINING CURRICULA FOR EMERGENCY HEALTH PROFESSIONALS.

“(a) Convening of Group.—

“(1) In general.—The Director shall convene a Training Curricula Working Group from the panel of experts described in section 599(c) to—

“(A) identify and review existing mental health training curricula for emergency health professionals;

“(B) approve any such training curricula that are evidence-based or emerging best practices and that satisfy practice and service delivery standards determined by the Training Curricula Working Group; and

“(C) make recommendations for, and participate in, the development of any additional training curricula, as determined necessary by the Training Curricula Working Group.

“(2) Collaboration.—The Training Curricula Working Group shall collaborate with appropriate organizations including the American Red Cross, the National Child Traumatic Stress Network, the National Center for Post Traumatic Stress Disorder, and the International Society for Traumatic Stress Studies.

“(b) Purpose of Training Curricula.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

"(1) provide the knowledge and skills necessary to respond effectively to the psychological needs of affected individuals, relief personnel, and communities in the event of bioterrorism or other public health emergency; and

"(2) is used to build a trained network of emergency health professionals at the State and local levels.

"(c) CONTENT OF TRAINING CURRICULA.—

"(1) IN GENERAL.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

"(A) prepares emergency health professionals, in the event of bioterrorism or other public health emergency, for identifying symptoms of psychological trauma, supplying immediate relief to keep affected persons safe, recognizing when to refer affected persons for further mental healthcare or substance abuse treatment, understanding how and where to refer for such care, and other components as determined by the Director in consultation with the Training Curricula Working Group;

"(B) includes training or informational material designed to educate and prepare State and local government officials, in the event of bioterrorism or other public health emergency, in coordinating and deploying mental health resources and services and in addressing other mental health needs, as determined by the Director in consultation with the Training Curricula Working Group;

"(C) meets the diverse training needs of the range of emergency health professionals; and

"(D) is culturally and linguistically competent.

"(2) REVIEW OF CURRICULA.—The Training Curricula Working Group shall routinely review existing training curricula and participate in the revision of the training curricula described under this section as necessary, taking into consideration recommendations made by the participants of the annual national forum under section 599D and the Assessment Working Group described under section 599E.

"(d) TRAINING INDIVIDUALS.—

"(1) FIELD TRAINERS.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained through the curricula approved by the NCPMHEP return to their communities to recruit and train others in their respective fields to serve on local emergency response teams.

"(2) FIELD LEADERS.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained in curricula approved by the NCPMHEP return to their communities to provide expertise to State and local government agencies to mobilize the mental health infrastructure of such State or local agencies, including ensuring that mental health is a component of emergency preparedness and service delivery of such agencies.

"(3) QUALIFICATIONS.—The individuals selected under paragraph (1) or (2) shall—

"(A) pass a designated evaluation, as developed by the Director in consultation with the Training Curricula Working Group; and

"(B) meet other qualifications as determined by the Director in consultation with the Training Curricula Working Group.

"SEC. 599B. USE OF REGISTRIES TO TRACK TRAINED EMERGENCY HEALTH PROFESSIONALS.

"(a) IN GENERAL.—The Director, in consultation with the mental and public health authorities of each State and appropriate organizations (including the National Child Traumatic Stress Network), shall coordinate the use of existing emergency registries (including the Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP)) established to track medical and mental health volunteers across all fields and specifically to track the individuals in the State who have been trained using the curricula approved by the NCPMHEP under section 599A. The Director shall ensure that the data available through such registries and used to track such trained individuals will be recoverable and available in the event that such registries become inoperable.

"(b) USE OF REGISTRY.—The tracking procedure under subsection (a) shall be used by the Secretary, the Secretary of Homeland Security, and the Governor of each State, for the recruitment and deployment of trained emergency health professionals in the event of bioterrorism or other public health emergency.

"SEC. 599C. CLEARINGHOUSE FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.

"(a) IN GENERAL.—The Director shall establish and maintain a central clearinghouse of educational materials, guidelines, information, strategies, resources, and research on public mental health emergency preparedness and service delivery.

"(b) DUTIES.—The Director shall ensure that the clearinghouse—

"(1) enables emergency health professionals and other members of the public to increase their awareness and knowledge of public mental health emergency preparedness and service delivery, particularly for vulnerable populations such as children, individuals with disabilities, individuals with pre-existing mental health problems (including substance-related disorders), older adults, caregivers, and individuals living in poverty; and

"(2) provides such users with access to a range of public mental health emergency resources and strategies to address their community's unique circumstances and to improve their skills and capacities for addressing mental health problems in the event of bioterrorism or other public health emergency.

"(c) AVAILABILITY.—The Director shall ensure that the clearinghouse—

"(1) is available on the Internet;

"(2) includes an interactive forum through which users' questions are addressed;

"(3) is fully versed in resources available from additional Government-sponsored or other relevant websites that supply information on public mental health emergency preparedness and service delivery; and

"(4) includes the training curricula approved by the NCPMHEP under section 599A.

"(d) CLEARINGHOUSE WORKING GROUP.—

"(1) IN GENERAL.—The Director shall convene a Clearinghouse Working Group from the panel of experts described under section 599(c) to—

"(A) evaluate the educational materials, guidelines, information, strategies, resources and research maintained in the clearinghouse to ensure empirical validity; and

"(B) offer technical assistance to users of the clearinghouse with respect to finding and selecting the information and resources available through the clearinghouse that would most effectively serve their community's needs in preparing for, and delivering mental health services during, bioterrorism or other public health emergencies.

"(2) TECHNICAL ASSISTANCE.—The technical assistance described under paragraph (1) shall include the use of information from the clearinghouse to provide consultation, direction, and guidance to State and local governments and public and private agencies on the development of public mental health emergency plans for activities involving preparedness, mitigation, response, recovery, and evaluation.

"SEC. 599D. ANNUAL NATIONAL FORUM FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.

"(a) IN GENERAL.—The Director shall organize an annual national forum to address public mental health emergency preparedness and service delivery for emergency health professionals, researchers, scientists, experts in public mental health emergency preparedness and service delivery, and mental health professionals (including those with expertise in psychological trauma and issues related to vulnerable populations such as children, older adults, caregivers, individuals with disabilities, pre-existing mental health and substance abuse disorders, and individuals living in poverty), as well as personnel from relevant Federal (including the National Center for Post Traumatic Stress Disorder), State, and local agencies (including academic and community-based service centers affiliated with the National Child Traumatic Stress Network), and other governmental and nongovernmental organizations.

"(b) PURPOSE OF FORUM.—The national forum shall provide the framework for bringing such individuals together to, based on evidence-based or emerging best practices research and practice, identify and address gaps in science, practice, policy, and education, make recommendations for the revision of training curricula and for the enhancement of mental health interventions, as appropriate, and make other recommendations as necessary.

"SEC. 599E. EVALUATION OF THE EFFECTIVENESS OF PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY EFFORTS.

"(a) IN GENERAL.—The Director shall convene an Assessment Working Group from the panel of experts described in section 599(c), who shall be independent from those individuals who have developed the NCPMHEP, to evaluate the effectiveness of the NCPMHEP's efforts and those across the Federal Government in building the Nation's public mental health emergency preparedness and service delivery capacity. Such group shall include individuals who have expertise on how to assess the effectiveness of the NCPMHEP's efforts on vulnerable populations (such as children, older adults, caregivers, individuals with disabilities, pre-existing mental health and substance abuse disorders, and individuals living in poverty).

"(b) DUTIES OF THE ASSESSMENT WORKING GROUP.—The Assessment Working Group shall—

"(1) evaluate—

"(A) the effectiveness of each component of the NCPMHEP, including the identification and development of training curricula, the clearinghouse, and the annual national forum;

"(B) the effects of the training curricula on the skills, knowledge, and attitudes of emergency health professionals and on their delivery of mental health services in the event of bioterrorism or other public health emergency;

"(C) the effects of the NCPMHEP on the capacities of State and local government agencies to coordinate, mobilize, and deploy resources and to deliver mental health services in the event of bioterrorism or other public health emergency; and

"(D) other issues as determined by the Secretary, in consultation with the Assessment Working Group; and

"(2) submit the annual report required under subsection (c).

"(c) ANNUAL REPORT AND INFORMATION.—

"(1) ANNUAL REPORT.—On an annual basis, the Assessment Working Group shall—

"(A) report to the Secretary and appropriate committees of Congress the results of the evaluation by the Assessment Working Group under this section; and

"(B) publish and disseminate the results of such evaluation on as wide a basis as is practicable, including through the NCPMHEP clearinghouse website under section 599C.

"(2) INFORMATION.—The results of the evaluation under paragraph (1) shall be displayed on the Internet websites of all entities with representatives participating in the Assessment Working Group under this section, including the Federal agencies responsible for funding the Working Group.

"(d) RECOMMENDATIONS.—

"(1) IN GENERAL.—Based on the annual report, the Director, in consultation with the Assessment Working Group, shall make recommendations to the Secretary—

"(A) for improving—

"(i) the training curricula identified and approved by the NCPMHEP;

"(ii) the NCPMHEP clearinghouse; and

"(iii) the annual forum of the NCPMHEP; and

"(B) regarding any other matter related to improving mental health preparedness and service delivery in the event of bioterrorism or other public health emergency in the United States through the NCPMHEP.

"(2) ACTION BY SECRETARY.—Based on the recommendations provided under paragraph (1), the Secretary shall submit recommendations to Congress for any legislative changes necessary to implement such recommendations.

"SEC. 599F. SUBSTANCE ABUSE.

"For purposes of this part, where ever there is a reference to providing treatment, having expertise, or provide training with respect to mental health, such reference shall include providing treatment, having expertise, or providing training relating to substance abuse, if determined appropriate by the Secretary.

"SEC. 599G. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part—

"(1) $15,000,000 for fiscal year 2007; and

"(2) such sums as may be necessary for fiscal years 2008 through 2011.".

SEC. 3. DISASTER MEDICAL ASSISTANCE TEAMS.

Section 2812(a) of the Public Health Service Act (42 U.S.C. 300hh-11(a)) is amended by adding at the end the following:

"(4) DISASTER MEDICAL ASSISTANCE TEAMS AND MENTAL HEALTH PROFESSIONALS.—

"(A) INCLUSION OF MENTAL HEALTH PROFESSIONALS.—

"(i) IN GENERAL.—The National Disaster Medical System, in consultation with the National Center for Public Mental Health Emergency Preparedness (established under section 599) and the Emergency Management Assistance Compact, shall—

"(I) identify licensed mental health professionals with expertise in treating vulnerable populations, as identified under section 599(b)(1); and

"(II) ensure that licensed mental health professionals identified under subclause (I) are available in local communities for deployment with Disaster Medical Assistance Teams (including speciality mental health teams).

"(ii) COORDINATION.—The National Disaster Medical System shall ensure that licensed mental health professionals are included in the leadership of the National Disaster Medical System, in coordination with the National Center for Public Mental Health Emergency, to provide appropriate leadership support for behavioral programs and personnel within the Disaster Medical Assistance Teams.

"(B) DUTIES.—The principal duties of the licensed mental health professionals identified and utilized under this paragraph shall be to assist Disaster Medical Assistance Teams in carrying out—

"(i) rapid psychological triage during an event of bioterrorism or other public health emergency;

"(ii) crisis intervention prior to and during an event of bioterrorism or other public health emergency;

"(iii) information dissemination and referral to specialty care for survivors of an event of bioterrorism or other public health emergency;

"(iv) data collection; and

"(v) follow-up consultations.

"(C) TRAINING.—The National Disaster Medical System shall coordinate with the National Center for Public Mental Health Emergency Preparedness to ensure that, as part of their training, Disaster Medical Assistance Teams include the training curricula for emergency health professionals established under section 599A.

"(D) DEFINITIONS.—In this paragraph:

"(i) DISASTER MEDICAL ASSISTANCE TEAMS.—The term 'Disaster Medical Assistance Teams' means teams of professional medical personnel that provide emergency medical care during a disaster or public health emergency.

"(ii) RAPID PSYCHOLOGICAL TRIAGE.—The term 'rapid psychological triage' means the accurate and rapid identification of individuals at varied levels of risk in the aftermath of a public health emergency, in order to provide the appropriate, acute intervention for those affected individuals.

"(iii) DATA COLLECTION.—The term 'data collection' means the use of standardized, consistent, and accurate methods to report evidence-based or emerging best practices, triage mental health data obtained from survivors of an event of bioterrorism or other public health emergency.".

AMERICAN
PSYCHOLOGICAL ASSOCIATION,
May 22, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.
Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS CLINTON AND DOMENICI: On behalf of the 148,000 members and affiliates of the American Psychological Association (APA), I am writing to express our strong support for the Public Mental Health Emergency Preparedness Act of 2007. This important legislation would significantly enhance our preparedness, response, and recovery efforts to address the mental health aspects of disasters and public health emergencies.

Both human made and natural disasters can have significant effects on the mental health and well-being of individuals, families, and communities. Among the most common mental health problems encountered by disaster survivors are posttraumatic stress disorder (PTSD), depression, anxiety, and increased alcohol, tobacco, and substance use. For many, the psychological effects of disasters may be temporary, while others may require more long-term mental health assistance.

The Public Mental Health Emergency Preparedness Act of 2007 would take several important steps toward enhancing our Nation's public mental health preparedness and response efforts in the event of a public health emergency. In particular, this legislation would establish a National Center for Public Mental Health Emergency Preparedness to prepare for and address the immediate and long-term mental health needs of the general population and potentially vulnerable subgroups, including children, individuals with disabilities, individuals with pre-existing mental health problems, older adults, caregivers, and individuals living in poverty. This center would undertake several important activities, including developing and disseminating training curricula for emergency mental health professionals, establishing a clearinghouse of mental health emergency resources, organizing an annual national forum on mental health emergency preparedness and response, and ensuring the inclusion of mental health professionals within Disaster Medical Assistance Teams.

We commend you for your leadership and commitment to public mental health preparedness and look forward to working with you to ensure enactment of the Public Mental Health Emergency Preparedness Act. If we can be of further assistance, please feel free to contact Diane Elmore, Ph.D., in our Government Relations Office.

Sincerely,
GWENDOLYN PURYEAR KEITA, PH.D.,
Executive Director,
Public Interest Directorate.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, May 15, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the American Public Health Association (APHA), the oldest, largest and most diverse organization of public health professionals in the world, dedicated to protecting all Americans and their communities from preventable, serious health threats and assuring community-based health promotion and disease prevention activities and preventive health services are universally accessible in the United States, I write in support of the Public Mental Health Emergency Preparedness Act of 2007.

Despite recent efforts to improve all-hazards preparedness in this country, the lack of mental health services available to victims of public health emergencies remains troubling. As lessons learned from the hurricanes of 2005 and essentials to adequately prepare for and respond to a flu pandemic are incorporated into national, state and local all-hazards preparedness plans, we must also ensure that mental health emergency preparedness and delivery is integrated into all of these plans, including the HHS Pandemic Influenza Plan and the National Response Plan. To ensure that this happens, APHA supports the provisions in this bill that would require the inclusion of mental health professionals in National Disaster Medical System (NDMS) leadership and Disaster Medical Assistance Teams.

To ensure that public health preparedness and response activities are comprehensive and incorporate mental health needs and realities. APHA supports the creation of a National Center for Public Mental Health Emergency Preparedness (NCPMHEP) outlined in your legislation. The NCPMHEP would be able to use existing data to train emergency health professionals in the provision of mental health services, coordinate mental health preparedness and response activities with federal, state and local partners and ensure that trained professionals in mental health service delivery can be identified and quickly mobilized.

Thank you for your attention to and leadership on this important public health issue. We look forward to working with you to move this legislation forward this Congress. If you have questions, or for additional information, please contact me or have your staff contact Courtney Perlino.

Sincerely,

GEORGES C. BENJAMIN, MD,
FACP, FACEP (EMERITUS),
Executive Director.

NATIONAL ASSOCIATION OF
SOCIAL WORKERS,
Washington, DC, May 22, 2007.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I am writing on behalf of the National Association of Social Workers (NASW), the largest professional social work organization in the world with 150,000 members nationwide. NASW promotes, develops, and protects the effective practice of social work services throughout the country. NASW strongly supports the "Public Mental Health Emergency Preparedness Act of 2007," and is pleased to endorse it. We greatly appreciate your attention and that of Senator Domenici to the important but often neglected needs of emergency preparedness in mental health services. NASW is particularly pleased to see that social workers and other behavioral health professions would have an enhanced role in the Nation's disaster response teams through the National Disaster Medical System (NDMS).

NASW, both nationally and in state chapters, was a resource for the identification of trained mental health professionals during the Hurricane Katrina aftermath. In addition, several NASW state chapters worked with local Red Cross organization to ensure that mental health services were made available to hurricane victims in affected states. We recognize the need to be prepared to provide mental health training in emergencies and the steps that are required to ensure the availability of a wide network of trained professionals with the skills to provide emergency mental health evaluation and triage. We also understand the importance of providing emergency mental health services.

Your tireless efforts on behalf of consumers of behavioral health services and professional social workers nationwide are greatly appreciated by our members. We thank you for your sponsorship of this legislation. NASW looks forward to working with you on this and future issues of mutual concern.

Sincerely,

CAROLYN POLOWY,
General Counsel.

AMERICAN ACADEMY OF
CHILD & ADOLESCENT PSYCHIATRY,
Washington, DC, May 22, 2007.
Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), I write in support of the Public Mental Health Emergency Preparedness Act of 2007. The AACAP is a medical membership association established by child and adolescent psychiatrists in 1953. Now over 7,000 members strong, the AACAP is the leading national medical association dedicated to treating and improving the quality of life for the estimated 7–12 million American youth under 18 years of age who are affected by emotional, behavioral, developmental and mental disorders. AACAP supports research, continuing medical education and access to quality care.

Tragic events, such as September 11 and Hurricane Katrina are devastating to the mental health of children and adolescents and could have significant alterations in child and adolescent development. Changes in environmental and societal patterns of parenting, socialization, education, maturation, acculturation, and technology due to a traumatic event all have significant ramifications. Too often mental health services for children are fragmented. This bill addresses the need to coordinate the delivery of mental health services in times of public health emergencies, which AACAP recognizes as elements of the treatment process.

It is your continued leadership that will help ensure a bright future for today's youth and the continued assurance of mentally healthy Americans. We look forward to working with you on this most important issue. Please contact Kristin Kroeger Ptakowski, Director of Government Affairs, if you have any questions concerning children's mental health issues.

Sincerely,

THOMAS ANDERS, M.D.,
President.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 213—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 213

Whereas, despite advances in medical technology and research, men continue to live an average of almost 6 years less than women, and African-American men have the lowest life expectancy;

Whereas all 10 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 95 percent survival rate;

Whereas the number of cases of colon cancer among men will reach over 55,000 in 2007, and almost ½ will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer will reach over 218,890 in 2007, and almost 27,050 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 11 through 17, 2007, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That Congress—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1151. Mr. INHOFE (for himself, Mr. Alexander, Mr. Sessions, Mr. Enzi, Mr. Chambliss, Mr. Burr, Mr. Isakson, Mr. Bunning, and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1152. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1153. Mr. DORGAN (for himself and Mrs. Boxer) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. Reid (for Mr. Kennedy (for himself and Mr. Specter)) to the bill S. 1348, supra.

SA 1154. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1155. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1156. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1157. Mr. VITTER (for himself and Mr. DeMint) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1158. Mr. COLEMAN (for himself and Mr. Bond) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1159. Mr. COLEMAN (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1160. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1348, supra, which was ordered to lie on the table.

SA 1161. Mr. ALEXANDER (for himself and Mr. Cochran) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1162. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1163. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1164. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1165. Mr. LEAHY (for himself and Mr. Kohl) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1151. Mr. INHOFE (for himself, Mr. Alexander, Mr. Sessions, Mr. Enzi, Mr. Chambliss, Mr. Burr, Mr. Isakson, Mr. Bunning, and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 702 and insert the following:

SEC. 702. ENGLISH AS NATIONAL LANGUAGE.

(a) Short Title.—This section may be cited as the "S.I. Hayakawa National Language Amendment Act of 2007".

(b) In General.—Title 4, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec.
"161. Declaration of national language.
"162. Preserving and enhancing the role of the national language.
"163. Use of language other than English.

"SEC. 161. DECLARATION OF NATIONAL LANGUAGE.

"English shall be the national language of the Government of the United States.

"SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE NATIONAL LANGUAGE.

"(a) In General.—The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

"(b) Exception.—Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or any language other than English.

"(c) Forms.—If any form is issued by the Federal Government in a language other than English (or such form is completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

"SEC. 163. USE OF LANGUAGE OTHER THAN ENGLISH.

"Nothing in this chapter shall prohibit the use of a language other than English.".

(c) Conforming Amendment.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

"6. Language of the Government .... **161**".

SA 1152. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT VERIFICATION REQUIREMENT FOR FEDERAL CONTRACTORS.

(a) In General.—A contractor shall not be eligible to be awarded a Federal contract for which registration with the Central Contractor Registration (CCR) database maintained under subpart 4.11 of the Federal Acquisition Regulation is required unless the contractor has verified as part of the Online Representations and Certifications Application (ORCA) process required under section 4.1201 of such subpart that the contractor is in compliance with paragraphs (1)(A) and (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324A(a)).

(b) Implementation Through the Federal Acquisition Regulation.—Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall amend the Federal Acquisition Regulation issued under sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) to provide for the implementation of the verification requirement under subsection (a).

(c) Effective Date.—The requirement under subsection (a) shall apply with respect to contracts entered into on or after the date that is 180 days after the date of the enactment of this Act.

SA 1153. Mr. DORGAN (for himself and Mrs. Boxer) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. Reid (for Mr. Kennedy (for himself and Mr. Specter)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike subtitle A of title IV.

SA 1154. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

Subtitle D—H–1B Visa Fraud Prevention

SEC. 431. SHORT TITLE.

This subtitle may be cited as the "H–1B Visa Fraud Prevention Act of 2007".

SEC. 432. H–1B EMPLOYER REQUIREMENTS.

(a) Prohibition of Outplacement.—

(1) In general.—Section 212(n) (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer if the worksite of the receiving employer is located in a different State;" and

(B) in paragraph (2), by striking subparagraph (E).

(2) Effective date.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) Immigration Documents.—Section 204 (8 U.S.C. 1154) is amended by adding at the end the following:

"(l) Employer To Share All Immigration Paperwork Exchanged With Federal Agencies.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.".

SEC. 433. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) Safeguards Against Fraud and Misrepresentation in Application Review Process.—Section 212(n)(1) (8 U.S.C. 1182(n)) is amended—

(1) in the undesignated paragraph at the end, by striking "The employer" and inserting the following:

"(H) The employer"; and

(2) in subparagraph (H), as designated by paragraph (1) of this subsection—

(A) by inserting "and through the Department of Labor's website, without charge." after "D.C.";

(B) by inserting ", clear indicators of fraud, misrepresentation of material fact," after "completeness";

(C) by striking "or obviously inaccurate" and inserting ", presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate";

(D) by striking "within 7 days of" and inserting "not later than 14 days after"; and

(E) by adding at the end the following: "If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).".

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) is amended—

(1) in subparagraph (A), by striking "The Secretary shall conduct" and all that follows and inserting "Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.";

(2) in subparagraph (C)(i)—

(A) by striking "a condition of paragraph (1)(B), (1)(E), or (1)(F)" and inserting "a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)"; and

(B) by striking "(1)(C)" and inserting "(1)(C)(ii)";

(3) in subparagraph (G)—

(A) in clause (i), by striking "if the Secretary" and all that follows and inserting "with regard to the employer's compliance with the requirements of this subsection.";

(B) in clause (ii), by striking "and whose identity" and all that follows through "failure or failures." and inserting "the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.";

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) by amending clause (v), as redesignated, to read as follows:

"(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.";

(G) in clause (vi), as redesignated, by striking "An investigation" and all that follows through "the determination." and inserting "If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination."; and

(H) by adding at the end the following:

"(vii) The Secretary of Labor may impose a penalty under subparagraph (C) if the Secretary, after a hearing, finds a reasonable basis to believe that—

"(I) the employer has violated the requirements under this subsection; and

"(II) the violation was not made in good faith."; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2), as amended by this section, is further amended by inserting after subparagraph (G) the following:

"(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H-1B employers as part of the adjudication process that indicates that the employer is not complying with H-1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.".

(d) AUDITS.—Section 212(n)(2)(A), as amended by this section, is further amended by adding at the end the following: "The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants.".

(e) PENALTIES.—Section 212(n)(2)(C), as amended by this section, is further amended—

(1) in clause (i)(I), by striking "$1,000" and inserting "$2,000";

(2) in clause (ii)(I), by striking "$5,000" and inserting "$10,000"; and

(3) in clause (vi)(III), by striking "$1,000" and inserting "$2,000".

(f) INFORMATION PROVIDED TO H-1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n), as amended by this section, is further amended by inserting after paragraph (2) the following:

"(3)(A) Upon issuing an H-1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

"(iii) a copy of the employer's H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.

"(B) Upon the issuance of an H-1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

"(iii) a copy of the employer's H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.".

SEC. 434. H-1B WHISTLEBLOWER PROTECTIONS.

Section 212(n)(2)(C)(iv) (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting "take, fail to take, or threaten to take or fail to take, a personnel action, or" before "to intimidate"; and

(2) by adding at the end the following: "An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.".

SEC. 435. FRAUD ASSESSMENT.

Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H-1B visa program.

SA 1155. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 427. REPORT ON THE Y NONIMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—Not later than 2 years and 2 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act, the Secretary shall report to Congress on the number of Y nonimmigrant visa holders that return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TERMINATION OF Y NONIMMIGRANT VISA PROGRAM.—

(1) IN GENERAL.—If the Secretary of Homeland Security reports to the Congress under subsection (a) that 15 percent or more of Y nonimmigrant visa holders provided Y nonimmigrant visas in the first 2 years after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act do not comply with the return requirement under section 218A(j)(3) of the Immigration and Nationality Act, then—

(A) the Y nonimmigrant visa program shall be immediately terminated; and

(B) section 218A of the Immigration and Nationality Act shall have no force or effect, except with respect to those Y immigrant visa holders described under paragraph (2).

(2) COMPLIANT Y NONIMMIGRANT VISA HOLDERS.—If the Y nonimmigrant visa program is terminated under paragraph (1), any Y nonimmigrant visa holder who is found to have been in compliance with the return requirement under section 218A(j)(3) of the Immigration and Nationality Act on the date of such termination shall be allowed to continue in the program until the expiration of the period of authorized admission of such visa holder.

SA 1156. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 419, insert the following:

(e) H-1B VISA EMPLOYER FEE.—

(1) IN GENERAL.—Section 214(c)(9)(B) (8 U.S.C. 1184(c)(9)(B)) is amended by striking "$1,500" and inserting "$2,000".

(2) USE OF ADDITIONAL FEE.—Section 286 (8 U.S.C. 1356) is amended by inserting after subsection (x), as added by section 402(b), the following:

"(y) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 25 percent of the fees collected under section 214(c)(9)(B).

"(2) Use of Fees.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).".

SA 1157. Mr. VITTER (for himself and Mr. DeMint) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title VI.

SA 1158. Mr. COLEMAN (for himself and Mr. Bond) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) Subsection (b) of section 642 of the Illegal Immigration Reform and Immigrant. Responsibility Act of 1996 (8.U.S.C. 1373) is amended by adding at the end the following new paragraph:

"(4) Acquiring such information, if the person seeking such information has probable cause to believe that the individual is not lawfully present in the United States."

SA 1159. Mr. COLEMAN (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 711. WESTERN HEMISPHERE TRAVEL INITIATIVE IMPROVEMENT.

(a) Certifications.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (v)—

(i) by striking "process" and inserting "read"; and

(ii) inserting "at all ports of entry" after "installed";

(B) in clause (vi), by striking "and" at the end;

(C) in clause (vii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(viii) a pilot program in which not fewer than 1 State has been initiated and evaluated to determine if an enhanced driver's license, which is machine-readable and tamper-proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the individual's driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry;

"(ix) the report described in subparagraph (C) has been submitted to the appropriate congressional committees;

"(x) a study has been conducted to determine the number of passports and passport cards that will be issued as a consequence of the documentation requirements under subparagraph (A); and

"(xi) sufficient passport adjudication personnel have been hired or contracted—

"(I) to accommodate—

"(aa) increased demand for passports as a consequence of the documentation requirements under subparagraph (A); and

"(bb) a surge in such demand during seasonal peak travel times; and

"(II) to ensure that the time required to issue a passport or passport card is not anticipated to exceed 8 weeks."; and

(2) by adding at the end the following:

"(C) Report.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report, which includes—

"(i) an analysis of the impact of the pilot program on national security;

"(ii) recommendations on how to expand the pilot program to other States;

"(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

"(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists;

"(v) an evaluation of and recommendations for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses;

"(vi) recommendations for improving the pilot program; and

"(vii) an analysis of any cost savings for a citizen of the United States participating in an enhanced driver's license program as compared with participating in an alternative program.".

(b) Special Rule for Minors.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new paragraph:

"(3) Special rule for minors.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if the individual—

"(A)(i) is less than 16 years old;

"(ii) is accompanied by the individual's legal guardian;

"(iii) is entering the United States from Canada or Mexico;

"(iv) is a citizen of the United States or Canada; and

"(v) provides a birth certificate; or

"(B)(i) is less than 18 years old;

"(ii) is traveling under adult supervision with a public or private school group, religious group, social or cultural organization, or team associated with a youth athletics organization; and

"(iii) provides a birth certificate.".

(c) Travel Facilitation Initiatives.—Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new subsections:

"(e) State Driver's License and Identification Card Enrollment Program.—

"(1) In general.—Notwithstanding any other provision of law and not later than 180 days after the submission of the report described in subsection (b)(1)(C), the Secretary of State and the Secretary of Homeland Security shall issue regulations to establish a State Driver's License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the 'Program') and which allows the Secretary of Homeland Security to enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

"(2) Purpose.—The purpose of the Program is to permit a citizen of the United States who produces a driver's license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada by land or sea without providing any other documentation or evidence of citizenship.

"(3) Admission of citizens of the United States.—A driver's license or identity card meets the requirements of this paragraph if—

"(A) the license or card—

"(i) was issued by a State that is participating in the Program; and

"(ii) is tamper-proof and machine readable; and

"(B) the State that issued the license or card—

"(i) has a mechanism to verify the United States citizenship status of an applicant for such a license or card;

"(ii) does not require an individual to include the individual's citizenship status on such a license or card; and

"(iii) manages all information regarding an applicant's United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

"(4) Admission of citizens of Canada.—

"(A) In general.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver's license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

"(B) Technology standards.—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

"(5) Authority to expand.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

"(A) from a country other than Canada; or

"(B) using evidence of citizenship other than a driver's license or identity card described in paragraph (3) or a document described in paragraph (4).

"(6) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

"(7) STATE DEFINED.—In this subsection, the term 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

"(f) WAIVER FOR INTRASTATE TRAVEL.—The Secretary of Homeland Security shall accept a birth certificate as proof of citizenship for any United States citizen who is traveling directly from one part of a State to a noncontiguous part of that State through Canada, if such citizen cannot travel by land to such part of the State without traveling through Canada, and such travel in Canada is limited to no more than 2 hours.

"(g) WAIVER OF PASS CARD AND PASSPORT EXECUTION FEES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date on which the Secretary of Homeland Security publishes a final rule in the Federal Register to carry out subsection (b), the Secretary of State shall—

"(A) designate 1 facility in each city or port of entry designated under paragraph (2), including a State Department of Motor Vehicles facility located in such city or port of entry if the Secretary determines appropriate, in which a passport or passport card may be procured without an execution fee during such period; and

"(B) develop not fewer than 6 mobile enrollment teams that—

"(i) are able to issue passports or other identity documents issued by the Secretary of State without an execution fee during such period;

"(ii) are operated along the northern and southern borders of the United States; and

"(iii) focus on providing passports and other such documents to citizens of the United States who live in areas of the United States that are near such an international border and that have relatively low population density.

"(2) DESIGNATION OF CITIES AND PORTS OF ENTRY.—The Secretary of State shall designate cities and ports of entry for purposes of paragraph (1)(A) as follows:

"(A) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the northern border of the United States.

"(B) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the southern border of the United States.

"(h) COST-BENEFIT ANALYSIS.—Prior to publishing a final rule in the Federal Register to carry out subsection (b), the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of carrying out this section. Such analysis shall include analysis of—

"(1) any potential costs of carrying out this section on trade, travel, and the tourism industry; and

"(2) any potential savings that would result from the implementation of the State Driver's License and Identity Card Enrollment Program established under subsection (e) as an alternative to passports and passport cards.

"(i) REPORT.—During the 2-year period beginning on the date that is the 3 months after the date on which the Secretary of Homeland Security begins implementation of subsection (b)(1)—

"(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report not less than once every 3 months on—

"(A) the average delay at border crossings; and

"(B) the average processing time for a NEXUS card, FAST card, or SENTRI card; and

"(2) the Secretary of State shall submit to the appropriate congressional committees a report not less than once every 3 months on the average processing time for a passport or passport card.

"(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

"(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.".

(d) SENSE OF CONGRESS REGARDING IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.—The intent of Congress in enacting section 546 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1386) was to prevent the Secretary of Homeland Security from implementing the plan described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) before the earlier of June 1, 2009, or the date on which the Secretary certifies to Congress that an alternative travel document, known as a passport card, has been developed and widely distributed to eligible citizens of the United States.

(e) PASSPORT PROCESSING STAFF AUTHORITIES.—

(1) REEMPLOYMENT OF CIVIL SERVICE ANNUITANTS.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

(A) in paragraph (1), by striking "To facilitate" and all that follows through ", the Secretary" and inserting "The Secretary"; and

(B) in paragraph (2), by striking "2008" and inserting "2010".

(2) REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(A) in paragraph (1)(B), by striking "to facilitate" and all that follows through "Afghanistan,"; and

(B) in paragraph (2), by striking "2008" and inserting "2010".

(f) REPORT ON BORDER INFRASTRUCTURE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report on the adequacy of the infrastructure of the United States to manage cross-border travel associated with the NEXUS, FAST, and SENTRI programs. Such report shall include consideration of—

(A) the ability of frequent travelers to access dedicated lanes for such travel;

(B) the total time required for border crossing, including time spent prior to ports of entry;

(C) the frequency, adequacy of facilities and any additional delays associated with secondary inspections; and

(D) the adequacy of readers to rapidly read identity documents of such individuals.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SA 1160. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 601(h), strike paragraphs (1) and (2), and insert the following:

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that do not produce information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks.

SA 1161. Mr. ALEXANDER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —STRENGTHENING AMERICAN CITIZENSHIP

SECTION 01. SHORT TITLE.

This title may be cited as the "Strengthening American Citizenship Act of 2007".

SEC. _02. DEFINITION.

In this title, the term "Oath of Allegiance" means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in subsection (e) of section 337 of the Immigration and Nationality Act (8 U.S.C. 1448(e)), as added by section _31(a)(2).

Subtitle A—Learning English

SEC. _11. ENGLISH FLUENCY.

(a) EDUCATION GRANTS.—

(1) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this subsection as the "Chief") shall establish a grant program to provide grants in an amount not to exceed $500 to assist lawful permanent residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(2) USE OF FUNDS.—Grant funds awarded under this subsection shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the lawful permanent resident is enrolled.

(3) APPLICATION.—A lawful permanent resident desiring a grant under this subsection shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(4) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(5) NOTICE.—The Secretary, upon relevant registration of a lawful permanent resident with the Department of Homeland Security, shall notify such lawful permanent resident of the availability of grants under this subsection for lawful permanent residents who declare an intent to apply for United States citizenship.

(b) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.".

SEC. 12. SAVINGS PROVISION.

Nothing in this subtitle shall be construed to—

(1) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(2) influence the naturalization test redesign process of the Office of Citizenship of the United States Citizenship and Immigration Services (except for the requirement under section _31(b)).

Subtitle B—Education About the American Way of Life

SEC. _21. AMERICAN CITIZENSHIP GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(1) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship of the Department to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(2) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(A) to promote an understanding of the form of government and history of the United States; and

(B) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, established under section 22(a), for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 22. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of United States Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of the history of the United States and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(b) DEDICATED FUNDING.—

(1) IN GENERAL.—Not less than 1.5 percent of the funds made available to United States Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(A) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(B) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(2) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by United States Citizenship and Immigration Services.

(c) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

SEC. 23. RESTRICTION ON USE OF FUNDS.

Amounts appropriated to carry out a program under this subtitle may not be used to organize individuals for the purpose of political activism or advocacy.

SEC. 24. REPORTING REQUIREMENT.

The Chief of the Office of Citizenship shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, an annual report that contains—

(1) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this subtitle and the amount of funding received by each such entity;

(2) an evaluation of the extent to which grants received under this subtitle and subtitle A successfully promoted an understanding of—

(A) the English language; and

(B) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(3) information about the number of lawful permanent residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this subtitle and subtitle A.

Subtitle C—Codifying the Oath of Allegiance

SEC. 31. OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.

(a) REVISION OF OATH.—Section 337 (8 U.S.C. 1448) is amended—

(1) in subsection (a), by striking "under section 310(b) an oath" and all that follows through "personal moral code." and inserting "under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e)."; and

(2) by adding at the end the following:

"(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

"(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

"(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

"(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

"(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

"(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

"(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

"(4) As used in this subsection, the term 'religious training and belief'—

"(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

"(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

"(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.".

(b) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(c) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

Subtitle D—Celebrating New Citizens

SEC. 41. ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.

(a) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(1) have made an outstanding contribution to the United States; and

(2) are naturalized during the 10-year period ending on the date of such recognition.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in subsection (a).

(2) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this section in any calendar year.

(c) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 42. NATURALIZATION CEREMONIES.

(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(b) VENUES.—In developing the strategy under this section, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) REPORTING REQUIREMENT.—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under this section; and

(2) the progress made towards the implementation of such strategy.

SA 1162. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ENGLISH PROFICIENCY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the needs of citizens and lawful permanent residents of the United States whose native language is not English to obtain English language and literacy proficiency; and

(2) the estimated costs to the public and private sector resulting from those residents of the United States who lack English language proficiency.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an inventory of all existing Federal programs designed to improve English language and literacy acquisition for adult citizens and lawful permanent residents of the United States, including—

(A) a description of the purpose of each such program;

(B) a summary of the Federal expenditures for each such program during fiscal years 2002 through 2006;

(C) data on the participation rates of individuals within each such program and those who have expressed an interest in obtaining English instruction but have been unable to participate in existing programs;

(D) a summary of evaluations and performance reviews of the effectiveness and sustainability of each such program; and

(E) a description of the coordination of Federal programs with private and nonprofit programs;

(2) the identification of model programs at the Federal, State, and local level with demonstrated effectiveness in helping adult citizens and lawful permanent residents of the United States gain English language and literacy proficiency;

(3) a summary of funding for State and local programs that support improving the English language proficiency and literacy of citizens and lawful permanent residents of the United States;

(4) a summary of the costs incurred by Federal, State, and local governments to serve citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for foreign language translators;

(B) the production of documents in multiple languages; and

(C) compliance with Executive Order 13166;

(5) an analysis of the costs incurred by businesses that employ citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for English training and foreign language translation; and

(B) an estimate of lost productivity;

(6) the number of lawful permanent residents who are eligible to naturalize as citizens of the United States;

(7) the number of citizens of the United States who are eligible to vote and are unable to read English well enough to read a ballot in English;

(8) the number of citizens of the United States who request a ballot in a language other than English; and

(9) recommendations regarding the most cost-effective actions the Federal government could take to assist citizens and lawful permanent residents of the United States to quickly learn English.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under this section to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Education and Labor of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 and 2009 to carry out this section.

SA 1163. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRESIDENTIAL AWARD FOR BUSINESS LEADERSHIP IN PROMOTING AMERICAN CITIZENSHIP.

(a) ESTABLISHMENT.—There is established the Presidential Award for Business Leadership in Promoting American Citizenship, which shall be awarded to companies and other organizations that make extraordinary efforts in assisting their employees and members to learn English and increase their understanding of American history and civics.

(b) SELECTION AND PRESENTATION OF AWARD.—

(1) SELECTION.—The President, upon recommendations from the Secretary, the Secretary of Labor, and the Secretary of Education, shall periodically award the Citizenship Education Award to large and small companies and other organizations described in subsection (a).

(2) PRESENTATION.—The presentation of the award shall be made by the President, or designee of the President, in conjunction with an appropriate ceremony.

SA 1164. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEDUCTION FOR EMPLOYER-PROVIDED ENGLISH LANGUAGE INSTRUCTION.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 194A the following new section:

"SEC. 194B. EMPLOYER-PROVIDED ENGLISH LANGUAGE INSTRUCTION.

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction for the taxable year an amount equal to—

"(1) $500, multiplied by

"(2) the number of limited English proficient employees for which English language instruction is provided free of charge to the employee during such taxable year.

"(b) DOLLAR LIMITATION.—The deduction allowable under subsection (a) for any taxable year shall not exceed $150,000.

"(c) LIMITED ENGLISH PROFICIENT EMPLOYEE.—For purposes of this section, the term 'limited English proficient employee' means an employee of the taxpayer—

"(1)(A) who was not born in the United States or whose native language is a language other than English,

"(B)(i) who is a Native American or Alaska Native, or a native resident of the outlying areas (within the meaning of section 9101(25)(C)(ii)(I) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(25)(C)(ii)(I)), and

"(ii) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency, or

"(C) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant,

"(2) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

"(A) the ability to maintain employment, or

"(B) the ability to participate fully in society, and

"(3) the English language instruction of whom has not previously been taken into account under this section.

"(d) DENIAL OF DOUBLE BENEFIT.—No other deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the deduction determined under this section.".

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 194A the following item:

"Sec. 194B. Employer-provided English language instruction".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 1165. Mr. LEAHY (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 218E(d) of the Immigration and Nationality Act (as added by section 404(a)), strike paragraphs (2) and (3) and redesignate paragraph (4) as paragraph (3).

At the end of section 218E of the Immigration and Nationality Act (as added by section 404(a)), add the following:

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, AND DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2007, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

"(1) may be admitted for an initial period of 1 year;

"(2) subject to subsection (j)(5), may have that initial period of admission extended for a period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

"(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

"(1) DEFINITION OF ELIGIBLE ALIEN.—In this subsection, the term 'eligible alien' means an alien—

"(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

"(B) who has maintained that nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

"(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(2) CLASSIFIED PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

"(A) the eligible alien's employer, on behalf of the eligible alien; or

"(B) the eligible alien.

"(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

"(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2), or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

"(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

"(6) CONSTRUCTION.—Nothing in this subsection prevents an eligible alien from seeking adjustment of status in accordance with any other provision of law.

In section 218G of the Immigration and Nationality Act (as amended by section 404(a)), strike paragraph (11) and insert the following:

"(11) SEASONAL.—

"(A) IN GENERAL.—The term 'seasonal', with respect to the performance of labor, means that the labor—

"(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

"(B) INCLUSION.—Labor performed on a dairy farm shall be considered to be seasonal labor.

At the end of section 404, add the following:

(c) CONFORMING AMENDMENT.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting "or work on a dairy farm," after "seasonal nature,".

AUTHORITY FOR COMMITTEES TO MEET

AIRLAND SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Airland Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 12:30 p.m. in closed session to mark up the airland programs and provisions contained in the National Defense Authorization Act for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, May 22, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to discuss reauthorization of the Federal rail safety program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, May 22, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 645, a bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals; S. 838, a bill to authorize funding joint ventures between United States and Israeli businesses and academic persons; S. 1089, a bill to amend the Alaska Natural Gas Pipeline Act to follow the Federal Coordinator for Alaska Natural Gas Transportation projects to hire employees more efficiently, and for other purposes; S. 1203, a bill to enhance the management of electricity programs at the Department of Energy; H.R. 85, a bill to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; and H.R. 1126, a bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 22, 2007, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building for a hearing entitled "Examining the Case for the California Waiver."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 22, 2007, at 10 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, May 22, 2007, at 3 p.m. for a hearing titled "Implementing FEMA Reform: Are We Prepared for the 2007 Hurricane Season?"

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Restoring Habeas Corpus: Protecting American Values and the Great Writ" for Tuesday, May 22, 2007, at 10 a.m. in Dirksen Senate Office Building room 226.

Witness list: RADM Donald Guter, USN (ret.), Dean, Duquesne University School of Law, Pittsburgh, PA; William Howard Taft IV, Of Counsel Fried, Frank, Harris, Shriver & Jacobson LLP, Washington, DC; Mariano-Florentino Cuellar, Professor, Stanford Law School, Stanford, CA; David B. Rivkin, Jr., Partner, Baker & Hostetler LLP, Washington, DC; and Orin Kerr, Professor, George Washington University Law School, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "Minority Entrepreneurship: Assessing the Effectiveness of SBA's Programs for the Minority Business Community," on Tuesday, May 22, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, May 22, 2007, after the first rollcall vote of the day in the reception room adjacent to the Floor, to conduct a vote on the nomination of Dr. Michael J. Kussman to be Under Secretary for Health at the Department of Veterans Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGING THREATS AND CAPABILITIES SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Emerging Threats and Capabilities Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 5:30 p.m. in closed session to mark up the Emerging Threats and Capabilities Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONNEL SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 10 a.m. in closed session to mark up the Personnel Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 4 p.m. in closed session to mark up the Readiness and Management Support Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEAPOWER SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Seapower Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 9 a.m. in closed session to mark up the Seapower Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment and Workplace Safety, be authorized to hold a hearing on the MINER Act during the session of the Senate on Tuesday, May 22, 2007 at 10 a.m. in room 628 of the Senate Dirksen office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, May 22, 2007, at 10 a.m. to conduct a joint hearing entitled "GAO Personnel Reform: Does it meet expectations?"

The joint hearing will take place in conjunction with the House Committee on Oversight and Government Reform, and the House Subcommittee of Federal Workforce, Postal Service, and the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following detailees and fellows on my staff, Mary Giovagnoli, Todd Kushner, and Mischelle VanBrakle, be granted floor privileges for the remainder of the first session of the 110th Congress.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 20, 2004, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 110th Congress: Senator CARL LEVIN of Michigan, Democratic Co-Chairman; Senator JOSEPH R. BIDEN, Jr., of Delaware, Democratic Co-Chairman; Senator FRANK R. LAUTENBERG of New Jersey, Democratic Co-Chairman; Senator EDWARD M. KENNEDY of Massachusetts, Senator BYRON L. DORGAN of North Dakota, Senator RICHARD J. DURBIN of Illinois, Senator BILL NELSON of Florida, Senator JOSEPH I. LIEBERMAN of Connecticut, and Senator ROBERT C. BYRD of West Virginia, Majority Administrative Co-Chairman.

WAIVING APPLICATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 109, S. 375.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 375) to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to

2 Indian tribes in the State of Oregon, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 375) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

With respect to the parcel of real property in Marion County, Oregon, deeded by the United States to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon by quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County on June 19, 2002, Congress finds that—

(1) the parcel of land described in the quitclaim deed, comprising approximately 19.86 acres of land originally used as part of the Chemawa Indian School, was transferred by the United States in 1973 and 1974 to the State of Oregon for use for highway and associated road projects;

(2) Interstate Route 5 and the Salem Parkway were completed, and in 1988 the Oregon Department of Transportation deeded the remaining acreage of the parcel back to the United States;

(3) the United States could no longer use the returned acreage for the administration of Indian affairs, and determined it would be most appropriate to transfer the property to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon;

(4) on request of the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon, the United States transferred the parcel jointly to the Tribes for economic development and other purposes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

(5) the transfer of the parcel was memorialized by the United States in 2 documents, including—

(A) an agreement titled "Agreement for Transfer of Federally Owned Buildings, Improvements, Facilities and/or Land from the United States of America the [sic] Confederated Tribes of the Grand Ronde Community of Oregon and the Confederated Tribes of Siletz Tribe [sic] of Oregon", dated June 21, 2001; and

(B) a quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County, Oregon, on June 19, 2002 (reel 1959, page 84);

(6) use of the parcel by Tribes for economic development purposes is consistent with the intent and language of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and other Federal Indian law—

(A) to encourage tribal economic development; and

(B) to promote economic self-sufficiency for Indian tribes;

(7) the United States does not desire the return of the parcel and does not intend under any circumstances to take action under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or any other legal authority to seek the return of the parcel; and

(8) in reliance on this intent, the Tribes have committed over $2,500,000 to infrastructure improvements to the parcel, including roads and sewer and water systems, and have approved plans to further develop the parcel for economic purposes, the realization of which is dependent on the ability of the Tribes to secure conventional financing.

SEC. 2. WAIVER OF APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) NONAPPLICATION OF LAW.—Notwithstanding any other provision of law, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the transfer of the parcel of real property in Marion County, Oregon, deeded by the United States to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon by quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County on June 19, 2002.

(b) NEW DEED.—The Secretary of the Interior shall issue a new deed to the Tribes to the parcel described in subsection (a) that shall not include—

(1) any restriction on the right to alienate the parcel; or

(2) any reference to any provision of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(c) PROHIBITION ON GAMING.—Class II gaming and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be conducted on the parcel described in subsection (a).

AMENDING THE DISTRICT OF COLUMBIA HOME RULE ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 145, H.R. 2080.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2080) to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2080) was ordered to a third reading, was read the third time, and passed.

REDESIGNATING THE OFFICE FOR VOCATIONAL AND ADULT EDUCATION

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 33, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 33) to redesignate the Office for Vocational and Adult Education as the Office of Career, Technical, and Adult Education.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 33) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 33

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF THE OFFICE OF VOCATIONAL AND ADULT EDUCATION.

(a) REDESIGNATION.—Section 206 of the Department of Education Organization Act (20 U.S.C. 3416) is amended—

(1) in the section heading, by striking "OFFICE OF VOCATIONAL AND ADULT EDUCATION" and inserting "OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION";

(2) in the first sentence—

(A) by striking "Office of Vocational and Adult Education" and inserting "Office of Career, Technical, and Adult Education"; and

(B) by striking "Assistant Secretary for Vocational and Adult Education" and inserting "Assistant Secretary for Career, Technical, and Adult Education"; and

(3) in the second sentence, by striking "vocational and adult education" each place the term appears and inserting "career, technical, and adult education".

(b) CONFORMING AMENDMENTS.—

(1) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—The Department of Education Organization Act (as amended in subsection (a)) (20 U.S.C. 3401 et seq.) is further amended—

(A) in section 202—

(i) in subsection (b)(1)(C), by striking "Assistant Secretary for Vocational and Adult Education" and inserting "Assistant Secretary for Career, Technical, and Adult Education"; and

(ii) in subsection (h), by striking "Assistant Secretary for Vocational and Adult Education" each place the term appears and inserting "Assistant Secretary for Career, Technical, and Adult Education"; and

(B) in the table of contents in section 1, by striking the item relating to section 206 and inserting the following:

"Sec. 206. Office of Career, Technical, and Adult Education.".

(2) CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.—Section 114(b)(1) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2324(b)(1)) is amended by striking "Office of Vocational and Adult Education" and inserting "Office of Career, Technical, and Adult Education".

ORDERS FOR WEDNESDAY, MAY 23, 2007

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, May 23; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled, with the majority controlling the first half and the Republicans controlling the final half; that at the close of morning business, the Senate resume consideration of S. 1348, the immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Wednesday, May 23, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 22, 2007:

DEPARTMENT OF STATE

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

DEPARTMENT OF EDUCATION

DIANE AUER JONES, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE SALLY STROUP, RESIGNED.

RAILROAD RETIREMENT BOARD

JEROME F. KEVER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2008. (REAPPOINTMENT)

MICHAEL SCHWARTZ, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2012. (REAPPOINTMENT)

VIRGIL M. SPEAKMAN, JR., OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2009. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

DANIEL K. BERMAN, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

CAROL M. CHESLEY, OF THE DISTRICT OF COLUMBIA
HOLLY S. HIGGINS, OF IOWA
SCOTT S. SINDELAR, OF MINNESOTA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

LINDA THOMPSON TOPPING GONZALEZ, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

GARY ANDERSON, OF TEXAS
MARIO A. FERNANDEZ, OF TEXAS
BRIDGET FITZGERALD GERSTEN, OF ARIZONA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF AGRICULTURE

VALERIE R. BROWN-JONES, OF TEXAS
KARI A. ROJAS, OF VIRGINIA
OLIVER L. FLAKE, OF MARYLAND
DEPARTMENT OF STATE
MERRY MILLER, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JAMES E. AGUIRRE, OF VIRGINIA
PETER DONALD ANDREOLI, OF VIRGINIA
ROBERT B. ANDREW, OF TEXAS
BENJAMIN STEPHEN BALL, OF CALIFORNIA
JEREMY H. BEER, OF COLORADO
SARAH K. BELLMAN, OF NEW JERSEY
JONATHAN M. BERGER, OF MICHIGAN
KELLY ANNE BILLINGSLEY, OF FLORIDA
ALFRED MICHAEL BOLL, OF WISCONSIN
HAROLD FRANK BONACQUIST, OF NEW YORK
QIANA BRADFORD, OF GEORGIA
MOZELLA N. BROWN, OF THE DISTRICT OF COLUMBIA
ELIZABETH A. CAMPBELL, OF TEXAS
EDWARD THOMAS CANUEL, OF MASSACHUSETTS
NATHAN C. CARTER, OF GEORGIA
WILLEAH CATO, OF VIRGINIA
ALEXANDER P. DELOREY, OF FLORIDA
CHRISTOPHER HAYES DORN, OF VIRGINIA
SHAWN H. DUNCAN, OF WASHINGTON
ANA M. DUQUE-HIGGINS, OF FLORIDA
CARRIE ELIZABETH REICHERT FLINCHBAUGH, OF VIRGINIA
ANDREA B. GOODMAN, OF CALIFORNIA
SHARON ELIZABETH GORDON, OF CALIFORNIA
JOSHUA M. HANDLER, OF THE DISTRICT OF COLUMBIA
SARAH E. HANKINS, OF NORTH CAROLINA
JOSHUA M. HARRIS, OF NEW JERSEY
DAVID PARKER HAUGEN, OF TENNESSEE
TIMOTHY B. HEFNER, OF NORTH CAROLINA
RICHARD C. HINMAN, OF NEW JERSEY
ERIC A. JOHNSON, OF THE DISTRICT OF COLUMBIA
KAREN YOUNG KESHAP, OF VIRGINIA
MARK EDWARD KISSEL, OF MARYLAND
DENISE LYNNETTE KNAPP, OF TEXAS
ANNEMETTE LAVERY, OF ARIZONA
JINNIE J. LEE, OF NEW YORK
MICHELLE ANNE LEE, OF OHIO
TELSIDE LOGAN MANSON, OF VIRGINIA
KIMBERLY M. MCCLURE, OF KENTUCKY
JAMES N. MILLER, OF CONNECTICUT
WILLIAM JOSEPH PATON, OF NEW YORK
JESSICA H. PATTERSON, OF VIRGINIA
MARGO LYNN POGORZELSKI, OF NEW YORK
MUSTAFA MUHAMMAD POPAL, OF VIRGINIA
CARSON R. RELITZ, OF INDIANA
CURTIS RAYMOND RIED, OF CALIFORNIA
WESLEY W. ROBERTSON, OF NEVADA
JOY MICHIKO SAKURAI, OF HAWAII
CORINA R. SANDERS, OF FLORIDA
PETER TIMOTHY SHEA, OF THE DISTRICT OF COLUMBIA
EDWARD W. SOLTOW, OF ARIZONA
MARJORIE A. STERN, OF CALIFORNIA
BRADLEY KILBURN STILWELL, OF WASHINGTON
ALEXANDRA ZWAHLEN TENNY, OF WASHINGTON
KENICHIRO TOKO, OF NEW JERSEY
MICHELLE NICOLE WARD, OF MARYLAND
BRADLEY G. WILDE, OF TEXAS
BRIAN CHARLES WINANS, OF ILLINOIS
ANDREW VAUGHN WITHERSPOON, OF NEW HAMPSHIRE
CHRISTIAN MICHAEL WRIGHT, OF TEXAS
THOMAS A. YEAGER, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MARK COHEN, OF PENNSYLVANIA
FRANKLIN D. JOSEPH, OF THE DISTRICT OF COLUMBIA
DEAN R. MATLACK, OF THE DISTRICT OF COLUMBIA
ELIZABETH M. SHIEH, OF NEW YORK

DEPARTMENT OF STATE

ROBERT NEIL AINSLIE, OF VIRGINIA
SARA J. AINSWORTH, OF THE DISTRICT OF COLUMBIA
KIMBERLY A. AJTAJI, OF VIRGINIA
LOREN B. ALLEN, OF VIRGINIA
JAVIER ALFREDO ALVAREZ, OF VIRGINIA
MOHAMMAD K. AL-WESHAHI, OF VIRGINIA
WALTER B. ANDONOV, OF NEVADA
CHASITY TIFFANY ANTHONY, OF VIRGINIA
BRANDON SCOTT ARMITAGE, OF VIRGINIA
LARRY R. BALDWIN, JR., OF VIRGINIA
ERIC MATTHEW BARBEE, OF VIRGINIA
BERNARD BARRIE, OF VIRGINIA
LORI A. BATTISTA, OF VIRGINIA
BRIAN ANDREW BERGER, OF VIRGINIA
PRENTISS RAY BERRY, OF VIRGINIA
DEBORAH A. BIERBACH, OF VIRGINIA
ROBERT CRAIG BOND, OF THE DISTRICT OF COLUMBIA
ANDREA K. BOYLAN, OF VIRGINIA
GREGORY ANTHONY BOYLAN, OF VIRGINIA
JASON MICHAEL BRANDON, OF VIRGINIA
CARYN D. BREEDEN, OF WEST VIRGINIA
MELISSA LEIGH BREWSTER, OF VIRGINIA
EDWARD A. BRISTOL, OF VIRGINIA
ROBERT J. BROCKWAY, OF VIRGINIA
KAREN L. BRONSON, OF WASHINGTON
DAVID PENN BROWNSTEIN, OF NEW YORK
EMILIE SUZANNE BRUCHON, OF VIRGINIA
ERIKA BREE BRUMBELOW, OF VIRGINIA
ROBERT W. BUNNELL III, OF NORTH CAROLINA
MARY A. CALLAGHAN, OF VIRGINIA
TINA MARIE CAPPA, OF VIRGINIA
STEPHANE MARC CASTONGUAY, OF HAWAII
THOMAS CATUOGNO, OF THE DISTRICT OF COLUMBIA
CHRISTA MARIE CAVALUCHI, OF VIRGINIA
THOMAS D. CELESTINA, OF FLORIDA
JANET CHEUNG, OF VIRGINIA
JANE JERA CHONGCHIT, OF CALIFORNIA
MARVEL C. CHURCH, OF VIRGINIA
ROBIN S. CLUNE, OF CALIFORNIA
HEATHER L. COBLE, OF VIRGINIA
HANAN COHEN, OF VIRGINIA
CURTIS GOLDEN CONOVER, OF VIRGINIA
AMY ELIZABETH CONRAD, OF VIRGINIA
CHRISTOPHER T. CORKEY, OF THE DISTRICT OF COLUMBIA
WILLIAM P. COX, OF MARYLAND
SEAN PATRICK COYAN, OF VIRGINIA
NESA J. CRISP, OF VIRGINIA
MICHAEL P. CROISSANT, OF VIRGINIA
JEFFREY ROSS CUIPER, OF VIRGINIA
MELISSA LYNN CUTLER, OF VIRGINIA
JOSEPH V. DAMUSIS, OF VIRGINIA
JOHN A. DEGORY, OF PENNSYLVANIA
JOHN ALVIN RAYMOND DEHOFF, OF THE DISTRICT OF COLUMBIA
CHRIS ANN DELMASTRO, OF CALIFORNIA
MARK C. DEMIER, OF THE DISTRICT OF COLUMBIA
CARLOS POURUSHASP DHABHAR, OF NEW YORK
ANDREA T. DIAZ, OF VIRGINIA
KELLY L. DIIRO, OF VIRGINIA
ROBERT ALAN DOLLINGER, JR., OF VIRGINIA
ARA SEBASTIAN DONABEDIAN, OF VIRGINIA
JENNIFER L. DOUGHERTY, OF VIRGINIA
DAVID M. DUERDEN, OF IDAHO
TIMOTHY T. DYKE, OF VIRGINIA
WILLIAM M. ELLIOTT, OF VIRGINIA
JOHN B. EVERMAN, JR., OF WISCONSIN
DOROTHEA L. EWING, OF VIRGINIA
CHRISTINE M. FAGAN, OF TEXAS
GABRIELA ALEJANDRA FERNANDEZ, OF VIRGINIA
RICHARD G. FITZMAURICE, OF INDIANA
STEPHANIE J. FITZMAURICE, OF INDIANA
MATTHEW C. FLIERMANS, OF GEORGIA
DAVID MICHAEL FOGELSON, OF CALIFORNIA
RICHARD WILLIAM FROST, OF VIRGINIA
ELIZABETH J. FUSAKIO, OF VIRGINIA
ERIC R. GARDNER, OF WASHINGTON
CHRISTINE GETZLER VAUGHAN, OF ARIZONA
VALLERA MICHELE GIBSON, OF GEORGIA
PETER P. GIOIELLA III, OF THE DISTRICT OF COLUMBIA
JAVIER A. GONZALEZ, OF VIRGINIA
SUSANNA GRANSEE, OF NORTH CAROLINA
JASON T. GRIFFITH, OF VIRGINIA
LORRAINE A. GRIGGS, OF VIRGINIA
ZACHARY T. GROVE, OF VIRGINIA
NORA CATHERINE GRUBBS, OF VIRGINIA
PAUL M. GUERTIN, OF RHODE ISLAND
CHARLES OVERTON HALL II, OF THE DISTRICT OF COLUMBIA
PAMELA A. HAMBLETT, OF OKLAHOMA
BLYTHE B. HAMILTON
CONARD C. HAMILTON, OF CALIFORNIA
SHANA LORELLE HANSELL, OF THE DISTRICT OF COLUMBIA
J.J. HARDER, OF NEBRASKA
THEODORE RAY HARKEMA, OF VIRGINIA
DANE D. HART, OF VIRGINIA
KIMBERLY L. HAWK, OF VIRGINIA
AMANDA E. HICKS, OF OREGON
COURTNEY D. HILL, OF THE DISTRICT OF COLUMBIA
GERARD THOMAS HODEL, OF NEW YORK
JENNIFER M. HOFFMAN, OF VIRGINIA
VICTORIA HOILES, OF CALIFORNIA
ASHLEY A. HOKE, OF VIRGINIA
MARY DANIELLE MYERS HOKE, OF FLORIDA
NICHOLAS M. HOLT, OF THE DISTRICT OF COLUMBIA
ERIC ALDEN HUFFMAN, OF VIRGINIA
LINDSAY NICOLE JONES, OF VIRGINIA
LISA BARBARA KALECZYC, OF VIRGINIA
MARGARET E. KAMMEYER, OF VIRGINIA
MARLYSSA ANN KARCZ, OF VIRGINIA
GERRY PHILIP KAUFMAN, OF FLORIDA
DANIEL GILBERT DURAN KEEN, OF VIRGINIA
JAMES ROY KELLEHER, OF VIRGINIA
ANSON MORE KELLER, OF MARYLAND
MEGAN MARISA KELLER, OF VIRGINIA
SUSANNE PATRICE KELLER, OF MISSOURI
KWINN S. KELLEY, OF CALIFORNIA
SYLBETH KENNEDY, OF CALIFORNIA
KRISTI A. KENNISTON, OF MARYLAND
LINDSAY KIEFER, OF WASHINGTON
NEIL R. KINGLSEY, OF VIRGINIA
NICOLE SIMONE KIRKWOOD, OF VIRGINIA

ROBERT ZACHARY KOESTER, OF VIRGINIA
STEPHEN SETH KOLB, OF TEXAS
CINDY L. KONISKY, OF VIRGINIA
KELLY LEE KOPCIAL, OF VIRGINIA
ALETA MARIE KOVENSKY, OF VIRGINIA
JAN JOZEF KOZUBSKI, OF MARYLAND
KEVIN KRAPF, OF CALIFORNIA
KYLER O. KRONMILLER, OF VIRGINIA
JAMES M., KUEBL, OF FLORIDA
KENNETH C. KUEHN, OF MARYLAND
JOHN MICHAEL LANKENAU, OF MARYLAND
ERIC J. LEEDER, OF VIRGINIA
ANNE WOOD LESSMAN, OF VIRGINIA
JONATHAN J. LITTLE, OF VIRGINIA
WILLIAM LONGO, OF MARYLAND
SANTIAGO J. LOPEZ, OF FLORIDA
JENNIFER T. LOPRESTO, OF VIRGINIA
KEVIN MICHAEL LOVE, OF NEW YORK
ROBERTA LOWE, OF ARIZONA
JASON P. LOWRY, OF VIRGINIA
R. GREG LYON, OF VIRGINIA
MONICA R. MARIELLO, OF VIRGINIA
KRISTINE ANN MARSH, OF NEW YORK
JAMES R. MARSHALL, OF TENNESSEE
BRADLEY J. MATHEWS, OF VIRGINIA
HERBERT F. MAXWELL III, OF GEORGIA
BRIAN J. MCALLISTER, OF VIRGINIA
EMILY D. MCCARTHY, OF FLORIDA
PETER R. MCDONALD, OF VIRGINIA
BILLY E. MCFARLAND, JR., OF ARIZONA
MARK R. MCINTYRE, OF WASHINGTON
LOIS MCKAY, OF MARYLAND
SUSAN P. MCLENNAND, OF VIRGINIA
CATHERINE MCLEOD, OF TEXAS
MARC A. MEYER, OF NEW JERSEY
JAMES MICSAN, OF VIRGINIA
ANGELA L. REVELS MIDDLETON, OF VIRGINIA
NICHOLAS A. MILLER, OF VIRGINIA
CHRISTIE MILNER, OF TEXAS
ADAM L. S. MITCHELL, OF OKLAHOMA
CATHERINE E. MITCHELL, OF VIRGINIA
P. CHRISTOPHER MIZELLE, OF VIRGINIA
THOMAS MOORE, OF GEORGIA
SERGIO ANTONIO MORENO, OF TEXAS
PAMELA MORRIS, OF THE DISTRICT OF COLUMBIA
NEJDAT ROBERT MULLA, OF VIRGINIA
GEORGEANNA LILA MURGATROYD, OF NEW YORK
REDDING E. NEWBY, OF VIRGINIA
BRENT EDWARD NORTON, OF VIRGINIA
ALAN M. OLSON, OF MARYLAND
STEPHEN JOHN ORLOSKI, OF VIRGINIA
PEDRO ISRAEL ORTA, OF VIRGINIA
JENNIFER DYAN PAGE, OF VIRGINIA
ERIC E. PARAS, OF VIRGINIA
ERIC W. PARKER, OF NORTH CAROLINA
EDGAR K. PARKS, OF VIRGINIA
SCOTT D. PARRISH, OF CALIFORNIA
MICHAEL S. PASSEY, OF VIRGINIA
CLAYTON S. PEACOCK, OF VIRGINIA
JENNIFER PLANTY, OF VIRGINIA
ELIZABETH J. POKELA, OF MINNESOTA
STEVEN N. PROHASKA, OF VIRGINIA
TIFFANY MARIE QUANSTROM, OF VIRGINIA
JOHN V. QUIMBY, OF VIRGINIA
MATTHEW WILLIAM RAFFENBEUL, OF VIRGINIA
BRYAN RECCORD, OF VIRGINIA
CHRISTOPHER RENDO, OF MISSOURI
MARK ANTHONY RICARD, OF VIRGINIA
LARRY T. RICH, OF VIRGINIA
REINALDO RIVERA, OF VIRGINIA
DOUGLAS BRADY ROBERSON, OF VIRGINIA
KATHLEEN M. ROBERTSON, OF VIRGINIA
LEIGH W. ROBERTSON, OF FLORIDA
IAN D. ROZDILSKY, OF NEW YORK
KIMBERLEE ANN RUDISILLE-TORRES, OF VIRGINIA
OLSEN J. SALGADO, OF VIRGINIA
MARK L. SAND, OF VIRGINIA
CYNTHIA YESMEEN SARKES, OF MARYLAND
SARA E. SAUKAS, OF VIRGINIA
GREGORY G. SCHEER, OF VIRGINIA
JOSEPH JEROME SCHMANK, OF VIRGINIA
GEORGE S. SCHROEDER, OF VIRGINIA
MICHAEL REUBEN SCHWARTZBECK, OF VIRGINIA
DAVINIA MICHELLE SEAY, OF THE DISTRICT OF COLUMBIA
TIMOTHY BARRETT SEXTON, OF VIRGINIA
MARISSA SHAPIRO, OF VIRGINIA
ROBERT WALTER SIMMONS, OF PENNSYLVANIA
PATRICK M. SKINNER, OF MARYLAND
MARK IRVIN SNOW, OF VIRGINIA
JAY M. SORENSEN, OF NORTH CAROLINA
LOUISE MARIE STEEN-SPRANG, OF VIRGINIA
ERIN SUGARMAN, OF VIRGINIA
MARY BETH SWOFFORD, OF VIRGINIA
KATHRYN ANNE SZIGETI, OF VIRGINIA
KAREN A. TAYERLE, OF VIRGINIA
ALYSSA TEACH, OF MICHIGAN
LISA TERRY, OF CALIFORNIA
THOMAS A. THLIVERIS, OF NORTH CAROLINA
MICHAEL P. THOMAN, OF NEW JERSEY
BARBARA G. THOMPSON, OF VIRGINIA
STEVEN J. THOMPSON, OF VIRGINIA
LAURA L. TISCHLER, OF THE DISTRICT OF COLUMBIA
ELIZABETH MARIE VANDERVEEN, OF VIRGINIA
JENNIFER VAN ETTE, OF NEW YORK
CAROL M. VARGAS, OF CALIFORNIA
ERIN MARIE VASQUEZ, OF VIRGINIA
RICHARD DALE VASQUEZ, OF VIRGINIA
ANDREW MCKENZIE VENNEKOTTER, OF THE DISTRICT OF COLUMBIA
LEE A. VIENS, OF MARYLAND
JACK D. VINES, OF THE DISTRICT OF COLUMBIA
AYINDE WAGNER-SIMPSON, OF VIRGINIA
JOHN W. WHITE, OF MARYLAND
JOSEPH L. WHITMORE, OF VIRGINIA
THOMAS WHITNEY, OF CONNECTICUT
DOUGLAS EDWARD WHITTINGTON, OF VIRGINIA
LEINE ELIZABETH WHITTINGTON, OF VIRGINIA
HEIDI M. WILKINSON, OF PENNSYLVANIA
EDWARD MICHAEL WILLHIDE, OF VIRGINIA
JUSTIN W. WILLIAMSON, OF TEXAS
CHRISTOPHER JOHN WIRTANEN, OF VIRGINIA
BRYAN G. WOCKLEY, OF VERMONT
RICHARD C. YARBROUGH, OF VIRGINIA
MICHAEL SEAN ZEBLEY, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE/APHIS FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

DANNY J. SHEESLEY, OF COLORADO

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

GARY GREENE, OF GEORGIA
KAREN SLITER, OF OHIO

HOUSE OF REPRESENTATIVES—*Tuesday, May 22, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. ISRAEL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 2007.

I hereby appoint the Honorable STEVE ISRAEL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

FARM BILL/FOOD BILL

Mr. BLUMENAUER. Thank you, Mr. Speaker.

The farm bill is described as the most important legislation that most of America ignores. It's big, complex and involves lots of money all over the country, but the details are not well known. One of the reasons might be the name. We call it a farm bill. But it could and perhaps should be called a food bill, because that is what it is.

Many people do not understand that the farm bill isn't just about farmers. It is a bill that funds food stamps, nutritional programs and farmers' markets. The programs we're talking about all impact rural, urban and suburban families alike.

Currently, our farm programs provide too little help to the majority of American farmers and ranchers. The majority of commodity payments go to a few large-scale farm operations with only 40 percent of the farmers receiving any commodity payments at all. My State of Oregon is an example. Even though it is a major agricultural producer, it really doesn't benefit that much from the farm bill.

With the 2007 farm bill reauthorization, we have a chance to make dramatic reforms in American agricultural policy by crafting forward-looking policies to help farmers manage the transition to a new farm economy. I would suggest some basic principles for strengthening the farm bill so that we ensure the future of American agriculture by giving small farmers the increased markets they need, a dependable workforce, the ability to pass their farms and heritage on to the next generation, and be protected from urban sprawl.

Farm workers also need safe, family wage jobs, and rural communities need a stronger economy. We need to provide safe access to nutrition and reliable foods to all Americans, especially the most vulnerable members of our communities; children, the elderly and the poor.

We need to increase the health and safety of our communities by improving access to local markets that can improve farmers' revenues, improve rural economies, and strengthen the vital connections between urban and rural communities. We can have programs to reimburse farmers for providing environmental services such as flood control, carbon sinks and wildlife habitat. This can help reduce global warming, increase communities' resilience to natural events, and give farmers the opportunity to diversify their revenue stream.

In short, we can move American agriculture into the 21st century by not being devoted to policies from the last 200 years.

To that end, I have recently introduced the Local Food and Farm Support Act to connect local farms to schools to provide healthy food choices for children and promoting a stronger local farm economy by providing funding and programs that connect farmers with local markets, including school to cafeteria programs, and the promotion of farmers' markets. This legislation would provide grants to farmers to explore innovative new ways to connect to local markets and increase food assistance for senior and low-income families.

Mr. Speaker, I could just as easily talk about the farm bill as being the most important piece of environmental legislation we will consider in this Congress, because the potential for energy with biomass and wind, greenhouse gas reduction and energy conservation all enable us to reduce the carbon and energy footprint of America's vast agricultural landscape. In the area of water, a sound farm bill is the best and most cost-effective way to improve the quality and quantity of water across America, and of course it is essential to land preservation.

This is why we all need to pay attention to this critical legislation. Every Member of Congress should deal with the challenge to work with America's farmers and ranchers to produce agricultural legislation that meets the needs of America in the 21st century.

FOOD STAMP CHALLENGE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized during morning-hour debate for 5 minutes.

Ms. SCHAKOWSKY. Thank you, Mr. Speaker.

Last week I accepted the Food Stamp Challenge, living for the past week on the average food stamp benefit of $1 per meal or $21 for the entire week.

I did it in order to draw attention to the persistent problem of hunger in America. I didn't realize just how hard it would be, but on my first shopping trip to Safeway, I quickly found out. It was hard enough to buy basic staples, but once I got to the produce section, it was impossible to buy much of anything. There was no way to eat a nutritious diet. Fruits and vegetables were simply out of my price range.

For me, it was a learning experience. For 26 million Americans and 1.2 million Illinoisans, it is a way of life. I wonder how parents on food stamps can stretch their budgets so their children have enough to eat or how seniors with chronic illness afford both eating nutritious meals and purchasing adequate medication. The answer for many is they simply can't.

In the richest country in the world, the fact that families face these sort of trade-offs is unjust and I would say it's immoral. The United States is spending merely $3 billion each week in Iraq, yet we expect hungry Americans to eat on $3 a day?

We need to pass Representatives JIM MCGOVERN's and JO ANN EMERSON's Feeding America's Families Act, which would strengthen America's anti-hunger safety net programs, including food stamps, at a reasonable and affordable cost of about $4 billion per year. These

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are the kinds of provisions that ought to be part of the farm bill which includes the food stamp program.

I just ended this challenge yesterday. I am looking forward to a big salad for lunch where I include all kinds of vegetables at the salad bar that's in the cafeteria, adding whatever I want to that salad rather than having to carefully pick and choose what I had last week, which was one head of lettuce and one tomato and a few carrots, and that was about it. My snacks were water and, on a good moment, ice water.

It was an interesting and instructive week for me, but imagining my children and grandchildren having to live that way made it very, very clear to me that this really ought not to be a forced option for so many millions of Americans.

We can do better. This is a matter of priorities. We can change those priorities. We can make sure that with pride we say that no one in this country goes hungry, that everyone in this country at least has the opportunity to make healthy choices about the food that they eat and the food that they serve their children.

How can a child learn in school when they come without an adequate breakfast? How can they achieve in life without the nutrition that they need as their bones are growing and as their minds are growing? I am very hopeful that the experiment that I did with Congressmen MCGOVERN and EMERSON and TIM RYAN will prove to be helpful in making sure that we are able to pass more humane, and important to all Americans, legislation that will provide nutritious and affordable food for all of our residents in the United States.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 10 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CLEAVER) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, guardian of our freedom and provider for all, as we approach Memorial Day, let us not forget the true meaning of this Nation's moment of memory. We shall not be mindless of all our blessings as Your people. Rather, in the leisure of the holiday weekend, we shall demonstrate our indebtedness to our brothers and sisters who serve in the military. With reverence, we shall call to mind those who have made the ultimate sacrifice in serving this Nation and protecting human freedom around the world.

Thus Your Holy Scriptures, Lord, shall be fulfilled in us as this holiday unfolds and names to be memorialized are brought on to our attention. The Bible says, "Every living person appreciates generosity. Do not withhold your gratitude, even when someone is dead. Do not turn your back on those who weep, but mourn with those who mourn." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 254. An act to award posthumously a Congressional gold medal to Constantino Brumidi.

MINIMUM WAGE INCREASE TIED TO FUNDING IRAQ WAR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the Associated Press reports that the latest Iraq supplemental funding plan incredibly will tie an increase in the minimum wage to funding the war through October. If this is true, and I hope it is not, it tells American workers that the only way they will get an increase in wages is to continue funding a war which is taking the lives of their sons and daughters. First, blood for oil; now a minimum wage for maximum blood? Aren't the American people giving enough blood for this war without having to give more to have a wage increase? What's happened to our country? We are losing our moral compass. We are losing our sense of justice. We are losing touch with the difference between right and wrong.

We do not have to fund this war. We must leave Iraq now. Support our troops. Bring them home. H.R. 1234 is a plan to end the war and stabilize Iraq and give Iraqis control of their oil. We must take a new path. We must take a path of truth and justice.

TAX REDUCTIONS BENEFIT FAMILIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday's The Hill features an advertisement by Merrill Lynch that praised the 2003 tax cuts, proclaiming, "Lower capital gains and dividend tax rates have produced major economic gains."

I was present 4 years ago this week when President Bush signed the tax reduction legislation. The results are some of the most successful ever. The economy has expanded $1.6 trillion; 7.8 million new jobs have been created; unemployment rates are near historic lows. The stock market is at a record high, soaring 40 percent. Tax revenues are the highest ever because of private sector growth. Twenty-four million families have received an average tax cut of $950. The lower rate on savings and investments has helped our economy grow to benefit American families.

In conclusion, God bless our troops, and we will never forget September 11.

DEMOCRATS COMPLETE A BUDGET, SOMETHING THAT ELUDED PAST REPUBLICAN CONGRESSES

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, last week, congressional Democrats accomplished something the Republican "do-nothing" Congress could not do. We passed a final budget through both the House and Senate.

Over 3 of the last 5 years, the Republican-led Congress failed to reach agreement on a final budget resolution, leading to unparalleled deficit spending. Unlike our Republican predecessors, this new Democratic Congress has produced a fiscally responsible budget that serves as a blueprint for investing in America's priorities, providing tax cuts to middle-class families, and balances the budget in just 5 years without raising taxes. Not even the President's proposed budget comes out of the red after 5 years.

Mr. Speaker, budgets serve as a blueprint of a Congress' priorities. Our final budget strengthens our military readiness and invests in our troops and veterans. It also spurs innovation to boost our economy and expands investments in renewable energy and energy efficiency to reduce global warming and our dangerous dependence on foreign oil.

Democrats vowed to run this Congress differently, and we have, by producing a final budget agreement.

SECOND VERSE SAME AS THE FIRST

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the new, reformed, inclusive, repackaged, politically motivated Senate immigration proposal is more of the same lip service we have heard for years about protecting our borders.

In the 1980s, the American public was promised, and Congress passed, legislation that was supposed to beef up the border, reform the troublesome immigration service, and grant amnesty to 3 million people. The result? Our borders are less secure now. The immigration service is overwhelmed with mismanagement and lack of resources. But that amnesty deal, it did happen. Now 20 years later, the amnesty gift has only increased illegal entry, not slowed it down. We now have 12- to 20 million people here without permission.

Why doesn't the Federal Government enforce the existing law and secure the border? Because the Federal Government doesn't have the moral will to enforce current law, and if Congress tries to pass a similar bill like the 1980s: we will get more of the same: lax border security and an immigration service that is in confusion. But we'll sure let those illegals stay in America. It's another case of second verse, same as the first.

And that's just the way it is.

GREEN JOBS—PATHWAYS FROM POVERTY

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, I rise today to bring attention to opportunities of job growth and hopefully eradicating poverty through a green economy.

A major national investment in renewable energy could create potentially 3.5 million green-collar jobs over the next 10 years.

We must say to America's workers, particularly those in urban and rural underserved communities, there is a place for you in the green economy. Investment should not only be improving infrastructure, but improving economic opportunities for all. That is why I am proud to be working with Congressman JOHN TIERNEY and others to create a green jobs bill that will create pathways out of poverty.

Job training can lead to self-sufficiency and prosperity through higher wages, access to benefits and more career choices. Other cities and States throughout the country have taken the lead to shape the new economy, which is creating demand for green products and services.

Under Speaker PELOSI's leadership, Congress has taken steps to ensure our Nation has a secure energy future. I hope that ensuring underserved communities achieve economic security can be a part of this green future.

GIVE THE TROOPS THE FUNDS THEY NEED

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, over 100 days have passed since the President's first request of additional monies for our troops, and still no money. As Members of Congress, we have a responsibility to ensure men and women in our military have the resources and tools necessary to succeed. Just 2 weeks ago, we heard from nearly 3,000 of those men and women asking for our support.

Mr. Speaker, politics should never interfere with wartime decisions. Unfortunately, some have taken this opportunity to score what they believe to be political points and undermine our Commander in Chief. Our troops deserve a clean supplemental that does not embolden the enemy with language of retreat and defeat.

Mr. Speaker, the Democrat leadership should stop the rhetoric of empty promises of "we support our troops" by giving them the critical funds they need today so they can finish the mission we gave them and come home in victory.

PRESIDENT'S ENERGY PROPOSAL IS TOO LITTLE, TOO LATE

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, it's that time of year again. Just as families are preparing to hit the road for their summer vacations, the gas prices are once again hitting record highs. Drivers are paying a heavy price for the Bush administration's failure to enact a comprehensive energy strategy. And just last week, the President attempted to show that he's taking action by announcing an Executive Order that doesn't call for any action until a few weeks before he leaves office. This is simply too little, too late. Where has he been for the last 6 years when prices were hitting record numbers each Memorial Day?

The Democratic Congress refuses to ignore this problem. We passed legislation that will roll back $14 billion in taxpayer subsidies for Big Oil, and instead we would reinvest here at home in clean alternative fuels, renewable energy and energy efficiency.

In the coming weeks we will bring legislation to the House floor that will crack down on price gouging by the big oil companies so we can provide immediate relief to consumers. Unlike the Bush administration, the Democratic Congress is not simply going to ignore this problem.

HOW EXACTLY IS BUSH SUPPORTING OUR TROOPS WHEN HE THREATENS A VETO OF DOD?

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, last week Democrats and Republicans came together in a strong bipartisan fashion to approve a defense authorization that prioritizes the immediate needs of our military personnel.

While the President believed that a 3 percent pay raise was suitable for our troops in combat, Democrats and Republicans in this House said our military personnel deserved more, and approved a bill that gives them a 3.5 percent raise. The President's response, a threatened veto.

How exactly is the President supporting our troops when he threatens to veto a bill that he says gives our troops too large a pay raise? Has the President forgotten how much he's asked them to sacrifice over the last 4 years? Troops were initially told that their stays in Iraq would last a year, only to be informed at the end of that year that those stays were being extended by several months as a result of the President's troop escalation plan.

Mr. Speaker, if President Bush really wants to support our troops, he would reconsider his veto threat and help us give our troops a much deserved pay raise.

IN SUPPORT OF H. RES. 171

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I do want to take a moment today to thank my colleague from Missouri, the chairman of the Armed Services Committee, Mr. SKELTON, for providing this opportunity today to honor an American hero.

I rise today to discuss H. Res. 171, a bill to recognize the 250th anniversary of the birth of the Marquis de Lafayette.

On September 6, 2007, our Nation will celebrate the 250th birthday of one of the truly outstanding and extraordinary people in our country's history, the Marquis de Lafayette.

Born in the Auvergne section of France, Lafayette did not become an honorary American citizen until 2002, some 168 years after his death. He was commissioned with the rank of major general in the Continental Army just shy of his 20th birthday, and he soon became one of George Washington's closest confidants. The first foreign dignitary to address the House of Representatives, Lafayette was a steadfast supporter of liberty, loyalty and democracy.

You have heard many of my colleagues speak to Lafayette's legacy as a military leader. I rise today to offer a different perspective as to Lafayette's influence on our Nation's history.

Lafayette College, located in my district in eastern Pennsylvania, was founded in 1826 by the citizens of Easton. And I am here once again to commemorate this auspicious occasion and ask that my colleagues join me in this celebration.

□ 1015

DEMOCRATS WANT TO PROTECT THE HOMELAND BUT THE PRESIDENT IS FIGHTING POPULAR MEASURES

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, for the first 4 months of this year, the new Democratic-led House approved key legislation that will move us in a new direction and allow us better defense of our Nation and strengthen our military. Unfortunately, time and time again, the President has either vetoed our efforts or has threatened to veto.

During our first 100 hours, we passed a bill implementing the recommendations of the bipartisan 9/11 Commission, including improvements in securing our ports, our border and our infrastructure. The administration currently opposes this legislation.

This House also approved the Rail and Mass Transit Security Act, which requires the Homeland Security Department to develop plans to protect our rail and mass transit. Despite strong bipartisan support here in the House, President Bush has threatened to veto it.

Mr. Speaker, protecting our homeland is not a partisan issue. This House approved both of these critical homeland security bills with the votes of both Republicans and Democrats. I would hope the President would stop being an obstructionist and instead support our important bills.

THE DEMOCRATIC TRAIL OF BROKEN PROMISES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Mr. Speaker, today I want to talk just a little bit about some of my encounters with my constituents over the weekend. What they are saying when I meet them is, what is going on in Washington? What is happening up there? We thought we were going to see a different type of environment. But you know what, it seems like nothing is getting done.

Quite frankly, Mr. Speaker, they are right on the mark, because we are zero in '07 on the six for '06 that the leadership had promised that they were going to do.

More importantly to my constituents, and especially to some of those at Fort Campbell that I had the opportunity to spend time with on Sunday evening as they had their Normandy barbecue, the number one question was, what is going on with the Iraq supplemental? It is truly a disservice to our men and women in uniform for this not to be passed. Our troops in the field need that funding.

Other constituents were saying, what is this we are hearing about this budget? My goodness, the single largest tax increase in history?

Yes, indeed. And I can guarantee you, Mr. Speaker, many of us will stand in the gap to keep that from becoming law.

HOUSE REPUBLICANS STILL WANT TO PROVIDE THE PRESIDENT A BLANK CHECK ON IRAQ WAR

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, when it comes to addressing the most important issues currently facing our Nation, the Republicans in this body are once again all talk and no action. Despite overwhelming public opposition to President Bush's open-ended commitment in Iraq, despite thousands of lives lost and hundreds of billions of dollars of taxpayers money spent, Republicans still won't actually take action to end this war.

Oh, they talk a good game. They say they are listening to the retired generals, the soldiers and the American people who want our troops brought home. A few of them even went to the White House a few weeks ago to vent their frustration over the war in Iraq and the President's leadership.

But when it comes to actually moving to send President Bush a message that this Congress is moving the war in the right direction, my colleagues on the other side the aisle do what they always do; they line up and vote with their leadership and with President Bush.

Mr. Speaker, despite their claims, Republicans still want to write blank checks and rubber-stamp the President's policy. While they wait, Democrats are moving forward with our commitment to making serious changes in Iraq.

THE GRAND BARGAIN IS NO BARGAIN FOR THE AMERICAN PEOPLE

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, over the past year, I have worked with colleagues in the House and Senate to achieve border security and comprehensive immigration reform without amnesty. I believe illegal immigration is a crisis that demands a national response, but amnesty is not that response.

From what we know about the recent compromise announced in the Senate, there are many commendable elements of the plan, including stronger border security measures and a shift to a merit-based immigration system. However, ultimately what has been dubbed a "grand bargain" is no bargain for the American people.

By permitting illegal immigrants to get right with the law without leaving the country, the Senate compromise amounts to amnesty for millions of illegal immigrants, and I cannot support it.

I do hope to continue to work with colleagues in both parties in the House and Senate to craft final legislation that puts border security first, creates a temporary worker program without amnesty, that requires illegal immigrants to leave the country to apply, and, when they come, to learn English and live under the law when they are here.

PROVIDING FOR AMERICAN SOLDIERS, VETERANS AND THEIR FAMILIES

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Mr. Speaker, last week this House passed a bipartisan defense authorization bill. The legislation includes two provisions to which President Bush objected. One gives our military a well-deserved pay raise, and the other offers surviving spouses of fallen armed servicemembers an additional $40 per month.

Our men and women in uniform and their family members have sacrificed enormously. They have earned honor, and they deserve the benefits that would be provided to them in this bill.

While the President has repeatedly called for supporting our troops and their families, it appears that his words do not match his deeds. On the other hand, this Congress has committed to providing our troops the equipment, training and benefits they need and deserve, ensuring our veterans get the care to which they are entitled and caring for our military families who endure many issues when their loved ones serve overseas and when they return home.

Our Nation owes our soldiers, our veterans and our families more than just empty talk.

SUPPORTING THE TROOPS WITH A FAIR PAY RAISE

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, I was a military spouse and I lived on military pay. It is very difficult to do that. But we do that with honor and with gratitude for the chance to serve this country.

The House of Representatives recognizes that service and called for a 3.5 percent increase in pay for the military. The President, who talks about supporting the troops, does not want that. He is strongly opposed to raising the pay of military families.

How much does that really mean? For an E-4, it means $200 a year. $200 a year. The President provides $536 billion of tax breaks for the top 1 percent, and is unwilling to give $200 a year to an E-4. Seventy times what we are asking, seventy times, goes to the rich.

It is time for the President to start supporting the troops instead of supporting the rich. I hope before Veterans' Day, the President changes his mind and agrees with the House of Representatives that our men and women in uniform deserve this pay.

BEING HONEST ABOUT PLANS IN IRAQ

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Mr. Speaker, many of my friends ask me as we struggle to fund this war, why are the Iraqi Parliamentarians going on a 2-month vacation? The answer is very simple: Self-preservation. The AP reported that "a few shells" fell in the Green Zone last weekend. Well, my sources in Amman and in Baghdad told me that 47 mortar rounds landed in the Green Zone on Sunday, and on Monday they hit the parliament building, destroying the office of Dr. Mashhadani 5 minutes after he left it.

The AP also reports that the Defense Minister, Mr. Obeidi, has told reporters that Iraq's military was drawing up plans in case U.S. forces left the country quickly. "The army plans on the basis of a worst case scenario so as not to allow any security vacuum. There are meetings with political leaders on how we can deal with the sudden pullout."

It sounds to me like we are looking at off-the-hotel-roof in Vietnam, or maybe it was the pullout from Beirut.

I wish, Mr. Speaker, we could make the President be honest with us about what he is actually planning. The world can't figure it out.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Recorded votes on postponed questions will be taken later today.

HONORING THE MARQUIS DE LAFAYETTE ON THE OCCASION OF THE 250TH ANNIVERSARY OF HIS BIRTH

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 171) honoring the Marquis de Lafayette on the occasion of the 250th anniversary of his birth, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 171

Whereas Marie-Joseph-Paul-Yves-Roch-Gilbert Du Motier, commonly known as the Marquis de Lafayette, was born on September 6, 1757, and occupies a considerable place in the history of the United States;

Whereas Lafayette was a man of considerable military skill who expressed sympathy for American revolutionary fighters, decided to aid colonists in their struggle for independence, and was voted by Congress the rank and commission of major general in the Continental Army;

Whereas Lafayette's military service was invaluable to General George Washington during many Revolutionary War battles, earning him the reputation as "the soldier's friend";

Whereas Lafayette's strategic thinking, military skill, and dedication as a general officer serve as a model for present day American military officers;

Whereas Congress appropriated awards and honors in honor of Lafayette's service to the American people, including the commissioning of a portrait that hangs in the House Chamber;

Whereas because of Lafayette's strong belief in freedom, he advocated the abolition of slavery in the Americas, favored equal legal rights for religious minorities in France, and became a prominent figure in the French Revolution;

Whereas, in 1824, at the invitation of President Monroe, Lafayette embarked upon a triumphant, 13-month tour of all 24 States of the then-United States, during which he became the first foreign dignitary to address the House of Representatives, and visited many Masonic bodies;

Whereas because of America's affection for Lafayette, many United States cities, towns, and counties have been named for him;

Whereas Lafayette symbolizes the assistance America received from Europe in the struggle for independence;

Whereas United States aid to France during the world wars of 1917-1918 and 1941-1945 stemmed in part from shared values of democracy and freedom, which Lafayette strongly supported;

Whereas the friendship between the people of the United States and France has not diminished; and

Whereas continued relationships between the United States and France are important to the success of our global partnerships: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Marquis de Lafayette on the 250th anniversary of his birth; and

(2) urges the cadets of the United States military academies and military officers participating in various professional military education courses to study Lafayette's impact on the creation of the United States and on the United States military.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hail from Lafayette County, Missouri. Its county seat is Lexington, my home. A few miles westbound on Highway 224 are the small towns of Napoleon, Wellington and Waterloo. These communities, which are nestled into the fertile farmland and rolling hills south of the Missouri River, are named after prominent figures or places in French history. They are a very long way from France. But their names and the namesake of my home county, Marquis de Lafayette, reflect a friendship that has existed between the United States and France since the early days of the American Revolution.

No one person better symbolizes that friendship and the assistance American colonists received from Europe in our struggle for independence than the Marquis de Lafayette. He occupies a considerable place in the history of the United States, which is why I was pleased to author H. Res. 171, a resolution honoring the life of the Marquis de Lafayette on the occasion of his 250th birthday on September 6, 2007.

Lafayette was a man of considerable military skill who sympathized with the American revolutionary fighters. After withdrawing from the French army and traveling across the ocean at his own expense, the Congress voted Lafayette the rank and commission of major general in the Continental Army. His military service during the Revolutionary War was invaluable to George Washington, earning him the reputation as "the soldier's friend."

Lafayette's strategic thinking and dedication as a general officer serve as a model for our present day military personnel.

After achieving military victory, Lafayette returned to France, helping the U.S. secure trade agreements and critical loans with European nations. He also became a prominent figure in the French Revolution, speaking out in support of universal freedom and human rights.

Because of Lafayette's commitment to America, Congress honored him with awards of money and land. Congress was also presented a life-size portrait of Lafayette that hangs here in the Chamber of the House of Representatives. The other large portrait is of President George Washington, Lafayette's closest friend and role model.

At the invitation of President James Monroe, Lafayette returned to the United States in 1824. He embarked upon a triumphant tour, during which he visited 24 States, including Missouri, and he became the first foreign dignitary to address the House of Representatives. Lafayette also visited many Masonic bodies across America.

During this visit and thereafter, various American leaders honored Lafayette by naming cities, towns and counties for him or for his French estate, known as LaGrange. Schools, monuments and parks were named for him throughout the United States. One of the most prominent is Lafayette Park in Washington D.C., which is located directly across from the White House.

As we take a moment this year to honor the Marquis de Lafayette on the occasion of his 250th birthday, let us remember how he helped secure American independence and helped establish the United States as an international presence. The values of democracy espoused by our Founding Fathers and by Lafayette have been the bedrock of U.S. domestic and international policymaking for generations. I urge all Americans, and especially those wearing the American military uniform, to study Lafayette as America pays tribute to him this year.

As we take to the floor today to honor a respected Frenchman, I would be remiss if I did not also take the opportunity to say a word of appreciation to the current French Ambassador to the United States, Jean-David Levitte.

□ 1030

Through his time in Washington, I have come to know Ambassador Levitte as a fine person and an outstanding representative of the people of France. Last week, I learned that the newly elected French President, Nicolas Sarkozy, has appointed Ambassador Levitte to be his chief diplomatic adviser. Let me take this means to wish him well as he takes on more responsibilities. But more importantly, let me thank him for his friendship.

I ask Members to support H. Res. 171.

Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 171, a resolution that honors Marie-Joseph-Paul-Yves-Roch-Gilbert Du Motier, commonly known as the Marquis de Lafayette, on the occasion of his 250th birthday.

Lafayette is honored here in the House Chamber with a greater-than-life-size portrait, only joined by a portrait of George Washington. This is a reminder also that France was America's first ally.

H. Res. 171 was introduced by a man I admire greatly, the Armed Services Committee chairman, IKE SKELTON, a leader in promoting the study of history.

My family has a strong French heritage. My home State of South Carolina is proud of the French Huguenot settlers highlighted by General Francis Marion, the Swamp Fox of the American Revolution, and I am grateful to have cosponsored this resolution.

The Lafayette family was one of ancient nobility. Lafayette was merely 2 years old when his father was killed in the Seven Years War. At the age of 16, he inherited his title, although he later renounced the "marquis," and a large fortune was received from his grandfather.

In keeping with his family tradition, Lafayette joined the French Army at the age of 14, and was a junior officer in the French army when he defied the orders of King Louis the Sixteenth and sailed to the American Colonies from Spain. In speaking of the colonists' Declaration of Independence, he stated in his memoirs, "My heart was enrolled in it."

At age 20, after volunteering to serve in the American Army at his own expense, he received the rank of major general from the United States Congress.

My home State of South Carolina is particularly appreciative of Lafayette in that he landed in America near the South Carolina city of Georgetown on June 13, 1777, at the young age of 19.

Lafayette commanded members of the American Army during several conflicts, faced off against Benedict Arnold, and ultimately faced off against Lord Cornwallis where he commanded the brigade at the siege of Yorktown in Virginia.

Throughout his time in America, Lafayette became close friends with General George Washington. They were so close that Lafayette named his son Georges Washington-Lafayette, and asked General Washington to be his son's godfather. He also was very close with young Alexander Hamilton, Washington's chief aide-de-camp.

Because of Lafayette's service to the American people, he was made an honorary U.S. citizen in 2002. Many U.S. towns and cities have been named after him, and three U.S. naval vessels bear his name.

I am proud that Lafayette's dedication, military skill and strategic thinking as an officer now serve as a model for our officers in uniform. General Lafayette symbolizes the assistance America received from Europe during our dynamic struggle for independence. And because of our shared values for democracy and human rights, a deep, long-lasting friendship between the United States and France continues and flourishes to this day.

Mr. Speaker, I am pleased this resolution has been brought to the floor, and I urge my colleagues to join me in support of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 3 minutes to my friend and colleague, the former judge and gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank Mr. SKELTON for sponsoring this legislation, and I appreciate Mr. WILSON yielding me time to speak on this important individual.

It is true in this House of Representatives, what we call the People's House, there are only two portraits. There could be more, but there are only two. We honor George Washington and we honor Lafayette. And there are reasons for that; because both of these men were not only friends, but they were resilient in their quest for American liberty many, many years ago.

One evening in 1776, at the dinner table with King George III's relatives, the Marquis de Lafayette got wind of America's Declaration of Independence written by Thomas Jefferson and the trouble the colonists were making for the British—all in the name of liberty.

Facing disapproval from his noble family and arrest by his own French people, young Lafayette sailed to America. He volunteered to serve at his own expense in the Continental Army with General George Washington. Lafayette was a superior military tactician, and he was fearless. Only in his late 20s, Major General Lafayette went to war with the American colonists.

He was wounded in the battle at Brandywine, he defeated the Hessians alongside General Greene at Gloucester Point, and he stayed faithful to Washington when even some American discontented generals thought they could do a better job than George Washington.

It was Lafayette who persuaded the French to help the Americans in their fight for freedom. And Lafayette never lost his place alongside Washington and his ragged Continental Army. That is one reason we have his portrait in this House.

Lafayette remained a passionate advocate for the cause of freedom until his death, and stood firm in the French Revolution. So much so that at one point he suffered imprisonment for 5 years in Austria and Prussia because of his quest for liberty in France.

Mr. Speaker, I am proud to honor a man who paid both blood and money on two continents for the sake of liberty. As loyal as he remained to Washington and the United States throughout his life, so the people of our great Nation remain indebted to his sacrifice, his courage and his loyalty, and to the example of his unwavering commitment to freedom.

In troubled times, America could always count on Marquis de Lafayette.

Mr. SKELTON. Mr. Speaker, I am so pleased that we are able to take this resolution up today honoring the Marquis de Lafayette. Those of us who grew up in Lafayette County knew that there was some special meaning to the name of our county.

It was Lillard County once upon a time, and after Lafayette's visit to the State of Missouri, St. Louis to be exact, the General Assembly of our State named the western county which borders Jackson County, which now encompasses Kansas City, named it after Marquis de Lafayette and called it Lafayette County. We in Lafayette County are very proud of the reason and the heritage that this county has been so named.

Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 2 minutes to my friend and colleague, a noted physician, the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank my colleague from South Carolina for giving me time.

I also want to pay tribute and thank my colleague, friend and student of history, the distinguished Armed Services Committee chairman, Mr. SKELTON, for bringing this very important resolution to the floor today.

Mr. Speaker, I rise today as a native of Lafayette, Louisiana, to pay tribute to the Marquis de Lafayette and the French culture that continues to leave an indelible mark on south Louisiana. It is not by coincidence that my hometown is named after this French hero of America's Revolutionary War.

During the Acadian deportation of 1755, thousands of men, women and children were expelled from Nova Scotia. Some returned to France, but many sailed through to the French colony of Louisiana, where, over the centuries, they have established their own unique French-Acadian or what we now call Cajun culture.

It is now estimated that there are over 450,000 Acadian descendants in Louisiana alone, and nearly 250,000 claimed French to be their principal language.

Last week, I introduced House Resolution 398 to congratulate newly elected French President Nicolas Sarkozy on his recent victory, as well as to recognize the longstanding relationship between the United States and our friends in France.

Clearly, nowhere is this relationship between our two countries displayed more than right here in this Chamber where each day we face the portraits of America's first President, George Washington, but also America's adopted son, Marquis de Lafayette.

It is clearly fitting that we recognize the Marquis de Lafayette's accomplishments on the 250th anniversary of his birth today. I urge my colleagues to support this important resolution.

The distinguished gentleman from Missouri (Mr. SKELTON) outlined the history of the Marquis de Lafayette's accomplishments, and I am not going to repeat all of that at this time. But suffice it to say, clearly the Marquis de Lafayette was a great patriot and a great friend of America, and the relationship between Marquis de Lafayette and our first President is emblematic of the relationship between our two great countries.

Mr. WILSON of South Carolina. Mr. Speaker, I have no further speakers, but at this time I want to commend the chairman of the Armed Services Committee for recognizing the Marquis de Lafayette, and to recognize the strong relationship that has been so firm, so important, and that is the alliance with our first ally, the Republic of France.

Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, let me give a special thanks to my friend from South Carolina (Mr. WILSON) who, among other assets, has a sense of history which has been exhibited this morning. I appreciate him speaking, as well as the gentleman from Louisiana speaking of his hometown of Lafayette. It was very kind of you to do so, as well as my friend from Texas coming here to discuss the Marquis de Lafayette.

As the gentleman from South Carolina has pointed out, Marquis de Lafayette was a very unusual man. Doing what he did at such an early age and making such a great impact upon this country, it is fitting and proper that we, as a body, honor him, honor his memory, and honor the fact that he was of such great assistance and help to General George Washington in those very difficult days.

As one leaves Lexington, my hometown, on the Missouri River and travels on Highway 224 towards Kansas City, one goes through Wellington, Missouri; Waterloo, Missouri; and Napoleon, Missouri, in that order, and it is rather interesting that part of French history between Lexington and Kansas City is reflected in the names of those communities.

History has not borne out who named them such. There is no way for us to record or learn the genesis of those three names except they do exist, Wellington, Napoleon, and in between, Waterloo. But whoever did it did us all a favor so we can discuss and learn more of history; and today we are learning more about the Marquis de Lafayette and honoring his memory.

Mr. JINDAL. Mr. Speaker, I rise today to honor the Marquis de La Fayette on the 250th anniversary of his birth. General Lafayette dedicated his life to the creation of democracy in America and France. Revered by many in both the new world and the old, La Fayette became known as the "Hero of Two Worlds."

At the age of 19, La Fayette invested his own funds and outfitted a frigate, sailing for America in 1777, where he joined the forces of General George Washington, with whom he established a lifelong friendship.

In 1781, the Battle of Yorktown, Virginia, was a crucial victory by the combined American and French force led by General George Washington and the Marquis de La Fayette, over the British army commanded by General Lord Charles Cornwallis. The surrender of Cornwallis' army caused the British government to negotiate an end to the American Revolutionary War.

In my home state of Louisiana, the Marquis de Lafayette has an enduring legacy by having a leading parish and city named in his honor. Lafayette, Louisiana, is one of the fastest growing communities in the South. Lafayette's energy, telecommunications and agriculture industries are of national importance.

The parish of Lafayette, Louisiana, is the site of a year-long commemoration of the 250th anniversary of the birth of the Marquis de La Fayette throughout 2007. The 2007 commemoration includes exhibitions, festivals, music, conferences and lectures.

Known for its unique cuisine, music, outstanding hospitality, Cajun and Creole language and traditions, Lafayette welcomes visitors of all ages to this full year of events devoted to Louisiana's French heritage, and focusing on La Fayette, the "Hero of Two Worlds."

In conclusion, Mr. Speaker I would like to thank Lafayette, Louisiana's City Parish President Joey Durel and his wife Lynne for their leadership of the 2007 commemoration. May La Fayette's vision of democracy and freedom we enjoy today—be cherished always.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 171, honoring Marquis de Lafayette on the occasion of the 250th anniversary of his birth. Marquis de Lafayette certainly holds a special place in the history of our country. It was his support for the ideals of our Revolutionary warriors that helped give birth to the greatest Nation in the world. In fact, due to his support for the revolution, and the aid he provided to the colonists in their struggle for independence, Marquis de Lafayette was voted by Congress the rank and commission of major general in the Continental Army. Lafayette offered his services as an unpaid volunteer. On July 31, 1777 Congress passed a resolution, "that his services be accepted, and that, in consideration of his zeal, illustrious family, and connections, he have the rank and commission of major-general of the United States."

He was a man that was admired by our first President George Washington and that affection was mutual. In fact Marquis de Lafayette even named his son after our first President, and Washington was the godfather to Lafayette's child.

This is a gentleman that is so revered in American history that in 2002, he was posthumously made an honorary citizen of the United States; one of only six persons so honored. Likewise, a portrait of Lafayette hangs in the House Chamber.

Marquis de Lafayette, held a strong belief in freedom, he advocated the abolition of slavery in the Americas, he favored equal legal rights for religious minorities in France, and he was a prominent figure in the French Revolution. Now some will cite the fact that Lafayette himself owned slaves as a sign of hypocrisy, but he encouraged George Washington to free his own slaves as an example to others. Lafayette would subsequently purchase an estate in French Guinea and settle his slaves there and offered a place for Washington's slaves to live also. Lafayette was famously quoted as saying, "I would never have drawn my sword in the cause of America if I could have conceived thereby that I was founding a land of slavery."

The fact that Lafayette was the first foreign dignitary to address the House of Representatives symbolizes the wonderful relationship between France and the United States. In light of the recent elections in France, I hope that our leaders in Congress, the Senate, and the White House will maintain our strong ties with the newly elected leader of France, Nicolas Sarkozy. France is a nation that the United States has shared the same values with since its inception. Lafayette symbolized the assistance America received from Europe in the struggle for independence, just like United States aid to France during World Wars I and II stemmed in part from shared values of democracy and freedom, values that Lafayette held. I am confident that the administration of President Sarkozy will work earnestly with our leaders and continue in the great tradition of not only a French hero, but a true American hero, Marquis de Lafayette.

Mr. SKELTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 171, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1045

EXPRESSING SYMPATHY TO THE CITIZENS OF GREENSBURG, KANSAS

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 400) expressing the sympathy of the House of Representatives to the citizens of Greensburg, Kansas, over the devastating tornado of May 4, 2007.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 400

Whereas on the evening of Friday, May 4, 2007, a tornado struck the community of Greensburg, Kansas;

Whereas this tornado was classified as an EF-5, the strongest possible type, with winds estimated at 205 miles per hour;

Whereas 9 lives were lost;

Whereas approximately 95 percent of Greensburg was destroyed, causing over 1,500 residents to be displaced from their homes; and

Whereas the strength, courage, and determination of the citizens of Greensburg, Kansas, have been evident following the tornado: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest sympathies to the citizens of Greensburg, Kansas, over the devastation caused by the powerful tornado that struck the community on May 4, 2007; and

(2) expresses its support as the citizens of Greensburg continue their efforts to rebuild their community and their lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 400.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on May 4, 2007, life in the close-knit community of Greensburg, Kansas, changed forever. At approximately 9:45 p.m. central time, a massive tornado all but destroyed the Kansas town of Greensburg, Kansas, located in south central Kansas, east of Dodge City, Kansas. The tornado was classified as an EF-5, a large and extremely dangerous mile-wide tornado with winds up to 205 miles per hour.

The 20-minute warning time was reasonable, but the tornado was so destructive that nine people in Greensburg unfortunately died, and 95 percent of the town was damaged or destroyed. While the infrastructure damage is crushing, citizens of Greensburg have refused to let this incident crush their spirit, hope and determination. Resilience is the watchword, and rebuilding is the daily driving force.

We're here today as representatives of all the citizens of this great Nation to express our sympathy to the residents of Greensburg for this tragedy of historic proportions. More importantly, we stand in support for the citizens of Greensburg as they heal their families and rebuild their community.

I stand here in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to the gentleman from Maryland, I'm very grateful for his support and for his help in bringing this legislation to the House floor today.

I rise in support of H. Res. 400, which I introduced along with my fellow colleagues from Kansas. It does express the sympathy of the House of Representatives for the loss of life and the tremendous property damage to a community in my district of a population of about 1,500.

The tornado occurred at about 10 p.m. on Friday evening, May 4, now a little more than 2 weeks ago. It was an F-5 tornado, one of the most powerful tornados to strike the United States in more than 8 years. It was fortunate that the people of Greensburg had a 20-minute warning, that the National Weather Service performed its function. An emergency was declared, and people had 20 minutes to try to save their families' lives and to move to safety.

My guess is that that 20 minutes went by in a flash. Mr. Speaker, while 20 minutes may go by in a flash, I'm sure that the 2 minutes that the tornado was on the ground went by very, very slowly. It was an eternity. In that 20 minutes of warning, people did what they could do. In that 2 minutes, at least the buildings of the community were destroyed; 205-mile-an-hour winds can do great damage.

Mr. Speaker, we in Kansas are accustomed from time to time to tornados, but never have I seen the devastation and destruction that occurs to one community. The losses are significant. Certainly our prayers and support are with the families of those 10 individuals who died that night, but 95 percent of the town is gone. There is no high school. There is no grade school. There is no city hall. There is no hospital. There is no library. The entire business district, six or seven blocks of a business district in the county seat town, not a business remains.

Sixty-three people were injured, and while faced with such destruction, I've been to Greensburg seven times in the last 2 weeks. I have seen nothing but the sense of spirit about rebuilding lives. You can stand in front of a home that is totally destroyed and listen to the people there sorting through the rubble, trying to find something of value, and when you have a conversation with them, it doesn't take long before a smile appears on their face and they talk about how things could be worse than they are, how we're better off than our neighbors, how we'll get through this.

And so, Mr. Speaker, in what is truly a time of devastation, it's also truly a time of hope. And what we saw in Kansas that night and every day since reaffirms my belief in the value of caring for your family, love and compassion for your neighbor, that your community matters, and a sense that together we can get through this.

I'm proud, Mr. Speaker, to see the tremendous support that comes from across the country. Many Members of the House of Representatives have stopped to visit with me. Many ambassadors and Presidents of foreign countries have sent notes of condolences and concern. And I appreciate that President Bush came to Greensburg, Kansas, last Wednesday and spent 4 hours commiserating with the people of that community.

There is a sense in America that we're all in this together, and in this case the sense is more than just a feeling. It's been a reality.

An example, the nearby community of Haviland, population about 450, the grocery store there was open last Sunday. It's a typical grocery store in a small town. My guess is it makes no money. It's more of a community service than it is a business. It has the old wooden floors and the tin ceiling that is very traditional, very common in communities I represent. And I watched as the owner of the grocery store stood behind the counter, and people brought groceries to the counter and placed them there, ready to pay, and he would ask the question, "Where are you from?" And if the answer was, Greensburg, his answer was, "No charge."

We've seen this exhibited time and time again by friends and family, but even as important as that, we've seen it demonstrated time and time again by people who know no one in Greensburg, Kansas.

So, Mr. Speaker, the tragedy was tremendous, the destruction was great, but in reality, people have the faith in their future and are willing to take the steps necessary to see that their community is rebuilt and that their children and grandchildren have a future in Greensburg.

So, Mr. Speaker, I rise today in support of the resolution commending these people of Greensburg, Kansas, for their spirit, their bravery, their compassion, their love for friends and family, and I also say thank you to the Members of the House of Representatives and to Americans around the country who also have taken the steps to make sure that good things happen in the future of Greensburg.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Just very briefly before I yield to my good friend Mr. SKELTON, let me just say this, that I was very pleased and very moved by the statement of the gentleman from Kansas (Mr. MORAN), and it reminds me that this country, our influence in the world is largely based on our moral authority, and that moral authority is one that says that we will leave no American behind.

That's basically what you're saying. It's about the business of all of us lifting each other and being there and underlining under that United States, united.

And so I appreciate what you've said.

Mr. Speaker, I yield 4 minutes to my good friend from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Maryland and compliment him on the wisdom in his reflection of the character of our people of our country. Strength of character is the message today.

I compliment my friend from Kansas (Mr. MORAN) for introducing this legislation. All of us, of course, express sympathy to the people of Greensburg, Kansas. We rise in solidarity, and you are an excellent reflection of the character of those brave and solid people. We thank you for bringing this to our attention.

A community was destroyed by a massive tornado, and those of us from the Midwest are used to severe weather, thunderstorms, winter winds, ice. Weather conditions are just a part of life for us.

In Missouri, tornadoes have been prevalent during my 30 years that I have served here, and, in fact, I was here just a few weeks in May of 1977 when tornadoes ravaged Pleasant Hill and Sedalia, Missouri.

More recently in 2003, the city of Stockton was decimated by a large tornado. The storm damaged or destroyed over 250 homes, killing three residents and injuring numerous others. Since then, the city's been working with residents and both Federal and State authorities to rebuild the downtown and improve upon the public facilities.

As the people of Kansas deal with the aftermath of Mother Nature's fury, we in Missouri stand with our neighbors to the west.

And again, we thank the gentleman from Maryland for his words. We thank the gentleman from Kansas for introducing this resolution.

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Beside me I have a photograph of Greensburg, Kansas, taken shortly after the tornado that perhaps gives Members of the House of Representatives and really America a sense of the extent of the destruction.

And there are Members of Congress, I suppose, who come from places different than the middle of America, and let me describe Greensburg, Kansas, to you.

Greensburg, Kansas, is a community of about 1,500 people. It's the county seat town of Kiowa County. It is the hub of activity for that county. It's in many ways a typical community that I represent. Its downtown consists of four or five blocks on both sides of the street of businesses, the hardware store, a drugstore, a grocery store. There's the seats of government, the city hall, the library, the hospital, the courthouse.

Mr. Speaker, it's a community in which people have lived there, in many instances, for four and five generations, and it's a community that welcomes newcomers. In fact, that's the plea of every Kansas community: We'd like to grow and see some prosperity, see new people in our town.

And so this is a community that has a combination of people who are senior citizens and young folks, a community that has folks who have lived there generation after generation, generally involved in agriculture, farming and ranching; but it's also a community that embraces new ideas and new people, a look toward the future. It's a community that has numerous churches, and yet today, as we talk about Greensburg, those structures, those buildings are gone.

But in many ways, what's happened in Greensburg only reinforces who the people who call Greensburg home are. The fact that the buildings are gone is something they will live with. In fact, their response was how quickly can we get back into town so we can begin the process of rebuilding our homes, our businesses and our lives.

On Saturday, I was in Greensburg for high school graduation. As I indicated, Greensburg is a town of about 1,500 people. Twenty-five seniors from Greensburg High School graduated on Saturday morning. Graduation was held under a tent on the golf course, the golf course because it's the only place in town that has no debris and rubble. Population 1,500, there were 1,800 people at graduation. They were there to tell the students, congratulations and best wishes.

□ 1100

They were also there to reinforce the importance of community, that life revolves around what goes on in the town, and life revolves around its future based upon its young people. Once again we saw the demonstration of how friends and family and neighbors and people who don't even know anybody in Greensburg came together in one more instance to make certain that there was love and compassion and care and concern demonstrated for the people of this community. I am so grateful again for the opportunity to represent the people of a community like Greensburg, Kansas.

The question particularly by the national media has been, Congressman, do you believe they will rebuild their community? I can tell you that effort is ongoing today, and it began on Saturday, Saturday morning the day after the tornado, and it continues each and every moment.

The city administrator, the mayor, the sheriff, the police chief, the county commissioners, the city council members all lost their homes. Yet Saturday morning, they were all gathered there to try to restore the services for electricity and gas and power and water to the community. They lost everything, but yet, as community leaders, they were there.

My friend, Dennis McKinney, the Democrat leader of the House of Representatives of the State of Kansas, announced on Sunday, a week ago, "I have already hired the contractor to rebuild the house on the same foundation where I lived before the tornado, because leaders have to be leaders." Again, we see the determination of people.

What I answered to the national media who asked me if they think Greensburg will be rebuilt, I don't know a lot of people in other communities, but I know the people of Greensburg, Kansas. In Kansas and in Greensburg, Kansas, we all have a place we love. It's called "home."

There is a great attraction to make certain that we do everything in this Congress, that the Federal Government responds appropriately to help the folks of Greensburg. I can tell you that the love of home is sufficient, that the people of Greensburg, Kansas, are rebuilding today.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Again, I want to thank Mr. MORAN for his statements. There was one scene that I am sure most Americans saw on TV. Right after the storm and the tornado, and people were looking through their belongings, there was one lady who said, "You know, if I could just find my wedding ring, if I could just find my wedding ring."

Her house was totally demolished. Apparently she had said that early in the day. Then later in the day, they showed her again, saying, "You won't believe this. I found my wedding ring."

For some reason, that was a very telling statement on her part, because what she was basically saying is that while the buildings may fall, while so much may seem so dim, the fact is that I still have family. I want that wedding ring, that band, that symbol of unity, that symbol of togetherness, that symbol of generations yet unborn, and those who have come before me; that's what I am looking for.

Just as she found her wedding ring, I know the citizens of Greensburg will make it. Just as Mr. MORAN said, they will rebuild.

Then there was another scene, just yesterday on the news, where the commentators were talking about how a bank or two had kind of a temporary building, and other buildings were slowly coming up just to keep things rolling and doing business. Then to hear about the graduation of 25 students and 1,800 guests appearing, I think that sends a very powerful message to our Nation, and such a powerful message to so many people.

Throughout life, we all fall down, but the question is whether we will get up. I think that as people watch the citizens of Greensburg, they realize that there will always, in the words of Martin Luther King, be interruptions in our lives. The question is whether we will continue our lives after the interruptions.

On behalf of all of our Members, and I know there will be a unanimous vote from all of our Members, we want to say to the citizens of Greensburg that we stand with you, that our prayers are with you, and just know that as we remind you, God holds you in the palm of His hand.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Kansas. I thank the gentleman from Maryland. He has touched me by his personal interest, not only in this resolution, but in his awareness and concern for the people of Greensburg, Kansas.

Mr. Speaker, once again, it's good to see in this House of Representatives where people from across the country recognize the value of working together to see that good happens.

I also wish to express my appreciation to all the volunteers from across the country. Sunday, the two Sundays since the tornado, collection plates have been passed in our churches, the prayers have been said. The Red Cross has arrived, the Salvation Army is there, the National Guard, our soldiers away from home, again, helping in time of need. Our law enforcement officers from across the State and FEMA have performed admirably in this very difficult circumstance.

I am pleased by the spirit exhibited today by the gentleman from Maryland and look forward to that spirit continuing as we work to rebuild Greensburg and all of America.

Mr. Speaker, I yield back the balance of my time.

Mr. CUMMINGS. I yield myself such time as I may consume.

As I close, Mr. Speaker, I hope that many people from Greensburg observe this small session that we are going through right now. I hope that they know that we are with them.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 400, which expresses the sympathy of the House of Representatives to the citizens of Greensburg, KS, over the devastating tornado of May 4, 2007.

Just over 2 weeks ago, a devastating weekend of storms left at least 9 people dead and much of the farm town of Greensburg, KS, destroyed. Mile-wide tornadoes with winds of up to 205 miles per hour were recorded, leveling the town and destroying much of the equipment used by first-responders, including city and county trucks. By the time the winds finally settled, approximately 95 percent had been destroyed, displacing over 1,500 residents from their homes.

The tragedy of this storm was compounded by the lack of available responders and equipment. Governor Kathleen Sebelius has lamented the deployment of much needed troops and resources to Iraq, stating "When the troops get deployed, the equipment goes with them. So here in Kansas about 50 percent of our trucks are gone. We need trucks. We are missing Humvees, we're missing all kinds of equipment that could help us respond in this kind of emergency."

This storm illustrated precisely how rescue and recovery efforts here at home are being severely hampered by our ongoing involvement in Iraq. National Guard representatives have echoed this statement, with MG. Tod Bunting of the Kansas National Guard noting that first-responders lacked resources even before the war, which has subsequently "further depleted us."

Despite these shortages, Guard troops are to be commended for their efforts at providing much needed security and supplies.

Here in Congress, as hurricane season rapidly approaches, we are actively examining our Nation's response to natural disasters. Two years ago we learned, from Hurricane Katrina, the extent to which we were unprepared for, and unable to adequately respond to, a disaster of this magnitude.

I urge this Congress to continue to pursue this important issue; the tornadoes in Kansas serve to remind us all that nature's furies are varied and unpredictable.

Mr. Speaker, Greensburg, KS, remains in shambles. Homes are demolished, livelihoods lost, lives interrupted. I would like to join my colleague, Mr. MORAN of Kansas, the sponsor of this bill, in expressing my deep personal sympathy to the victims of this natural disaster. Similarly, I would like to express my strong support for this resolution, and I would urge my colleagues to do likewise.

Mr. TIAHRT. Mr. Speaker, I rise today in sympathy of the citizens of Greensburg, Kansas. On May 4, 2007 a devastating tornado ripped through the community and destroyed 95 percent of the town. Ten lives were lost and 1,500 people were directly affected by this deadly terror. Greensburg was a quiet and charming town surrounded by pasture land lush and fertile. This town was preserved by generations of hardworking people who valued what they had and worked to keep it.

In the heartland, people know what it means to be a good neighbor. After this deadly tornado ripped through the community, there were countless examples, of strength, compassion and perseverance, traits we often see in Kansans. As people sifted through the shambles and rumble of what had been, at one time, their homes and personal belongings, wheat trucks and regular old four wheel drive pick-ups from neighboring towns drove in to lend a hand and a shoulder of comfort. It is heartwarming to witness how Kansans have come together in response to the Greensburg tragedy.

Mr. Speaker, my heart and prayers go out to all the citizens in Greensburg. Progress is being made and being made daily. They are picking up the pieces of their lives from what was left from this horrible force of nature and are moving forward. The people of Greensburg obviously have tough days ahead, but I know with the resilient spirit they have demonstrated, they are up to the challenge and they will not be alone in overcoming it.

Mr. CUMMINGS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 400.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE SERVICE OF UNITED STATES MERCHANT MARINE VETERANS

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 413) recognizing the service of United States Merchant Marine Veterans.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

Whereas the United States Merchant Marine served as the Nation's first Navy and helped George Washington's Continental Army defeat the British Navy;

Whereas since 1775, United States Merchant Mariners have served valiantly in times of peace and in every war;

Whereas after the terrorist attacks of September 11, 2001; 29 United States Merchant Marine Academy cadets operated a fleet of boats in New York Harbor, transporting firefighters and other emergency equipment workers, medical supplies, and food;

Whereas today, more than 8,000 Merchant Mariners serve in the Military Sealift Command, most of them working in support of Operation Iraqi Freedom and Operation Enduring Freedom;

Whereas the United States Merchant Marine Academy is the only one of the five service academies that sends its cadets into war, and 142 undergraduates of the Academy were lost during World War II;

Whereas during World War II, Merchant Mariners served honorably in combat but were denied veterans benefits and recognition at the end of the war despite sustaining the highest rate of casualties of any of the armed services;

Whereas more than 95 percent of the Allied Forces and materiel that was transported during World War II was transported by Merchant Marine ships;

Whereas the Merchant Mariners of World War II were denied the unprecedented benefits of the Servicemen's Readjustment Act of 1944 (known as the "GI Bill of 1944");

Whereas the story of the United States Merchant Mariners of World War II is one of patriotism, of youthful exuberance, of dedication to duty, of bravery in the midst of battle, and of a Nation that forgot these heroes after the end of the war for more than 40 years until 1988, when they were given veteran status;

Whereas by that time, over 125,000 of those Merchant Mariners had died and many had lost out on opportunities and benefits they greatly deserved; and

Whereas, on National Maritime Day, Congress recognizes the tremendous sacrifices and contributions of the Merchant Marine and its veterans and the entire maritime industry to the Nation: Now, therefore, be it

Resolved, That on National Maritime Day, the House of Representatives recognizes the heroic and invaluable sacrifices that the United States Merchant Marine veterans have made to help ensure our Nation's prosperity and safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 413.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman of the Subcommittee on Coast Guard and Maritime Transportation, I am honored to take this opportunity afforded by National Maritime Day to pay tribute to our Nation's merchant mariners and to the entire maritime industry.

I also honor the tireless work of the men and women of the United States Coast Guard, who ensure the safety and security of our Nation's ports, who protect our economic interests in the maritime environment around the world and who, every year, save the lives of thousands of mariners in distress.

In 1933, the United States first honored our merchant mariners through the designation of May 22 as National Maritime Day. Seventy-four years later, we again pause to honor the service and sacrifices of our merchant mariners by considering H. Res. 413, offered by my distinguished colleague, Congressman BOB FILNER, the chairman of the Committee on Veterans' Affairs.

H. Res. 413 pays special tribute to the estimated 250,000 Americans who served in the War Shipping Administration, moving 95 percent of the goods and materiel used by the allies used during World War II.

The Congressional Research Service report said more than 50 percent of those who served in the Merchant Marine in World War II were under the age of 25, and some 20,000 of these men were killed or wounded in the war, yielding among the Merchant Marine the highest casualty rate of any service, according to the U.S. Maritime Service Veterans.

Despite their gallant service, World War II-era U.S. merchant mariners have still not received many of the benefits given to those who served in the other U.S. military forces engaged in World War II. U.S. merchant mariners have still never been made eligible for the GI Bill or for the housing, educational or unemployment benefits that the bill provided for other U.S. veterans.

Not until 1988 were World War II-era merchant mariners made eligible for services from the Veterans Administration. Not until 1998 were they made eligible for burial and cemetery benefits. While these are important benefits long overdue to World War II-era merchant mariners, many of these mariners were no longer with us when these benefits were extended. Even fewer of the World War II-era mariners are with us today. For many, therefore, any benefits granted now come too late.

Further, even for those who are still with us, it is too late to give them the opportunities that they might have had, had they been eligible for the benefits of the GI Bill at the conclusion of their service.

I urge my colleagues to take this opportunity to honor all of those who served in our Nation's Merchant Marine during World War II, and I hope that the experience of these mariners will be a lesson to ensure that we never, never again deny any veteran who has served the United States any of the benefits he or she has earned.

As I close, I also honor the vital role that our merchant mariners continue to play in responding to our Nation's emergencies. Most recently, the U.S. merchant mariners help evacuate an estimated 160,000 people from Manhattan on September 11, 2001, and provided aid and emergency assistance along the gulf coast to the victims of Hurricane Katrina and Hurricane Rita.

Merchant mariners also continue to provide the sealift capacity that keeps our Armed Forces equipped to fight the global war on terrorism. More than 8,000 merchant mariners serve in the Military Sealift Command, and the Seafarers International Union has written that civilian crews and military support ships have moved some 79 million square feet of cargo to United

States troops in Iraq and throughout the world since 9/11. Without these highly trained men and women, we will likely be unable to equip our Armed Forces with the supplies they need to defend our Nation.

I honor all of the members, past and present, of the United States Merchant Marine. I urge the passage of H.R. 413 and again commend my colleague, Congressman FILNER, for his tireless efforts on behalf of our World War II-era merchant mariners.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I join my colleague from Maryland in honoring the men and women who served in the United States Merchant Marine, and H. Res. 413 does just that. It recognizes the important role the Merchant Marine plays in ensuring our national security and strengthening our national economy.

The 465 U.S.-flag oceangoing commercial vessels and the approximately 69,000 men and women that comprise the U.S. Merchant Marine provide critical services to the United States, the transportation of maritime commerce to and from U.S. ports and their support for our armed services in times of national emergency.

It's appropriate that we do this today. This is National Maritime Day, which was designated by Congress to pay tribute to the merchant mariners, both current and past, and recognize their faithful service to the United States of America. Since 1933, the Nation has celebrated and commemorated the service of the merchant mariners on May 22 each year.

I, too, commend the resolution sponsored by my friend and colleague from California (Mr. FILNER) for introducing this legislation. I join him in urging all Members to support this bill and the United States Merchant Marine.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from California (Mr. FILNER). He is the author of this resolution, and, without a doubt, in this Congress, be it on whatever side, either side of the aisle, he has distinguished himself as being a fierce fighter for the rights and benefits of our veterans.

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Mr. FILNER. I thank the chairman not only for his kind words, but for bringing this resolution to us on National Maritime Day, and for his making the connection between what we are doing today and the historical record that we as a Nation, I think, have to recognize and correct.

This resolution, H. Res. 413, does recognize the heroic and brave service of the Merchant Marine veterans who have gone unheralded by this country for far too long. Of course, this is the best time to do this, on National Maritime Day, which was first celebrated in 1933. It is intended to recognize the invaluable role that the maritime industry in general and the Merchant Marine in particular served to our Nation's economy and to our security.

Throughout our Nation's history, the Merchant Marine has played a crucial part in ensuring our freedom and security during war and in transporting our commerce during peace.

This day was conceptualized by Franklin Delano Roosevelt, a former Assistant Secretary of the Navy, who firmly believed, as we continue to, that the Nation needed a strong Merchant Marine to serve as an auxiliary to our naval and other military forces during war. In fact, the Merchant Marine has participated in every war since serving as the Nation's first Navy, helping George Washington's Continental Army defeat the British.

After the terrorist attacks on September 11, 2001, 29 Merchant Marine Academy cadets operated a fleet of boats in New York Harbor, transporting the firefighters and other emergency equipment workers and medical supplies.

It is interesting to note that the United States Merchant Marine Academy is the only one of our five military academies that will send its cadets into war; and, in fact, we have lost 142 of those cadets since World War II.

Today, more than 8,000 merchant mariners serve in the Military Sealift Command, most working in support of Operation Iraqi Freedom and Operation Enduring Freedom.

I thank my colleague for bringing up the situation of our World War II veterans. As he said, it is too late to give them education benefits. But I have a bill, H.R. 23, that says we want to give you a belated thank you with a payment for the last years of their life, most of whom are over 80 right now.

During World War II, these merchant mariners traversed the dangerous U-boat-laden waters of the Atlantic and the Pacific, faced down fierce air attacks from kamikaze planes, and were instrumental in every theater of war by carrying 95 percent of all tank supplies and troops during the Great War. As a result, they suffered, as was pointed out, the highest casualty rate of any of the military branches.

It is indisputable that the allied forces would not have been able to begin, sustain, or finish World War II without their valiant and selfless service.

When I first heard of the plight of the merchant mariners of World War II, I could not believe the treatment that they have received. They did not receive any recognition as veterans that they deserved, or the benefits of the GI bill which they had earned. And their fight for equality continued for over 40 years, when they finally attained veteran status after a lengthy court battle. By then, over 125,000 of them had died.

I actually had the privilege of receiving the heart-wrenching testimony during a hearing before the Veterans' Affairs Committee from one of the named parties in that suit, in the 1980s, a merchant mariner named Stanley Willner. He was captured, interned, beaten, starved, and tortured as a POW for 3 years. He actually was one of the unfortunate group of Allied Forces who was forced to build the infamous bridge on the River Kwai.

Upon release, he weighed a mere 74 pounds. When he returned home, even his wife couldn't recognize him. Well, neither did his country. The brave merchant mariner received just 2 weeks of medical care and little else for his incredible service and sacrifice. What a travesty of justice.

Mr. Speaker, there are many more stories like this that tell about the merchant mariners of World War II, of opportunities lost and dreams foreclosed. It is long overdue that we treat these veterans the same as we try to do with all other veterans: Do our best to make them whole again.

As such, in recognition of the 74th anniversary of National Maritime Day, I invite all of the country and my colleagues to join me in recognizing the brave men and women of the sea who, like the Merchant Marine veterans of World War II, serve selflessly to ensure our Nation's continued safety and prosperity by voting in favor of this resolution, and then taking action, hopefully in a few weeks, where we give a belated "thank you" to the merchant mariners of World War II and pass H.R. 23.

Mr. CUMMINGS. Mr. Speaker, I yield to the distinguished lady from New Hampshire (Ms. SHEA-PORTER) 4 minutes.

Ms. SHEA-PORTER. I thank the gentleman for bringing this to the floor.

Mr. Speaker, I, too, rise in support of recognizing what our maritime men did for us during World War II. The danger that they lived through, the sinking of their ships, the efforts to protect our other soldiers and bring supplies to them was nothing short of heroic.

When I spoke to some of these brave men, I talked about how my father had joined the Navy, and one of the reasons he liked to say was because he always was fed, and he always had ice cream. I never really thought about where all that came from.

And then I met a constituent of mine in Wolfeboro, New Hampshire, who wrote a letter to me speaking about his father who was a merchant marine and what he had been deprived of after World War II. And here is what Larry Warren had to say.

"I am writing on behalf of all World War II Merchant Marine veterans, but one in particular, my father Fred Warren of Wolfeboro. They need help.

"My father served with the Merchant Marines during World War II. His hearing is damaged from working in the engine rooms, and his lungs are damaged from the asbestos used in the construction of the merchant ships. He survived typhoons in the Pacific, German U-boats in the Atlantic, and Axis torpedo bombers in the Mediterranean. I don't know all the harrowing experiences. He doesn't talk about it.

"He was lucky to have made it home. Many didn't. The casualty rate for World War II merchant marines was one in 26, higher than any branch of the armed services. Merchant Marines fought and died with members of our Armed Forces; some were captured and held POWs. Merchant ships and the crews on them were considered expendable by the Allied leaders. Freedom is not free, and the merchant marines of World War II paid dearly.

"My father has never received help in any form from our government because merchant mariners were denied benefits under the GI bill; no low-interest loans, no unemployment pay, no free college training, no health or prescription drugs, nothing. World War II merchant mariners were not even considered veterans until an act of Congress in 1988.

"I respect all of our veterans and consider them heroes, but I am especially proud of my father. In my eyes, he is a hero, too. It is time to make amends."

It is time to make amends. It is time to reward these men and their widows for what they have gone through. And we thank them; and there is no better way to thank them first by recognizing through this resolution, and then by recognizing them with the next bill that hopefully will pass through Congress that will provide some financial support and say to them, as we have tried to say to all veterans, "Thank you very much for saving our country."

Mr. MCNERNEY. Mr. Speaker, I rise today in recognition of the brave men and women who have served this country, in peace and in war, as Merchant Mariners. The United States Merchant Mariners have supported and served alongside our Armed Forces in every major seafaring conflict since the birth of this Nation.

In times of peace, Mariners make the seas their home, transporting American goods all over the world and bolstering our national economy. In times of war, from the Revolutionary War to the conflicts today in the Middle East, Merchant Mariners have served as a lifeline to our international military operations, transporting troops, equipment, and needed supplies to theaters of operation.

The dedication and sacrifice of our Merchant Mariners is unassailable. Despite higher casualty rates than any branch of regular military service in World War II, Merchant Mariners have continued to answer the call to war with unflinching patriotism and valor.

Today, National Maritime Day, we should take time to reflect on the devotion of all our Merchant Mariners and the deep and lasting debt owed them by a grateful Nation.

Therefore, it is with great pride that I honor the service and sacrifice that the brave men and women of the United States Merchant Marine exemplify, on this, the 75th celebration of National Maritime Day.

Mr. OBERSTAR. Mr. Speaker, 189 years ago, on May 22, 1819, the steamship Savannah departed Savannah, Georgia, on the first transatlantic voyage by a steamship. This voyage demonstrated the commercial viability of steamships and meant that commercial shipping was no longer totally dependent upon the wind.

The U.S.-flag merchant marine has continued to promote international transportation and global trade. U.S.-flag shipping companies lead the way in the invention and development of containerized shipping and the double-stacked train system. If it were not for visionaries such as Malcolm McLean, cargo would still be transported in small boxes and loaded on a ship like you see in old movies. Today's modern containership can carry over 12,000 20-foot containers, equivalent to 6,000 semi-trailer trucks on our highways.

The merchant marine has also made significant contributions to the freedom and liberty that we enjoy in the United States. Civilian mariners served gallantly during World War II transporting arms and supplies in support of our military forces. More than 700 cargo ships and 6,000 mariners died in that war. U.S. mariners have continued to service during the Korean War, the Vietnam War, the Gulf War, and now in Operation Iraqi Freedom and Operation Enduring Freedom.

Mr. Speaker, President Franklin D. Roosevelt first called on Americans to commemorate National Maritime Day in 1933. Today, it is fitting that the House of Representatives recognize National Maritime Day to honor the men and women that have served our Nation in the U.S. merchant marine. They have transformed our Nation from an island nation into the hub of the world's commerce. They have shown how U.S. technology can revolutionize the world.

Yet to many Americans, maritime transportation is the invisible component of our global transportation system. People have no idea how goods manufactured in China suddenly appear on store shelves in their neighborhood. This global logistics system is now vital to the U.S. economy. U.S. manufacturers no longer have large warehouses stocked full of spare parts for their factories. They are dependent on a "just in time" delivery system that will supply them with the components they need within days or hours of their being assembled. If this global trade were to be shut down for a few days, store shelves would begin to become empty and factory production lines would be shut down.

I hope that in the coming year we can help Americans understand the important contributions that the U.S. merchant marine makes to all of our lives and that we develop legislation to help increase the size of the U.S.-flag fleet competing in the world trade.

Mr. Speaker, I strongly urge my colleagues to join me in supporting House Resolution 413, recognizing the service of U.S. Merchant Marine veterans today on National Maritime Day.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H. Res. 413, which recognizes the service of United States Merchant Marine Veterans. I encourage all of my colleagues to support this important resolution.

United States Merchant Mariners played a critical role during World War II, delivering troops, tanks, food, airplanes, fuel and other needed supplies to every theater of the war. The Merchant Mariners were the necessary link between the supplies that were manufactured in the U.S. and used overseas.

The Merchant Mariners took part in every invasion from Normandy to Okinawa and suffered the highest casualty rate of any of the branches of the Armed Forces. Despite their valiant service, the U.S. Merchant Marines were not included in the 1944 G.I. Bill of Rights. In 1988, they were finally granted veteran status, but some portions of the G.I. Bill have never been made available to the Merchant Marines and the lost benefits can never be recouped.

In April I had the opportunity to deliver testimony to the Veterans Affairs Committee on behalf of my constituent, World War II Merchant Marine veteran Bruce Felknor, urging support of H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act of 2007. I hope that the 110th Congress will enact that important legislation into law as well.

I'm so pleased that the Merchant Mariners are finally getting the respect and attention they deserve for their service and sacrifice to our country. For more than 40 years, their remarkable and distinguished service has gone by virtually unnoticed by our government and people.

Again, I urge all of my colleagues to support H. Res. 413.

Mr. MORAN of Kansas. I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, before yielding back, I just want to associate myself with the words of Ms. SHEA-PORTER and Mr. FILNER, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 413.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF A COMMEMORATIVE DOCUMENT IN MEMORY OF THE LATE PRESIDENT OF THE UNITED STATES, GERALD RUDOLPH FORD

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 128) authorizing the printing of a commemorative document in memory of the late President of the United States, Gerald Rudolph Ford.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 128

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. COMMEMORATIVE DOCUMENT AUTHORIZED.

(a) IN GENERAL.—A commemorative document in memory of the late President of the United States, Gerald Rudolph Ford, shall be printed as a House document, with illustrations and suitable binding, under the direction of the Joint Committee on Printing.

(b) CONTENTS.—The document shall consist of the eulogies and encomiums for Gerald Rudolph Ford, as expressed in the Senate and the House of Representatives, together with the texts of each of the following:

(1) The funeral ceremony at Palm Desert, California.

(2) The state funeral ceremony at the rotunda of the United States Capitol.

(3) The national funeral service held at the Washington National Cathedral in the District of Columbia.

(4) The interment ceremony at the Gerald Ford Presidential Museum, Grand Rapids, Michigan.

SEC. 2. PRINTING OF DOCUMENT.

In addition to the usual number of copies printed of the commemorative document under section 1, there shall be printed the lesser of—

(1) 32,500 copies, of which 22,150 copies shall be for the use of the House of Representatives and 10,350 copies shall be for the use of the Senate; or

(2) such number of copies that does not exceed a production and printing cost of $600,000, with distribution of the copies to be allocated in the same proportion as described in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for the printing of a memorial tribute to honor our late 38th President, Gerald R. Ford. A former minority leader of this House, President Ford died on December 26, 2006, at the age of 93. Our distinguished colleague from Michigan (Mr. EHLERS), who now represents Gerald Ford's former district, introduced this resolution. The measure takes the same form as that passed after President Reagan's death in 2004. I support the gentleman's resolution, and I thank him for sponsoring it.

Mr. Speaker, since President Ford's death, Americans have expressed their respect and gratitude for his remarkable career that took him into the Navy during World War II, to this House, to the Vice Presidency, and then to the White House. In the aftermath of the ordeal of Watergate, many consider President Ford, then and now, as the right man at the right time. It is fitting that Congress provide for this customary tribute, and I urge the House to adopt the concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 128, authorizing the printing of a commemorative document in memory of the late President of the United States, Gerald R. Ford.

It was an honor for me to serve as a scientific adviser to Congressman Ford in the late 1960s and early 1970s, and I then came to know President Ford in many capacities throughout the years. I now have the privilege of serving the people of Grand Rapids and western Michigan in the exact seat he held from 1949 until 1973, and I am now most pleased to recognize one of the great sons of the State of Michigan.

Although President Ford's life ambition was to become Speaker of this esteemed body, fate and the Lord had other plans for Jerry Ford. While he was not a man who sought the Presidency, Ford was a tireless public servant who did not shrink from duty when his country needed him most. He bore the mantle that had been thrust upon him with great humility, never forgetting the solid Michigan values that were his compass in the most trying of times.

When he ascended to the Presidency upon President Nixon's resignation in 1974, Ford served with honor and dignity, telling us that "our long national nightmare is over." He was recommended and approved for his position by people in Congress who knew him very well. In fact, I believe he is the only President of the past one and a half centuries who served as the choice of the Members of Congress. Their trust in him aided him in governing and leading our Nation out of that nightmare. In pardoning President Nixon, he essentially gave up any chance he had of a second term as President; but, in doing so, he literally healed the Nation. And I recall a very personal discussion with him one time where he said he knew full well that he would likely lose the election, because of the pardon, but he saw no alternative but to pardon President Nixon in order to put the whole Watergate episode behind us and get the Nation moving again.

I am privileged, and I have always felt a sense of honor, to be serving in the same House seat that Congressman Ford served. By publishing this book, we will educate future generations about the contributions of a great man who came from ordinary beginnings yet found himself performing well in extraordinary circumstances. Jerry Ford personified the many good traits that west Michigan has to offer our Nation, with his honesty, his forthrightness, and his hard work. And I urge my colleagues to support the creation of this commemorative volume. I urge strong support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I join my colleague from Michigan in support of this fitting tribute for our late President Ford. I urge the House to support the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 128.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1130

INTERNET SPYWARE (I-SPY) PREVENTION ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1525) to amend title 18, United States Code, to discourage spyware, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Spyware (I-SPY) Prevention Act of 2007".

SEC. 2. PENALTIES FOR CERTAIN UNAUTHORIZED ACTIVITIES RELATING TO COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

"§ 1030A. Illicit indirect use of protected computers

"(a) Whoever intentionally accesses a protected computer without authorization, or exceeds authorized access to a protected computer, by causing a computer program or code to be copied onto the protected computer, and intentionally uses that program or code in furtherance of another Federal criminal offense shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) Whoever intentionally accesses a protected computer without authorization, or exceeds authorized access to a protected computer, by causing a computer program or code to be

copied onto the protected computer, and by means of that program or code—

"(1) intentionally obtains, or transmits to another, personal information with the intent to defraud or injure a person or cause damage to a protected computer; or

"(2) intentionally impairs the security protection of the protected computer with the intent to defraud or injure a person or damage a protected computer;

shall be fined under this title or imprisoned not more than 2 years, or both.

"(c) No person may bring a civil action under the law of any State if such action is premised in whole or in part upon the defendant's violating this section. For the purposes of this subsection, the term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

"(d) As used in this section—

"(1) the terms 'protected computer' and 'exceeds authorized access' have, respectively, the meanings given those terms in section 1030; and

"(2) the term 'personal information' means—

"(A) a first and last name;

"(B) a home or other physical address, including street name;

"(C) an electronic mail address;

"(D) a telephone number;

"(E) a Social Security number, tax identification number, drivers license number, passport number, or any other government-issued identification number; or

"(F) a credit card or bank account number or any password or access code associated with a credit card or bank account.

"(e) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following new item:

"1030A. Illicit indirect use of protected computers.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

In addition to any other sums otherwise authorized to be appropriated for this purpose, there are authorized to be appropriated for each of fiscal years 2008 through 2011, the sum of $10,000,000 to the Attorney General for prosecutions needed to discourage the use of spyware and the practices commonly called phishing and pharming.

SEC. 4. FINDINGS AND SENSE OF CONGRESS CONCERNING THE ENFORCEMENT OF CERTAIN CYBERCRIMES.

(a) FINDINGS.—Congress makes the following findings:

(1) Software and electronic communications are increasingly being used by criminals to invade individuals' and businesses' computers without authorization.

(2) Two particularly egregious types of such schemes are the use of spyware and phishing scams.

(3) These schemes are often used to obtain personal information, such as bank account and credit card numbers, which can then be used as a means to commit other types of theft.

(4) In addition to the devastating damage that these heinous activities can inflict on individuals and businesses, they also undermine the confidence that citizens have in using the Internet.

(5) The continued development of innovative technologies in response to consumer demand is crucial in the fight against spyware.

(b) SENSE OF CONGRESS.—Because of the serious nature of these offenses, and the Internet's unique importance in the daily lives of citizens and in interstate commerce, it is the sense of Congress that the Department of Justice should use the amendments made by this Act, and all other available tools, vigorously to prosecute those who use spyware to commit crimes and those that conduct phishing and pharming scams.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Software and electronic communications are increasingly being used by criminals to invade individuals and businesses' computers without authorization. These practices undermine consumer confidence in the integrity and security of the Internet itself. Two particularly egregious examples involve the use of spyware and phishing scams.

Spyware is a form of software that helps gather information about an individual or organization without their knowledge. It also can be used to take control of someone else's computer and surreptitiously send information stored in that computer, such as the individual's personal information and passwords, to another entity where it can then be redirected for criminal purposes, including fraud, larceny, theft or other cybercrimes.

According to a survey last year by the FBI, computer security practitioners say that spyware is among the most critical threats to the security of our Nation's computer systems.

Phishing is another form of cybercrime. It is a scheme by which a criminal creates a Web site or sends e-mails that copy a well-known, legitimate business in an attempt to deceive Internet users into revealing personal information. Through phishing, for example, a criminal can trick an Internet user into revealing his bank account numbers or passwords.

Pharming is a version of phishing, and that involves the fraudulent use of domain names. In pharming, hijackers hijack a legitimate Web site's domain site and redirect traffic intended for the Web site to their own Web site where users may unknowingly provide personal information to the hacker.

This measure before us, H.R. 1525, aims to put a stop to these kinds of crimes that invade our privacy. It amends title 18 of the United States Code to impose criminal penalties, including up to 5 years in prison, on those who intentionally engage in spyware-related behavior in furtherance of other Federal criminal offenses.

Another thing the bill does is impose fines and imprisonment up to 2 years for anyone who engages in such practices with the intent to defraud or injure a person.

Finally, this measure authorizes $10 million per each fiscal year, 2008 through 2011, to help the Department of Justice combat these crimes.

I want to lift up the names of two of our Judiciary Committee members, Congresswoman ZOE LOFGREN of California, and of course, BOB GOODLATTE of Virginia, both of whom have put this legislation together and shepherded it through the hearing and the processes of the Judiciary Committee. I'd like to commend them for hard, effective work in developing and moving this bill on a bipartisan basis.

This is a targeted measure, ladies and gentlemen, that protects consumers by providing appropriately strong penalties for egregious behavior. I urge my colleagues to join us in support of it.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, spyware is a serious and growing problem. This software allows criminals to hack into a computer to alter the user's security setting, collect personal information to steal a user's identity or commit other crimes.

H.R. 1525, the Internet Spyware Prevention Act of 2007, is bipartisan legislation that imposes criminal penalties on computer hacking intrusions and the use of spyware. A maximum term of 5 years imprisonment can be imposed for a hacking violation in which an unauthorized user accesses a computer.

In addition, a maximum of 2 years imprisonment can be imposed for anyone who uses spyware to break into a computer and alter the security settings or obtain the user's personal information.

This bill also authorizes $10 million for fiscal years 2008 through 2011 for the Department of Justice to increase Federal prosecutions of these new offenses.

I congratulate Congresswoman LOFGREN and Congressman GOODLATTE for their leadership and dedication on this issue. I also thank Chairman CONYERS and Crime Subcommittee Chairman SCOTT for their support of this legislation.

I urge my colleagues to vote "yes" on this bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, the gentlelady from California, ZOE LOFGREN, is the principal mover of this bill, and I'm pleased now to yield her as much time as she may consume.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in support of H.R. 1525, the Internet Spyware Prevention Act of 2007. I'm very pleased that my first stand-alone bill that will be passed in this House under the new Democratic majority is one that both protects

Americans on the Internet and fosters continued technological innovation. I thank my friend, Congressman BOB GOODLATTE, for working with me once again on this legislation to combat spyware.

Spyware is becoming one of the biggest threats to consumers on the Internet. Thieves are using spyware and key loggers are harvesting personal information from unsuspecting Americans. It also affects the business community that is forced to spend money to block and remove it from their systems.

Experts estimate that as many as 80 to 90 percent of all personal computers are infected with spyware. In short, it's a very real problem that's endangering consumers, damaging businesses and creating millions of dollars of additional costs.

This is a bipartisan measure that identifies the truly unscrupulous acts associated with spyware and subjects them to criminal punishment. This bill is the right approach because it focuses on behavior, not technology. It targets the worst forms of spyware without unduly burdening technological innovation.

The bill imposes tough criminal penalties on those who use spyware in furtherance of another Federal crime or to defraud or injure consumers. It also funds the Attorney General to find and prosecute spyware offenders and phishing scam artists.

Focusing on bad actors and criminal conduct is preferable to an approach that criminalizes technology or imposes notice-and-consent-type requirements. You know, bad actors don't comply with requirements. The more notices Internet users receive, in fact, the less likely they are to pay attention to any of them. Seventy-three percent of users don't read agreements, privacy statements or disclaimers on the Internet.

In 2005, the Pew Internet and American Life Project proved this point. A diagnostic site included a clause in one of its user agreements that promised $1,000 to the first person to write in and request the money. The agreement was downloaded more than 3,000 times before someone finally claimed the reward.

We don't want to overregulate user experience. We must avoid interfering with increasingly seamless, intuitive and interactive online environments. Regulation of technology is almost always a bad idea because technology changes faster than Congress can legislate; and what we attempt to regulate will morph into something else and render useless the regulatory scheme we adopt.

Legislation that attempts to control technology can also have the pernicious effect of chilling innovation by chilling investment into prohibited technological arenas. H.R. 1525 avoids these pitfalls by focusing on bad conduct, and that's why it has the broad support in my district in Silicon Valley, California.

What we're doing here today is important for consumers, for businesses. It's also important for the future of our high-tech economy.

I urge my colleagues on both sides of the aisle to vote in favor of this crucial legislation.

Mr. KELLER of Florida. Mr. Speaker, I yield as much time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), who is the lead Republican cosponsor of this important legislation.

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of H.R. 1525, the Internet Spyware or I-SPY Prevention Act.

I was pleased to join with my colleague from California, Representative ZOE LOFGREN, to reintroduce this legislation. This bipartisan bill will impose tough criminal penalties on those that use software for nefarious purposes without imposing a broad regulatory regime on legitimate online businesses. I believe that this targeted approach is the best way to combat spyware.

Spyware is software that provides a tool for criminals to secretly crack into computers to conduct nefarious activities such as altering a user's security settings, collecting personal information to steal a user's identity or to commit other crimes. A recent study done by the National Cybersecurity Alliance revealed that over 90 percent of consumers had some form of spyware on their computers, and most consumers were not aware of it.

The I-SPY Prevention Act would impose criminal penalties on the most egregious behavior associated with spyware. Specifically, this legislation would impose up to a 5-year prison sentence on anyone who uses software to intentionally break into a computer and uses that spyware in furtherance of another Federal crime.

In addition, it would impose up to a 2-year prison sentence on anyone who uses spyware to intentionally break into a computer and either alter the computer's security settings or obtain personal information with the intent to defraud or injure a person, or with the intent to damage a computer. By imposing stiff penalties on these bad actors, this legislation will help deter the use of spyware and will thus help protect consumers from these aggressive attacks.

Enforcement is also crucial in combating spyware. The I-SPY Prevention Act authorizes $10 million for fiscal years 2008 through 2011 to be devoted to prosecutions involving spyware, phishing and pharming scams, and expresses the sense of Congress that the Department of Justice should vigorously enforce the laws against these crimes.

Phishing scams occur when criminals send fake e-mail messages to consumers on behalf of famous companies and request account information that is later used to conduct criminal activities.

Pharming scams occur when hackers redirect Internet traffic to fake sites in order to steal personal information such as credit card numbers, passwords and account information.

This form of online fraud is particularly egregious because it is not as easily discernible by consumers. With pharming scams, innocent Internet users simply type the domain name into their Web browsers and the signal is rerouted to the devious Web site.

The I-SPY Prevention Act is a targeted approach that protects consumers by imposing stiff penalties on the truly bad actors, while protecting the ability of legitimate companies to develop new and exciting products and services online for consumers.

The I-SPY Prevention Act also avoids excessive regulation and its repercussions, including the increased likelihood that an overly regulatory approach focusing on technology would have unintended consequences that could discourage consumer use of the Internet, as well as the creation of new technologies and services on the Internet. By encouraging innovation, the I-SPY Prevention Act will help ensure that consumers have access to cutting-edge products and services at lower prices.

In addition, the approach of the I-SPY Prevention Act does not interfere with the free market principle that a business should be free to react to consumer demand by providing consumers with easy access to the Internet's wealth of information and convenience. Increasingly, consumers want a seamless interaction with the Internet, and we must be careful to not interfere with businesses' ability to respond to this consumer demand with innovative services. The I-SPY Prevention Act will help ensure that consumers, not the Federal Government, define what their interaction with the Internet looks like.

□ 1145

Finally, by going after the criminal behavior associated with the use of spyware, the I-SPY Prevention Act recognizes that not all software is spyware and that the crime does not lie in the technology itself but rather in actually using the technology for criminal purposes. People commit crimes; software doesn't.

H.R. 1525 is an effective, targeted approach to combating spyware, and I urge my colleagues to support this important legislation.

Mr. CONYERS. Mr. Speaker, I am now pleased to yield such time as he may consume to the chairman of the Subcommittee on Crime of the Judiciary Committee, the gentleman from Virginia, Mr. BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the chairman for yielding.

Mr. Speaker, I rise in support of H.R. 1525, the Internet Spyware (I–SPY) Prevention Act of 2007. I would like to commend Congresswoman LOFGREN and Congressman GOODLATTE for developing the legislation and moving the bill on a bipartisan basis. Earlier this month the Subcommittee on Crime, Terrorism, and Homeland Security held a hearing and markup on the bill and reported it favorably to the full committee.

The bill amends title 18, U.S. Code, to impose criminal penalties on those who use spyware to perpetrate identity theft and numerous other privacy intrusions on innocent Internet users. The bill also provides resources and guidance to the Department of Justice for the prosecution of these offenses.

The bill is narrowly aimed at the practices of using "spyware" and "phishing" to harm consumers. Recent studies estimate that 80 percent of computers are infected with some form of spyware and that 89 percent of consumers are unaware of the fact that they have spyware. The greatest security and privacy challenges posed by spyware relate to technologies such as keystroke logging programs that capture a user's passwords, Social Security, or account numbers. This information can then be redirected for criminal purposes including fraud, larceny, identity theft, or other cyber crimes.

This bill combats spyware by clarifying that it is a crime, punishable for up to 5 years in prison, to intentionally access a computer without authorization by causing a computer program or code to be copied onto a computer and then using that program or code in furtherance of another Federal criminal offense. The bill also provides fines or imprisonment up to 2 years for anyone who, through means of that program or code, intentionally obtains, or transmits to another, personal information with the intent to defraud or injure a person.

The bill also authorizes funds to combat "phishing." Phishing is a general term for using what appears to others to be either the Web site of, or e-mails from, well-known, legitimate businesses in an attempt to deceive Internet users into revealing their personal information. Phishing is adequately covered by the criminal code under existing Federal wire fraud or identity theft statutes, but additional funds are needed to prosecute the crime. This bill would authorize $10 million for each of the fiscal years 2008–2011 to combat phishing and spyware.

I would also like to note that the Energy and Commerce Committee is considering a bill on this subject as well. But that bill lacks the criminal penalty enforcement mechanism in this bill and in its place imposes a regulatory scheme which focuses on the uses of technology rather than the perpetrators of crimes. My concern is such a regulatory regime may unavoidably sweep in legitimate uses of the technology.

The I–SPY Prevention Act is a strong bill that protects consumers by providing criminal penalties for egregious behavior. Accordingly, I urge my colleagues to support this legislation.

Mr. KELLER of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, this is a very important measure. We are finally dealing with those spyware crimes that invade our financial privacy, and I commend all of the actors on the Judiciary Committee that played a role in bringing this to our attention. Mr. RIC KELLER has done an excellent job as well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a proud original co-sponsor of the legislation before us, I speak in strong support of H.R. 1525, the "Internet Spyware (I–SPY) Prevention Act of 2007."

H.R. 1525 amends the federal computer fraud and abuse statute to make it unlawful to access a computer without authorization or to intentionally exceed authorized access by causing a computer program or code to be copied onto the computer and using that program or code to transmit or obtain personal information (for example, first and last names, addresses, e-mail addresses, telephone numbers, Social Security numbers, drivers license numbers, or bank or credit account numbers).

Further, H.R. 1525 discourages the practice of phishing, another scourge of the Internet. "Phishing" is a general term for using what appears to be either the Web sites of, or e-mails that appear to be sent from, readily identifiable and legitimate businesses. These fraudulent Web sites and e-mails are designed to deceive Internet users into revealing personal information that can then be used to defraud those same users. The 'phishers' take that information and use it for criminal purposes, like identity theft and fraud. Phishing is adequately covered by the criminal code, but additional funds are needed to prosecute the crime. This bill would authorize 10 million dollars for each of the fiscal years 2008 to 2011 to combat phishing and spyware.

Mr. Speaker, as we all know too well, spyware is quickly becoming one of the biggest threats to consumers on the information superhighway. Spyware encompasses several potential risks, including the promotion of identity theft by harvesting personal information from consumer's computers. Additionally, it can adversely affect businesses, as they are forced to sustain costs to block and remove spyware from employees' computers, in addition to the potential impact on productivity.

Spyware has been defined as "software that aids in gathering information about a person or organization without their knowledge and which may send such information to another entity with the consumer's consent, or asserts control over a computer with the consumer's knowledge." Among other things, criminals can use spyware to track every keystroke an individual makes, including credit card and Social Security numbers.

Some estimates suggest 25 percent of all personal computers contain some kind of spyware while other estimates show that spyware afflicts as many as 80–90 percent of all personal computers. Businesses are reporting several negative effects of spyware. Microsoft says evidence shows that spyware is "at least partially responsible for approximately one-half of all application crashes" reported to them, resulting in millions of dollars of unnecessary support calls.

The last point I wish to make, Mr. Speaker, is that H.R. 1525 is substantially similar to the bipartisan H.R. 744, introduced in the 109th Congress, which passed the House by a vote of 395–1 and H.R. 4661, which passed the House during the 108th Congress by a vote of 415–0. H.R. 1525 is supported by numerous industry groups and privacy coalitions, including the Business Software Alliance, the Software & Information Industry Association, the U.S. Chamber of Commerce, and the Center for Democracy and Technology.

Mr. Speaker, I strongly support H.R. 1525 and urge all my colleagues to do likewise.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1525, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1615) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing Aircraft Cockpits Against Lasers Act of 2007".

SEC. 2. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§39A. Aiming a laser pointer at an aircraft

"(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the

flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

"(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

"(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

"(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

"(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

"(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the House and Senate, the Committee on Transportation and Infrastructure in the House, and the Committee on Commerce, Science and Transportation in the Senate not less than 90 days before such regulations become final.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"39A. Aiming a laser pointer at an aircraft.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, when a laser is aimed at an aircraft cockpit, particularly at the critical stage of takeoff or landing, it presents an imminent threat to aviation security and passenger safety. This has now been increasingly recognized, and we propose to do something about it today.

According to the Federal Aviation Administration, laser illuminations can temporarily disorient or even disable a pilot during critical stages of flight. And in some cases, a laser might also cause permanent physical injury to the pilot.

Since 1990 the FAA has reported more than 400 of these kinds of incidents. The rash of incidents involving laser beams is compounded by the concern that the low cost of hand-held laser devices could lead to even more incidents of these kinds happening in the future.

So the measure before us today responds to the problem by amending title 18 of our United States Code to impose criminal penalties on someone who knowingly aims a laser pointer at an aircraft or in its flight path within the special aircraft jurisdiction of the United States. The criminal penalties include imprisonment of up to 5 years and fines.

So I again extend a hand of thanks to Chairman BOBBY SCOTT of the Crime Subcommittee for expeditiously moving this bill forward. And I also commend the sponsor of this legislation, Ric Keller, who is floor manager today, the gentleman from Florida, for his leadership on addressing the danger that lasers can pose to aircraft.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Aiming a laser beam into the cockpit of an airplane is a clear and present danger to the safety of all those on board the aircraft.

This legislation is simple and straightforward. It makes it illegal to knowingly aim a laser pointer at an aircraft. Those who intentionally engage in such misconduct shall be fined or imprisoned not more than 5 years, or both, in the discretion of the judge.

This legislation was unanimously approved by all Republicans and Democrats on the House Judiciary Committee in this Congress and in the last Congress. It was also approved by the full House by a voice vote, and the Senate also approved this legislation by unanimous consent after slightly amending the legislation to provide for limited exceptions for testing and training by the Department of Defense and FAA, as well as using the laser to send an emergency distress signal. This bill represents the negotiated compromise between the House and Senate on these limited exceptions.

The problems caused by laser beam pranksters are more widespread than one might think. According to the FAA and the Congressional Research Service, there have been over 500 incidents reported since 1990 where pilots have been disoriented or temporarily blinded by laser exposure. The problem is on the rise, and there were over 90 incidents in 2005 alone.

These easily available laser pin pointers, like the one I purchased here at the Staples Office Supply Store for $12, have enough power to cause vision problems in pilots from a distance of 2 miles. It is only a matter of time before one of these laser beam pranksters ends up killing over 200 people in a commercial airline crash.

Surprisingly, there is currently no Federal statute on the books making it illegal to shine a laser beam into an aircraft cockpit, unless one attempts to use the PATRIOT Act to claim that the action was a "terrorist attack or other attack of violence against a mass transportation system."

So far none of the more than 500 incidents involving flight crew exposure to lasers have been linked to terrorism. Rather, it is often a case of pranksters making stupid choices to put pilots and their passengers at risk of dying. It is imperative that we send a message to the public that flight security is a serious issue. These acts of mischief will not be tolerated.

I wanted to learn what it was like to be in an aircraft cockpit hit by a laser beam; so I spoke with Lieutenant Barry Smith from my hometown of Orlando, Florida, who was actually in the cockpit of a helicopter that was hit by a laser beam.

Lieutenant Smith is with the Seminole County Sheriff's Office. He and his partner were in a police helicopter searching for burglary suspects at night in a suburb of Orlando when a red laser beam hit the aircraft twice. Lieutenant Smith said the Plexiglas windshield of the helicopter spread out the light to the size of a basketball. It shocked them. They were flying near a large tower with a red light, and they mistakenly thought they may have flown too close to the tower. They were disoriented, and they immediately jerked the helicopter back. When they realized that they weren't near the tower after all, Lieutenant Smith began to worry that the light could have come from a laser sight on a rifle. He wondered if they were about to be shot out of the sky. He told me, "It scared the heck out of us."

In reality, it was just a 31-year-old man with a small, pen-sized laser light, standing in his yard.

In conclusion, I authored this bipartisan legislation because it is needed to ensure the safety of pilots and passengers. I urge my colleagues to vote "yes" on H.R. 1615.

I want to especially thank Chairman CONYERS and Chairman SCOTT for their bipartisanship in moving this bill forward after having hearings and markups.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Crime, BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 1615, the Securing Aircraft Cockpits Against Lasers Act of 2007. And I want to thank Chairman CONYERS for holding a markup and moving the bill through the full committee. I would also like to thank our colleague, the gentleman from Florida (Mr. KELLER), who has been instrumental in bringing attention to this issue. Congressman KELLER introduced this bill in the 109th Congress. I joined him in cosponsoring the bill then, and I continue to support the legislation now.

The purpose of the bill is to address the problem of individuals aiming lasers at cockpits of aircraft, and this is particularly troublesome since it will usually occur at the critical stages of take-off and landing. This practice obviously constitutes a threat to aviation security and passenger safety. The bill adds a section following title 18, U.S. Code, section 38, to impose criminal penalties upon any individual who knowingly aims a laser pointer at an aircraft within the special aircraft jurisdiction of the United States.

☐ 1200

The penalties impose imprisonment up to 5 years in prison.

Research from the FAA has shown that laser illuminations can temporarily disorient or disable a pilot during critical stages of flight, such as taking off and landing, and in some cases may cause permanent injury to the pilot. For example, in 2004, a laser aimed at an airplane flying over Salt Lake City injured the eye of one of the plane's pilots. In January, 2005, responding to concerns regarding this escalating problem, the FAA issued an advisory to pilots instructing them to immediately report laser beams directed at their aircraft.

The House passed similar legislation in the 109th Congress. The Senate did, also. The legislation placed a provision in title 49, the Transportation title, and included a different level of intent. The House and Senate were unable to agree on a compromise version before the end of the 109th Congress. This version represents a compromise between the House and the Senate from the last Congress.

Although I have some concern that when the bill is applied it might involve some misguided young person fooling around with a laser beam, I realize that the conduct the bill prohibits can be dangerous, so it must be strongly discouraged. Since the bill does not have mandatory minimum sentencing, the Sentencing Commission and the courts can apply appropriate punishment for violators based on the facts and circumstances of the individual case.

After the bill is passed, as a further precautionary step, the appropriate committee of jurisdiction should consider requiring manufacturers of laser products to issue strong notices and warnings on the items and packaging regarding the provision of this law to put users on notice.

Mr. Speaker, I think passing this bill is an appropriate step for Congress to address this potentially dangerous problem. Accordingly, I urge my colleagues to support the legislation.

Mr. KELLER of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume merely to thank the leaders of this measure, Messrs. SCOTT and KELLER, for moving. For once we've got in front of a problem before something has gone wrong and have a tragedy in the air that would send us rushing back to the floor to pass this very measure that we are passing today, I hope.

Mr. Speaker, it is out of that pride that I thank everyone on the Judiciary Committee that played a role in this matter. And as has been pointed out, it doesn't matter whether it is a prank or whether it is sabotage, this prospective law gets the word out to everybody that these laser beams are dangerous when being flashed on planes or pilots in the air. The catastrophe is unthinkable.

I congratulate my colleagues, and I ask the Members to join all of us in support of this legislation.

Mrs. CAPITO. Mr. Speaker, I rise in support of H.R. 1615, Securing Aircraft Cockpits Against Lasers Act of 2007.

The bill amends the Federal criminal code to prohibit aiming a laser pointer at an aircraft or at the flight of an aircraft in the special aircraft jurisdiction of the United States.

In the last 15 years, the FAA reports over 500 incidents where people have aimed lasers into airplane cockpits. FAA research has shown that laser illuminations can temporarily disorient or disable a pilot during critical stages of a flight such as landing or take-off, and in some cases, may cause permanent damage.

This type of interference cannot be tolerated. This is a good, commonsense measure aimed at deterring and prosecuting those who commit a senseless act of potential sabotage.

I congratulate Congressman KELLER, the sponsor of this legislation, for his leadership and dedication to this issue. I urge my colleagues to support the bill.

Mr. WELDON of Florida. Mr. Speaker, I rise in support of H.R. 1615, Securing Aircraft Cockpits Against Lasers Act of 2007. I commend my colleague from Florida who serves on the Judiciary Committee for bringing this bill forward from that committee.

This is an important step in furthering aviation security. We have already taken a number of steps since 9/11 to make our skies safer for the flying public and this is one more important step in that direction.

This bill establishes a new Federal crime for anyone who aims a laser pointer at an aircraft or the flight path of an aircraft. This new statute will enable Federal law enforcement officials to pursue cases that it would not otherwise be able to pursue. Those prosecuted under this new law would face fines and time in prison.

Establishing these penalties will help address an issue that threatens public safety, pilots, and aviation security. When aimed at aircraft, lasers can cause not only discomfort, but they can also cause temporary or permanent visual impairment at critical stages of take-off and landing. The National Transportation Safety Board has already documented instances in which pilots sustained eye injuries and were incapacitated during critical times of flight. Furthermore, the Judiciary Committee report on H.R. 1615 highlights the findings of a report from the U.S. Department of Transportation that since 1990 there have been over 400 reports of lasers being pointed at aircraft.

In the aftermath of 9/11, the FAA took steps to require that air traffic controllers immediately notify pilots about laser events. The FAA is also to immediately notify local law enforcement and security agencies. This will enable police to act in a more timely manner to identify and prosecute those shining lasers at aircraft.

Mr. Speaker, I believe that this bill is a good step in helping protect the flying public and pilots.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H.R. 1615, the "Securing Aircraft Cockpits Against Lasers Act of 2007." While the goal of this legislation—to keep our air passengers safe and to effect better "homeland security"—I must point out that initially I was very concerned that this penal legislation was not tailored narrowly enough to exclude only the evil sought to be prohibited.

That is why I offered an amendment during markup of this bill. My amendment was designed to limit the scope of the bill so that it fulfills its intended purposes, which is to protect aircraft crew, and through them passengers, by prohibiting the aiming of the beam of a laser pointer at an aircraft, or the flight path of such an aircraft. My amendment clarified that the significant penal provisions in the bill are directed at conduct that is harmful to the aircraft or crew. Specifically, my amendment adds an important and useful qualification to the bill's definition of a "laser pointer" to mean:

1. Any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object; and

2. Is capable of inflicting serious bodily injury if aimed at an airplane cockpit from a minimum distance of 500 yards.

But after consulting with the bill's managers, I am satisfied that it is not necessary to require that the offending laser pointer be capable of inflicting "serious bodily harm" from a minimum distance of 500 yards. I am persuaded that the language used in the bill implies a standard of at least "significant risk" to airplane pilots, crew, and passengers.

I agree, for example, that using a laser pointing device capable of temporarily blinding or causing a pilot to become disoriented is clearly a "significant risk." My major concern with the definition of laser pointers was that it did not distinguish between the kind you can buy at a dollar store that runs on a couple of AAA batteries and has a range of about 25 feet and a high powered laser scope that has a range 100 times as far. But based on my discussions with the bill's managers, Mr. SCOTT and Mr. KELLER, I am satisfied that the legislation anticipates that investigative and prosecutorial resources will not be used to prosecute and punish the use of laser pointers that do not pose any safety risk to airplane pilots, their crew, or airline passengers.

Mr. Speaker, for these reasons, I have determined that I can and will support the bill and I urge my colleagues to do likewise.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1615, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRESERVING UNITED STATES ATTORNEY INDEPENDENCE ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 214) to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving United States Attorney Independence Act of 2007".

SEC. 2. VACANCIES.

Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) A person appointed as United States attorney under this section may serve until the earlier of—

"(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

"(2) the expiration of 120 days after appointment by the Attorney General under this section.

"(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.".

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—

(1) IN GENERAL.—Any person serving as a United States attorney on the day before the date of enactment of this Act who was appointed under section 546 of title 28, United States Code, may serve until the earlier of—

(A) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

(B) 120 days after the date of enactment of this Act.

(2) EXPIRED APPOINTMENTS.—If an appointment expires under paragraph (1), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to give all Members 5 legislative days to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to describe this measure, Senate bill 214, as an important one that will restore historical checks and balances to the process by which interim U.S. attorneys are appointed. It will repair a breach in the law that has been a major contributing factor to the recent termination of at least nine talented and experienced United States attorneys and their replacement with interim appointments.

The full circumstances surrounding these terminations are still coming to light. It is a process being given much attention by the Committee on the Judiciary. But much of the information is well known, and is also considerably troubling. One U.S. attorney was fired to make way for a political operative who endeared himself to Mr. Karl Rove doing opposition research in the Republican National Committee. Others were apparently fired because they were not sufficiently partisan in the way they used these powers to investigate and prosecute alleged voting fraud. Now, I don't need to tell anybody in this body how important voting is to the democratic process.

These reports are particularly troubling because of the awesome power the United States attorneys, 93 of them in total, are entrusted with. They seek convictions. They negotiate plea agreements. They can send citizens to prison for years. They can tarnish reputations. They can destroy careers with the mere disclosure that a person is under criminal investigation. We, in this country, must have full confidence that these powers are exercised with complete integrity and free from improper political influence. Unfortunately, sometimes this is not the case.

These troubling circumstances that have been revealed were made possible by an obscure provision, quietly and secretly slipped into the PATRIOT reauthorization conference report in March of last year at the behest of the Justice Department's top political appointments, to enable them to appoint interim temporary U.S. attorneys without the customary safeguard of Senate confirmation.

Mr. Speaker, what this measure does is restore the checks and balances that have historically provided a critical safeguard against politicization of the Department of Justice and the United States attorneys, limiting the Attorney General's interim appointments to 120 days only, then allowing the district court for that district to appoint a U.S. attorney until the vacancy is filled, with Senate confirmation required, as historically has been the case.

Now, Members of the House, we have already passed similar legislation. While I would prefer to see our version enacted into law, we are taking up the Senate-passed version in order to expedite the enactment of this important step in restoring legal safeguards against the abuse of executive power to politicize the Federal prosecutorial function in the Department of Justice.

I wanted to single out my colleague from California, HOWARD BERMAN, a senior member of the committee, for his role in fashioning not only the original version, but the one that we have before you to agree upon.

Mr. Speaker, at this point, I would reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, prior to 1986, the district court appointed interim U.S. attorneys to fill vacancies until a replacement could be nominated by the President and confirmed by the Senate. In 1986, the process was changed to authorize the Attorney General to appoint an interim U.S. attorney for 120 days. After 120 days, the district court would appoint an interim to serve until the Senate confirmed a permanent replacement.

Last year, Congress addressed concerns that allowing the judiciary to appoint the prosecutors before their court created a conflict of interest. The PATRIOT Act reauthorization eliminated the 120-day time limit for an executive-appointed interim to serve, and eliminated the authority for the district court to appoint an interim. S. 214 returns the authority of the judiciary to appoint interim U.S. attorneys if a permanent replacement is not confirmed within 120 days.

Mr. Speaker, it is fairly obvious that the motivation behind this legislation was the dismissal of several U.S. attorneys earlier this year. Congress has been investigating the circumstances surrounding those dismissals for several months now. Notwithstanding the heated political rhetoric from some of my colleagues, this investigation has turned up no evidence of criminal wrongdoing or obstruction of justice.

Let me just try to lay this issue out as fairly as I can. Some of my colleagues still have concerns about allowing a judge to appoint the prosecutors before their court because they feel that is a conflict of interest. On the other hand, some of my equally smart colleagues have suggested that we should return to the way interim U.S. attorneys were appointed for 20 years, from 1986 to 2006, before the recent PATRIOT Act changes, to ensure that the process is not used to circumvent the Senate confirmation process.

The House Judiciary Committee has held hearings on this matter. We held a markup on the companion legislation, H.R. 580. The Justice Department does not object to this legislation, and I will be supporting it myself personally.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am proud to introduce and give as much time as he may consume to the chairman of the Intellectual Property Subcommittee on the Judiciary Committee, Mr. HOWARD BERMAN.

Mr. BERMAN. I thank my chairman for helping to bring this bill and this issue to the floor twice now, and for yielding me this time.

Mr. Speaker, last month, the House passed H.R. 580 to restore the checks and balances to the U.S. attorney appointment process. The bill we are considering today takes a slightly different path to nearly the same end.

Last year, during the conference process on reauthorization of the PATRIOT Act, a provision was added to the report authorizing the Attorney General to unilaterally appoint interim U.S. attorneys for indefinite periods of time, making it possible for the administration to circumvent the Senate confirmation process.

The only disagreement I would have with my friend from Florida's comments was the notion that the Congress considered that change. This was put in in a conference committee, unbeknownst to, I think, just about every Senator on that conference committee, certainly all House Members, other than perhaps the chairman of the committee; and the Congress didn't consider that change.

When the Judiciary Committee began its investigation into the U.S. attorney firings early this year, DOJ representatives were quick to assure members of the committee that getting around the confirmation process was never their intent in pushing for this proposal.

As the Department began producing e-mails and other materials in response to the Judiciary Committee's inquiry, it became clear that whether or not it was the original intent of the administration, DOJ and White House employees quickly figured out that the provision created the possibility of circumventing the Senate and decided to exploit that authority.

As I said when we passed H.R. 580 last month, the ongoing investigation may uncover many issues within the Department that we want to examine. In the meantime, we should quickly address the problem we know about.

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The bill we are considering today would reinstate a system that encourages politics to be left at the door during the appointment process and creates a check on the system if the executive branch cannot bring itself to do that.

The reason we are considering a second bill on this topic is that Republicans in the other body have blocked the House-passed bill from progressing. The only difference between these two bills is that the House bill specifically precluded the administration from using the Vacancy Reform Act to extend interim appointments for another 210 days. This is a provision that the Bush administration used nearly 30 times in its first 5 years to replace U.S. attorneys. If this avenue remains open, we are permitting the practice of circumventing Senate confirmation to continue. A temporary appointee could serve for nearly a year without a Presidential nomination or going through the confirmation process.

It's ironic, isn't it? We hear the arguments all the time about the Senate not acting fast enough to confirm judicial appointments. There is rarely an emergency to get a district judge confirmed. U.S. attorneys are different. In any given district, there is only one U.S. attorney. If the administration can simply use extended temporary appointments, the problem will continue.

This bill shouldn't be our last word on the matter. In the progress of the investigation in the Judiciary Committee, we have learned that a second provision removing residency requirements for U.S. attorneys was likely put into the PATRIOT Act reauthorization to make way for certain particular interim appointees. We should repeal that provision, and I intend to introduce legislation to do so.

Communities in this country should feel assured that their U.S. attorney wasn't put in for purely political purposes. These positions shouldn't be used to "develop the bench" or to send in someone who had no connection to the community whatsoever just because he needed a job.

We should fix the system completely, and we will, but because of threatened holds in the other body, we are only doing a partial fix today.

Mr. KELLER of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am proud to yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN) a subcommittee chair of the Judiciary Committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, last year, during the conference process on reauthorization of the PATRIOT Act, a check on executive power simply disappeared. In its place, the Republican majority overseeing the conference put in a provision removing the court from the process of appointment and authorizing the Attorney General to appoint interim U.S. attorneys indefinitely.

The Senator who was chairman of the Judiciary Committee at the time said recently that he did not realize the provision was in the bill passed last year until a colleague alerted him to it last month. I don't think anyone was surprised to learn that after the investigation, the former chairman learned that the language had been requested by the Department of Justice. The language was apparently presented by a DOJ employee who is now the U.S. attorney in Utah. Before Senator SPECTER made these comments, the only legislative history of this amendment was one sentence in the conference report that said the new section "addresses an inconsistency in the appointment process of U.S. attorneys."

As we receive more information about the Department of Justice and White House interaction leading up to the dismissal of eight, now nine, U.S. attorneys, the appearance of a political basis for the removals becomes more clear. U.S. attorneys are the chief Federal law enforcement officers in their districts. We rely on them to enforce the law without political prejudice.

One of the former U.S. attorneys who testified before our Judiciary subcommittee recently said that former Attorney General Ashcroft made a point in their first conversation to say that U.S. attorneys have to leave politics at the door. This bill that is before the House today would reinstate a system that encourages politics to be left at the door during the appointment process and creates a check on the system if the executive branch cannot bring itself to do that.

Finally, Mr. Speaker, I have to add that I have been dismayed in reviewing some of the terms provided to the Judiciary Committee relative to communications between the DOJ. Historically the American people have been able to rely on the Department of Justice to stay above the political fray, especially when it comes to prosecutors. Watergate should have indelibly impressed this lesson upon future administrations, but clearly in this case it did not.

I ask my colleagues to support this legislation and to refute Kyle Sampson's statement when he said, "The only thing at risk here is a repeal of the AG's appointment authority. House Members won't care about this at all. All we need is for one Senator to object to the language."

The House of Representatives does care about political independence. We do believe that the executive branch should not ignore legislative branch authority. We should refute the Department's slow march to cooperating with our oversight efforts, and we need to reinstate this important check on the executive branch authority to appoint U.S. attorneys.

Mr. KELLER of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I was hoping that our colleague from the Judiciary Committee, the gentleman from Alabama, Mr. ARTUR DAVIS, would be able to join us in this debate because he worked very diligently with Mr. BERMAN and Ms. LOFGREN.

Mr. Speaker, while United States attorneys owe their appointments to the President, once they are appointed, their enforcement decisions must be unquestionably above politics. This is an irony that exists, but it is something that must be zealously complied with if we are to have a law enforcement system that can be regarded as faithful to the Constitution and to the laws of the land and to protect the American people.

The Senate confirmation in an open and public process is one way we safeguard against politicizing the prosecutors in the Department of Justice. That safeguard was severely compromised by the secret change in section 546. What we will do now is restore that safeguard and honor the system of checks and balances.

Mr. Speaker, I am confident that my colleagues on both sides of the aisle will support this important consideration.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of S. 214, a bill that will revoke the Attorney General's unfettered authority to appoint U.S. Attorneys indefinitely.

During the USA PATRIOT Act Reauthorization conference, Republicans slipped a small provision into the conference report with enormous repercussions. That provision removed the 120-day limit for interim appointments of U.S. Attorneys, thereby allowing interim appointees to serve indefinitely and without confirmation.

After months of investigation by the House Judiciary Committee, we have learned that the Bush administration exploited this newly created loophole to purge high-performing Federal prosecutors while they were in the midst of high-profile public corruption investigations involving Republican officials. And while the administration has insisted it never intended to use this loophole to bypass Senate confirmation for appointing U.S. Attorneys, our investigation has uncovered communications and testimony that suggest otherwise.

We also learned, for example, that in an e-mail to former White House Counsel, Harriet Miers, former Attorney General Chief of Staff, Kyle Sampson wrote: "I strongly recommend that, as a matter of administration policy, we utilize the new statutory provisions that authorize the Attorney General to make U.S. Attorney appointments." Mr. Sampson further said that by using the new provision, the Justice Department could "give far less deference to home-State Senators and thereby get (1) our preferred person appointed and (2) do it far faster and more efficiently, at less political cost to the White House."

Referring to the new authority to appoint interim U.S. Attorneys indefinitely, Mr. Sampson also said, "If we don't ever exercise it then what's the point of having it?"

The Preserving United States Attorney Independence Act of 2007 provides the necessary legislative response to restore checks and balances in the U.S. Attorney appointment process by reinstating the 120-day limit on the interim appointment. Additionally, the bill would apply retroactively to all U.S. Attorneys currently serving in an interim capacity. This would ensure that interim U.S. Attorneys appointed since the purge scheme was hatched are not permitted to serve indefinitely and without Senate confirmation.

This is a common sense solution that has received strong support from the President of the National Association of Former U.S. Attorneys as well as from a former Republican-appointed U.S. Attorney who testified before the Subcommittee on Commercial and Administrative Law. It is also important to note that the Attorney General himself has expressed that he is not opposed to rolling back this provision of the USA PATRIOT Act.

I want to be clear that the consideration of S. 214 will not stop the Judiciary Committee's ongoing investigation of the U.S. Attorney purge scheme and the politicization of the Justice Department. After months of investigations, it is clear that the answers can only be found in the White House. We have spoken to every senior Justice Department official involved in the firing process and we still have not gotten the answers to two critical questions: Who made the decision to mass fire U.S. Attorneys, and why were these particular U.S. Attorneys targeted?

Mr. Speaker, the American people need to be assured that political calculations do not determine whether an individual is arrested or prosecuted. We must ensure that the integrity and honor of the Justice Department will be reinstated. I hope my colleagues will join me in the first critical step in this process by closing the loophole in the USA PATRIOT Act that this administration has improperly exploited for political purposes and supporting S. 214.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support S. 214, which is the Senate version of H.R. 580, which the Judiciary Committee favorably reported on March 15, 2007. This much needed and timely legislation amends chapter 35 of title 28 of the United States Code to restore the 120-day limit on the term of a United States Attorney appointed on an interim basis by the Attorney General. The shocking revelations regarding the unprecedented firings of several United States Attorneys provide all the justification needed to adopt this salutary measure promptly and by an overwhelming margin.

United States Attorneys are appointed by the President with the advice and consent of the Senate. Each United States Attorney so appointed is authorized to serve a 4-year term but is subject to removal by the President without cause. The Senate's advise and consent process formally checks the power of the President by requiring the United States Attorney nominee to go through a confirmation process.

In addition, Senators also play a particularly influential informal role in the nomination of United States Attorneys. Typically, a President, prior to appointing a new United States Attorney, consults with the Senators from the State where the vacancy exists if they are members of the President's political party. The President usually accepts the nominee recommended by the Senator or other official. This tradition, called "Senatorial courtesy," serves as an informal check on the President's appointment power.

Since the Civil War, the judiciary has been empowered to fill vacancies in the office of the United States Attorney. In 1966, that authority was codified at 28 U.S.C. § 546. When a United States Attorney position became vacant, the district court in the district where the vacancy occurred named a temporary replacement to serve until the vacancy was filled. In 1986, in response to a request by the Attorney General that its office be vested with authority to appoint interim United States Attorneys, Congress amended the statute to add former section 546(d).

Pursuant to this authority, the Attorney General was authorized to appoint an interim United States Attorney for 120 days and, if the Senate did not confirm a new United States Attorney within such period, the district court was then authorized to appoint an interim United States Attorney to serve until a permanent replacement was confirmed. By having the district court play a role in the selection of an interim United States Attorney, former section 546(d) allowed the judicial branch to act as a check on executive power. In practice, if a vacancy was expected, the Attorney General would solicit the opinion of the chief judge of the relevant district regarding possible temporary appointments.

Twenty years later, section 546 was amended again in the USA PATRIOT Improvement and Reauthorization Act of 2005. This legislation amended section 546(c) to provide that "[a] person appointed as United States attorney under this section may serve until the qualification of a United States Attorney for such district appointed by the President" under 28 U.S.C. § 541. The extent of the legislative history of this provision is one sentence appearing in the conference report accompanying the Act: "Section 502 [effecting the amendments to section 546] is a new section and addresses an inconsistency in the appointment process of United States Attorneys."

Although the legislative purpose is unclear, the practical effect is not. The Act amended section 546 in two critical respects. First, it effectively removed district court judges from the interim appointment process and vested the Attorney General with the sole power to appoint interim United States Attorneys. Second, the Act eliminated the 120-day limit on the term of an interim United States Attorney appointed by the Attorney General. As a result, judicial input in the interim appointment process was eliminated. Even more problematic, it created a possible loophole that permits United States Attorneys appointed on an interim basis to serve indefinitely without ever being subjected to Senate confirmation process, which is plainly a result not contemplated by the Framers.

Mr. Speaker, excluding changes in administration, it is rare for a United States Attorney to not complete his or her 4-year term of appointment. According to the Congressional Research Service, only 54 United States Attorneys between 1981 and 2006 did not complete their 4-year terms. Of these, 30 obtained other public sector positions or sought elective office, 15 entered or returned to private practice, and one died. Of the remaining eight United States Attorneys, two were apparently dismissed by the President, and three apparently resigned after news reports indicated they had engaged in questionable personal actions.

Mr. Speaker, in the past few months disturbing stories appeared in the news media reporting that several United States Attorneys had been asked to resign by the Justice Department. It has now been confirmed that at least seven United States Attorneys were asked to resign on December 7, 2006. An eighth United States Attorney was subsequently asked to resign. And we learned on May 10, the day the Attorney General testified before the House Judiciary Committee, we learned that a ninth United States Attorney had been asked to resign as part of the purge. The names of the fired United States Attorneys are as follows:

H.E. ("Bud") Cummins, III, U.S. Attorney (E.D. Ark.); John McKay, U.S. Attorney (W.D. Wash.); David Iglesias, U.S. Attorney (D. N.M.); Paul K. Charlton, U.S. Attorney (D. Ariz.); Carol Lam, U.S. Attorney (S.D. Calif.); Daniel Bogden, U.S. Attorney (D. Nev.); Kevin Ryan, U.S. Attorney (N.D. Calif.); Margaret Chiara, U.S. Attorney (W.D. Mich.); and Todd P. Graves, U.S. Attorney (W.D. Mo.).

Mr. Speaker, on March 6, 2007, the Judiciary Committee's Subcommittee on Commercial and Administrative Law held a hearing entitled, "Restoring Checks and Balances in the Confirmation Process of United States Attorneys." Witnesses at the hearing included 6 of the 8 former United States Attorneys and William Moschella, Principal Associate Deputy Attorney General, among other witnesses.

Six of the 8 former United States Attorneys testified at the hearing and each testified that he or she was not told in advance why he or she was being asked to resign. Upon further inquiry, however, Messrs. Charlton and Bogden were advised by the then Acting Assistant Attorney General William Mercer that they were terminated essentially to make way for other Republicans to enhance their credential and pad their resumes. In addition, Messrs. Iglesias and McKay testified about inappropriate inquiries they received from Members of Congress concerning pending investigation, which they surmised may have led to their forced resignations.

Mr. Speaker, the USA PATRIOT Act Reauthorization provision on interim United States Attorneys should be repealed for two reasons. First, Members of Congress did not get an opportunity to vet or debate the provision that is current law. Rather, the Republican leadership of the 109th Congress slipped the provision into the Conference Report at the request of the Department of Justice. Not even Senate Judiciary Chairman ARLEN SPECTER, whose chief of staff was responsible for inserting the provision, knew about its existence.

Second, it is now clear that the manifest intention of the provision was to allow interim appointees to serve indefinitely and to circumvent Senate confirmation. We know now, for example, that in a September 13, 2006 e-mail to former White House Counsel, Harriet Miers, Attorney General Chief of Staff, Kyle Sampson wrote:

> I strongly recommend that, as a matter of Administration policy, we utilize the new statutory provisions that authorize the Attorney General to make U.S. Attorney appointments.

Mr. Sampson further said that by using the new provision, DOJ could "give far less deference to home-State Senators and thereby get (1) our preferred person appointed and (2) do it far faster and more efficiently, at less political cost to the White House."

Regarding the interim appointment of Tim Griffin at the request of Karl Rove and Harriet Miers, Mr. Sampson wrote to Monica Goodling, Senior Counsel to the White House and Liaison to the White House on December 19, 2006 the following:

> I think we should gum this to death: ask the Senators to give Tim a chance, meet with him, give him some time in office to see how he performs, etc. If they ultimately say, 'no never' (and the longer we can forestall that, the better), then we can tell them we'll look for other candidates, and otherwise run out the clock. All of this should be done in 'good faith,' of course.

Finally, we now know that after gaining this increased authority to appoint interim United States Attorneys indefinitely, the administration has exploited the provision to fire United States Attorneys for political reasons. A mass purge of this sort is unprecedented in recent history. The Department of Justice and the White House coordinated this purge. According to an administration "hit list" released in March of this year, United States Attorneys were targets for the purge based on their rankings. The ranking relied in large part on whether the United States Attorneys "exhibit[ed] loyalty to the President and Attorney General."

Mr. Speaker, until exposed by this unfortunate episode, United States Attorneys were expected to, and in fact did, exercise wide discretion in the use of resources to further the priorities of their districts. Largely a result of its origins as a distinct prosecutorial branch of the Federal Government, the office of the United States Attorney traditionally operated with an unusual level of independence from the Justice Department in a broad range of daily activities. That practice served the Nation well for more than 200 years. The practice that has been in place for less than 2 years has served the Nation poorly. It needs to end. That is why I vote to report H.R. 580 favorably to the House. That is why I will vote for S. 214. I urge all Members to do likewise.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PASTOR). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 214.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2264) to amend the Sherman Act to make oil-producing and exporting cartels illegal, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Oil Producing and Exporting Cartels Act of 2007" or "NOPEC".

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. (a) It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.".

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 7A of the Sherman Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, gas prices have now reached an all-time record high, topping even the 1981 spike in price that had stood as the record high for 26 years. According to the Energy Information Administration, the nationwide price of unleaded regular gas hit $3.22 a gallon, 11.5 cents higher than last week's price. In Michigan, it is even higher than that.

Today's record-breaking price, one in an unending series of continuous price hikes over the past month, is hurting Americans in their pocketbooks, and we have got to do something about it. Retailers across the Nation are saying that soaring gas prices are prompting consumers to cut back on their shopping trips and their purchases.

We are told this won't be the end of these skyrocketing price hikes either. The AAA forecasts that more record prices are probably on the way, especially as the summer begins, which is usually the busiest driving season of the year.

In Michigan, gas prices have reached their highest levels ever at $3.27 a gallon. Michigan is now the third most expensive State for gasoline in the country, behind California and the State of Illinois.

Last week, in an effort to help address this crisis, the House Judiciary Committee's Antitrust Task Force examined the OPEC cartel and its impact on the price of gas. OPEC accounts for two-thirds of the world's oil reserves and more than 40 percent of the world's oil production, but, even more significantly, OPEC oil exports represent 70 percent of all the oil traded internationally.

You know what that means. This affords OPEC, obviously, considerable control over the global market. Its net oil export revenues should reach nearly $395 billion in this year alone, and its influence on the oil market is dominant, especially when it decides to increase or reduce the levels of production.

For years now, OPEC's price-fixing conspiracy, and that is what I call it, a conspiracy, has unfairly driven up the price and cost of imported crude oil to satisfy the greed of oil exporters. We have long decried OPEC, but, sadly, the administration has done little or nothing to stop this.

So now the time has come. It is time for us to do something to point them in the right direction. We have got to get ahold of this economic crisis. The cries are rising up in every congressional district in the Nation, so your Committee on the Judiciary has produced H.R. 2264, with the help of Mr. CHABOT and Mr. KELLER and other Members, to make clear that the oil cartel nations that are colluding to limit crude oil production as a means of fixing its price is illegal under United States law, just as it would be for any company engaging in the same conduct.

□ 1230

It clarifies and reaffirms the law in several critical respects:

First, it exempts OPEC and other nations from the provisions of the Foreign Sovereign Immunities Act to the extent those governments are engaged in price fixing and other anticompetitive activities.

Second, H.R. 2264 makes clear that the so-called "act of state" doctrine does not in any way prevent courts from ruling on antitrust charges brought against foreign governments, and that foreign governments are "persons" subject to suit under the antitrust laws.

Third, it explicitly authorizes the Department of Justice to bring lawsuits in Federal court against oil cartel members.

Ladies and gentlemen, we, on behalf of the American people, have had enough. These price rises are not something that we have to merely humbly drive into the gas station and look at the new, increased cost. We don't have to stand by and watch OPEC dictate the price of our gas without any recourse whatsoever. We can do something about it to combat this blatantly anticompetitive, anticonsumer behavior, and we are.

I urge Members to carefully consider the legislation that is now being debated on the House floor.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is painfully obvious to the American people that the price of gasoline is going up. The nationwide average for regular, unleaded gas is at a record $3.20 a gallon, according to AAA, up almost 34 cents from a month ago, and the peak summer driving season hasn't even started yet. The American people are mad as heck, and they don't want to take it anymore.

To heck with OPEC. How about NOPEC? That's what this legislation is all about.

Last week, the Antitrust Task Force of the House Judiciary Committee, on which I serve, held a hearing on prices at the pump, market failure, and the oil industry. The experts at this hearing, including the Connecticut attorney general, Mr. Blumenthal, insisted we do something about the OPEC cartel.

The price of gasoline at the pump closely tracks the price of a barrel of oil on the world oil market. That is because the price of crude oil comprises 56 percent of the cost of a gallon of gasoline. American refineries, which import over 60 percent of their oil from foreign countries, compete for those oil resources with China and India. Demand for oil in those two countries has dramatically increased in recent years. As the demand has increased at home and abroad, supplies have not kept up and the price of oil has gone up.

Complicating this problem is the fact that we haven't built a refinery in this country in 30 years. And recent, unexpected refinery shutdowns have constricted supply. Of course, there are also anticompetitive forces in play that manipulate the law of supply and demand to their selfish benefit and our detriment.

For example, the world oil price is dictated mainly by the quantity of oil that the Organization of Petroleum Exporting Countries, or OPEC, is willing to supply. The 11 current OPEC members account for 40 percent of the world oil production and about two-thirds of the world's proven oil reserves. Most would argue that the presence of this cartel, controlled in large part by totalitarian or hostile regimes like Iran and Venezuela, is not helpful.

The question is: What can Congress do about it? NOPEC is one possible solution to this problem. Because of the "act of state" doctrine and the concept of sovereign immunity, Americans are precluded from suing the cartel that controls a good portion of the world's oil supply. This bill would change that.

Under this NOPEC legislation, the U.S. Attorney General would be allowed to bring an antitrust lawsuit against the oil cartel members for collusion, price fixing, and other anticompetitive activities designed to gouge American consumers.

I want to thank the gentleman from Ohio (Mr. CHABOT), the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. ZOE LOFGREN) for their leadership on this NOPEC legislation.

I would point out, in the interest of straight talk, that the White House this morning issued a statement saying that the President will veto the NOPEC legislation. I would point out that they misspelled the word "President" in this release; President is spelled P-R-E-S-E-N-T. Apparently, the White House cares even less about spell-check than they do about OPEC with regard to this matter.

I would urge my colleagues on both sides of the aisle to do something about OPEC's price fixing misbehavior and vote "yes" on H.R. 2264.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN) whose State has been most affected by the subject matter we are here on the floor considering.

Ms. ZOE LOFGREN of California. Mr. Speaker, I am pleased to be a cosponsor of this important bill and believe it is sound legislation that the House should adopt today.

If private actors collusively controlled supply and prices in the manner that OPEC member nations do, there is no question that their conduct would be illegal as a per se violation of the Sherman Act, and they would be subject to criminal and civil liability. Typically, however, foreign states are immune from suit in Federal court. Section 1604 of title 28 of the United States Code provides that a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States, with some specific exceptions. One exception is where the suit is based upon a commercial activity carried on in the United States by the foreign state, or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere, or upon an act outside of the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that causes a direct effect in the United States.

I think it is quite clear that the OPEC collusion falls within the current exception.

So why is this bill, this law, necessary? A district court has held otherwise, and it is important that the Congress reaffirm that the antitrust laws do indeed apply to OPEC nations in their role as commercial actors engaging in such collusion where such conduct impacts the United States.

Another obstacle to antitrust lawsuits against OPEC is the so-called "act of state" doctrine which has been used by the Ninth Circuit in affirming the dismissal of the case that was wrongly decided.

H.R. 2264 minimizes any "act of state" doctrine concerns by making sure and entrusting to the executive branch the discretion whether to bring charges under this provision. A court's concern about any insinuation of itself into matters properly within the bailiwick of the political branches is mitigated when Congress, by this legislation, and the executive branch, by bringing the action, explicitly authorize judicial involvement.

Much has been said about the price of gas today. It is high, and I think we all hear from our constituents about it. But there is another reason why manipulation of the market is bad for America. We know that for our long-term future we have to develop energy alternatives. We cannot continue to drill and continue to be dependent upon the Middle East for oil.

So long as it is possible for OPEC to manipulate rapidly the price of crude, they have it within their power to really destroy markets for alternative energy, and therefore, make it even harder for us to escape from the oily grasp of OPEC.

We need to make sure that these misdeeds are prevented by adopting this legislation. This is a good bill for consumers, for people in California that are complaining about the cost of gas. It is a good bill for those who want to move away from oil to alternative energies and who need to avoid the manipulation of the market by OPEC that for many years has kept us from that goal.

I hope that this bill, which is an important first step, will not be vetoed by the President. I think it would be a shame if he were to prevent this relief for the traveling public, and also this hope for those of us who want to fight global climate change through the use and development of alternative energy sources.

I thank the gentleman for recognizing me.

Mr. KELLER of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT) who is the lead Republican cosponsor of NOPEC and has worked hard on this legislation for 3 years.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 2264, the No Oil Producing and Exporting Cartels Act of 2007.

First, I would like to thank the distinguished gentleman from Michigan, Chairman CONYERS, for his hard work and his leadership on this bill. We have worked together in previous Congresses to move this bill, and I am very pleased to see it moving on the floor here today.

I also want to thank the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Florida (Mr. KELLER) for their leadership in supporting the passage of this legislation as well.

Since last week when we first considered this bill, gas prices have increased another 10 cents to a record level in this country of over $3.27 a gallon. Before heading to the airport to come back here from my district in Cincinnati, just yesterday, I filled up in my 1993 Buick and it was $3.19 in Cincinnati by the University of Cincinnati, $32. And my constituents back home in Cincinnati are very concerned, and rightly so, particularly as we enter the peak summer driving season, which begins this weekend.

I happen to have a tele-town hall meeting where hundreds and hundreds, probably thousands of people in my district were on the line and we were talking about a range of issues, this issue, high gas prices in my district. And as Chairman CONYERS mentioned, the State of Michigan has the highest in the whole country. People are really concerned about this; this is really hitting hard and it is something that we need to deal with in this Congress.

I am very disappointed in the President that this message indicates, whether or not they know how to spell the word "President," that they are going to veto this bill if it is passed. I think we ought to send it to the President and let the chips fall where they may. This is long overdue legislation. I urge its passage.

The other issue, by the way, which was of great interest to my constituents last night in the tele-town hall meeting was, not surprisingly, the immigration issue. We heard the Senate reached an agreement just recently on, in my view, an extremely flawed agreement which is going to be debated over there and then debated over here. Those are the two principal issues my people back in Cincinnati are concerned about.

These continued price hikes take their toll on consumers directly at the gas pump, as well as impacting their everyday lives and raising the cost of things like going to the grocery store or going to work or even planning a vacation. I mean, this is the time when people are deciding whether they are going to take the kids to King's Island up the road from my district in Cincinnati, or if they are going to go to Disney World down in Florida in Mr. KELLER's area. But when you have gas prices at $3.20-plus per gallon, this is not only going to put a damper on vacations and disappointing our kids, but it is significantly going to weigh down this economy.

I think there is no question that if gas prices remain this high, it is going to have a significant impact on the economy. Jobs and other things are at risk.

Passing H.R. 2264 would be a positive first step to allaying concerns that the American public has expressed about these uncontrollable price surges. Over the last decade, it has become alarmingly clear that America is far too dependent on foreign oil to meet our energy needs. Disturbingly, we import, as some of my colleagues have mentioned, more than two-thirds of the oil we consume, much of it from OPEC, and much of it from some of the more unstable areas of the world—Iran, Iraq, Saudi Arabia, Kuwait, the United Arab Emirates, and of course we get some from Nigeria and Venezuela. As Mr. KELLER mentioned, we have down there Mr. Chavez who seems to be following in the footsteps of Fidel Castro. Those are the types of countries that we are depending on for our oil, and that has to change.

At the same time the number of refineries operating in the United States has decreased from over 300, 324 to be exact back in 1981, to fewer than 150, 148 to be exact. So we have cut the number of refineries available in half over that period of time, and we haven't built another oil refinery since 1976, over 30 years ago now.

There is no doubt that we need to focus on both short-term and long-term strategies to address these issues. We need increased domestic production and refining capabilities, and we need to put a stronger emphasis on alternative energy and conservation efforts.

□ 1245

But this strategy to make us less oil-dependent and to put us on more sound footing also has to include breaking up the cartels that play a primary role in manipulating, and I emphasize manipulating, the market. We talk about supply and demand and all that, but OPEC countries are manipulating the supply of oil in the world.

For decades, OPEC nations have conspired, and again I emphasize that, conspired to limit supplies and to drive up prices of imported crude oil, gouging American consumers, in violation of our Nation's antitrust laws. OPEC accounts for more than two-thirds of the global oil production and exports more than 65 percent of the oil traded internationally. Thus, it's abundantly clear that OPEC's influence in the market dominates.

H.R. 2264, as some of my colleagues have already mentioned, attempts to break up this cartel and subject these colluders and their anticompetitive practices to the antitrust scrutiny that they so richly deserve. Specifically, this bill would amend the Sherman Act to make it illegal for foreign countries to collude, to restrain output or fix prices of oil, gas or any petroleum product. In addition, this bill gives the Attorney General the authority to enforce the antitrust provisions against these nations.

Importantly, the bill also anticipates any protected nation defense or immunity that OPEC nations may proffer, specifically exempting them from the Foreign Sovereignty Immunities Act if they are engaged in price fixing, which they clearly are, or other anticompetitive activities with regard to pricing or production or distribution.

This bill is a necessary and appropriate response to deal with those who are not willing to deal fairly with the American consumer. I urge my colleagues to support competition and consumers by supporting H.R. 2264.

And I want to again thank Mr. CONYERS for his leadership in this area. It's far overdue that we pass this act.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the distinguished Judiciary member from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, first of all, I want to thank Chairman CONYERS for doing something and looking at this from a perspective that is thoughtful, that is embracing and that recognizes the largeness of this issue.

Might I just recount for my colleagues that this is a bipartisan bill. Many people have come to the floor of the House or in the Judiciary Committee, some are on Science, some are on Energy and Commerce, but all of them have faced what I face, being stopped in the airport by airport workers, individuals who are hourly wages, and they simply say, we can't take it anymore. As I got on the plane, their last word was, can you do something about the gasoline prices? Today in America, gasoline prices are over $3.20 a gallon—enough is enough!

As we enter into the summer, we are being told that it's going to get worse, higher and higher and higher. The distinguished Speaker said the gentlewoman from Texas. I represent what is known as the energy capital of the world, and what I would encourage the particular companies that I have the privilege of representing, and I have in essence probably voted differently from many in this House in supporting the Energy Policy Act and a number of initiatives that were supposed to help us diversify or help enhance the capacity of our particular companies. They were supposed to help build refinery capacity, which I will tell you is an issue. I was supposed to applaud offshore development in certain areas if it was environmentally safe. We've tried to do everything in order to ensure that we have a strong industry, but that we provide for those who are in need.

This legislation simply gives the Attorney General the authority to find out about an organization. Many of us have friends that happen to be from these particular nations. We are supportive of the engagement of these particular nations in the Mideast. We work with them. We've traveled there. We encourage engagement on the State Department level. We want to be friends, but there has to be a question of whether or not OPEC provides itself insulated against antitrust violations such that they can gouge or raise prices without any recrimination.

This is a thoughtful legislative initiative that gives the Attorney General of the United States the ability to review whether or not this entity violates the antitrust laws.

You must understand that when the oil comes to the United States, even though we may be operators in those foreign countries, some of the named companies that you know, some of the ones that you pull up to the station, the OPEC sets the prices, and therefore, they look at the marketplace to determine how much money they can get out of a suffering Nation or suffering world.

As you well know, one of our trade deficit partners, China, is consuming more oil than one might imagine. That bumps the price up. And who is the victim? The hardworking citizens in this country, whether they live in Houston, Detroit or New York, or whether they are simply trying to get little ones to soccer teams, to after-school programs or to their religious institution. Nobody can get anywhere because of the price.

So I simply, as I draw to a close, want to be able to cite from the report language of this bill: "With control of 40 percent of the world's production, OPEC has substantial influences over the price of oil. OPEC member nations have extensive oil reserves and therefore can readily increase supply and lower prices." That means the OPEC can act for the greater good if they desire to do so.

I think that's simple enough to understand. They can increase supply, they can lower prices, but they're not doing it.

So I would ask my colleagues from all parts of the country to be sympathetic to vacationers, people trying to get to hospitals, mothers and fathers taking children to various places, elderly trying to get to the places of worship, where they go. Just the sheer operation of America is dependent on what we do here today. I can't go home, and I imagine none of you can, without saying we tried to do something.

I close simply by an oral letter to my constituents. You might think that you can ride this out, those of you who are the named and successful operators of our energy industry in the United States. We encourage you, you are American, you have jobs, you are the engine of the economy. We're not your enemy. We are your supporters, but we have to work for the consumers. Come out in the open. Encourage a roundtable of discussion. Let the CEOs of the major companies sit in a roundtable discussion and discuss with the American people why we have this increasing and burdensome cost of gasoline.

Look closely at the legislation that is before us and recognize that it is a valuable piece of legislation that gives authority just for the thoughtful review of how we can do better.

I ask my colleagues to support this particular legislation, H.R. 2264, that, in fact, is an answer to this constant question, what are we going to do about gasoline prices? As Members of the United States Congress, it is imperative that we act. We have to do more. This is a thoughtful piece of legislation that frames the question whether or not a sovereign nation is protected against antitrust violations that impact negatively on the consumer in the United States of America. We have to do this, and we have to do more.

I thank the gentleman from Detroit, from Michigan, the distinguished chairman of the Judiciary Committee, for yielding to this grounded representative of the energy industry in Houston, Texas, who wants to work collectively to get something done for the people of the United States.

Mr. KELLER of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. How much time remains, Mr. Speaker?

The SPEAKER pro tempore (Mr. BERMAN). The gentleman from Michigan has 3½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I thank the chairman for yielding.

I rise in support of H.R. 2264. As I drive around eastern Long Island, an area that is heavily dependent on its economic stability on travel and tourism, it is all too common to see gas prices as high as $3.30 a gallon. I'm reminded of how few influences beyond our shores affect our economic prosperity as much as the supply of oil.

The disappointment we share after 6½ years of failed foreign and energy policies is matched by our frustration that price gouging by oil and gas companies, as well as collusion among foreign governments to restrict the flow of oil to the United States, continue unchecked.

As Thomas Friedman has written in the New York Times, we can't have an effective, forward-looking foreign policy toward the Middle East without a serious energy policy to reduce our dependence on foreign oil. This bill, which empowers the U.S. to legally challenge foreign collusion resulting in price spikes, is a good first step towards that goal.

One of the first resolutions I introduced called on the President to demand OPEC boost oil production, which was also included in the Democratic substitute I was proud to offer to the Energy Policy Act of 2005. Despite a wave of record gas prices that summer, President Bush and the then-majority ignored that call.

Consequently, the surging price of gas continues to hit middle-class families hard while we wait for the administration to produce a foreign and energy policy that finally shrinks our reliance on foreign oil and vulnerability to the whims of oil cartels.

Mr. KELLER of Florida. Mr. Speaker, I'm prepared to close.

Let me just say this. Gas prices are at a record high, and Hugo Chavez is laughing all the way to the bank. Coddling and jawboning leaders like Mr. Chavez of Venezuela has not worked. If you are serious about doing something about OPEC's price-fixing misbehavior, then please vote "yes" on NOPEC and allow us to bring antitrust lawsuits against these oil cartel members for collusion, price fixing and other anticompetitive activities that continue to gouge American consumers.

Mr. Speaker, I urge my colleagues to vote "yes" on NOPEC.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, may I close with this observation. It was in 1978 that the International Association of Machinists and Aerospace Workers sued OPEC under the Sherman Antitrust Act, but the case was rejected because the Court said that OPEC could not be prosecuted under the Sherman Act due to the foreign sovereign immunity protection clause it claimed for its member states.

I'm here to announce on the floor, as modestly as I can, that that decision was in error. Government-owned companies that engage in purely business activities do not warrant sovereign immunity protection according to prevailing legal doctrines, and so what we do in this measure is that we don't start a lawsuit against OPEC. We merely authorize for the first time by law the Department of Justice to, when in their good judgment they choose to be able to do that.

These high prices facilitated by OPEC serve to transfer wealth from Western consumers to petroleum producers, and I have this on the very conservative words of the Heritage Foundation itself. I will insert this in the RECORD at this point.

[From The Heritage Foundation, May 21, 2007]

TIME FOR CONGRESS TO LIFT OPEC'S IMMUNITY

(By Ariel Cohen)

This week, the House is likely to pass the No Oil Producing and Exporting Cartels Act of 2007 (NOPEC, H.R. 2264). This bill, sponsored by Representatives John Conyers (D-MI) and Steve Chabot (R-OH), would allow the federal government to sue the Organization for Petroleum Exporting States (OPEC) for antitrust violations. Similar legislation (S. 879) is pending in the Senate, sponsored by Senators Herb Kohl (D-WI) and Arlen Spector (R-PA). At a time when oil prices are climbing to ever-higher levels, fighting OPEC's anticompetitive practices would be a welcome first step towards reestablishing the free market in this strategically important sector. This is long overdue and points the way toward a second step: allowing private antitrust suits against OPEC.

The Intolerable Status Quo. Since its inception in 1960, OPEC, which is dominated by Persian Gulf producers, has successfully restricted its member states' petroleum production, artificially distorting the world's oil supply to line its members' pockets. Member states' production quotas are determined at semi-annual meetings of members' petroleum ministers and are at times changed through telephone consultations. Several times, this supply-fixing strategy has brought devastation to the U.S. and global economies:

In 1973, OPEC's actions in response to U.S. support for Israel, which was attacked in the Yom Kippur War, resulted in a worldwide economic recession that lasted from 1974 to 1980.

In 1980, OPEC's failure to increase production in the face of the Iranian revolution resulted in historically high oil prices of $81 per barrel (in 2005 dollars).

In 1990, OPEC refused to increase production sufficiently to keep prices stable as Saddam Hussein occupied Kuwait.

Lately, OPEC's resistance to add productive capacity has sent oil prices to $70 a barrel, once again endangering economic growth worldwide.

The cartel's operations ensure that its members' oil and gas economies remain insulated from foreign investment flows. Members of OPEC have not worked to enhance the rule of law and property rights and have imposed severe restrictions to prevent foreign investors from owning upstream production assets (oil fields and pipelines). This is a testament to the cartel's de facto monopoly over the petroleum market. Indeed, the only serious challenge to the organization came in 1978 when a U.S. non-profit labor association, the International Association of Machinists and Aerospace Workers (IAM), sued OPEC under the Sherman Antitrust Act, in IAM v. OPEC. But the case was rejected in 1981 by the U.S. Court of Appeals for the Ninth Circuit. OPEC, the court affirmed, could not be prosecuted under the Sherman Act due to the foreign sovereign immunity protection it claimed for its member states.

That decision was wrong. Government-owned companies that engage in purely business activities do not warrant sovereign immunity protection according to prevailing legal doctrines.

High oil prices, which OPEC facilitates, serve to transfer wealth from Western consumers to petroleum producers. This wealth transfer funds terrorism through individual oil wealth and government-controlled "non-profit" foundations. It also permits hundreds of millions of dollars to be spent on radical Islamist education in madrassahs (Islamic religious academies).

Furthermore, the oil-cash glut in the Gulf states and elsewhere empowers resistance to much-needed economic reform in oil-producing countries. State subsidies for everything from health care to industry to bloated bureaucracy continue unabated, funded by Western consumers.

Congress Gets Into Action. Growing concerns over energy prices have prompted Congress to examine the legal hurdles that prevent the United States from defending its economic and national security interests.

In the early part of 2005, a group of senators led by Senator Mike DeWine (R-OH) introduced the "No Oil Producing and Exporting Cartels Act" (S. 555), known as NOPEC, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

The bill has now returned the Senate calendar. The House and Senate now have a unique opportunity to:

Join forces in defending American businesses and consumers. NOPEC would send a strong and long-overdue signal to OPEC oil barons that they must stop limiting production and investment access.

Allow private suits against OPEC. If OPEC is to be reined in, individuals and companies that it has damaged must also be allowed to bring suits against the cartel. As the International Association of Machinists (IAM) v. OPEC made clear, Congress must amend the Sherman Act to allow these suits. Reform should not begin and with the DeWine-Kohl legislation.

Conclusion. The No Oil Producing and Exporting Cartels Act of 2007 would place much needed pressure on OPEC. It is time for the cartel to cease its monopolistic practices. Otherwise the American People can expect more of the same from OPEC—insufficient production and higher energy bills.

Mr. TIAHRT. I strongly oppose oil-producing and exporting cartels setting artificial limits on the production of oil. Infamous cartels, such as the Organization of the Petroleum Exporting Countries, or OPEC, have manipulated the supply of oil and helped worldwide gasoline prices soar. This harmful collaboration to limit oil production has led to hardships for the American economy.

Unfortunately, Democratic leaders have brought a misguided bill to the House floor this week to supposedly bring an end to cartels such as OPEC. While I support the dismantling of cartels that manipulate oil production, I have serious concerns about negative consequences the United States would face if this bill were enacted.

I rise to oppose H.R. 2264 because of the impact it would have on our national security, trade security and energy security.

If the United States should bring an antitrust lawsuit against an OPEC member country, restrictions could be placed on our ability to station and activate troops in the Middle East. We rely on cooperation from countries that are members of cartels for assistance in the global war on terror. We should carefully consider what retaliatory actions or restrictions these countries could place on the United States if we were to pursue actions authorized in H.R. 2264.

These foreign governments could also levy trade sanctions against American products and businesses or choose to employ another oil embargo like the one that occurred in 1973. By cutting off oil supplies, they could cause gasoline price increases for American consumers. Americans do not want higher gas prices, which is the direction H.R. 2264 could take us.

The Democratic leadership should have waited until the Government Accountability Office is able to study the likelihood of retaliatory actions against the United States and any negative impact those actions would yield if H.R. 2264 became law. American security is not something we should treat glibly.

I urge my colleagues to vote against H.R. 2264. The uncertain impact this bill could have on America's national security, energy security and economic security is not worth risking for hasty passage of a bill that will yield no short-term benefits for the American people.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 2264, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FEDERAL HOUSING FINANCE REFORM ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 404 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1427.

□ 1300

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1427) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, with Mr. PASTOR (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on the legislative day of Thursday, May 17, 2007, a request for a recorded vote on amendment No. 1 printed in the CONGRESSIONAL RECORD by the gentleman from Texas (Mr. NEUGEBAUER) had been postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 16 by Mr. FEENEY of Florida.

Amendment No. 8 by Mr. PRICE of Georgia.

Amendment No. 10 by Mr. SESSIONS of Texas.

Amendment No. 34 by Mr. BRADY of Texas.

Amendment No. 9 by Mr. PRICE of Georgia.

Amendment No. 19 by Mr. DOOLITTLE of California.

Amendment No. 30 by Mr. HENSARLING of Texas.

Amendment No. 1 by Mr. NEUGEBAUER of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 16 OFFERED BY MR. FEENEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. FEENEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. FEENEY of Florida:

Line 16 on page 127, strike the dash and all that follows through line 10 on page 128 and insert the following: "to provide housing assistance, in 2007, for areas affected by Hurricane Katrina or Rita of 2005 and, after 2007, to provide housing assistance for supported rental housing for disabled homeless veterans.".

Page 130, lines 23 and 24, strike "establish a formula to allocate" and insert the following: "provide for the allocation".

Page 131, line, 1 insert "of" before "the".

Strike line 4 on page 131 and all that follows through line 2 on page 132 and insert the following: "The funding shall be distributed to public entities and allocated based on the formula used for the Continuum of Care competition of the Department of Housing and Urban Development."

Page 136, lines 7 through 9, strike "For each year that a grantee receives affordable housing fund grant amounts, the grantee" and insert "Each grantee for 2007 that receives affordable housing fund grant amounts".

Page 138, line 1, strike "the" and insert "any".

Page 138, line 5, before the period insert ", if applicable".

Page 138, line 7, after "grantee" insert "for 2007".

Page 140, after line 6 insert the following:

"Affordable housing fund grant amounts of a grantee for any year after 2007 shall be eligible for use, or for commitment for use, only for rental housing voucher assistance in accordance with paragraph (19) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19).".

Page 140, line 22, strike "or".

Page 140, line 25, after the semicolon insert "or".

Page 140, after line 25, insert the following:

"(E) administer voucher assistance described in the matter in subsection (g) after and below paragraph (3);".

Page 142, line 3, strike "each year" and insert "2007".

Page 142, line 10, strike "each year" and insert "2007".

Page 147, line 20, before "the manner" insert "for each grantee in 2007,".

Page 151, line 15, before "requirements" insert "with respect to affordable housing fund grant amounts for 2007,".

Page 153, strike lines 1 through 3 and insert the following:

"(F) for the grantees for 2007, requirements and standards for establishment, by the grantees, of per-".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 246, not voting 17, as follows:

[Roll No. 386]

AYES—174

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan

Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—246

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Andrews
Baird
Bishop (UT)
Bordallo
Brown, Corrine
DeGette
Diaz-Balart, M.
Faleomavaega
Hunter
Johnson (IL)
Jones (OH)
Kirk
McMorris Rodgers
Putnam
Shays
Souder
Walsh (NY)

☐ 1325

Ms. WATSON and Messrs. CASTLE, PICKERING, BUTTERFIELD, and WICKER changed their vote from "aye" to "no."

Mrs. WILSON of New Mexico and Mrs. MYRICK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Chairman, on rollcall No. 386 I was inadvertently detained. Had I been present, I would have voted "yea."

(By unanimous consent, Mr. BOREN was allowed to speak out of order.)

CONGRESSIONAL SPORTSMEN'S CAUCUS SHOOTOUT

Mr. BOREN. Mr. Chairman, yesterday an historic event occurred. Yesterday, in Prince George's County, the Congressional Sportsmen's Caucus held its annual shootout, and the Democrats were victorious. I want to congratulate my fellow caucus members: MIKE THOMPSON, who is our Top Gun. Overall, COLLIN PETERSON was the top Democrat.

I want to congratulate some Members on the other side of the aisle: Mr. JOHN KLINE, the top Republican.

I want to mention, Mr. Chairman, there was a little bit of confusion yesterday. At the trophy presentation, it was noted that the Republicans had beaten the Democrats by seven shots. It was later found out that there was a mysterious Member who did not actually shoot in the competition on the Republican side; so the trophy was then taken from Congressman RYAN's office to my office, and the Republicans can come visit it and see it often.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT NO. 8 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PRICE of Georgia:

Page 144, after line 19, insert the following:

"(8) ACCEPTABLE IDENTIFICATION REQUIREMENT FOR OCCUPANCY OR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance provided with any affordable housing grant amounts may not be made available to, or on behalf of, any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, personal identification in one of the following forms:

"(i) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

"(I) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

"(II) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109-13; 49 U.S.C. 30301 note).

"(ii) PASSPORT.—A passport issued by the United States or a foreign government.

"(iii) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

"(B) REGULATIONS.—The Director shall, by regulation, require that each grantee and recipient take such actions as the Director considers necessary to ensure compliance with the requirements of subparagraph (A).".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 188, not voting 14, as follows:

[Roll No. 387]

AYES—235

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry

Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Holden
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—188

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortuño
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Pickering
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Baird
Bordallo
Brown, Corrine
DeGette
Emanuel
Faleomavaega
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Olver
Putnam
Shays
Walsh (NY)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

□ 1333

Mr. RUSH changed his vote from "aye" to "no."

Mr. MURPHY of Connecticut changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SESSIONS:

Page 100, after line 17, insert the following new section:

SEC. 136. COST INCREASE DISCLOSURE REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 1330. COST INCREASE DISCLOSURE REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

"(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

"(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that does not meet the requirements under subsection (b); and

"(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that does not meet the requirements under subsection (b).

"(b) DISCLOSURE REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that, before or at settlement on the mortgage, the mortgagor is provided a written disclosure in such form as the Director shall require, clearly stating the dollar amount by which the requirements on the enterprises to make allocations under section 1337(b) to the affordable housing fund established under section 1337(a), if borne by mortgagors on a pro rata basis, could have increased the amount to be paid under the mortgage by the mortgagor over the entire term of the mortgage (in comparison with such amount paid absent such requirements), as determined in accordance with the determination of the Director pursuant to section 1337(o) for the applicable year.".

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

"(g) PROHIBITION REGARDING DISCLOSURE REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

"(d) PROHIBITION REGARDING DISCLOSURE REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) PROHIBITION REGARDING DISCLOSURE REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

Page 144, after line 19, insert the following:

"(8) USE OF AMOUNTS FOR COSTS OF REQUIRED MORTGAGE DISCLOSURES.—Of the amount allocated pursuant to subsection (b) in each year to the affordable housing fund, the Director shall set aside the amount necessary to cover any costs to lenders, mortgagees, and other entities of making disclosures required under section 1330, and shall use such amounts to reimburse lenders, mortgagees, and other entities for such costs. The Director shall by regulation provide for lenders, mortgagees, and other entities to apply for such reimbursements and to identify such costs.".

Page 153, after line 14, insert the following:

"(o) DETERMINATION OF COST INCREASES.—For each year referred to in section 1337(b)(1), the Director shall make a determination, taking into account the results of the study conducted pursuant to section 139(d) of the Federal Housing Finance Reform Act of 2007, if available, and the amount of allocations made under section subsection (b) of this section to the affordable housing fund established under subsection (a), of the amount by which the requirements on the enterprises to make such allocations have increased the amount to be paid by mortgagors under mortgages for one- to four-family residences over the entire terms of such mortgages in comparison with such amount to be paid absent such requirements, expressed as an increased cost per $1,000 financed under a mortgage. The Director shall make such determination for each such year publicly available and shall provide for dissemination of such determination to lenders, mortgagees, and other entities incurring costs of making disclosures required under section 1330.".

Page 153, line 15, strike "(o)" and insert "(p)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 240, not voting 14, as follows:

[Roll No. 388]

AYES—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson

Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger

Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence

Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen

Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry

Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—240

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al

Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George

Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)

Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz

Waters
Watson
Watt
Waxman
Weiner
Welch (VT)

Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Baird
Bordallo
Brown, Corrine
DeGette
Emanuel
Faleomavaega

Hunter
Jones (OH)
Kirk
McMorris Rodgers
Putnam

Radanovich
Shays
Walsh (NY)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

☐ 1338

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. BERKLEY. Mr. Chairman, during rollcall vote amendment No. 388 on the Sessions Amendment on H.R. 1427, I mistakenly recorded my vote as "aye" when I should have voted "no."

AMENDMENT NO. 34 OFFERED BY MR. BRADY OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BRADY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. BRADY of Texas:

Page 130, line 8, strike "75 percent" and insert "70 percent".

Page 130, line 11, strike "25 percent" and insert "20 percent".

Page 130, after line 11, insert the following:

"(iii) The allocation percentage for the Texas Department of Housing and Community Affairs shall be 10 percent.".

Page 130, line 19, after "in connection with" insert the following: "(i) in the case of the grantees specified in clauses (i) and (ii) of subparagraph (A),".

Page 130, line 20, before the period insert ", and (ii) in the case of the grantee specified in clause (iii) of subparagraph (A), Hurricane Rita of 2005".

Page 149, line 16, strike "and" and insert a comma.

Page 149, line 17, before the semicolon insert the following: ", and the Texas Department of Housing and Community Affairs".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 260, not voting 14, as follows:

[Roll No. 389]

AYES—163

Aderholt
Akin
Altmire
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis, David
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
English (PA)
Everett
Feeney
Ferguson
Flake
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Issa
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kuhl (NY)
LaHood
Lamborn
Lampson
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Peterson (PA)
Pitts
Platts
Poe
Porter
Price (GA)
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—260

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gordon
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Renzi
Rogers (AL)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Baird
Bilbray
Bordallo
Brown, Corrine
DeGette
Emanuel
Faleomavaega
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Putnam
Shays
Walsh (NY)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

☐ 1342

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PRICE of Georgia:

Strike line 21 on page 128 and all that follows through line 7 on page 129, and insert the following:

"(2) REQUIREMENTS FOR CONTRIBUTIONS.—

"(A) TIMING.—An enterprise shall not be required to make an allocation for a year pursuant to paragraph (1) unless the Director, pursuant to the study under paragraph (2) for such year, makes a determination that such allocation by the enterprise for the year—

"(i) will not contribute to the financial instability of the enterprise or impair the safe and sound operation of the enterprise;

"(ii) will not cause the enterprise to be classified as undercapitalized;

"(iii) will not prevent the enterprise from successfully completing a capital restoration plan under section 1369C; and

"(iv) will not result in increased costs to borrowers under residential mortgages.

"(B) STUDY.—The Director shall, for each year referred to in paragraph (1)—

"(i) conduct a study to determine the effects on each enterprise of making allocations in such year under such paragraph; and

"(ii) submit to the Congress a report containing the findings of such study and the determinations of the Secretary regarding the issues set forth in clauses (i) through (iv) of subparagraph (A).".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 243, not voting 14, as follows:

[Roll No. 390]

AYES—180

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Porter
Price (GA)
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—243

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Baird
Bordallo
Brown, Corrine
DeGette
Emanuel
Faleomavaega
Honda
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Putnam
Shays
Walsh (NY)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

□ 1347

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. DOOLITTLE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. Doolittle) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. Doolittle:

Page 100, after line 17, insert the following new section:

SEC. 136. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) In General.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 1330. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

"(a) Limitation.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

"(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b); and

"(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b).

"(b) Identification Requirements.—The requirements under this subsection with respect to a mortgage are that the mortgagor have, at the time of settlement on the mortgage, a Social Security account number.".

(b) Fannie Mae.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

"(g) Prohibition Regarding Mortgagor Identification Requirement.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(c) Freddie Mac.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

"(d) Prohibition Regarding Mortgagor Identification Requirements.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(d) Federal Home Loan Banks.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) Prohibition regarding mortgagor identification requirements.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 205, not voting 15, as follows:

[Roll No. 391]

AYES—217

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (NY)
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)

Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McNulty
Melancon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—205

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fortuño
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Baird
Bordallo
Brown, Corrine
DeGette
Emanuel
Faleomavaega
Honda
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Peterson (PA)
Putnam
Shays
Walsh (NY)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1352

Mr. CONYERS changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 30 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. HENSARLING:

Page 153, line 14, after the period insert close quotation marks and a period.

Strike line 15 on page 153 and all that follows through line 6 on page 154.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 263, not voting 19, as follows:

[Roll No. 392]

AYES—155

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wolf

NOES—263

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall

Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Baird
Bordallo
Brown, Corrine
Davis (KY)
DeGette
Emanuel
Faleomavaega
Honda
Hunter
Jones (OH)
Kirk
Larson (CT)
Lewis (CA)
McMorris Rodgers
Meeks (NY)
Putnam
Shays
Walsh (NY)
Watson

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1356

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. NEUGEBAUER:

Page 128, strike lines 18 through 20 and insert the following: "amount equal to the lesser of (A) 1.2 basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year, (B) the number of basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year, which when applied to such average portfolios of both enterprises, results in an aggregate allocation under this paragraph by the enterprises for the year of $520,000,000, or (C) a lesser amount, as determined by the Director, if the Director determines for such year that allocation of the lesser of the amounts under subparagraphs (A) and (B) poses a safety or soundness concern to the enterprise.".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 256, not voting 17, as follows:

[Roll No. 393]

AYES—164

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—256

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Baird
Bordallo
Brown, Corrine
Cole (OK)
DeGette
Emanuel
Faleomavaega
Honda
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Peterson (PA)
Putnam
Shays
Walsh (NY)
Weldon (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1400

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Chairman, I rise in support of passage of H.R. 1427, "The Federal Housing Finance Reform Act."

I believe this legislation is one of the most cost-effective ways to provide cities across the country with desperately needed federal funding so they can construct or renovate housing stock for working families on public housing waiting lists, homeless veterans, homeless Katrina victims, and homeless working families.

I believe that passage of this legislation is a "historic" moment in this Congress, and makes me proud to be a member of this body.

In Detroit, there are thousands of working individuals and families living in homeless shelters or staying with friends and extended family members because they cannot afford the skyrocketing costs of private market housing.

We have a homeless shelter in Detroit where hundreds of veterans live each year, and most are working minimum wage jobs, or work in low to moderate wage employment.

It is a moral outrage that soldiers who have fought in wars and served their country honorably come home to cities like Detroit, only to find out that they cannot afford an apartment or a home.

This bill will help reduce these problems, and provide decent affordable housing to more veterans and working families without raising taxes.

It will also help victims of Katrina who are currently living in hotels or homeless shelters in other cities to return to the Gulf Coast, or remain where they are, because there will be expanded housing opportunities due to passage of H.R. 1427.

Passage of "The Federal Housing Finance Reform Act" will provide billions of dollars to cash-starved cities across the Nation to successfully build new affordable housing units for working families by utilizing existing non-profit housing developers, public housing agencies, and for-profit housing developers.

Passage of H.R. 1427 will help hundreds of thousands of Americans across this Nation who are currently on waiting lists for public housing to be able to get out of homeless shelters and into homes or apartments, since there will now be more federal funding for affordable housing production.

If America is ever to be a great Nation, we must ensure that all Americans, as a basic human right, have decent and affordable housing. Passage of H.R. 1427 will get our Nation on the road to having a real national affordable housing policy, which we currently do not have.

The United States, the wealthiest country in the world, shamefully has one million homeless children, and over 40 percent of those living in homeless shelters are working in jobs. Our current affordable housing problem is building more homeless shelters where there is a lack of affordable housing.

I ask this question Mr. Chairman. How many Members of Congress would want to come home after a hard day's work, and sleep in a homeless shelter? Probably nobody! We need affordable housing for all now.

I urge this body to pass H.R. 1427 with all deliberate speed.

Mr. WELDON of Florida. Mr. Chairman, while I believe that Government Sponsored Enterprise, GSE, reform is absolutely necessary, I cannot support H.R. 1427, the Federal Housing Finance Reform Act, in its current form.

It is important for Congress to promote home-ownership for all Americans by giving citizens access to affordable housing. However, this bill, under the Affordable Housing Fund, AHF, section, requires that GSEs set aside nearly $3 billion over the next 4 years into a special fund. H.R. 1427 essentially represents a $3 billion tax on those seeking to purchase homes. These new fees will simply be passed along to those purchasing homes. I'm not sure how a $3 billion tax increase is going to make homes more affordable. When given the opportunity to ensure that these costs would not be passed along to homeowners, supporters of the AHF voted against the amendment that would have protected homeowners. Clearly, this is designed to be a hidden tax on homebuyers.

This newly created AHF would make grants to states and Indian tribes, which would then make grants to third-party housing-related entities. H.R. 1427 fails to provide adequate oversight of these third-party grantees and the funds could easily fall into the hands of politically motivated groups. Also, while using grant money for lobbying or other political activities is not permitted under the bill, there is nothing preventing groups from displacing their other funds for these activities while still receiving grant money. One such third party group that stands to benefit financially from this new grant program is ACORN. ACORN is notorious for partisan voter registration drives. Allegations of voter fraud have plagued ACORN political activities in Florida, Virginia, Ohio, Minnesota, New Mexico, Missouri, Michigan, Colorado, Arkansas, Wisconsin, and North Carolina. Yet, the Democrats' plan is to create a slush fund to funnel millions of dollars in grants to ACORN and similar partisan groups, freeing up money for partisan political activities.

Adding more layers of bureaucratic waste and pandering to left-leaning groups will not help low-income buyers purchase the homes of their dreams. While we need GSE reform, we should not be forced to sign onto a $3 billion tax on homeowners. There are better, more financially responsible ways to address affordable housing.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise today in support of H.R. 1427, the Federal Housing Finance Reform Act, and commend Chairman BARNEY FRANK for his hard work to develop a comprehensive, bipartisan government-sponsored enterprise, GSE, reform bill.

This legislation will restore accountability by strengthening federal oversight of Fannie Mae, Freddie Mac, and the 12 Federal Home Loan Banks. It will consolidate regulation of the housing GSEs under the Federal Housing Finance Agency, a new, independent agency. The Federal Housing Finance Agency will be authorized to adjust the enterprises' risk-based capitol and even limit the size of their portfolios for a limited time, if necessary to ensure their safety and soundness.

H.R. 1427 also establishes an Affordable Housing Fund, which will be financed by a required contribution from Fannie Mae and Freddie Mac of only 0.012 percent of their total mortgage portfolio each year. The fund will annually contribute approximately $500 million to the construction, maintenance, and preservation of affordable housing.

The Affordable Housing Fund is an important step toward ensuring access to safe, affordable housing for all Americans, regardless of socioeconomic status or geographic region. In its first year, the funds will be used entirely to build much-needed homes throughout the region devastated by Hurricane Katrina. In subsequent years, the grants from the fund will be administered by states, and Minnesota will receive an estimated $6.5 million each year to build affordable housing for the most vulnerable families.

I applaud Chairman FRANK for bringing forward a comprehensive and fair bill. I am particularly pleased that in contrast to last years' efforts, H.R. 1427 does not include language restricting faith-based and nonprofit organizations from receiving affordable housing funds for participation in nonpartisan voter registration and get-out-the-vote activities. Congress should put the needs of American families before political ideology, and this bill does just that.

The Federal Housing Finance Reform Act has the support of the Bush Administration, as well as Fannie Mae, Freddie Mac, numerous other financial institutions, lenders, realtors, housing advocates, and many other housing organizations.

Access to safe and stable housing is a basic need and one that no individual or family should ever be denied. I urge my colleagues to join me in voting for H.R. 1427.

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDEN) having assumed the chair, Mr. PASTOR, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1427) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, pursuant to House Resolution 404, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

Mr. WESTMORELAND. Mr. Speaker, I demand a separate vote on the Neugebauer No. 4 amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment to the amendment reported from the Committee of the Whole?

The Clerk will redesignate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. NEUGEBAUER:

Page 60, line 2, after "posed" insert "to the enterpises".

PARLIAMENTARY INQUIRY

Ms. BEAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. BEAN. Mr. Speaker, is the gentleman from Georgia requesting a recorded revote on the bipartisan Bean-Neugebauer amendment which passed by voice vote last week?

The SPEAKER pro tempore. Does the gentlewoman have a proper parliamentary inquiry?

Ms. BEAN. Thank you, Mr. Speaker. I just wanted to make sure this was the bipartisan Bean-Neugebauer amendment.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 383, noes 36, not voting 13, as follows:

[Roll No. 394]

AYES—383

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fossella
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—36

Baker
Barrett (SC)
Bilbray
Chabot
Deal (GA)
Flake
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Goode
Hensarling
Herger
Hoekstra
Inglis (SC)
Jones (NC)
Jordan
King (IA)
Kingston
Kucinich
Lamborn
Lungren, Daniel E.
McCrery
McHenry
Nunes
Paul
Payne
Pence
Radanovich
Rohrabacher
Royce
Ryan (WI)
Shadegg

NOT VOTING—13

Baird
Brown, Corrine
Carnahan
DeGette
Emanuel
Honda
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Putnam
Shays
Walsh (NY)

☐ 1421

Mr. GINGREY and Mr. KING of Iowa changed their vote from "aye" to "no."

Messrs. CONYERS, ROTHMAN and BLUMENAUER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CANTOR

Mr. CANTOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CANTOR. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cantor moves to recommit the bill H.R. 1427 to the Committee on Financial Services with instructions that the Committee report the same back to the House promptly with the following amendments:

Strike line 16 on page 127 and all that follows through line 10 on page 128 and insert the following: "shall be to offset the costs of providing assistance to individuals and families to increase home ownership for all Americans, especially extremely low- and very low-income families."

Strike line 23 on page 129 and all that follows through line 7 on page 156, and insert the following:

"(c) USE OF FUND AMOUNTS.—The Federal receipts deposited into the affordable housing fund established under subsection (a) shall be available only to offset the cost, for budgetary purposes, of provisions of law enacted after the date of the enactment of the Federal Housing Finance Reform Act of 2007 that—

"(1) provide for the enhancement and continuation of affordable home ownership opportunities related to items such as—

"(A) the construction and rehabilitation of housing in Louisiana, Mississippi, Texas, or Alabama destroyed or damaged in connection with Hurricane Katrina or Rita of 2005;

"(B) reducing the cost of mortgage insurance for residential mortgages; or

"(C) reducing the cost of financing residences for veterans;

"(2) provide affordable home ownership opportunities through provisions such as provisions that expand existing law to reduce the cost of mortgage interest for borrowers under residential mortgages;

"(3) provide affordable home ownership opportunities through provisions such as provisions that expand existing law related to the construction and rehabilitation of housing in Louisiana, Mississippi, Texas, or Alabama destroyed or damaged in connection with Hurricane Katrina or Rita of 2005 to also include construction and rehabilitation of housing destroyed or damaged in connection with other domestic natural disasters, including tornadoes occurring in Alabama, Colorado, Florida, Georgia, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, South Carolina, and Texas and wildfires occurring in California, Florida, Georgia, New Jersey, and New Mexico in 2007; and

"(4) provide affordable home ownership opportunities through provisions such as provisions that expand existing law to reduce the cost of homeowners insurance.".

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. CANTOR. Mr. Speaker, for many hard-working families, the American Dream and homeownership are one and the same, but lately that dream appears increasingly elusive in the face of ballooning costs of homeowners' insurance and rising interest rates on home mortgages. Nowhere is this discomforting trend more profound than in States ravaged by natural disasters.

Today we have the ability to help. Congress can enhance the way the law treats mortgage interest, giving American families more buying power when shopping for their dream home. We can also improve how it treats mortgage insurance, assisting those low-income families generally required to pay this insurance to afford better housing.

The bill, Mr. Speaker, in its current form, however, has a glaring weakness. When it comes to disaster relief, it only names the victims of Hurricanes Katrina and Rita, which would help families stricken by hurricanes in Louisiana, Mississippi and Texas. There are countless Americans beset by the recent tornadoes and wildfires in other parts of the country. Their plight is indistinguishable from those families of hurricane-plagued regions. A disaster befalls an area, home insurance rates skyrocket, and, together with the rise in mortgage interest rates, the American dream of owning a home is dashed.

This motion to recommit sets aside funds for families in districts in Kansas, California, Colorado, Florida, Alabama, Georgia, Louisiana, New Mexico, Oklahoma, South Carolina and Texas.

Mr. Speaker, in the past, the majority has described motions to recommit promptly rather than forthwith as an attempt to kill the underlying bill. In this case, this is categorically incorrect. The minority has in effect been prevented by the Democrat rule from offering this language as a forthwith amendment.

As the majority knows, the housing fund in this bill, section 139 on page 127, is a violation of rule XXI, clause 4, because it is appropriating on an authorizing bill. The Democrat rule waives this rule for the underlying bill, but does not provide a waiver for the motion to recommit or any amendments. Therefore, the minority was given no other option than to offer a motion to recommit promptly and comply with House rules.

Mr. Speaker, this motion is a genuine effort to improve this bill with the language we can all agree on ought to be included. In its current form, the bill is far too vague.

Starting brand new government grant programs to help fund more bureaucracies is not the way to go. Instead, policies that have already worked to create record levels of homeownership are preferable. This recommit inserts new language to offset the cost of subsequent legislation that would enhance, continue and expand policies promoting homeownership, such as the construction and rehabilitation of housing destroyed by natural disasters and wildfires. The motion would provide for programs to enhance, continue, expand policies promoting home ownership by reducing the cost of mortgage insurance, reducing the cost of financing residences for veterans, reducing the cost of mortgage interest and reducing the costs of homeowner insurance.

Mr. Speaker, while the underlying bill does provide that Affordable Housing Fund money can be used to help victims of Hurricanes Katrina and Rita, it is incumbent upon us to recognize the plight of families suffering from natural disasters recently affecting other areas of the country. Families in Kansas, California, Colorado, Florida, Alabama, Georgia, New Mexico, Oklahoma, South Carolina, Texas and Louisiana deserve no less.

I urge my colleagues to support this motion to recommit.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I congratulate the minority for its persistence and tenacity, if nothing else. This will be the 11th time the House has been asked to vote to kill the Affordable Housing Fund since last Thursday. They have, as I have said, taken as their model apparently the TV pitchmen of yore. They have got a machine that slices and dices and cuts and shreds and chops and whatever. They have offered 10 amendments to kill the Affordable Housing Fund. This is number 11.

Mr. CANTOR. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. No, I will not yield, and I will explain why.

☐ 1430

We had an open rule. Any amendment that they wanted to offer could have been offered as long as it met the deadline, which was a very long deadline. Now we have ambush legislation again. There have been 10 tries at this.

Mr. Speaker, if they really wanted this to be debated thoughtfully, it would have been an amendment. It wouldn't have been held back for 5 and 5 with us having only a chance to read it now. It is just one more attempt to kill the bill.

Mr. CANTOR. Will the gentleman yield?

Mr. FRANK of Massachusetts. No, I will not yield, Mr. Speaker. I will not be part of self-ambush. I will say to the gentleman from Virginia, offer an amendment when you have the right to offer an amendment, and we will debate the amendment at length as we debated many of these amendments.

But to play this kind of ambush game, do not expect cooperation.

The gentleman may say, well, it is unfair. We got the last word. That was his choice. The gentleman could have offered the amendment in a fashion that would have allowed a broad debate on it. But they chose to have the benefit of the ambush, but not pay the price of it.

This kills the affordable housing fund. What it says is none of this money goes for rental housing.

By the way, they list a lot of the States. They say "including." It can go to any State; so does the bill as it now stands. The bill as it now stands allows the money to be spent in any State. And the key is this: This amendment, if you take it at face value, I would advise that, but if you do, it kills rental housing.

Now, homeownership is a good thing, but as we have seen from the subprime problem, if you ignore people who should be renting, if you try to shoehorn everybody into homeownership and don't build a single unit of affordable rental housing, and that is what this amendment says, this amendment says none of the funds go to build rental housing, it is all homeownership. Homeownership is useful, but it is not the exclusive answer and we have a problem of people being pushed into it.

Then this says "promptly." Promptly means maybe not, as we know in parliamentary language. We got some explanation why it couldn't be "forthwith."

There are some people who don't like this bill. They don't have the votes to kill it. They have tried every which way to do that.

Mr. CANTOR. Will the gentleman yield on that point?

Mr. FRANK of Massachusetts. Mr. Speaker, will you instruct the gentleman? When it becomes clear that I am not going to yield, this becomes, it seems to me, somewhat unparliamentary.

The SPEAKER pro tempore. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. Thank you, Mr. Speaker.

Mr. Speaker, we debated a long time on Thursday. I had to have my cast rewrapped because I was waving my arm so much. I did become unwrapped, I will tell the House.

But the point is this: We had ample opportunity to debate this with give-and-take. But you cannot, Mr. Speaker, it seems to me, expect to come in at the last minute with a very tough amendment that kills the housing fund that we have already voted on 10 times because it says no rental housing can be built at all under this, says "promptly" rather than "forthwith" for no good reason except they don't like the bill and don't have the votes to kill it, and then says you wouldn't give me a chance to go back and forth.

Yes, the rule did. The rule said that this amendment, if it was a thoughtful attempt to amend the bill, could have been offered as an amendment. Instead, it is held back. No one gets to see it until literally a minute before the debate starts. It is a 3-page amendment. It kills the affordable housing in a very limited debate.

To put this forward under a procedure which Members know limits debate to 5 minutes and 5 minutes, and then to complain that there isn't enough back and forth, Mr. Speaker, that is the equivalent of accusing the Three Stooges of being silly, and I hope the recommital is defeated.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CANTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 182, noes 232, not voting 18, as follows:

[Roll No. 395]

AYES—182

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—232

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Baird
Brown, Corrine
Davis, Lincoln
DeGette
Emanuel
Fossella
Honda
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Mollohan
Payne
Putnam
Sanchez, Loretta
Shays
Walsh (NY)
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1452

Mr. GERLACH and Mr. DENT changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 313, noes 104, not voting 15, as follows:

[Roll No. 396]

AYES—313

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey

Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—104

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Campbell (CA)
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Jo Ann
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pitts
Poe
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—15

Baird
Bishop (UT)
Brown, Corrine
DeGette
Emanuel
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Putnam
Ruppersberger
Shays
Walsh (NY)
Waters
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1459

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. WATERS. Mr. Speaker, on rollcall No. 396, had I been present I would have voted "aye." I returned to the Subcommittee on Crime, Terrorism and Homeland Security to present my bill on "Stop AIDS in Prison."

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 396, I missed the vote on passage. I was chairing a briefing in the Intelligence Committee with NSA. I missed the vote by 30 seconds. Had I been present, I would have voted "yes."

SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1104) to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES.

(a) INCREASE IN NUMBERS ADMITTED.—Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking "as a translator" and inserting ", or under Chief of Mission authority, as a translator or interpreter";

(B) in subparagraph (C), by inserting "the Chief of Mission or" after "recommendation from"; and

(C) in subparagraph (D), by inserting "the Chief of Mission or" after "as determined by"; and

(2) in subsection (c)(1), by striking "section during any fiscal year shall not exceed 50." and inserting the following: "section—

"(A) during each of the fiscal years 2007 and 2008, shall not exceed 500; and

"(B) during any other fiscal year shall not exceed 50.".

(b) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—Section 1059(c)(2) of such Act is amended—

(1) by amending the paragraph designation and heading to read as follows:

"(2) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—"; and

(2) by inserting "and shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4))" before the period at the end.

(c) ADJUSTMENT OF STATUS; NATURALIZATION.—Section 1059 of such Act is further amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

"(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

"(1) was paroled or admitted as a nonimmigrant into the United States; and

"(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act.

"(e) NATURALIZATION.—

"(1) IN GENERAL.—An absence from the United States described in paragraph (2) shall not be considered to break any period for which continuous residence in the United States is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.).

"(2) ABSENCE DESCRIBED.—An absence described in this paragraph is an absence from the United States due to a person's employment by the Chief of Mission or United States Armed Forces, under contract with the Chief of Mission or United States Armed Forces, or by a firm or corporation under contract with the Chief of Mission or United States Armed Forces, if—

"(A) such employment involved working with the Chief of Mission or United States Armed Forces as a translator or interpreter; and

"(B) the person spent at least a portion of the time outside of the United States working directly with the Chief of Mission or United States Armed Forces as a translator or interpreter in Iraq or Afghanistan.".

The SPEAKER pro tempore (Mr. SIRES). Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Translators and interpreters have been crucial to our efforts in Iraq, serving as a critical link between our troops and the Iraqi population. Because of their work for U.S. forces, many of these people have risked their lives and the lives of their families to assist our efforts in Iraq and Afghanistan.

Now they are under serious threat. These translators and interpreters who serve bravely alongside our troops need our immediate assistance. Singled out as collaborators, many are now targets by death squads, militias and al Qaeda.

In Mosul, insurgents recorded and circulated the brutal execution of two interpreters, a stark warning to others who have assisted U.S. forces in the country. U.S. soldiers and embassy employees who have attempted to help their interpreters flee from violence have had to stand by hopelessly as their Iraqi colleagues went into hiding. Often leaving their families behind simply in order to survive.

Congressman JEFF FORTENBERRY came to me with the idea, and I agreed, and we introduced broad, far-reaching legislation on this issue. We are taking up the bill before us today because the Senate already passed this by unanimous consent, and the urgency of the situation requires us to act now.

This legislation will help quickly address this crisis by authorizing up to 500 special visas for Iraqis and Afghanis who put their lives at risk by working with the U.S. military and the U.S. embassy in Iraq and Afghanistan.

We all realize this is not a partisan issue, and I am pleased to have worked with the ranking member of the Judiciary Committee on helping to get this bill before us today. The original special visa legislation included in the 2006 Defense Authorization Act has proved wholly inadequate, authorizing only 50 visas a year, creating a backlog estimated to take 9 years to clear at the current rate.

As of last week, nearly 500 Iraqis and Afghanis have gone through the requisite background checks and have been approved for the visa. Because of the backlog, they are stuck in limbo waiting for a visa that may never come. These people need us to act. The Senate passed this legislation over a month ago, and the administration is supportive of taking this action.

Paula Dobriansky, Under Secretary of State for Democracy and Global Affairs recently said, "We are committed to honoring our moral debt to those Iraqis who have provided assistance to the U.S. military and embassy." Clearly, we owe these people a debt of gratitude. They have risked everything to help us out in Iraq and Afghanistan and the least we can do is help deliver them out of harm's way.

But I tell my colleagues, the magnitude of the broader refugee crisis in Iraq far exceeds anything this bill attempts to resolve. We need to address the wider refugee issue, which has forced over 4 million Iraqis from their homes.

The gentleman from Oregon (Mr. BLUMENAUER) has legislation on this subject, and I think will be speaking to that broader issue. No one should take our efforts to do this now as a notion that that satisfies our obligation on something that we played a part in, creating the situation that led to this.

Let me just add, I see this as an emergency effort. It can't be the last word on this matter. We must do something to deal with the larger refugee issue in Iraq, as I said, and it's very possible that the visas we are discussing in this bill will prove inadequate for this need. Still, I think we need to act now so that the visas are available.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1104 expands an existing program that provides 50 special immigrant visas per year to Iraqi and Afghani nationals who have served as translators for our Armed Forces.

Translators and interpreters would be eligible to petition if they are an Iraqi or an Afghani national, have served with our military for at least 12 months, and receive a favorable recommendation from the unit in which he or she served. Many of us have heard stories about Iraqis who have faithfully served alongside our troops bridging the language divide. They have been a valuable resource for the United States and its allies.

Yet many Iraqi and Afghani translators have faced intense persecution from their communities as a result of serving the U.S. military. It is because of this persecution that the translator visa program was first established. This program allows us to reward those who worked directly for the United States Government in supporting our troops in Iraq and Afghanistan.

S. 1104, as amended in committee, increases the number of special immigrant visas available to translators to 500 per year for the next 2 years. The increase to 500 visas is a direct response to the number of petitions that have been received and approved by the U.S. Citizenship and Immigration Services. Without this increase, many translators will continue to face persecution while they wait in their home country for a visa to become available.

This bill has already been approved unanimously in the Senate, and I urge its passage here today.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate your courtesy in permitting me time to speak on this bill.

Mr. Speaker, I rise in strong support of S. 1104 for all the reasons that have been articulated by my friend from California and my friend from Florida.

Iraq today is the scene of the fastest-growing humanitarian crisis in the world. It rivals only the problems that are being faced in Darfur.

As has been pointed out for one group in Iraq, our moral responsibility is unquestionable to Iraqis whose lives are at risk because they helped the United States. Having cooperated with the United States military, the United Nations, or even a nongovernmental organization, can literally mean a death sentence at the hands of any of the many sides of this civil war. This bill is an important first step, expanding the current limit of the 50 special translator visas to 500.

I became acutely aware of the magnitude of this problem working with a local high school in Portland, Oregon, who were partnering with the members of the Oregon National Guard who had served in Iraq and recently returned, who were trying to bring their former translator to the United States, literally to save this young woman's life. But they kept running into bureaucratic hurdles. It took us months to, thankfully, secure her entry into the United States, where she is safely a college student today in Portland, Oregon.

I have heard the same story over and over again. We should keep faith with those who have served our brave men and women in uniform. This is a basic moral responsibility and a simple issue of fairness.

What we have before us in this bill is a critical first step. But as my friend from California pointed out, it's only the first step. We have 4 million Iraqis who have been driven from their homes and tens of thousands who are at risk because they helped the United States, not just as translators but as drivers and construction workers, NGO support staff.

We are, sadly, failing Iraqi refugees. We have allowed into the United States fewer than 800 since 2003, 69 since this fall, only 1 last month. The Swedish prime minister told me last week that Sweden is going to admit 25,000 Iraqi refugees this year.

I introduced, last week, bipartisan legislation H.R. 2265, the Responsibility to Iraqi Refugees Act to address this ongoing humanitarian crisis by using all of the tools at our disposal, admitting refugees, providing assistance to the region and using diplomacy to ensure their well-being.

It would allow not 50 or 500, but 15,000 Iraqis who are at risk because they helped the United States to come to this country, along with their families. It would establish a special coordinator for Iraqi refugees and internally displaced people, and requires the United States to develop, finally, plans to ensure the well-being and safety of these Iraqi refugees.

It increases the number of persecuted Iraqis who can be admitted as refugees. This legislation has been endorsed by Amnesty International, Church World Service, the International Rescue Committee, Refugees International, the Jubilee Campaign, the Truman National Security Project, and many others.

I strongly urge that we adopt this bill today. But I would implore the Members of this House, regardless of how they feel about the war in Iraq or its future, to join and cosponsor my legislation—broad, ambitious, a comprehensive response to the Iraqi refugee crisis—before it's too late, too late for people whose only crime was working with Americans.

It is also clear that it is not just these Iraqis that we ought to be concerned about. If we cannot keep faith with refugees that the United States has a responsibility for, it sends a very unpleasant message about the reliability of working with us, and, sadly, it sows the seeds for additional instability in the region. With 1 million Iraqis in Jordan, it creates an untenable situation for the long-term stability of that country.

I strongly urge passage of this bill, but I do hope that each of my colleagues will look at the comprehensive legislation that I introduced and determine what they are going to do to stop the fastest-growing humanitarian crisis in the world today.

Mr. KELLER of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. FORTENBERRY), who is the sponsor of the companion House version of this legislation and has been a leader in the House on this important issue.

Mr. FORTENBERRY. I thank the gentleman from Florida. First, I should also thank my distinguished colleague, Mr. BERMAN of California, for his leadership on this important issue, his support and his partnership. I appreciate your efforts.

Mr. Speaker, I rise today to speak about the plight of courageous Iraqi and Afghani translators and interpreters who are assisting our military and our government. Given the vigorous and necessary debate about America's involvement in Iraq, this important humanitarian issue should not be overlooked. It warrants immediate attention as we move toward the stabilization of Iraq.

Every day in Iraq, and Afghanistan, American forces receive critical help, the kind of help essential for progress. An acute sense of duty has led thousands of Iraqis and Afghanis to aid American forces since late 2001.

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Some of these brave men and women have worked alongside our troops providing invaluable assistance serving as translators and interpreters. Although they do not receive much attention, often by design, the translators and interpreters have been instrumental in supporting U.S. military operations. Mr. Speaker, they face mortal danger. They are considered traitors by the terrorist insurgents, and are targets often with bounties on their heads. Many find themselves without secure homes due to their dangerous work. They must conceal and vary their daily routines to preserve their safety. Most do not tell their immediate family about their work.

In 2006, the Defense Department authorization bill established a program that allows translators and interpreters who have worked for the U.S. military for at least 12 months to come to the U.S. on special visas. The program, as we have heard, allows up to 50 visas for Iraqi and Afghani translators each year. But since mid-April of this year, 510 applications have been received, 440 have been approved, 16 denied, and 54 are pending. Under the current cap of 50 allowable applicants per year, it will take until approximately the year 2016 to admit those currently in the queue for entry into the U.S.

To correct this problem, I, in partnership again with my distinguished colleague Mr. BERMAN of California, recently introduced legislation that would increase the annual limit for these visas from 50 to 500. The Senate bill before us today does exactly that for the next 2 years.

I believe it is right and just to offer refuge to those who have risked their own lives to help our troops and our Nation. These translators and interpreters are performing crucial work to assist the United States Government in both Iraq and Afghanistan. They have been invaluable to our efforts in the Middle East. It is my hope that our Nation will provide them the protection and asylum they need in honor of their service to our country and in honor to the commitment that they have made.

Mr. BERMAN. Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield as much time as he may consume to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Florida for yielding to me in a gracious fashion, and I think there is another viewpoint that this Congress should be considering before we bring this to a vote on this suspension bill.

I start out with I believe there are two things wrong with this legislation that is before us here on the floor. The first one is current law limits the numbers to 50 interpreters who could be brought in legally, and we have a great big problem understanding the rule of law here in America.

Now, I haven't received satisfactory answers from the U.S. Citizenship and Immigration Services or the State Department on how it is that, with a statutory limit of 50, and it says no more than 50, how was it that USCIS processed nearly 500 applications on an annual basis; and how was it that the State Department was poised to grant, but prohibited by law from granting, these visas for the interpreters from Iraq?

Now, I join my colleagues in praising and celebrating the brave service to our coalition personnel by the interpreters that have done such a good job in saving probably dozens or hundreds of American lives over there. In fact, I have a personal friend who served as an interpreter, and he carries a scar on his wrist from one of Saddam's henchmen who attacked him for being lined up with our side of this argument. I understand from a very personal basis what kind of risk is there and how their lives are at risk, but I would point out that we have such a thing as the rule of law.

Mr. Speaker, current law said 50. I offered an amendment, and that amendment would have limited the amount of applications that could be processed by USCIS to the statutory limit. It wasn't because I think 50 is the right number, and I don't take a position on whether I think 500 is the right number, but it was because I believe the rule of law is sacrosanct. And if we are going to allow USCIS process up to 500 applications, and then come here to this Congress and say, well, gee, we must have been wrong because we have 500 applicants, not 50; or, we have no choice because it is implicit that we have promised these people that we are going to grant them the visas, how did we make a promise that exceeded Federal law? And what do we do if there are 2,500 the next time the USCIS processes? How do we adhere to the rule of law if we react to people who stretch the limits? The people within USCIS, who I actually don't blame at this point, but we are here trying to keep our word. At the same time, we are ignoring the rule of law.

Those two things don't sit very well with me. That is the number one issue.

And the next issue is something I do think we need to think about, and that is the tactical side of this. This results in not 1,000 new interpreters, but 900, because 500 was the annual limit. So it is 900 over a 2-year period of time. So that is 900 fewer interpreters to save more lives of American and coalition forces. Tactically we need to consider that. We need to understand that someone needs to be there to rebuild Iraq, someone needs to be there to defend Iraq. If 25,000 go to Sweden, that is another 25,000 of some of the finest citizens that will not be there to put Iraq back together.

Our job isn't to bring everybody here to save their livelihood here in the United States. We need to export our way of life; we need to encourage the

Iraqis to rebuild their country. This depletes the resources.

But that is only, Mr. Speaker, my secondary argument. My primary argument is the rule of law. The rule of law should be sacrosanct and shouldn't be violated. And if we are going to pass this legislation, we should have adopted my amendment that limited the applications that USCIS can process to the statutory limit. If we did that, then I would have some confidence that we are going to adhere to the rule of law. As it is, I do not believe we will do that, and I think this turns out to be not probably the last, but the first amnesty bill that might pass off the floor of the 110th Congress. And if we don't have any more respect for the rule of law than we are showing here, then we are reacting to our own bureaucrats that, I will submit, that it is going to be difficult for us to adhere to the rule of law when it is 12 million or 20 million as opposed to 400 or 500 or 900 people.

I think that makes my point, Mr. Speaker. I thank the gentleman from Florida for his consideration and the time to make my case.

Mr. KELLER of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

My friend from Iowa makes interesting arguments, but to some extent undermines those arguments. He says rule of law is important, and, therefore, the committee should have accepted an amendment in the committee to make illegal what folks in our embassies and in our missions did, thereby undermining the argument that in any way there was any law violated.

There was no law against expending funds to process these visas. There were no promises made to Iraqi interpreters and translators they would be guaranteed a visa. But when our folks in the field see a situation developing where the people who have allowed them to do their job, at great risk for their life and limb, are in desperate need for them and their families to essentially be appreciated and rewarded for that life-threatening effort, and they tell their folks that they work for in the Defense Department and in the State Department and the folks in Congress who are dealing with these issues that we need to do something about them, and we respond, that doesn't constitute a promise that no one had authority to make, a violation of the rule or law.

And, by definition, I understand, and we have had many discussions on our immigration issues; in fact, the gentleman and I are both here now rather than at a hearing on the immigration issue. I understand the gentleman has a definition of amnesty which is wider than mine, but I never realized how much wider it was, that a bill that adds to the number of visas that can be given, after background checks and going through the regular process to ensure the security interests that we have before we issue a visa, that a bill that would increase the number of visas for these people who have put themselves in harm's way on behalf of the United States is an amnesty law. This takes that very expansive definition the gentleman has and I think expands it even further.

I yield to the gentleman.

Mr. KING of Iowa. I thank the gentleman, and I ask him for that privilege because I know he is a reasonable individual and very thoughtful on the immigration policy. But I am under the understanding that we are here changing the law almost after the fact to comply with the limitation that has been exceeded in its anticipation by the people who were promised that they would have an opportunity to get a visa if they served the United States in that capacity as interpreters.

Isn't that true?

Mr. BERMAN. Reclaiming my time. I certainly don't know that that is true, and I would be stunned if it were. I would be stunned if our dedicated employees in a very difficult foreign mission or in the military were out promising things they couldn't deliver. I don't think our folks operate like that. I think they were processing applications in case and in the event that we increased the number of visas because the demand was so urgent. The gentleman from Oregon talked about 4 million refugees. We are talking about an infinitesimal subset that worked for us in our campaign efforts in Iraq.

Mr. KING of Iowa. And I thank the gentleman. But for a point of clarity, we are here. We are amending current law because we essentially have a promise we can't keep without amending current law. And that fits within a definition of amnesty, to amend current law, because if we enforce current law, there will be some people that will be penalized by that. And I don't take so much issue on this as I do the law.

Mr. BERMAN. Let me reclaim my time just to respond to that. We have a law that gives 50 visas a year, but the next year it gives 50 more and then 50 more. Is the gentleman suggesting that we should not process any more than the first 50?

There are people who would be allowed the next year and the year after. Why wouldn't you give these visas to the people who were first in line? I know the gentleman loves the sanctity of the line. Give these to the people who are first in line. Why wouldn't we process applications of people who weren't going to get visas that year but the next year? Why 5 years later would you take somebody who hasn't been waiting in line for 5 years and approve their visas?

Mr. KING of Iowa. If the gentleman would yield, I would submit that Congress needs to set the number. And for USCIS to process the applications beyond the statutory number is a waste of resources. But if we believe that we should raise that number, then we should come back and grant that authority to do so.

I see us as reacting to promises that were made that went beyond the limitations of the statute. That is why we have to change the statute today. That could preserve the rule of law and still preserve the numbers that the gentleman is proposing.

Mr. BERMAN. Reclaiming my time. And at this point I think maybe we should end the debate. But no part of Mr. FORTENBERRY's or my motivations for introducing the bill, and I wouldn't speculate on the Senate's motivations, but no part of our motivation was to take the administration out of an embarrassing place where they have been making promises that couldn't be kept.

We thought that justice, fairness, American tradition, and the risks that these people have taken to help our Armed Forces and our diplomats in one of the most difficult, hazardous situations in the world gave them a claim that we should respond to, not a promise made by somebody that we are forced to keep. We wanted them to have these visas. We weren't responding to pressure to take the administration and their people in Baghdad out of an embarrassing situation.

Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 1104, a bill to increase the number of Iraqi and Afghan translators and interpreters who may be admitted to the United States as special immigrants. The bill improves upon an earlier effort made by Congress to address this matter. The intent that underwrites this bill is a noble one, and the improvements it makes to current law are needed. I am concerned, however, by the limited scope of the authorities provided by the bill before us and that is under consideration.

Section 1059 of P.L. 109–163 allows for 50 Iraqi and Afghan translators or interpreters who work in support of United States Armed Forces in those countries to petition the United States Government and be approved for entry into the United States under special immigrant status. The opportunity to immigrate to the United States has proved to be very popular among translators who work with the United States Armed Forces in Iraq and Afghanistan. These individuals are generally the targets of incidences of violence or threats of violence from certain individuals or groups due to their close association with the United States Armed Forces. Reportedly, there is a six year waiting list for the 50 slots authorized by Section 1059 of P.L. 109–163. Unfortunately, Section 1059 of P.L. 109–163 did not provide similar opportunities for translators and interpreters who work with civilian departments and agencies in Iraq and Afghanistan who, like their colleagues who serve alongside the United States Armed Forces, are subject to incidences of violence or threats of violence from insurgents, militias, criminals, and terrorists operating in those countries. S. 1104, the legislation before us today, would expand existing law to authorize 500 special immigrant visas annually for the next two years, and expand eligibility for the visas to include both translators and interpreters working for the Chief of Mission or the United States Armed Forces in Iraq or Afghanistan.

This bill would make useful and important changes to current law. The House Committee on the Judiciary notes in House Report 110–158 that accompanies S. 1104, "that there are potentially dire consequences in delay" of this legislation and that "the Committee chose to consider the Senate-passed legislation in the interest of expediting its enactment." I commend my colleague from Michigan and the Chairman of the House of Representatives' Committee on the Judiciary (Mr. CONYERS), my colleague from Texas and the Committee's Ranking Member (Mr. SMITH), and the members of the Committee for their prompt work toward reporting this legislation for consideration by the full House. Simply put, their efforts on this bill in Committee, and our favorable consideration of this bill on the floor, will directly result in the saving of the lives of some incredibly brave individuals.

But the United States Government can and must do more. We have a moral obligation to do all that we can to protect all of those individuals and their family members who are targeted for death or are subject of acts of intimidation or violence as a result of their employment by, or close association with, United States and Coalition military and civilian personnel operating in Iraq and Afghanistan. While this bill represents progress in this regard, it alone will not completely fulfill this moral obligation.

The Committee notes in House Report 110–158 that, "[i]n approving this bill for expedited consideration, the Committee acknowledges the issues that are left unaddressed." The Committee, in its report accompanying this legislation, comments that, "[t]here appears to be little reason to limit this relief to those serving with our Missions in Iraq and Afghanistan as a translator or interpreter. Iraqis and Afghans are serving in many different functions in aid of our Missions there, and as their lives come under threat as a result, they would seem similarly deserving of our help in delivering them from harm's way." House Report 110–158, furthermore, notes that, "[t]here is also the question of whether these would-be refugees should be granted access to refugee assistance programs promptly once they arrive in the United States." I fully understand and recognize that this is a complicated issue. But it is my hope that comprehensive Iraqi and Afghan refugee legislation can be considered and agreed to by this body in the near future.

I would hope that such comprehensive Iraq and Afghan refugee legislation, at a minimum, would provide the authority for at-risk Iraqi and Afghan individuals and their family members—who serve in any capacity—alongside, in support of, or in close coordination with United States or Coalition military and civilian personnel—to be eligible to petition the United States Government and be approved for entry into the United States under special immigrant status. Specifically, I would hope that such comprehensive refugee legislation would, at a minimum, provide petition authority and approval eligibility for at-risk Iraqis and Afghans who are direct hires of United States Government or Coalition country departments, agencies, and military services; Iraqis and Afghans who work as contractors for, or in support of, United States Government or Coalition country departments, agencies, and military services; Iraqi and Afghan public sector employees or elected members of government who work alongside, or who are closely or commonly associated with, United States and Coalition country military and civilian personnel; and Iraqi and Afghan business owners and operators and laborers who have performed work on construction, service, or other contacts financed by United States Government or Coalition government funds.

Success achieved by United States and Coalition military and civilian personnel in Iraq and Afghanistan to date can be, in part, attributed to the efforts of the local nationals in those countries. Those Iraqis and Afghans, for the most part, believe in democratic, peaceful and prosperous futures for their countries and their families. That is why they choose to stand for election to public office, why they serve alongside United States and Coalition personnel, whether as translators, cultural advisors, or the myriad other roles that these brave individuals perform in support of our missions in those countries, and why they perform work on reconstruction projects financed by the United States Government and the governments of Coalition countries. By doing so, however, they and their family members are exposed to extreme risks.

Here in Washington, DC it is all too easy for us to distinguish between the roles and responsibilities of Iraqis or Afghans who are direct hires of the United States Government and the governments of Coalition countries, Iraqis and Afghans who work on contract in support of United States and Coalition personnel, and Iraqis and Afghans who are employees of their governments. Each has a distinct role and relationship with the United States and Coalition governments and the missions pursued by their personnel. But these distinctions are not similarly considered by insurgents, militias, criminals, and terrorists who wish to do these individuals harm. That is, the enemy does not first review their employment situations and statuses of Iraqis and Afghans, draw distinctions, and then issue threats or conduct acts of intimidation or violence accordingly. The enemy kills, kidnaps, and intimidates "enablers" without discrimination. The Iraqis and Afghans who work alongside our personnel know this reality all too well. Comprehensive legislation to address this issue should, to the best of our ability, not draw distinctions or discriminate either.

S. 1104, as noted by the Committee in its report to accompany this bill, is not a comprehensive response to the problem before our country with respect to Iraqis and Afghans who are at-risk of violence and intimidation as a result of their association with United States and Coalition country departments, agencies, and military services' operating in Iraq and Afghanistan. Nevertheless, I recognize the urgency of enacting the limited reforms to current law contained in the language of this bill; and, therefore, I support its passage. I urge my colleagues to vote "yes" on this bill and to continue to work in support of comprehensive refugee legislation with respect to the service of Iraqi and Afghan nationals.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the Senate bill, S. 1104, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 1615.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ALIEN SMUGGLING AND TERRORISM PREVENTION ACT OF 2007

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2399) to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alien Smuggling and Terrorism Prevention Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) Alien smuggling by land, air and sea is a transnational crime that violates the integrity of United States borders, compromises our Nation's sovereignty, places the country at risk of terrorist activity, and contravenes the rule of law.

(2) Aggressive enforcement activity against alien smuggling is needed to protect our borders and ensure the security of our Nation. The border security and anti-smuggling efforts of the men and women on the Nation's front line of defense are to be commended. Special recognition is due the Department of Homeland Security through the United States Border Patrol, United States Coast Guard, Customs and Border Protection, and Immigration and Customs Enforcement, and the Department of Justice through the Federal Bureau of Investigation.

(3) The law enforcement community must be given the statutory tools necessary to address this security threat. Only through effective alien smuggling statutes can the Justice Department, through the United States Attorneys' Offices and the Domestic Security Section of the Criminal Division, prosecute these cases successfully.

(4) Alien smuggling has a destabilizing effect on border communities. State and local law enforcement, medical personnel, social service providers, and the faith community play important roles in combating smuggling and responding to its effects.

(5) Existing penalties for alien smuggling are insufficient to provide appropriate punishment for alien smugglers.

(6) Existing alien smuggling laws often fail to reach the conduct of alien smugglers, transporters, recruiters, guides, and boat captains.

(7) Existing laws concerning failure to heave to are insufficient to appropriately punish boat operators and crew who engage in the reckless transportation of aliens on the high seas and seek to evade capture.

(8) Much of the conduct in alien smuggling rings occurs outside of the United States. Extraterritorial jurisdiction is needed to ensure that smuggling rings can be brought to justice for recruiting, sending, and facilitating the movement of those who seek to enter the United States without lawful authority.

(9) Alien smuggling can include unsafe or recklessly dangerous conditions that expose individuals to particularly high risk of injury or death.

SEC. 3. CHECKS AGAINST TERRORIST WATCHLIST.

The Department of Homeland Security shall, to the extent practicable, check against all available terrorist watchlists those alien smugglers and smuggled individuals who are interdicted at the land, air, and sea borders of the United States.

SEC. 4. STRENGTHENING PROSECUTION AND PUNISHMENT OF ALIEN SMUGGLERS.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) by amending the subsection heading to read as follows: "SMUGGLING OF UNLAWFUL AND TERRORIST ALIENS.—"

(2) by redesignating clause (iv) of paragraph (1)(B) as clause (vii);

(3) in paragraph (1), by striking "(1)(A)" and all that follows through clause (iii) of subparagraph (B) and inserting the following:

"(1)(A) Whoever, knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly—

"(i) brings that individual to the United States in any manner whatsoever regardless of any future official action which may be taken with respect to such alien;

"(ii) recruits, encourages, or induces that individual to come to, enter, or reside in the United States;

"(iii) transports or moves that individual in the United States, in furtherance of their unlawful presence; or

"(iv) harbors, conceals, or shields from detection the individual in any place in the United States, including any building or any means of transportation;

or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

"(B) Whoever, knowing that an individual is an alien, brings that individual to the United States in any manner whatsoever at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

"(C) A violator of this paragraph shall, for each alien in respect to whom such a violation occurs—

"(i) unless the offense is otherwise described in another clause of this subparagraph, be fined under title 18, United States Code or imprisoned not more than 5 years, or both;

"(ii) if the offense involved the transit of the defendant's spouse, child, sibling, parent, grandparent, or niece or nephew, and the offense is not described in any of clauses (iii) through (vii), be fined under title 18, United States Code or imprisoned not more than 1 year, or both;

"(iii) if the offense is a violation of paragraphs (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and was committed for the purpose of profit, commercial advantage, or private financial gain, be fined under title 18, United States Code or imprisoned not more than 10 years, or both;

"(iv) if the offense is a violation of paragraph (1)(A)(i) and was committed for the purpose of profit, commercial advantage, or private financial gain, or if the offense was committed with the intent or reason to believe that the individual unlawfully brought into the United States will commit an offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under title 18, United States Code, and imprisoned, in the case of a first or second violation, not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years; and

"(v) if the offense results in serious bodily injury (as defined in section 1365 of title 18, United States Code) or places in jeopardy the life of any person, be fined under title 18, United States Code or imprisoned not more than 20 years, or both;

"(vi) if the offense involved an individual who the defendant knew was engaged in or intended to engage in terrorist activity (as defined in section 212(a)(3)(B)), be fined under title 18, United States Code or imprisoned not more than 30 years, or both; and";

(4) in the clause (vii) so redesignated by paragraph (2) of this subsection (which now becomes clause (vii) of the new subparagraph (C))—

(A) by striking "in the case" and all that follows through "(v) resulting" and inserting "if the offense results"; and

(B) by inserting "and if the offense involves kidnaping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such title or imprisoned for any term of years or life, or both" after "or both" ; and

(5) by striking existing subparagraph (C) of paragraph (1) (without affecting the new subparagraph (C) added by the amendments made by this Act) and all that follows through paragraph (2) and inserting the following:

"(2)(A) There is extraterritorial jurisdiction over the offenses described in paragraph (1).

"(B) In a prosecution for a violation of, or an attempt or conspiracy to violate subsection (a)(1)(A)(i), (a)(1(A)(ii), or (a)(1)(B), that occurs on the high seas, no defense based on necessity can be raised unless the defendant—

"(i) as soon as practicable, reported to the Coast Guard the circumstances of the necessity, and if a rescue is claimed, the name, description, registry number, and location of the vessel engaging in the rescue; and

"(ii) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement set forth in clause (i) of this subparagraph is satisfied by notifying the Coast Guard as soon as practicable after delivering the alien to emergency medical or law enforcement personnel ashore.

"(C) It is a defense to a violation of, or an attempt or conspiracy to violate, clause (iii) or (iv) of subsection (a)(1)(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officer of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

"(D) For purposes of this paragraph and paragraph (1)—

"(i) the term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

"(ii) the term 'lawful authority' means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed under those laws and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.".

SEC. 5. MARITIME LAW ENFORCEMENT.

(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

"(b)(1) Whoever intentionally violates this section shall, unless the offense is described in paragraph (2), be fined under this title or imprisoned for not more than 5 years, or both.

"(2) If the offense—

"(A) is committed in the course of a violation of section 274 of the Immigration and Nationality Act (alien smuggling); chapter 77 (peonage, slavery, and trafficking in persons), section 111 (shipping), 111A (interference with vessels), 113 (stolen property), or 117 (transportation for illegal sexual activity) of this title; chapter 705 (maritime drug law enforcement) of title 46, or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), the offender shall be fined under this title or imprisoned for not more than 10 years, or both;

"(B) results in serious bodily injury (as defined in section 1365 of this title) or transportation under inhumane conditions, the offender shall be fined under this title, imprisoned not more than 15 years, or both; or

"(C) results in death or involves kidnaping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such title or imprisoned for any term of years or life, or both .".

(b) LIMITATION ON NECESSITY DEFENSE.—Section 2237(c) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(c)";

(2) by adding at the end the following:

"(2) In a prosecution for a violation of this section, no defense based on necessity can be raised unless the defendant—

"(A) as soon as practicable upon reaching shore, delivered the person with respect to which the necessity arose to emergency medical or law enforcement personnel,

"(B) as soon as practicable, reported to the Coast Guard the circumstances of the necessity resulting giving rise to the defense; and

"(C) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien, as that term is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(3)), into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement of subparagraph (B) is satisfied by notifying the Coast Guard as soon as practicable after delivering that person to emergency medical or law enforcement personnel ashore.".

(c) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) the term 'transportation under inhumane conditions' means the transportation of persons in an engine compartment, storage compartment, or other confined space, transportation at an excessive speed, transportation of a number of persons in excess of the rated capacity of the means of transportation, or intentionally grounding a vessel in which persons are being transported.".

SEC. 6. AMENDMENT TO THE SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of alien smuggling offenses and criminal failure to heave to or obstruction of boarding.

(b) CONSIDERATIONS.—In carrying out this subsection, the Sentencing Commission, shall—

(1) consider providing sentencing enhancements or stiffening existing enhancements for those convicted of offenses described in paragraph (1) of this subsection that—

(A) involve a pattern of continued and flagrant violations;

(B) are part of an ongoing commercial organization or enterprise;

(C) involve aliens who were transported in groups of 10 or more;

(D) involve the transportation or abandonment of aliens in a manner that endangered their lives; or

(E) involve the facilitation of terrorist activity; and

(2) consider cross-references to the guidelines for Criminal Sexual Abuse and Attempted Murder.

(c) EXPEDITED PROCEDURES.—The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

□ 1530

The SPEAKER pro tempore (Mr. SIRES). Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation gives Federal prosecutors and agents stronger enforcement weapons against the most pernicious forms of human smuggling, terrorism-related smuggling and smuggling that results in kidnapping, rape or an attempt to kill.

This bill is based on a provision that has been added into H.R. 1684, the Homeland Security Department Reauthorization Act, in its committee markup. The supporters of that provision agreed to withdraw it from that bill so the Judiciary Committee, the committee of primary jurisdiction, could take a closer look.

The resulting bill amends both 8 U.S.C. 1324, the alien smuggling prohibition, and 18 U.S.C. 2237, the prohibition against failure to heave to, to provide for extraterritorial jurisdiction, increase maximum penalties for serious offenses and clarify the necessity defense that applies to legitimate maritime rescues.

This bill applies not just to human smuggling in the maritime context, but to all cross-border human smuggling. It provides appropriately tough penalties for the kind of serious smuggling offenses I've just described, while distinguishing those from other types of transport such as noncommercial efforts to reunify families. While these practices also violate our immigration laws, they do not fall into the same category of offense, and should not be treated as harshly.

Although the bill streamlines and strengthens the current offense language, it does not abandon existing case law that applies to alien smuggling offenses. For instance, it will remain a violation of Federal law both to bring illegal aliens to the United States and to bring other aliens across the border through places other than those designated as official entry ports. This is especially critical as Congress mandates that the Department of Homeland Security institute biometric entry and exit systems. For an orderly and fair immigration system to work, people must come in through these sites.

The bill also prevents the current list of illegal activities, smuggling, recruiting, transporting and harboring, without adding new activities, such as assisting aliens in their efforts to enter our country. Again, this preserves the distinction between true smuggling and the work of groups such as faith-based organizations, who seek to serve the alien community on humanitarian grounds.

Because this important distinction is preserved, the Judiciary Committee believes the religious activities exception in current law is sufficient, and the bill doesn't expand it. The bill also preserves current law in treating the offense of helping to bring in one's close family members as a misdemeanor.

The bill also establishes for the first time in Federal law that it is illegal to transport persons under inhumane conditions, such as in an engine compartment, a storage compartment or other confined space; or overloaded or intentionally run ashore and grounded at high speed and left to scatter. Those kinds of inhumane practices have resulted in death or serious injury to numerous alien passengers.

Finally, the bill directs the Sentencing Commission to consider providing further sentencing enhancements for particularly egregious offenses. Such enhancements should reach the smuggling of aliens in a life-threatening manner, the abandonment of aliens in the desert or discharging them onto spits of land that will be submerged in a high tide, or those cases that involve the facilitation of terrorism.

I strongly urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise to discuss H.R. 2399, Alien Smuggling and Terrorism Prevention Act of 2007.

Let me address a few basic issues about this legislation. First of all, what is alien smuggling? What is the existing law? What are the changes that we're proposing? And what, if any, are the problems that we need to fix with regard to this issue of alien smuggling?

Well, let's begin with what is alien smuggling. Alien smuggling is the process whereby people often known as "coyotes" take someone from a country like Mexico and sneak them in, often under the cover of darkness, into the United States for an average fee currently of approximately $1,500 per person. It requires specialized skills; and folks often feel that they can't come over, say, from Mexico to California and bypass all the border security agents without having a coyote or alien smuggler to help them. So they often have their family members pay the $1,500 fee.

I wanted to know more about this, so I personally went to the San Diego-Mexico border and spent a week traveling around at 2, 3 in the morning with Border Patrol agents as they arrested illegals and alien smugglers as they came across the border. And I learned from the Border Patrol agents that their biggest frustration is that they have arrested the same alien smugglers more than 20 times. In fact, the agents I met with were so demoralized they had what's called a wall of shame.

And it's hard to see from where you sit, Mr. Speaker, but this is a wall showing over 200 photographs of alien smugglers who they have repeatedly arrested, some of them more than 20 times, such as Antonio Amparo Lopez. And it is currently the law that if you smuggle someone into the United States for financial gain you will be sent to Federal prison for a minimum of 3 years. And yet, agent after agent told me they arrest the same people and they weren't prosecuted by the local San Diego prosecutor.

Well, the existing law, 3 years mandatory minimum if you smuggle someone into the United States. What does this bill do? It keeps the existing law at 3 years for smuggling someone in for financial gain, but adds some newer, stiffer penalties for certain people that you bring in. For example, if a smuggler brings someone in who is a known terrorist, then instead of being a mandatory 3 years in prison, you could be subjected to up to 30 years in prison.

And here is the challenge that I want to talk a little bit about this issue and why it's so important: When Attorney General Gonzales came before the Judiciary Committee on April 6, 2006, I relayed to him the story that I just relayed to you, Mr. Speaker, about the problems with these alien smugglers not being prosecuted. I happen to have a transcript, and I said on April 6 to the Attorney General, "The pathetic failure of your U.S. attorney in San Diego to prosecute alien smugglers who have been arrested 20 times is a demoralizing slap in the face to Border Patrol agents who risk their lives every day. It also undermines the credibility that you and President Bush have when you talk tough about enforcing laws. And it renders meaningless the laws this Congress passes to crack down on alien smugglers."

Then I asked him, "What, if anything, will you do to see that the U.S. attorney in San Diego prosecutes these alien smugglers, at least those that have been repeatedly arrested by Border Patrol agents?"

This is what the Attorney General said: "I'm aware of what you're talking about with respect to the San Diego situation and we are looking into it. We're asking all U.S. attorneys, particularly those on the southern border to do more, quite frankly. We need to be doing more.

"But the U.S. attorneys along the southern border tell me that the existing law regarding alien smugglers could be tighter. There is a discussion and debate now about what the language should be. No one wants to prosecute those who are engaged in Good Samaritan activities. We are looking into the situation in San Diego, and we are directing that our U.S. attorneys do more because you're right; if people are coming across the border repeatedly, particularly those who are coyotes and they're smugglers or they're criminals or felons, they ought to be prosecuted."

Now, I bring this up because there happen to be a few of us in Congress, and I happen to be one, who are pretty familiar with this issue of alien smuggling, familiar enough, having been there and talked with the Attorney General, talked with the Border Patrol agents. But we didn't have any input to this legislation.

I have the bill before us that we are debating. This is the last version, the one we're debating on. And the date on it is May 22, at 1:35 p.m. It is now 3:40 p.m. It's as thick as a small town phone book, and yet we've only had it for a couple of hours. There have been no hearings. No subcommittee markup. No full committee markup.

Now, I'm not someone who usually gets up and complains about process, but this is an example where someone like me and others of the committee could have been quite helpful if we had had hearings, could have had a markup. There are a couple of major flaws in this bill that I'll talk about. And I say this in good spirit. I'm going to actually vote for this bill because I think your intentions are correct. But let me just give you two examples.

First, if you help smuggle in a terrorist, you can go to jail for up to 30 years. Under the language of this bill, you have to show that the smuggler knew that the person was a terrorist and knew that he intended to engage in terrorist activities.

Now, you don't have to be Johnny Cochran to successfully defend a defendant in that particular case. The standard is just almost impossible for a prosecutor to prove. For example, let's say that you have Mohammad Atta on the stand, and he's just been detained by a Border Patrol agent and we want to apply this new provision.

If I was the defense attorney, my first question to the Border Patrol agent would be, Mr. Border Patrol Agent, you've arrested my client. You want to send him to prison for 30 years. Did Mr. Atta show you his al Qaeda ID card? No? Did Mr. Atta show you the picture that he has with Bin Laden and his family? No? Did he show you some videotape showing him on the monkey bars in the Afghanistan training camps? No? Well, if not, how do you know with mathematical certainty that this guy is a terrorist?

It's almost impossible to prove.

That's an example of something we could have fixed during the markup, saying, if you brought this person into the country for financial gain and he's a member of the terrorist watch list, we're going to give you an enhanced sentence up to 30 years. But we didn't have that chance because there was no markup.

Another thing that's flawed is, it doesn't fix the Good Samaritan exception. There's language in this bill that talks about Good Samaritans. Specifically, it says it is a defense, if you are arrested for a religious organization or one of its members to provide room, board, travel, medical assistance or other basic living expenses. That's the situation of a nun, for example, helping someone who's going to die out there in the 110-degree heat. We all believe that that should be provided.

But I read you the transcript of the Attorney General; he said, because this Good Samaritan exception needs to be tightened, and it does. For example, under this law, because you didn't talk with us about fixing it, if you are a member of the Red Cross or you're a member of the United Way, which is not religious affiliated, you could still be prosecuted.

Now, none of us wants that to happen.

My point is, as this bill moves forward, I'm willing to support it because I support the intent behind it. I support getting tough with alien smugglers. But the bottom line is, we need to fix this in conference. We need to work with Republicans and Democrats to include our input to make sure that at the end the day we have a much better bill that we can be proud of.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana, the sponsor of the legislation, Mr. HILL.

Mr. HILL. Mr. Speaker, I want to thank Chairman CONYERS and Chairman THOMPSON and Chairman OBERSTAR for working with me to draft this legislation. The staff has been extremely helpful, and I'm very pleased with the outcome of this bill.

The Alien Smuggling and Terrorism Prevention Act would provide all levels of law enforcement with the tools they need to detain those who knowingly bring illegal aliens into our country.

Additionally, it would provide prosecutors and judges with clear proof and sentencing guidelines. The bill also significantly enhances penalties for illegal alien smuggling. The crime is raised from a misdemeanor to a felony under this bill.

It is estimated that there are currently more than 20 million illegal immigrants in this country. The cost of illegal immigration to our health care system, public education system, prison system and social services continues to rise without any sign of stopping or slowing.

We must reform our immigration system to make it more efficient and effective. This bill is the first step towards doing so.

☐ 1545

It concentrates on easing the job of law enforcement, and it is my hope that this bill will act as a deterrent for illegal-alien smugglers.

In addition to this bill, Congress must enact tough, comprehensive immigration reform that does not award illegal aliens with amnesty. We need to make sure that employers who hire illegal aliens are punished, and we need to strengthen our border security.

At the same time, however, we must remember that legal immigration has served America well. America was built by hardworking people from all over the world. Many of them played by the rules and prospered while helping to build a stronger America, and our national immigration policies must reflect this reality. As long as immigrants enter our country legally, abide by our laws, and work hard to strengthen our communities, I believe they have a right to live in this Nation.

But the personal safety and well-being of all citizens, as well as the security of U.S. jobs, are my chief concern. Therefore, I strongly urge passage of H.R. 2399, the Alien Smuggling and Terrorism Prevention Act.

Mr. KELLER of Florida. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield 2 minutes to the chairman of the Homeland Security Committee, the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. I appreciate the yielding of the time.

Mr. Speaker, I rise in strong support of the Alien Smuggling and Terrorism Prevention Act of 2007.

During consideration of the Homeland Security authorization bill earlier this month, I made a commitment to my colleagues that the House would have the opportunity to vote on maritime smuggling legislation. I am pleased to have been able to work with the Judiciary and Transportation Committees to craft this critical homeland security legislation. It addresses not only alien smuggling at sea, but also alien smuggling by land and air.

Specifically, the Alien Smuggling and Terrorism Prevention Act includes tough new penalties for those who recruit, encourage, transport, or shield from detection aliens who cross our land, maritime, or air borders illegally. These enhanced penalties are essential to discouraging criminals from building tunnels in remote parts of the desert to smuggle aliens across our borders.

We know that the same people that smuggle drugs into our country are ready and willing to smuggle individuals who would do us harm. In fact, in January we learned of a plot to smuggle about 20 would-be terrorists into the United States from Mexico for $8,000 a head. The drug dealers called them "Osama's guys."

The bill requires that interdicted smugglers and aliens be run against all available terrorist watch lists. This is an important step in protecting America from terrorists.

I would especially like to commend the gentleman from Indiana (Mr. HILL) for authoring this commonsense enforcement legislation. He is to be commended for his commitment to border security.

Again, Mr. Speaker, I thank my colleagues for working together on this important legislation and urge all Members to give it their support.

Mr. KELLER of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Mr. Speaker, I rise today in strong support of my friend Mr. HILL's bill to get tough on criminals who undermine our Nation's safety.

Mr. Speaker, the Alien Smuggling and Terrorism Prevention Act is a commonsense bill whose time is overdue. This legislation clarifies current law and would more severely punish those criminals who smuggle illegal aliens into our country, lengthening the amount of time they would have to be imprisoned and providing strong new sentences for those who assist terrorists.

Mr. Speaker, Mr. HILL's bill recognizes that there must be real penalties for people who break our laws. When it comes to our immigration policies, we first need to prove to Americans that we can secure our borders against intruders and provide strong enforcement of existing laws. We need to get law enforcement and Federal agents all the tools they need to do their jobs effectively.

We should provide the resources and technology our businesses need to better verify the citizenship of potential employees and crack down on employers who knowingly flout workplace laws. We must not provide amnesty for those who have broken our laws. And, Mr. Speaker, I regret that the recent proposal on comprehensive immigration reform in the Senate does not appear to have passed these tests.

I strongly urge my colleagues today to vote for H.R. 2399.

Mr. KELLER of Florida. Mr. Speaker, I ask my colleagues to vote "yes" on this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I only want to make two points. The gentleman from Florida gave a discussion about the legislation and put it into the context of the Southern District of San Diego, and I just did want to note for the record that the Department of Justice that decided to recommend the U.S. attorney's termination had commended her specifically for her handling of immigration cases.

And the second point I guess I wanted to make on this issue was would it be that the people in charge had ensured that the offices most impacted by illegal immigration and by illegal alien smuggling and those districts on the border of this country had been given the resources to the Justice Department disbursed to the U.S. Attorney's Office so they weren't held under hiring freezes and constrained to try to deal with an enormous issue with a very limited number of prosecutors.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 2399, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 214, by the yeas and nays;
H.R. 2264, by the yeas and nays;
S. 1104, by the yeas and nays;
H.R. 2399, by the yeas and nays;
H.R. 1722, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PRESERVING UNITED STATES ATTORNEY INDEPENDENCE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 214, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 214.

The vote was taken by electronic device, and there were—yeas 306, nays 114, not voting 12, as follows:

[Roll No. 397]

YEAS—306

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Fortenberry
Frank (MA)
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—114

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Duncan
Everett
Feeney
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gingrey
Gohmert
Granger
Graves
Hall (TX)
Hastert
Herger
Hoekstra
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Marchant
McCarthy (CA)
McKeon
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (SC)

NOT VOTING—12

Baird
Berkley
Brown, Corrine
DeGette
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Putnam
Shays
Walsh (NY)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1623

Mrs. SCHMIDT, Mrs. BLACKBURN, Mrs. CUBIN, Mrs. BONO and Mrs. MYRICK and Messrs. BURGESS, NEUGEBAUER, BARRETT of South Carolina, REHBERG, CALVERT, ALEXANDER, ROGERS of Kentucky, LATHAM, BACHUS, ISSA, LEWIS of Kentucky, FOSSELLA, PITTS, BARTON of Texas, CRENSHAW, BROWN of South Carolina, EVERETT, BONNER, PICKERING, ROGERS of Alabama, BOOZMAN, PEARCE, TURNER, ADERHOLT, WAMP, WHITFIELD and FRELINGHUYSEN changed their vote from "yea" to "nay."

Mr. WALBERG and Mr. STEARNS changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2264, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 2264, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 345, nays 72, not voting 15, as follows:

[Roll No. 398]

YEAS—345

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth

Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—72

Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blunt
Boehner
Boren
Boustany
Brady (TX)
Burton (IN)
Calvert
Cannon
Coble
Cole (OK)
Conaway
Costa
Cubin
Cuellar
Deal (GA)
Doolittle
Dreier
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Granger
Hastert
Hastings (WA)
Hensarling
Hoekstra
Hulshof
Issa
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McKeon
Miller, Gary
Neugebauer
Nunes
Paul
Pence
Pitts
Poe
Price (GA)
Radanovich
Renzi
Rohrabacher
Sali
Sessions
Shadegg
Simpson
Smith (NE)
Snyder
Tancredo
Terry
Tiahrt
Walberg
Westmoreland
Young (AK)

NOT VOTING—15

Baird
Berkley
Brown, Corrine
DeGette
Hobson
Hunter
Johnson (GA)
Jones (OH)
Kirk
McMorris Rodgers
Pryce (OH)
Putnam
Shays
Tiberi
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1630

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES

The SPEAKER pro tempore (Mr. SNYDER). The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 1104, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the Senate bill, S. 1104, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 8, not voting 12, as follows:

[Roll No. 399]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt

Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—8

Deal (GA)
Gingrey
Goode
King (IA)
Kingston
Paul
Tancredo
Whitfield

NOT VOTING—12

Baird
Berkley
Brown, Corrine
DeGette
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Putnam
Shays
Sullivan
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1637

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes.".

A motion to reconsider was laid on the table.

ALIEN SMUGGLING AND TERRORISM PREVENTION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2399, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 2399, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, answered "present" 6, not voting 14, as follows:

[Roll No. 400]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—6

Becerra
Clay
Ellison
Grijalva
Kucinich
Schakowsky

NOT VOTING—14

Baird
Berkley
Brown, Corrine
DeGette
Hodes
Hunter
Jones (OH)
Kirk
Larson (CT)
McMorris Rodgers
Putnam
Shays
Sherman
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1643

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEONARD W. HERMAN POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1722, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1722.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 401]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Baird
Berkley
Brown, Corrine
DeGette
Gohmert
Hunter
Jones (OH)
Kirk
McGovern
McMorris Rodgers
Peterson (PA)
Putnam
Radanovich
Shays
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1649

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. ROGERS of Michigan. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution I noticed on May 21, 2007.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 428

Whereas the Code of Official Conduct provides that a Member "may not condition the inclusion of language to provide funding for a Congressional earmark . . . on any vote cast by another member";

Whereas Chairman Reyes filed the Report to accompany the bill H.R. 2082, the Intelligence Authorization Act for Fiscal Year 2008;

Whereas the report states that, with respect to the requirements of clause 9 of House Rule XXI, "The following table provides the list of such provisions included in the bill or report," and includes a table of 26 items identifying "Requesting Member," "Subject," and "Dollar Amount (in Thousands)";

Whereas the referenced table includes an item denoted as: Requesting Member, Mr. Murtha; Subject, NATIONAL INTELLIGENCE PROGRAM COMMUNITY MANAGEMENT ACCOUNT—National Drug Intelligence Center; Dollar Amount, $23 million;

Whereas the Gentleman from Michigan, Mr. Rogers, offered and voted for a motion to recommit the bill to change the provisions of the aforementioned Murtha earmark during its consideration in the House;

Whereas as a result of Mr. Rogers' motion and vote on the Murtha earmark, the Gentleman from Pennsylvania, Mr. Murtha subsequently threatened to withdraw support for earmarks providing funding for projects located in the Gentleman from Michigan's district;

Whereas on May 17, 2007, in the House Chamber, the Gentleman from Pennsylvania stated, in a loud voice words to the effect, to the Gentleman from Michigan as a result of offering and voting for the motion to recommit, "I hope you don't have any earmarks in the defense appropriation bill because they are gone and you will not get any earmarks now and forever.";

Whereas the Gentleman from Michigan responded, in words to the effect, "this is not the way we do things here and is that supposed to make me afraid of you?";

Whereas the Gentleman from Pennsylvania raised his voice, pointed his finger and stated, in words to the effect, "that's the way I do it.";

Whereas the gentleman from Pennsylvania (Mr. Murtha) is the ninth most senior member of Congress, whose seniority ranks him over 426 of his 433 colleagues in the House;

Whereas the gentleman from Pennsylvania chairs the Appropriations Subcommittee on Defense;

Whereas the gentleman from Pennsylvania (Mr. Murtha), the second-ranking and second longest serving Democrat on the Appropriations Committee, has been described in numerous media accounts as a master of the legislative process and an expert on earmarks; and

Whereas the gentleman from Pennsylvania (Mr. Murtha) has stated that he is a former member of the House Committee on Standards of Official Conduct, whose members are among the most knowledgeable in the House concerning the ethical obligations of Members of Congress: Now, therefore, be it

Resolved, That the Member from Pennsylvania, Mr. Murtha has been guilty of a violation of the Code of Official Conduct and merits the reprimand of the House for the same.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 189, answered "present" 13, not voting 11, as follows:

[Roll No. 402]

AYES—219

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—13

Barrett (SC)
Bonner
Delahunt
Gilchrest
Green, Gene
Hastings (WA)
Jones (NC)
Kline (MN)
Matheson
McCaul (TX)
Roybal-Allard
Shuler
Snyder

NOT VOTING—11

Baird
Berkley
Brown, Corrine
DeGette
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Putnam
Shays
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on the vote.

☐ 1710

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1100, CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY REVISION ACT OF 2007

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–165) on the resolution (H. Res. 429) providing for consideration of the bill (H.R. 1100) to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SENATE AMNESTY BILL IS DOA IN FLORIDA'S FIFTH DISTRICT

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, when I was a child and I misbehaved, my mother would give me a stare that could curdle milk. Believe me, when I saw that stare, I knew how angry she was.

Well, after reading the Senate amnesty giveaway plan, I now know how to give that same look, and so do my constituents. Rather than doing what the American people want, securing our borders, the Senate has thrown open the barn doors and given away the farm.

Our Nation already faces huge deficits in Medicare, Medicaid and Social Security. Now the Senate and President Bush want to give away to anywhere from 12 to 20 million illegal immigrants the possibility to get welfare benefits, Social Security and Medicare.

My constituents back home in Florida work hard each and every day to pay their taxes and to keep America strong. In contrast, the Senate amnesty plan rewards illegal behavior and gives away our constituents' hard-earned Social Security and Medicare dollars.

Listen up, America. The Senate amnesty plan is a tax amnesty bill. This is bad legislation.

THIS HOUSE IS FALLING DOWN AROUND THE MAJORITY'S PROMISES

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, I didn't have planned remarks, but then again, I didn't think what we just witnessed would take place today.

We had heard for 1½ years, 2 years, that if the Democratic Party got the majority in this House, we would have the most bipartisan Congress ever. We were told there would be no earmarks if the Democratic majority took control of this House. There would be all love and affection.

Well, of course, we saw how procedural rules went early this year, had things crammed down our throats, no chance for amendments, no participation, no committee involvement. Then we have a threat, an unrefuted allegation of a threat over earmarks. Unbelievable.

This party that was going to be so bipartisan will not even let discussion take place over whether or not a threat occurred. This House is falling down around the majority's promises.

□ 1715

IMMIGRATION REFORM

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, let me just for a moment talk about where we are at this point with immigration reform, as from my observation I see the Senate has done some of the work. It negotiated the bill that they will then bring before their house, and further negotiations will take place, and bill amendments will be made to that legislation. Ultimately they will pass a bill on immigration reform in their house.

We will then have an opportunity on our side to do a similar measure. It will be different from the Senate when they go to conference. In that conference, hopefully we will be able to get to a bill we can all agree upon, we can send to the President, and the President can sign into law.

Let's not rush to judgment on what that legislation will be. This bill is not going to be amnesty. This bill is going to be one that will secure our borders, that will create a virtual fence, one that will address the issues of illegal immigration, but also address the issue of the 12 million undocumented, those who find themselves in illegal status here in the United States today. The human element is as much an important part of how we move forward to deal with this issue, and I hope that all my colleagues keep an open mind as the debate moves forward.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COURTNEY). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORTING THE PRESUMPTION OF INNOCENCE FOR ACCUSED MARINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, only those who have been to war can truly understand the hell of war. I have not been to war, but I know enough to understand that when our men and women are in harm's way, we should be respectful of the extreme dangers they encounter. Most of us cannot imagine the stress that those in uniform undergo when they have to make a split-second decision as to whether to fire or be fired upon, to kill or be killed.

Recently in Afghanistan, the vehicle convoy of U.S. Special Operations marines stationed at Camp Lejeune was struck by a suicide bomber during an ambush. After the incident, why I do not know, an Army official felt compelled to speak out in the press. Whether intentionally or not, this Army officer implicated the marines in the killing of Afghanistan civilians by stating, "Americans have killed and wounded innocent Afghan people."

His comments were irresponsible and without respect for his fellow comrades. The four branches of the military are a family. No one in the military family should be in the newspapers criticizing a fellow member of that family who has been faced with death. And, because of his comments to the press, these marines have been publicly indicted as indiscriminate killers.

Mr. Speaker, President Theodore Roosevelt once said, "A man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards. More than that no man is entitled, and less than that no man shall have."

To ensure due process for these marines, all military officials should refrain from making public comments or expressing their opinions about the incident until the investigation is complete and all the facts are verified. Mr. Speaker, our military servicemembers, the military family, and certainly these marines deserve no less.

MEMORIAL DAY: ROLL CALL OF THE FALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Memorial Day will soon be upon us. Eighteen soldiers from southeast Texas and troops have given their lives in Iraq. These are their photographs over here to my left, all 18 of them. These are the names of those warriors, the roll call of the fallen:

Staff Sergeant Russell Slay, United States Marine Corps, age 34. He was killed on November 9, 2004. He is from Humble, Texas. When Russell told his mother he was joining the Marine Corps after high school, he told her that he knew she would not like it, but he joined anyway to serve his country.

Lance Corporal Wesley Canning, United States Marine Corps, age 21, killed November 10, 2004. He is from Friendswood, Texas. He always wanted to be a marine and had the ambition to serve for 20 years. He was a proud Texan, and when he was home on leave, he bought a new pickup truck so he could show his marine buddies his "Don't Mess with Texas" bumper sticker.

Lance Corporal Fred Lee Maciel, United States Marine Corps, age 20, killed January 26, 2005. He was from Spring, Texas. He was killed in a helicopter crash in al-Anbar province on his way to begin security preparations for the historic Iraqi elections. Four days later I was in Iraq to witness those successful elections. Lance Corporal Maciel made them possible.

Private First Class Wesley Riggs, United States Army, age 19, killed May 17, 2005, from Baytown/Beach City, Texas. He graduated in just 3 years from high school, and he loved agriculture.

Sergeant Bill Meeuwsen, United States Army, age 24, killed November 23, 2005, from Kingwood, Texas. He went to Texas A&M, but he dropped out of school and enlisted in the Army as a result of 9/11.

Lance Corporal Robert Martinez, United States Marine Corps, age 20, killed December 1, 2005, from Cleveland, Texas. He dreamed of getting a degree in education and becoming a baseball coach after his career in the Marines was over. Today, there is a post office in Cleveland, Texas, named in his honor.

Staff Sergeant Michael Durbin, United States Army, age 27, killed January 25, 2006, from Houston, Texas. He was a gifted artist. The day he was killed, he called his wife to tell her that he loved her.

Tech Sergeant Walter Moss, Jr., United States Air Force, age 37, killed on March 30, 2006, from Houston, Texas. He joined the Air Force after high school, and he served in Operation Desert Storm. He specialized in detecting and defusing makeshift bombs. He was killed while defusing an IED.

Private First Class Kristian Menchaca, United States Army, age 23, killed June 16, 2006, from Houston, Texas. When he joined the Army, Kristian wanted to become an infantryman. Kristian's wife stated that being in the military was what he always wanted to do. He was kidnapped and murdered by enemy forces.

Staff Sergeant Ben Williams, United States Marine Corps, age 30, killed June 20, 2006, from Orange, Texas. He joined right after high school, and he served his country for 12 years and was on his third duty in Iraq when he was killed.

Lance Corporal Ryan Miller, United States Marine Corps, age 19, killed September 14, 2006, from Pearland, Texas. He was a third-generation marine, and he graduated early so he could enlist and follow his father's and grandfather's footsteps. After his tour of duty was over, he wanted to become a Houston police officer, just like his mom and dad.

Staff Sergeant Edward Reynolds, Jr., United States Army, age 27, killed September 26, 2006, from Port Arthur, Texas. He was looking forward to his New Year's Eve wedding date with his new fiancee, and he was the man that pushed his friends to succeed.

Captain David Fraser, United States Army, age 25, killed November 26, 2006, from Spring, Texas. He attended West Point Military Academy, where he graduated as the top student in civil engineering.

Lieutenant Colonel Luke Yepsen, United States Marine Corps, age 20, killed September 14, 2006, from Kingwood, Texas. He attended Texas A&M after high school, but he dropped out to enlist in the United States Marine Corps.

Specialist Dustin Donica, United States Army, age 22, December 28, 2006, from Spring, Texas. When he was asked why he joined the United States Army, he said, "Most people my generation want something for them, but I want to give something back."

Specialist Ryan Berg, United States Army, age 19, killed January 9, 2007, from Sabine Pass, Texas. He joined the Army on his 18th birthday, and he was the first soldier from Sabine Pass killed in Operation Iraqi Freedom.

Staff Sergeant Terrance Dunn, United States Army, age 38, killed February 2, 2007, from Atascocita, Texas. He enlisted in the Army several years after high school, and to his fellow soldiers he was known as "Dunnaman," because he could get anything done.

And lastly, Mr. Speaker, Lance Corporal Anthony Aguirre, United States Marine Corps, age 20, killed February 22, 2007, from Channelview, Texas. He entered the Marines because it was the toughest branch in the military.

Mr. Speaker, these are the few, the bold, the brave, the courageous, the Americans. These are the sons of southeast Texas who have fallen in battle for their country.

And that's just the way it is.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1427, FEDERAL HOUSING FINANCE REFORM ACT OF 2007

Mr. VAN HOLLEN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1427, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

THE REVEREND JERRY FALWELL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOODLATTE. Mr. Speaker, I rise tonight to honor the memory of my constituent and my friend, the late Rev. Jerry Falwell.

Last week, the city of Lynchburg, the Commonwealth of Virginia, and the entire country lost one of our dearest sons in the passing of Rev. Falwell. Today Dr. Falwell was laid to rest. I am sad that business here in Washington kept many of us from being able to attend today's services, but since we were unable to attend, we have joined here tonight to pay homage to this great leader.

Dr. Falwell's legacy is one that will not soon be forgotten. He was a man whose strong faith and vision were unshakable. He lived his life trying to strengthen the moral fabric of our great Nation.

In his crusade to strengthen family values, he was a frequent visitor to Washington, DC, he led many people to the Nation's Capital to demand that leaders here strengthen our country's moral foundation.

Jerry lived his life guided by a strong set of values and an unshakable moral compass. He lived by example, embodying the Bible's greatest commandments. He followed the words of Matthew 22 in his daily life: Love the Lord your God with all your heart and with all your soul and with all your mind. This is the first and greatest commandment. And the second is like it: Love your neighbors as yourself.

Anyone who ever met Jerry Falwell knew that he took this commandment seriously and chartered his life by it.

One thing is for sure. Whether one was viewed as a friend or foe of Jerry Falwell, he loved them all. This love for the neighbor extended to everyone, even those who wouldn't expect it. I had many times heard Rev. Falwell say, "Love the sinner, hate the sin." This was more than just a catch phrase. It was a way of life.

Many people have heard of the infamous Supreme Court battle between Jerry Falwell and Larry Flynt. But what few people didn't realize is that Falwell and Flynt actually became friends. I know Jerry did not approve of Mr. Flynt's business, but he separated his thoughts about the man from Flynt's activities.

□ 1730

To most people, Jerry Falwell is a national figure. But I also know him as a local guy who was always giving back to his community. He was a local preacher who worked to serve his congregation and the community. He started his church over 50 years ago in an old bottling factory. That small congregation has grown from 35 to the over-22,000 current members of Thomas Road Baptist Church.

Dr. Falwell, through his church, set in place many ministries to aid the community. In 1959, he established the Elim Home to help men dealing with chemical addictions. This home has transformed the lives of hundreds of men and remains a place to free men of their addictions.

Additionally, Dr. Falwell helped found the Liberty Godparent Foundation. The foundation's mission is to improve the quality of life for unwed mothers and provide a hopeful future for unborn children. The foundation maintains Liberty Godparent Maternity Home, which offers a safe haven for unwed mothers, and Family Services Adoption Agency, which helps place unwanted children in safe and stable homes. The reach of the church has touched many thousands and extends past central Virginia and across the United States.

The list of Jerry Falwell's many ministries and accomplishments is nearly endless. However, many people asked him of what accomplishment he was most proud. Without hesitation he would say, Liberty University. This university, located in my congressional district in Lynchburg, started as a small Baptist college. Today it has grown exponentially and serves over 10,000 students. Washington, DC is filled with Liberty University alumni. I have been pleased to have many Liberty University alumni serve in my office as staff and interns. In fact, L.U. alumni are all over Capitol Hill. I have heard them talk fondly of the education they received at Liberty, and they refer to themselves warmly as "Jerry's kids."

I have frequently been on the campus of Liberty, and they are, in fact, Jerry's kids. He loved those kids as his own. Rev. Falwell was very involved and engaged in university life. He always had time for the students. He was also a fixture at school events. Jerry was especially proud of L.U. athletics and he would, with the students, cheer the Flames on to victory. I have even heard stories of Jerry crowd surfing at basketball games. Students would transport him from the bottom of the stands to the top.

There is no doubt that Liberty and the alumni that it produces will live on as Jerry Falwell's lasting legacy. These alumni carry with them the strong values and morals that were reinforced through their education at Liberty. The university and its alumni will remain a living testimony of the work and vision of Jerry Falwell.

You cannot talk about Rev. Falwell without also talking about the town that he loved, the city of Lynchburg. Jerry, though a national figure, never left his home in central Virginia. He led his spiritual network out of his offices in Lynchburg. The city of Lynchburg greatly benefited from Rev.

Falwell's work. As Falwell's ministries, and especially Liberty University flourished, so did the city. The impact that Jerry had on Lynchburg's economy and culture is undeniable.

When word of Jerry's death came, the city of Lynchburg seemed to take a collective gasp and was filled with shock and sorrow. The loss of Rev. Falwell was a huge loss for Lynchburg. And today I tell the citizens of Lynchburg that the Nation mourns with you.

When I heard of the passing of my good friend, Jerry Falwell, I was deeply saddened. My wife, Mary Ellen, and I had the pleasure of knowing Dr. Falwell for many years. He was a good man and made an undeniable impression on many lives. Two hours after his death was confirmed, an impromptu memorial service brought a standing room only crowd to Thomas Road Baptist Church, a church that holds 6,000 people. Since then, thousands have shown up to pay their respects, and thousands showed up today for his funeral.

While many people mourn the death of Rev. Falwell, no one experiences this loss harder than Jerry's family. Jerry was a devoted family man. He was dedicated to his bride and partner of 49 years, Macel. Together they raised three children. Jerry, Jr., Jonathan and Jeannie, who I have no doubt will build on the great legacy that their father leaves behind. Nothing can compare to the deep personal loss that they are experiencing, and our thoughts and prayers and hearts are with them.

After hearing the sad news of Jerry's death, I was able to call and offer my condolences to Macel. She shared with me how Jerry spent his last day. I don't think she would mind me sharing with you what happened, as I feel it fully embodies the man that Jerry was.

The night before he passed away, Macel and Jerry went out to dinner. As they talked to their waitress, Jerry found out that she attended the local community college. When he asked the young lady why she didn't go to Liberty University, she told him that she had applied and been accepted, but as a private school, it was too expensive. Jerry told her that he would find a way for her to attend Liberty. The next morning, the morning he passed away, Rev. Falwell lived up to his word and found scholarship money for the young waitress. It was perhaps one of the last things he did before collapsing in his office.

This last act of charity and giving is a perfect example of the man that Jerry Falwell was. Right up till the end of his life, he was working to change lives.

There are many other stories like this one out there of how this extraordinary man touched and changed ordinary lives. Rev. Jerry Falwell was a loving and caring man. He led his life guided by strong convictions. He left an unquestionable impression on our country.

I will greatly miss my friend. I pray for his family and his congregation, and I join the Nation in mourning this great spiritual leader.

Mr. Speaker, at this time it is my pleasure to yield 3 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, sometimes when a man affects the world as much as Jerry Falwell does, there are all kinds of things that are said, both by those who remember him in different ways, and I, today, would like to just point out some basics about Jerry Falwell. I had the privilege of knowing him many years ago, and sometimes I wonder how many of us are in this place because Jerry Falwell lived and did what he did.

But just to recap some of the basics, Mr. Speaker, Jerry Falwell was born in Lynchburg, Virginia, to Helen and Carey Hezekiah Falwell. He married the former Macel Pate on April 12, 1958. He had two sons, Jerry, Jr., Jonathan, and one daughter, Jeannie.

The church that Jerry Falwell first started was in an abandoned bottling plant in 1956, and it grew into a ministry giant that includes the 22,000-member Thomas Road Baptist Church, the Old Time Gospel Hour carried on television stations across the Nation, and the nearly 8,000-student Liberty University founded in Lynchburg in 1971.

He built Christian elementary schools. He built homes for unwed mothers and a home for alcoholics. Through these venues, Jerry's legacy lives on in the lives of thousands of young adults whom he called champions for Christ. And they were American patriots in his heart as well.

Jerry Falwell launched the Moral Majority in 1979, and its purpose was to transform a politically sleeping Christian evangelical universe into a force to transform and preserve the very soul of America. It grew into a 6.5-million-member organization and raised nearly $70 million, as it supported conservative candidates and campaigned to protect innocent human life, to work against the debasing of life and pornography and to fight for the religious freedom of students to pray in schools.

After a decade of catalyzing a wave of conservatism that culminated in the election and the reelection of one Ronald Reagan, Jerry disbanded the Moral Majority, saying, "Our mission is accomplished."

Today, Mr. Speaker, approximately one of every four American voters is a Christian evangelical; and one in four American citizens, those that were the ones that Jerry helped awaken.

Not so long ago he said, what we've worked on for nearly 30 years ago, to mobilize people of faith and value in this country, and what we've done in those years is coming to a culmination.

The Pew Research Institute, a senior fellow there, John Green, to paraphrase him, he said, Falwell changed the way that evangelicals think about their political responsibility.

But it was one of Jerry's friends and colleagues, I think, Mr. Speaker, that put it the very best. His name was Chuck Baldwin. He spoke the following words in tribute, which I think sum up the legacy of Jerry Falwell. He said, "America has lost a seasoned patriot. Thomas Road Baptist Church has lost a faithful and dedicated pastor. Liberty University has lost a visionary chancellor. The Church of Christ, collectively, has lost a dynamic preacher of the gospel. The Falwell family has lost a loving husband and father. And thousands of people, such as me, have lost a hero, mentor and friend. No matter what his enemies say, America is a better place because of Jerry Falwell. And those of us who were privileged to personally know him will never forget him."

Mr. Speaker, it is hard to add to those words. But just in the way that I could, I would simply say this, that Jerry Falwell was a man who loved God, who loved his country, who loved his family and who loved humanity. And more than we all realize, we are very blessed that he came our way. And now that he has stepped over the threshold of eternity, he has found a welcome place. He has looked into the eyes of his Saviour and heard those eternal words of victory, "Well done, thou good and faithful servant."

Mr. GOODLATTE. I thank the gentleman for his very kind and thoughtful words.

And now I'd like to turn to the gentleman from Virginia, Congressman GOODE. VIRGIL GOODE and I have the honor of representing central Virginia and share many of the members of Thomas Road Baptist Church. I have the City of Lynchburg and part of Bedford County and Amherst County in my district, and VIRGIL has Appomattox County and Campbell County and the remainder of Bedford. And we've both had the opportunity to work with Reverend Falwell on many, many occasions. And it's my pleasure to yield now to the gentleman for his words.

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from Roanoke for arranging this special order. I rise tonight to pay homage to Dr. Jerry Falwell, whose funeral and visitation drew tens of thousands to Lynchburg, Virginia, this past weekend and today.

Jerry Falwell was a native of Lynchburg, which is next to the Fifth District, which I have the honor of representing. A devout Christian, Dr. Falwell began his first church 51 years ago, with 35 parishioners. In 3 years the congregation had grown to 800. During part of this period, Dr. Falwell ran buses throughout this region and south to the North Carolina line to bring persons to services.

Today, Thomas Road Baptist Church welcomes thousands to its sanctuary and all related services. The services and activities offered by Thomas Road are important to citizens of Lynchburg and to many nearby counties, including Campbell and Bedford and Appomattox, which are in the Fifth District. His broadcast ministry has touched millions all around the globe.

Dr. Falwell remarked in an interview 2 years ago that his mission remained the same, to train young champions for Christ. That training has extended well beyond the church.

Having an equally important impact on this area of Central Virginia is Liberty University. It is the product of Dr. Falwell's decision to launch Liberty Baptist College in 1971. This school has grown into a major university with an enrollment in excess of 10,000.

□ 1745

And projections are its distance-learning programs may reach 25,000 students in a few years. It offers 71 majors and specializations and boasts a growing law school. Liberty University is a significant contributor to the economy of Lynchburg and the surrounding area.

And while Thomas Road Baptist Church and Liberty University may be considered the pillars of a legacy that will endure for generations, an equally important contribution was Dr. Falwell's determined spirit and unrelenting belief that Christians should stand forth proudly and be integral parts of all of American life.

To that end he urged all to be involved politically and to press those who would seek elective office to subscribe to strong moral principles as the guiding light of this Nation. Today we hear the candidates for national office professing their faith and its importance in their lives. This is due, in no small measure, to the trail blazed by Dr. Jerry Falwell.

To thousands in central Virginia, he was simply known as Jerry, and those individuals will sadly miss their friend, pastor, and mentor.

To his wife, Macel; and his children, Jerry Jr., Jonathan, and Jeanie; and to all in the Falwell family, my heartfelt sympathies are extended, and may God bless them during this time of sorrow.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his comments.

And it is now my pleasure to yield to another representative from Virginia, Congressman ERIC CANTOR, the chief deputy whip from the Richmond area, who I knew not too long ago stopped off in Lynchburg and had the opportunity to spend some time with Reverend Falwell.

I yield to the gentleman.

Mr. CANTOR. Mr. Speaker, I thank the gentleman, my friend from Virginia, for yielding.

I, too, rise this evening to pay tribute to a fellow Virginian and a great leader in America's conservative movement.

Dr. Jerry Falwell made his mark as an outspoken, passionate advocate for conservative causes. More than any other 20th century Virginian, Jerry Falwell's passion and convictions sparked a new generation of grassroots activism.

Recently, as my friend from the Sixth District noted, I visited with Dr. Falwell in his office on the campus of his beloved Liberty University. During that visit, I gleaned a little more and had gained a little more insight into this impressive public figure.

Jerry Falwell, a man of faith, was a pastor who loved his congregation. He was chancellor of a growing university, a place that began just as a vision, but one that he built into a thriving reality that has become a major educational and economic force in Virginia.

Jerry Falwell was a husband, father, and grandfather who actively engaged in the affairs of this Nation because he, like all of us, wanted to leave behind a country better, more hopeful, and filled with greater opportunity than even the one he inherited from his parents.

The people of the Commonwealth of Virginia have lost a son and the American people a true patriot.

To his family, I extend my deepest sympathy during this time of sorrow.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his words.

We will be joined shortly by another speaker, but before we are, let me tell a little bit more about Dr. Falwell.

At the age of 22, having just graduated from college in June of 1956, Jerry Falwell returned to his hometown of Lynchburg, Virginia, and started Thomas Road Baptist Church with just 35 members. The offering that first Sunday totaled $135. Falwell often said about that first collection, "We thought we had conquered the world." Today Thomas Road has over 22,000 members, and the total annual revenues of all of the Jerry Falwell ministries total over $200 million.

Within weeks of founding his new church in 1956, Falwell began the Old-Time Gospel Hour, a daily local radio ministry and a weekly local television ministry. Nearly five decades later, this Old-Time Gospel Hour is now seen and heard in every American home and on every continent except Antarctica. Through the years, over 3 million persons have communicated to the Falwell ministries that they have received Christ as Lord and Savior as a result of this radio and television ministry.

In 1967, Falwell implemented his vision to build a Christian educational system for evangelical youth. He began with the creation of Lynchburg Christian Academy, a Christ-centered, academically excellent, fully accredited Christian day school providing kindergarten, elementary, and high school. In 1971, Liberty University was founded. Today, over 21,500 students from 50 States and 80 nations attend this accredited liberal arts Christian university. Falwell's dream has become a reality. A preschool child can now enter the school system at age 3 and, 20 or more years later, leave the same campus with a Ph.D., without ever sitting in a classroom where the teacher was not a Christian.

Falwell is also publisher of the National Liberty Journal, a monthly newspaper which is read by over 200,000 pastors and Christian workers; and the Falwell Confidential, a weekly e-mail newsletter to over 500,000 pastors and Christian activists.

In June of 1979, Falwell organized the Moral Majority, a conservative political lobbying movement, which the press soon dubbed the "Religious Right." During the first 2 years of its existence, the Moral Majority attracted over 100,000 pastors, priests, and rabbis and nearly 7 million religious conservatives who mobilized as a pro-life, pro-family, pro-Israel, and pro-strong-national-defense organization. The Moral Majority supported California Governor Ronald Reagan as their candidate for President in 1980, registered millions of new voters, and set about to inform and activate a sleeping giant: 80 million Americans committed to faith, family, and moral values.

With the impetus of the newly organized Moral Majority, millions of people of faith voted for the first time in 1980 and helped Ronald Reagan be elected President, and many conservative Congressmen and Senators.

Since 1979, about 30 percent of the American electorate has been identified by media polls as the "Religious Right." Most recent major media surveys have acknowledged that these "faith and values" voters reelected George W. Bush in November 2004.

Though perhaps better known outside Lynchburg for political activism, Jerry Falwell's personal schedule confirms his passion for being a pastor and a Christian educator. He often states that his heartbeat is for training young people for every walk of life.

Falwell and his wife of 49 years Macel have three grown children and eight grandchildren.

While we continue to await for our next speaker, let me read from a report in the Lynchburg News & Advance from last Tuesday:

"Jerry Falwell was born in 1933 in Lynchburg and lived here all his life. He married Macel Pate of Lynchburg in 1958. They had three children: Jerry Falwell, Jr., an attorney who represents the Falwell ministries and is vice chancellor of Liberty University; Jeannie Falwell Savas, a Richmond surgeon; and Jonathan Falwell, the executive pastor at Thomas Road Baptist Church.

"Falwell founded Thomas Road in 1956 in an old soft drink bottling plant after graduating from Baptist Bible College in Springfield, Missouri. That same year he started his weekly television broadcast, the Old-Time Gospel Hour.

"The church moved into a 3,200-seat sanctuary on Thomas Road in the Fort Hill area in 1970, with services broadcast around the world. Falwell founded Liberty University, then known as Lynchburg Baptist College, in 1971. He always hoped the school would be one of his lasting legacies.

"He started the Moral Majority, Incorporated, in 1979, conducting 'I love America' rallies at 44 State capitals.

"The rise of the Moral Majority coincided with the Reagan Presidency, and Falwell rose to national prominence as well."

Falwell and his ministries faced many challenges through the years.

"In the late 1990s, Falwell reemerged on the national stage in a flurry of television appearances," a series of changes to his ministries, "but Falwell gave up campaigning for politicians as he did for President Ronald Reagan in the 1980s. 'I don't plan ever to get back into the Moral Majority-type work,' he said in a 1998 interview. 'What I did I did because I felt led to do it then, and I'm glad I did it . . . My thing now is a nonpartisan Biblical approach to moral and social issues.'"

Mr. Speaker, it is now my pleasure to yield to the Republican whip, the gentleman from Missouri (Mr. BLUNT). I am very pleased to have his presence as we commemorate the life of Reverend Jerry Falwell.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I thank the gentleman also for putting this time together today so that we could talk about the incredible, remarkable life of Rev. Jerry Falwell, a man who never apologized for his spiritual beliefs, who never wavered in his commitment to furthering the dialogue of faith and family in America.

Jerry Falwell was a native son of Virginia, the senior pastor of one of its most prominent and well-attended churches, and the founder of a Christian college in Lynchburg that started its enrollment with 154 students in 1971 and today has over 20,000 students.

Along the way, Rev. Falwell honed his leadership skills and pursued his academic study. In Springfield, Missouri, the town I live in now and I am pleased to represent it in Congress, he transferred there as a sophomore to Baptist Bible College. He later graduated from that school in 1956 with a degree in theology.

And the first time I met Rev. Falwell was when he returned to Springfield. I was a county official at the time, and I had begun to watch him on television. And unlike so many other television pastors, watching Rev. Falwell was like you were right there in the church service because it was a church service. And I remember the growth of the church as you could watch it on that late Sunday night broadcast that I happened to watch on Sunday evening. I remember when they started moving the church, they had a song that was something like "I Want That Mountain," the site on which Rev. Falwell and the church had decided they wanted to grow the church and eventually the school. And watching his incredible faith and what he was doing, his unflagging determination to spread the Gospel, his ability to use the communication tools available to him in ways that others hadn't, but in ways that his growing congregation were totally comfortable with, in ways, in fact, that didn't compete with what he was doing every Sunday morning and every Sunday night at the Thomas Road Baptist Church.

□ 1800

He left Missouri in the mid-1950s with a renewed commitment to the power of ideas, ideas about the importance of spirituality and public life, ideas that promoted the family, ideas about the protection of human life at all stages of development. And for 50 years, for half a century, his mission was a mission of defending those ideas.

It would give rise to a movement of citizen activists in evangelical Christianity that, frankly, for the previous 50 years in many ways had been intentionally removing itself from the civic and political process, with a focus on what was going to happen after we were here, rather than also being focused on the world we live in. He never lost sight of his mission.

He was a man of purpose, not a man of things, it appeared to me. Whenever he applied that purpose to improve the conditions of the world around him, it made a difference. The time and energy he devoted to his once small college, in fact, once just his idea of a college, became one of our larger universities. It's a great example.

The church he started, the Thomas Road Baptist Church, which he started in 1956 in a bottling plant with a congregation of 35 people, now is a church of nearly 25,000 members. But his achievements weren't only building a church and building a school, he was deeply concerned about the moral direction of this country, and worked hard to ensure that people of faith were part of the national dialogue, part of a way of changing who we were for the better.

His lifelong pursuit of truth was not a casual affair nor was his commitment to a way of life and learning that acknowledged the lessons of the past and applied those experiences to building a better future.

Earlier this afternoon, parishioners of the Thomas Road Baptist Church and people from all over the country and all over the world gathered in Lynchburg to pay a final tribute to their pastor, their friend, a leader that they respected.

Tonight, I would like to join my good friend, Mr. GOODLATTE, and others and use this opportunity to pay my final respects to a person who clearly was a leader. He was a teacher, he was a father and a husband, and above all other things, he was an untiring messenger of the good news and the eternal hope of our Lord.

I want to thank my friend for organizing this time tonight and for giving me the time to join you.

Mr. GOODLATTE. Well, I thank the whip for joining us in this special tribute to Reverend Jerry Falwell.

I must tell you that the mountain you refer to, which is Chandler Mountain in Lynchburg, was acquired by Liberty University. You can see the university growing up the sides of that mountain now. In fact, they now have a big "LU" planted in trees near the top of the mountain.

Jerry Falwell climbed many mountains, and he leaves behind a legacy not only of building an outstanding educational organization and an outstanding church, but more importantly, he leaves behind the people who make that church and that university strong and growing, led by his children, who will carry on his legacy and reach out to many, many more throughout our country and throughout the world.

I close this special order with a moment of silence, acknowledging the life and work of my constituent and my friend, the late Rev. Jerry Falwell.

Thank you, Mr. Speaker.

DEMOCRATIC BLUE DOG COALITION

The SPEAKER pro tempore (Mr. COURTNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, I rise this evening on behalf of the 43 Members that make up the fiscally conservative Democratic Blue Dog Coalition. We are conservative Democrats, we are commonsense Democrats that want to restore fiscal discipline to our Nation's government.

Mr. Speaker, as you walk the halls of Congress, as you walk the halls of this Capitol and the Cannon House Office Building and the Longworth House Office Building and the Rayburn House Office Building, it's not difficult to know when you're walking by the door of a fellow Blue Dog member because you will see this poster that reads, "The Blue Dog Coalition". And it will tell you, it serves as a reminder to Members of Congress and to the general public that walk the halls of Congress that today the U.S. national debt is $8,807,559,710,099. And I ran out of room, but if I had a poster that was just a little bit more wide, Mr. Speaker, I would have added 85 cents.

Your share, every man, woman and child, including the children born today in America, if you take that number, the U.S. national debt, and divide it by the number of people living in America today, our share, everyone's share of the national debt is $29,174.38. It is what those of us in the Blue Dog Coalition refer to as "the debt tax," d-e-b-t tax, which is one tax that can't go away, that can't be cut until we get our Nation's fiscal house in order.

Mr. Speaker, one of the first bills I filed as a Member of Congress back in 2001 was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. The Republican leadership at the time refused to give me a hearing or a vote on that bill, and now we know why; because the projected deficit for 2007, based on the budget bill written when the Republicans controlled Congress, they will tell you is only $172 billion.

Not so. It's $357 billion. The difference is the money they are borrowing from the Social Security trust fund, with absolutely no provision on how that money will be paid back or when it will be paid back or where it's coming from to pay it back.

You know, Mr. Speaker, when I go down to the local bank in Prescott, Arkansas, and sit across from a loan officer and get a loan, they want to know how I am going to pay it back, when I am going to pay it back and where the money is going to come from to pay it back. It is time the politicians in Washington keep their hands off the Social Security trust fund.

The national debt, the total national debt from 1789 to 2000 was $5.67 trillion. But by 2010, the total national debt will have increased to $10.88 trillion. That is a doubling of the 211-year debt in just a decade, in just 10 years. Interest payments on the debt are one of the fastest growing parts of the Federal budget. And the debt tax is one that cannot be repealed.

People ask me, why should I care about the fact that our Nation is in debt? Why should I care that we continue to borrow billions of dollars? After all, it's future generations that are going to be stuck with the bill.

I submit to you, Mr. Speaker, that it should matter for a lot of reasons. But here is a good one right here: interest payments. Our Nation is borrowing about a billion dollars a day. We are spending about a half a billion a day paying interest on a debt we've already got before we borrow another billion dollars today.

I–49 is important to the people in Arkansas in my congressional district. I need nearly $2 billion to finish I–49, an interstate that was started when I was in kindergarten. That's a lot of money, at least for a country boy from Prescott and Hope, Arkansas. But I submit to you, Mr. Speaker, that we will spend more money paying interest on the national debt in the next 4 days than what it would cost to complete Interstate 49 in Arkansas, creating with it all kinds of economic opportunities and jobs.

That's on the western side of my district. I represent about half the State.

On the eastern side of my district, I–69 is very important. I need about $2 billion to finish I–69. I–69 was announced in the State of Indiana, in Indianapolis, 5 years before I was born. That was 50 years ago. And with the exception of about 40 miles in Kentucky in a section they are now building from Memphis to the casinos, none of it has ever been built south of Indianapolis. $2 billion is a lot of money, but we will spend more than that in the next 4 days paying interest on the national debt.

As you can see from the chart here, in red, that is the amount of money, of your tax money, Mr. Speaker, that we will spend paying interest on the national debt this year. Compare that to how much we are spending on our children and their education.

You know, folks in this country come up to me all the time saying that English should be the official language. And I personally don't necessarily disagree with that. But let me tell you what people should be equally concerned about; they should be equally concerned about the fact that we have got more young people today in India learning English than in America. We've got more young people today in China learning English than in America. And it is not because they love America, it is because they want our jobs.

Mr. Speaker, it is absolutely critical that we provide our young people with a world-class education, and yet you can see we are spending a fraction on educating our children of what we will spend this year paying interest on the national debt.

You hear a lot of talk about homeland security. We all take off our shoes when we go through the airports. And I guess we feel a little bit safer, but look at what our real commitment as a Nation is to homeland security compared to what we are spending paying interest on the national debt. Homeland security is in the green, the red is the interest we are paying on the national debt.

And finally, veterans. We can talk about patriotism all we want, but I will tell you what, the rest of the world can look at America and determine how much we value our soldiers by how we treat our veterans.

And a whole new generation of veterans are coming home from Iraq and Afghanistan. How do we value them? The dark blue shows how much we are spending of your tax money, Mr. Speaker, on our veterans compared to the red, which is the amount we've been simply paying interest on on the national debt.

Where is this money coming from that we are borrowing a billion dollars a day? I have already told you, Mr. Speaker, a lot of it is coming from raiding the Social Security trust fund. Where is the rest of it coming from? Foreign central banks and foreign lenders.

That's right, Mr. Speaker. In fact, to put it another way, this administration has borrowed more money from foreigners in the past 6 years than the previous 42 Presidents combined. Let me repeat that. This administration has borrowed more money from foreign central banks and foreign investors in the past 6 years than the previous 42 Presidents combined.

Foreign lenders currently hold a total of about $2.199 trillion of our public debt. Compare that to only $623.3 billion in foreign holdings in 1993. Who are they? The top 10 list.

Japan. The United States of America has borrowed $637.4 billion from Japan to fund tax cuts in this country for people earning over $400,000 a year, leaving our children with the bill.

China, $346.5 billion.

The United States of America has borrowed $223.5 billion from the United Kingdom.

$97.1 billion from OPEC. And we wonder why gasoline is $3.25 a gallon today in south Arkansas.

Korea, $67.7 billion; Taiwan, $63.2 billion; the Caribbean banking centers, $63.6 billion; Hong Kong, $51 billion; Germany, $52.1 billion.

And get a load of this. Rounding out the top 10 countries that the United States of America has borrowed money from to fund tax cuts in this country for folks earning over 400,000 a year and to fund the war in Iraq: Mexico.

□ 1815

Our country has borrowed $38.2 billion from Mexico to fund our government.

So debts do matter. Deficits do matter. And in this case, I submit to you, it is a national security issue.

So what do we do about it? As members of the fiscally conservative Democratic Blue Dog Coalition, we have got a plan. We have got a plan for budget reform. We have a plan to demand accountability in Iraq. We support our soldiers, and as long as we have soldiers in harm's way, we are going to make sure they are funded.

But this administration has acted like if you challenge them on how they are spending your tax money in Iraq, then you are unpatriotic. We are not going to stand for that anymore, because, Mr. Speaker, we believe that this administration and the Iraqi Government should be accountable for how

$12 million of taxpayer money is being spent every hour in Iraq.

That is right, our Nation is spending $12 million of your tax money, Mr. Speaker, every hour in Iraq, and it is time that the Iraqis be held accountable for how that money is being spent. It is time we demand that they step up and accept more responsibility for training the Iraqis to be able to take control of their police and military force. And, yes, it is time that we demand more accountability from this administration on how this money is being spent on Iraq and ensure that it is being spent on our brave men and women in uniform.

John Grant of Pearcy, Arkansas, brought to my attention the fact that our soldiers may very well not be equipped with the most advanced and the best body armor that is made. I submit to you, Mr. Speaker, that we must ensure that the very best in body armor is being provided to our men and women in uniform. We have learned a lot about that in the last few days through an NBC investigative report. I am proud to tell you that over 40 Members of Congress, including a lot of my Blue Dog friends, have signed on to a letter to the administration, to the Pentagon, demanding that further tests be done, and that our men and women in uniform be provided with the very best in body armor.

I am joined by a number of fellow Blue Dogs this evening, and it is with great honor that I introduce at this time my friend, an active member of the Blue Dog Coalition from the State of Colorado, Mr. John Salazar.

Mr. SALAZAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am very proud of the gentleman from Arkansas and his work with my Blue Dog colleagues in demanding more fiscal responsibility in Iraq. I believe that Congress has now approved nearly $510 billion for military operations since 2001, with nearly no oversight on spending. Operation Iraqi Freedom alone has cost American taxpayers $51 billion in 2003, $77.3 billion in 2004, $87.3 billion in 2005, $104 billion in 2006, and in 2007 we are in the process of funding Operation Iraqi Freedom once again with a supplemental. Now we are spending over $10 billion a month in Iraq and Afghanistan just on government contractors working on reconstruction. All of this is unchecked, and that is why I am so proud to join my Blue Dog colleagues as a supporter of H. Res. 97.

H. Res. 97 was introduced by the Blue Dog Coalition to call for transparency on how Iraq funds are spent. We have a plan for accountability in Iraq. Our plan calls for, first, transparency on how war funds are spent. Second of all, it creates a commission to investigate awarded contracts. Third of all, it stops the use of emergency supplementals to fund the war.

Everything that I have read over the past several years indicates that this is the first administration that has used supplementals to fund a war after the first year, after initiation. In January we passed what was called the PAYGO rule. It is my understanding that with supplementals, you don't have to follow PAYGO rules. I think it is critical that we as Blue Dogs continue to move forward and push for an honest budget.

Number four, it uses American resources to improve Iraq's ability to police itself. I believe that this is of critical importance.

Mr. Speaker, you cannot push democracy on someone who does not want it. Over 65 percent of the Iraqi population now says it is okay to shoot at American soldiers. The Iraqi Parliament a couple of weeks ago voted 144 out of 275 members to tell Americans that it is time for us to come home. We cannot force democracy on someone who does not want it.

I believe, Mr. Speaker, that today what is important is that we turn this over to the Iraqi Government. Our soldiers can become the advisors. They should not be on the front lines.

The gentleman talks about the Social Security Trust Fund. Two years ago I introduced the Social Security Protection Act, which would not allow any politician in Washington to touch that trust fund. I think the gentleman raises a critical point there.

He also talks about the veterans. I am the only veteran in the Colorado delegation. I am proud to be a Blue Dog, and I am proud that this legislation addresses the lack of oversight and accountability in Iraq. But I am also very proud that this resolution stands for veterans' issues.

Government reports have documented waste, fraud and abuse in Iraq. Contractors are being paid billions of dollars by the United States for their services in Iraq. Most of these, Mr. Speaker, are no-bid contracts. Where is the accountability in that? I believe that if their work is resulting in unsanitary conditions, potential health hazards, poor construction methods or significant cost overruns, then Congress has the right to know about it. I believe, Mr. Speaker, that it is time to stop this waste.

Congressional oversight is desperately needed. This administration should be held accountable for how reconstruction funds are being used. This Blue Dog bill is a commonsense proposal that ensures transparency and accountability. We bring oversight back to Congress. We start showing improvement in Iraq, and accountability leads directly to success. Iraqis must begin progress towards full responsibility for policing their own country. Without progress, it is a waste to continue U.S. investment in troops and financial services.

Mr. Speaker, I visited Iraq twice. While I have seen some improvements in some areas, I have also seen the increase in insurgent attacks not only on American troops, but on other Iraqis.

We all support our troops, and we will do everything within our power to make sure that they have the equipment and the funding that they need. However, Mr. Speaker, we cannot continue to write blank checks to the administration. I firmly believe that until our last troop is returned home, the American people deserve to know how their money is being spent.

Accountability is not only patriotic, it often determines success from failure. The Blue Dog bill gives an opportunity to regain oversight responsibility. This is the responsibility that we have to all of our men and women in uniform, to their parents and to the American taxpayer who is footing the bill.

The gentleman brings up another valid point. He talks about how the budget is a moral document. I, frankly, sir, could not run my household and put my farm into debt and pass the debt on to my children. That is exactly what has happened over the last 5 years. We had a surplus in the budget. The economy was doing great.

Democrats have a plan that by 2011 we will balance this budget. It is with the help of the Blue Dog Coalition, with the help of gentlemen like the gentleman from Arkansas, who is so committed to make sure there is accountability, that we will figure out a way to truly be honest with the American people in our budgets.

We want to put the Iraqi war supplemental back into the regular budget process so that we have a true, accurate picture of what our national debt is, what our deficit is. The gentleman was showing that we have $8.8 trillion in debt right now. Well, I can assure the gentleman from Arkansas when I came into Congress in the last Congress, our national debt was $78.045 trillion. Your share of that debt, your children's share of that debt, was back then $26,000. I believe the figure you show now, Mr. Ross, is some $29,000, I believe $29,174 and some cents.

I believe, Mr. Ross, that this is morally wrong, and I believe that it is time for Congress to start being honest and report to the American people what troubles the last 5 years Congress has moved the American people toward. I have heard that by the year 2040, every single penny that comes in in Federal revenues will go to pay just the interest on the national debt. That is without running government. I believe that is morally wrong.

With that, Mr. Speaker, I would ask this Congress, I would ask this Democratic Congress and the Blue Dog Coalition, to continue fighting for balanced budgets, to continue fighting for accountability, because that is what the American people want.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Colorado for his active involvement in the Blue Dog Coalition and for his words this evening.

Some people may be saying, what is the Blue Dog Coalition? The Blue Dog Coalition was founded back in 1994 shortly after the Republicans took control of Congress by a group of conservative Democrats. Democrats that used to be Yellow Dog Democrats. The saying in the South is that a Democrat is so Democratic that they would vote for a yellow dog if a yellow dog was running for office. That is where the saying comes from.

There was a group of conservative Democrats back in 1994 that felt like they were being choked blue by the extremes of both parties. That is what the Blue Dog Coalition is all about. We are a group of fiscally conservative Democrats that want to restore common sense and fiscal discipline to our Nation's government. We don't care if it is a Democrat or Republican idea. We ask ourselves, is it a commonsense idea, and does it make sense for the people who send us here to be their voice in our Nation's Capital?

An active and leading member of the Blue Dog Coalition, an independent voice within the Congress from the State of Georgia, is Mr. David Scott. At this time I yield to him.

Mr. SCOTT of Georgia. Thank you, Mr. ROSS. It is a pleasure, as always, to be on the floor with you and my fellow Blue Dogs.

I want to talk about two issues here that relate. One, of course, is the debt, the deficit that we have; the lack of accountability, financial accountability. But I would like to talk about it from the standpoint of what is really on the minds of the American people today, and that is the situation that faces us in Iraq and what we desperately need to do.

We need to do two things: One is be honest with the American people; and, two, be honest with the money that the American people send up here for us to apportion. Nowhere is that more significant than with military affairs.

As I stand here, Mr. ROSS, I am trying to think of the best illustration I can come up with that would kind of paint a picture for where we are. I think if we look back in history, a certain event took place around 1952 when we were in a similar position of debating this issue of who has control of military affairs or how do we deal with the issues in time of war. Is it the executive branch, or is it the Congress, and what is the role therein?

This debate is heated on those two things today. The President says Congress has no role in this. Congress says we definitely do. And we are right that we do.

□ 1830

It was borne out in a case in 1952 when there was a decision made by the Supreme Court when this issue came up on who had the right to determine whether the steel mills would be seized during a time of war, during the Korean War.

And it got so hot and heavy in that debate it went to the courts. Is it the Congress or is it the President? Well, the Supreme Court ruled on that which brings us to a point here today. But in the concurrence that was written by Supreme Court Justice Robert Jackson, he said some very important, significant and prophetic words.

He said that this is a case that clearly fits within the realm of Congress's responsibility in a time of war. And in his concurrence he said that when the executive branch operates in tandem with the congressional branch, with congressional authority, he said that is a time of maximum power for the President. He said, but when the President acts counter to the express constitutional authority of the Congress, he said, we enter into what he referred to then as a zone of twilight, or in essence a twilight zone which, quite ironically, is where Rod Sterling got the name for his television program "The Twilight Zone."

That is where we find ourselves here, in the twilight zone.

He went on to say, when we enter this twilight zone, the Presidency in at its lowest ebb when it does not recognize the authority of the Congress.

Our authority rests with the purse. Our authority rests with making sure that we raise and support the military. Our authority rests with legislation. And when you wrap those two things together, that is what is the embodiment of what we have captured in our resolution for financial responsibility and accountability in a time of war to make sure that the money is accounted for; to make sure when our troops are going into war, that they have the money for the armor.

That is exactly why when they were sent into war by this President and this administration without the body armor, we had to amend the appropriations bill with over $200 million to get it in there, led by Democrats, led by Blue Dog Democrats, if you recall, to get the money in the budget for that.

The reason that happened is, up until January, this President has had the luxury of a rollover Congress that did exactly what he wanted them to do without even a whimper or a bang. They just rolled over, gave the President everything that he wanted, and we did not do the constitutional function of oversight, of making sure that there is financial accountability and responsibility in the actions that we are giving.

That is why it is important what we do today. Now this is incorporated into our presentation, into each of the bills that we have put forward. The status is now that these efforts are being worked between the House and the Senate. But I think it is very important for the public to also know that in this bill we have the accountability features in. But we also have the responsibility where we are not going to cut off any funds as long as our troops are in danger on the battlefield.

It is our hope, however, that we will be responsive to the American people and bring this matter to a close in terms of the loss of life of our soldiers that are caught in the cross hairs of a civil war.

Now, the Middle East is a region of vital interest, and there is absolutely no way we will ever be able to completely disappear from the Middle East, nor is that our intent. Nor is it the intent of the American people.

The point is our nose has been poked into a civil war, a civil war that has been festering for thousands of years between the Sunnis and the Shiites. That is their civil war. It is not right to have our soldiers in the middle of that. That needs to be brought back and we need to enter into a more reasonable support of containment and redeployment of our troops, and in a manner that pays attention to the wear and tear on our military.

Mr. ROSS, it is shameful when we have to say that so many of our troops are over there for the third or fourth time. That is not right. The American people are against that. It is my hope that we will bring financial accountability and responsibility to this matter. The American people, who are very much engaged with us on this Iraq situation, are looking to Democrats; and quite honestly, they are looking to Blue Dog Democrats. They are looking to people who have fiscal responsibility and also understand that we know we are in a dangerous world.

The most important thing we need for our advancement right now is to make sure we have a strong defense and we have got that, but we also want our policies to be responsive to the American people. That is what the Democrats are putting forward as we move forward on our way out of this terrible civil war that our Nation finds itself in. We are going to do exactly that.

Mr. ROSS, it is a pleasure to be here, and I am sure the American people fully support our efforts and understand exactly what we are talking about when we say it is time to bring financial accountability and transparency to our efforts here on Capitol Hill, and nowhere is that more important than dealing with our military affairs and the men and women serving in harm's way overseas.

Mr. ROSS. I thank the gentleman from Georgia (Mr. SCOTT) for joining us, as he does most Tuesday evenings.

At this time we are honored to be joined by a veteran of the Iraq war, a new Member of Congress, and I yield to Congressman MURPHY of Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I thank Congressman Ross for yielding me this time.

Just a few days ago we stood here, the chairman of the Armed Services Committee, my chairman, Congressman IKE SKELTON, who has two sons who are currently serving in the military, who is a great leader in this Congress. In the Defense bill, we did several things. We wanted to make sure that the troops knew that we supported them.

When we stood there, Congressman ROSS, we said thank you, Chairman SKELTON, because you believe what all Blue Dogs believe, accountability and responsibility. It established those benchmarks, that oversight which is so needed right now.

So in the Defense bill that gave the troops a 3.5 percent pay increase, a pay increase because there is such a gap, such a disparity between the private sector and our servicemen and women and their salaries. When they join the military, they are not trying to make a lot of money. But the fact is that those privates who are making $17,000 a year, those privates that are leaving their wives and kids at home, many of whom have to survive on food stamps, those privates who saw what we did in the Defense bill, who said that is great, 3.5 percent pay increase, a couple hundred dollars a year. The President of the United States said, Private, thank you for your service to your country, but that is too much of a pay increase.

Mr. Speaker, I hope the people at home are watching. The President of the United States said a couple hundred dollars more a year to a private making $17,000 a year is too much.

Now the Blue Dog Coalition believes in two things: one, fiscal responsibility; two, strong national defense.

How do the soldiers feel that are running convoys up and down Ambush Alley, scouting on the streets for roadside bombs and looking for snipers on rooftops, when they hear their President back at home, the President of the United States thinks a couple hundred dollars more a year is too much. The President says, hey, it would add up over the next 5 years, $7.3 billion; that is a lot of money.

But the same standard that the President uses where he says it is too much for the troops, it is not too much for the contractors who have proven that they mismanage over $9 billion of our hard-earned money, the contractors who don't want any accountability and don't want to see the light of day.

The President has threatened to veto the pay raise of our soldiers. I believe that is morally wrong during a time of war, especially when you are saying we are not asking for a 10 percent or 20 percent or 30 percent increase in their pay when they make $17,000, just a couple hundred dollars more a year, not even reaching $1,000 more. The President says no.

In the Defense bill that we passed that the President has said he will veto, and this was not some sly comment he said as an aside, the President pointed to a document and said, a 3.5 percent increase is too much.

Mr. Speaker, I ask that everyone in America write the President of the United States and say 3.5 percent increase in pay for our troops is not too much to ask for; a 3.5 percent increase during the Memorial Day weekend when we honor their servicemembers is not too much to ask for.

This is a pattern, Mr. Speaker, that upsets me greatly, a pattern of neglect that this White House has for our troops. See, when I was in Baghdad in 138-degree heat and this White House and the Secretary of Defense Donald Rumsfeld floated out the idea and said, Let's take away their imminent danger pay, their combat pay, a couple hundred dollars a month, because mission is accomplished. Let's take away their combat pay. It's over.

Now, fast forward 4 years later, the President says, hey, 3.5 percent is too much. This is a pattern of neglect of our troops. It is okay when the President wants to use our troops as props for a fancy speech in the Rose Garden. But when it comes to budget time when budgets are moral documents, the President says, too much. I respectfully beg to differ.

When we look at the debt of our country, just under $9 trillion, with $29,000 that every single man, woman and child in the United States owes towards our national debt. In March, 2007, we paid $21 billion in interest alone. Does it get any better? No. Why? Because there is no accountability. There is no tightening of the belt. It is wrong to pass this debt, this $9 trillion of debt, on to our children. That is wrong.

Mr. Speaker, when I know my wife, Jenny, and daughter, Maggie, are home in Bristol, in Bucks County, Pennsylvania, when I know that they are watching on C–SPAN, I know that they know that their daddy and husband is fighting a good fight. They know that I cannot stand here in good conscience, Mr. Speaker, and allow this President to use our troops as props and yet can't give them a couple hundred dollars of pay increase to try to alleviate some of the pay disparity with the private sector.

I can't stand here in good conscience and pay our good tax dollars, $21 billion a month, just to pay the interest, without cutting off the spending spigot.

We need to rein in the spending of this country. The Blue Dogs are absolutely committed to doing that. We need partners from the other side of the aisle. We might be Democrats, and there might be Republicans on the other side of the aisle, but we are all Americans and we all owe $9 trillion in debt in America to foreign countries like Communist China and Mexico and Japan.

Enough is enough, Mr. Speaker. Enough is enough, and the Blue Dog Coalition, my brothers and sisters in this coalition, are taking the floor of the House of Representatives and all across America. We need the help of the American people to make sure people understand what is at stake. What is at stake is the future of America. What is at stake is the security, the financial security, of our country and the country that our children will inherit.

I thank the gentleman for yielding me this time tonight.

Mr. ROSS. I thank Congressman MURPHY from Pennsylvania for his insight and life experiences as a veteran of the Iraq War, and for sharing his thoughts with us this evening as we demand accountability and common sense on how your tax money, some $12 million an hour of your tax money, is being spent in Iraq. It is important, we believe, that we make sure that it is being spent on our troops, to protect and support them, and that it be accounted for.

□ 1845

That's what H. Res. 97 is all about, and we're very pleased, and we want to thank the chairman of the Armed Services Committee, Mr. SKELTON, for including key provisions of our legislation, written in part by Mr. MURPHY, in the Defense authorization bill this year.

I yield to an active member of the Blue Dog Coalition, gentleman from the State of Tennessee (Mr. LINCOLN DAVIS).

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I thank the gentleman from Arkansas for the recognition. I'll be very brief, which is difficult for me to do, being from the mountains of Tennessee. Sometimes I get a little wordy. I had one of my folks back home tell me that after I'd been here for about a year, he said, LINCOLN, you've gotten so windy as those folks in Washington, I believe you could blow up an onion sack. I'm not sure exactly what he meant by that, but I had to tone down my rhetoric somewhat after that.

But it's good to be here to talk about accountability and, quite frankly, how the lack of accountability has gotten us in the situation we're in in Iraq, as well as in our budget management. When we take a look at how the growth of government grew through the 1980s up to the early 1990s, in 1992, we were spending roughly 22 percent of gross domestic product on national expenditures, on our budgetary process, Mr. Speaker.

And through the 1990s, we saw a downsizing of government through the

Clinton-Gore years, where we were spending roughly 18.5 percent of gross domestic product. We now have seen that jump to the point to where it's somewhat over 20 percent in gross domestic product. We've seen government grow the last 6 years. We saw it downsized during the Clinton-Gore administration, and the 12 years prior to that we saw it grow to where it was well over 22 percent.

So, when we talk about accountability, let's be sure that America understands, Mr. Speaker, that it has certainly not been the Democratic Party that has made that happen. Under our management, under our watch, we saw a downsizing of government expenditures.

I want to move now to Iraq. I recently had an opportunity to visit the White House, Mr. Speaker, with our President, along with 12 or 13 other Members. We had a very frank conversation. In one of the conversations, the comment was made that we have a strong commitment in the Middle East, and we do have a strong commitment there.

We denied Hitler during World War II being able to obtain the oil in the Middle East. The tanks of Rommel ran out of fuel, and we were able, quite frankly, through the mass force we had, 16 million Americans, as well as help from Europe during World War II, the Allied Forces were able to eventually conquer Germany.

We then continued to be there and have a presence all through the Cold War, which also denied the Russians from being able to obtain the oil that was there.

There's no doubt in my mind that we're going to be in the Middle East for a long time when we leave the war zone and the hostile war zones of Iraq.

And as we made that conversation, Mr. Speaker, our President certainly agreed with that, that we have a long-term commitment and an interest in the Middle East for many years to come, and we will have. It's kind of like 1953, in South Korea, when Eisenhower decided a cease-fire would be in order, and we signed a cease-fire and have been maintaining troops in South Korea since 1953. We'll be in the Middle East for a long, long time. After the first Persian Gulf War, we maintained a presence there in the Middle East, and we'll still do that. It's how we stay that determines whether or not we'll win.

What my real concern is about this situation in Iraq is I don't think, Mr. Speaker, this administration, I don't think, Mr. Speaker, this President understands the gravity of what's going on in the Middle East.

Every country in the Middle East, some our friends supposedly and some might continue to be our friends, during the 1950s, 1960s, and 1970s, the Shah of Iran was also our friend. When the ayatollahs took over, we lost that friendship, and Iran no longer maintained our friendship. But in places like Saudi Arabia, in Kuwait, in the Emirates, when you look at Jordan, King Abdullah, a decree made him King, not an election. He is our friend, and I personally like King Abdullah, but he had an uncle named Prince Hassan that most folks thought would eventually go on to be King of Jordan. That didn't happen.

So, when we talk about having a freestanding democracy in the Middle East, in Iraq, I'm puzzled somewhat that that becomes one of the major objectives to determine whether or not we win. We need to have stability in Iraq, stability, Mr. Speaker. My hope is that eventually a democracy will occur.

For us to assume that the Shias, the Sunnis and the Kurds, in one of the most volatile mixed populations in any country in the Middle East, that we, you notice I say we, we're going to use that country as a model of how we democratize the Middle East. I think, is a flawed failure, will continue to be, and will be something that will be unsuccessful.

If, in fact, this administration, led by our President, had decided that we ought to have democracy in the Middle East, maybe he should have started with this gentleman he's holding hands with, the monarchy, the royal family of Saudi Arabia. I wonder how many times this administration, Mr. Speaker, how many times this President, Mr. Speaker, has talked to the royal family of Saudi Arabia and say, wouldn't it be nice to have in Saudi Arabia a thriving democracy, a freestanding democracy.

I wonder how many times, Mr. Speaker, this President, Mr. Rumsfeld and others, Mr. Speaker, asked the people of Kuwait after being liberated in 1991 that you should establish a democracy and not revert back to the royal families, to be dictatorial in the decisions that you made.

Every nation in the Middle East has a strongman-type government, except for Israel and except for Lebanon. Whether it's Syria, whether it's Iran, Iraq had theirs, the Emirates, Qatar, every country over there has a strongman-type government, and we believe that for us to consider having one, that we've got to democratize Iraq. I think that's a flawed policy, and, Mr. Speaker, I hope our President engages with this Congress to try to find some solutions to how we establish stability in the Middle East and certainly in Iraq.

I thank the gentleman from Arkansas for yielding.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Tennessee for his insight, and, Mr. Speaker, if you've got any comments, questions or concerns of us, you can e-mail us at bluedog@mail.house.gov. Again, Mr. Speaker, if you've got any comments, questions or concerns for us, you can e-mail us at bluedog@mail.house.gov.

This is the Special Order with members of the 43-Member-strong, fiscally conservative, Democratic Blue Dog Coalition. We are committed to trying to restore common sense and fiscal discipline to our Nation's government, and a former cochair of the group and active member of the group from the State of California (Mr. CARDOZA). I yield to him.

Mr. CARDOZA. Mr. Speaker, I thank the gentleman from Arkansas, and I appreciate him yielding.

Today I rise because on Monday I reintroduced a bill the Blue Dogs had endorsed last year, H.R. 2402, the Public Official Accountability Act.

The Blue Dogs just aren't fiscally responsible, Mr. Speaker, but we're responsible in a number of other ways, and one is accountability of the Members of this institution to make sure that we uphold the public trust.

H.R. 2402 gives judges the discretion to increase the sentence for public officials convicted of certain enumerated crimes that violate the public trust. If a public official has been convicted of bribery, fraud, extortion or theft of public funds greater than $10,000, a sentencing judge should have the discretion to double the length of a sentence up to 2 years for those public officials convicted of such ethical violations.

Unfortunately, recent scandals have somewhat tarnished the reputation of this great institution and have stretched the bonds of trust between the public and their government. This bill signals that breaches of the public trust will not be condoned and, therefore, will help to restore the bonds of trust that have been frayed.

The 110th Congress has already taken steps to ensure that public officials adhere to the highest ethical standards and are more accountable for their actions. Banning meals, constricting congressional travel, and tightening the lobbying rules are all important first steps that have already been taken; however, much more needs to be done. It will take a concerted effort and some time to overcome the spate of negative examples of public officials abusing the trust conferred upon them.

For government to function effectively, the public must be able to trust the people making decisions in this institution. My bill will help restore that bond of trust between public officials and the people they represent. By holding ourselves to the highest ethical standards, we are making clear that we have heard the message of the people who are demanding honesty and accountability of their leaders.

I urge my colleagues to support me in this effort and to become cosponsors of my bill. A number of Members have already signed on, and I hope the rest of my colleagues will join them. Let's pass this bill and restore the faith that our constituents have in their public institutions.

As we're talking about accountability, you've raised the Blue Dog Coalition debt poster that we have in front of our offices. I'm disturbed, as we always are, that every single day that poster goes up. We've done a lot of work as Blue Dogs to restore accountability in the fiscal side. We have put into the House rules PAYGO rules that say you have to pay as you go. We need to work on statutory PAYGO yet some more. There's some more things that we need to do. We're not finished with this, but clearly we have been heard in this House, and we are changing the culture.

This bill that I've brought forward today during our Blue Dog hour will also change the culture. It will send an important message that don't commit the crime if you can't do the time. We say that to common burglars and drug offenders all throughout our society. We also should say it to those same common criminals that perpetrate their crimes in the halls of Congress.

So, today, I stand with my Blue Dog colleagues, as we always do during this Blue Dog hour, to ask for accountability in this Congress, accountability in our country, accountability with our finances. I'm just so proud to be a member of this organization.

Thank you for yielding to me, and I look forward to working with my colleagues to get this bill inserted into the ethics bill that's going through the House this week or as a stand-alone measure later in the Congress.

Mr. ROSS. Mr. Speaker, I thank the gentleman from California and could not agree with him more. There's a lot of folks that believe Members of Congress are held to a different standard, and they should be. They should be held to a much greater standard, a much harsher sentence than the average citizen on the street, because if Members of Congress can come here and make laws, they ought to abide by those laws they make. And if they can't, they should have additional time put onto their sentence.

And I want to thank the gentleman from California for trying to work with those of us in the Blue Dog Coalition to clean up the mess here in Washington.

I'm very pleased at this time to yield the time that is left if he would like it to the cochair for administration for the fiscally conservative Blue Dog Coalition, the gentleman from Florida (Mr. BOYD).

Mr. BOYD of Florida. Mr. Speaker, I thank my friend Mr. Ross for yielding, and I'm very proud of him. He's obviously one of our elected leaders of the fiscally conservative Blue Dog Coalition and does a great job. I'm very proud of him, and I'm very proud of the other 42 members of the Blue Dogs who deliver this message to the American public that accountability and good stewardship of our tax dollars does matter.

Mr. Speaker, I'm very pleased that the gentleman from Tennessee (Mr. LINCOLN DAVIS) was here earlier talking about the 1990s and how we extracted ourselves from a fiscal mess where we were experiencing huge and systemic annual deficits, and how this government worked hard during the 1990s under a Democratic President and Republican-led Congress in a bipartisan way, worked real hard to pare down what government was doing and make the revenues come into balance with the expenditures.

We did that during the course of the 1990s under a divided government, but, Mr. Speaker, none of us like taxes. We live in America, the greatest country on the face of the Earth. I talk about this regularly with my constituents back home in north Florida, that America is the greatest country on the face of the Earth. We're the most successful democracy. We're the most successful, greatest economy in the history of mankind. We have the greatest military machine in the history of mankind.

I tell my constituents that 25 percent of the world's wealth is controlled by 5 percent of the world's population. That's what America is. One out of every 20 people live in America, and we control 25 percent of the world's wealth. We have a gross domestic product that exceeds, I don't know, $13-, $14 trillion a year.

And we have the greatest military machine on the face of the Earth ever assembled. You can amass the military of all the other 193 countries. It will not equal, Mr. Speaker, the firepower that the United States of America can bring to bear.

I tell my constituents that that great wealth and that great military power, with it comes a great responsibility in this world to use that wealth and that power in a responsible and careful manner.

□ 1900

Now, none of us like to pay taxes. None of us like to pay taxes. Our job, as Members of the United States Congress, House of Representatives, is to make sure that we are good stewards of the taxpayers' money that our good citizens send up here for us to run the country.

Now, a great deal of that money is spent on our national defense, the number one priority of this Nation. None of us on this House floor ever like to vote against defense dollars that are being spent around the world where we ask our men and women to go put on the uniform and defend our values and our freedom and our causes around the world.

Mr. Speaker, over the last 6 years, I think the greatest act of omission that has been perpetrated by this Congress is the lack of oversight that has been exercised by this Congress over the executive branch when it comes to how we spend those tax dollars.

Six years ago, our national defense budget was in the neighborhood of $400 billion; today it is in excess of $650 billion. That's about 5 percent of our gross domestic product. There are not many countries, if any, around the world, that spend that much on their military.

Our American citizens, our people back home, don't mind us doing that. They like for us to do it. But they want to know that when they send that money to Washington, somebody is making sure that it's spent wisely, and we are good stewards of that.

What has happened over the last 6 years, when we had one party come in control of the White House, and the House and the Senate, the oversight role by Congress has been abdicated. It's not the first time it happened. It happened before when the Democrats controlled everything.

But in this case it was the Republican Party that was in the majority. As a result, we have seen systemic deficits built in. We have seen a situation where there has been no oversight exercised by the House of Representatives and the Senate over the administration, and the Congress just got in the mode of rubber-stamping everything that the administration wanted, and ultimately, we had some problems. Some arrogance developed, some corruption developed.

That's basically when the American people stood up in November and said, no more, we don't want that any more. We think a divided government works best.

As Blue Dogs, we want to work with the Members on the other side of the aisle in making sure that the American people's money, when it comes to Washington, is spent wisely and is accounted for.

I wanted to remind our citizens back home that this chart in front of us that shows the $8.8 trillion national debt is for real, and that money has got to be paid back by somebody, or at least interest on it has to be paid back; and we ought to stop increasing that number on a daily basis. That's what the Blue Dogs are all about. Let's make sure that the tax money that we collect from American citizens is spent wisely, and that we exercise good stewardship as we see about the people's business of the United States of America.

I am proud to be a Member of the U.S. House with my good friends on both sides of the aisle. I'm proud to be an American. I want to thank my friend from Arkansas for the time.

Mr. ROSS. I thank the gentleman from Tennessee.

In the hour we have been on the floor this evening talking about the need to restore common sense and fiscal accountability to our Nation's government, we have seen the national debt increase by at least $40 million.

Today, the U.S. national debt is $8,807,559,710,099. And for every man, woman and child in America, their share of the national debt is $29,174. Every Tuesday night, those of us in the fiscally conservative Democratic Blue Dog Coalition take to the floor of the House to demand that we pass commonsense solutions to this problem, because it affects all of us. It's time that we restore common sense and fiscal discipline to our Nation's government.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, yesterday, May 21, 2007, I was not present for two votes in order to attend a ceremony awarding the BJ Stupak Memorial Fund scholarships.

Had I been present, I would have voted "yes" on H.R. 698, the Industrial Bank Holding Company Act (House rollcall vote 384).

Had I been present, I would have voted "yes" on H.R. 1425, the Staff Sergeant Marvin "Rex" Young Post Office Building (House rollcall vote 385).

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I am coming to the floor tonight, like I have so often in recent weeks, to talk a little bit about health care in our country. The delivery of health care services is one of the things that may not be the first thing that registers in any poll that's taken in this country, but it's sure third or fourth, and it appears in every poll that is taken in this country.

We are, indeed, on the threshold of what might be called a transformational time as far as how health care services are delivered in this country. Certainly, over the remaining 18 months of the 110th Congress, we are going to have several different issues before us, several different times, where we will be able to talk about and debate various aspects of our health care system.

Of course, just of necessity, as a big part of the Presidential election that will occur in the 18 months time, we will deal with the issues surrounding health care and the delivery of health care services in this country. We will be deciding, what road do we want to go if we have a system in our country now where about half is delivered, half of every health care dollar that is spent originates here in the U.S. Congress, and the other half comes from the private sector, uncompensated care and so-called charity care.

What do we want to see grow? What do we want to see encouraged? What do we want to see improved? Do we want to grow the public sector or do we want to grow the private sector?

Certainly expanding the government sector and its involvement in delivery of services, terms you will hear talked about on the floor of this House, things like universal health care, health care for all—in the early 1990s, we called it "Hillary care"—or do we want to encourage the private sector?

Do we want to encourage the private sector to stay involved in the delivery of health care services in this country, to be sure, to be certain, whether it's public or private, that the dollars that are spent are spent wisely to expand the coverage that's generally available for our citizens of this country. But these two options, and all of the questions and concerns that surround them, this is what we are going to have to decide in this House, certainly within the 18 months that remain in the 110th Congress, or very quickly after we enter into the 111th Congress.

I am hopeful that by visiting with you on some of these things tonight, providing some explanations and some insights into the directions that we might go, or we could consider going, and at its heart, at its core, I think we need to bear in mind that for all of the criticisms that are out there, and we have heard several of them here in the last hour, but for all the criticisms out there about this country and, in particular, its health care system, we do have a health care system that is indeed the envy of the world.

We have people from all over the world who come to the various medical centers over the United States to receive their care there. I believe, my position is, that we want to be certain that we maintain the excellence in the health care system that we have today, improve those parts that need improving, but don't sacrifice the excellence that exists in many areas of our country.

Some people are going to say, well, that's an overstatement that the United States health care system is a good one. They will look at, cite the numbers of the uninsured, they will start to cite the high cost of prescription drugs. There is no question that these are tough issues that this House is going to have to tackle.

Face it, you can pretty much manipulate statistics and numbers any way that you want to. The old adage is that there are lies, there are darn lies, and there are statistics. We have to be careful about how we ask the question and how we frame the question. We have to also be careful that we don't frame the question just so we get the answer that we want, and that we don't effect any improvement for the American people.

But let's talk a little bit about the history, about the background of how we got the system that we have today, how we got where we are today.

So, actually, if we go back and look at our country during the time of World War II, President Roosevelt felt that he had to do something to prevent wartime inflation from simply overtaking the economy. In an effort to do that, he put in place wage and price controls and told employers that, well, employees' wages would be frozen at certain amounts.

Well, employers were having a tough time keeping employees anyway. Many people were off fighting the war or were otherwise involved in the war effort. So employees that were here in this country and available were at a premium. So the employer wanted to do something to ensure that he kept his workforce on the job. And one of the things that they thought about doing was, what if we offer a health care benefit? Is that something that we can do that we will still not violate the spirit of the wage controls that President Roosevelt has imposed?

Indeed, they got a Supreme Court ruling on this subject, and the Supreme Court said that, no, health care benefits would be outside the scope of the wage and price controls. Health care benefits are something that you can make available to your employees, and in fact, you can make those available to employees, and neither the employee nor the employer will be taxed on those dollars that are so spent.

We came out of the Second World War, of course, victorious; at the same time, we had an economy that was just beginning the postwar boom. That economy that was so robust after the war led to the creation of more jobs, more employment. Indeed, the health care benefit was a benefit that was attractive; it was one that people liked. Indeed, it was one that stuck around and persevered and grew over time.

But we were also right at the beginning of a lot of pent-up demand as far as people starting their families, and we saw families start to have children. Boy, did they have children. This was the initiation of the so-called baby-boom generation.

The United States, like many other allies coming out of the Second World War, the United States was really in a unique position, both economically, and from the standpoint that the war was not fought in our backyard, in contrast to Western Europe, we actually were in pretty good shape coming out of the Second World War.

Contrast that to Western Europe, and even Great Britain, ostensibly a victor in the Great War, but at the same time, their economy was in much tougher shape; and when you get onto the continent of Europe, indeed, a good deal more difficulty with the economic recovery in the time immediately following the Second World War.

So a single-payer health care system of necessity was a requirement that the government needed to stand up and stand up in a hurry in order to prevent a significant humanitarian crisis that might otherwise have existed. In order to uphold the health care of their citizens, these governments were required to set up systems in a fairly short period of time.

Fast forward 20 years from 1945 to 1965, and we have the initiation of Medicare, and, shortly thereafter, of the program now known as Medicaid. These programs were signed into law by another Texas President; agreeably, of note, he was from across the aisle, but another Texas President signed these programs into law.

Today, these large government-run programs are focused. Initially they were created to focus on hospital care for the elderly and basic health care services for individuals who are less well off. Now, decades later—1965, when the Medicare program was started—decades later it was evident that the government-run program was slow to change, in need of reform, and it operated at an expense that was just unthought of at the time of the inception of the program. The expense of running Medicare was truly extraordinary.

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By 2003, Congress certainly recognized the outdated model, and was called upon by the President here in this Chamber. President Bush in the first State of the Union Address that I attended as a Member of Congress stood in this House and said: The problem of providing a prescription drug benefit to our seniors is too important to wait for another Congress; it is too important to wait for another President; and it is work we are going to take up this year with this Congress, and we are going to get this done.

Indeed, the President was correct, and that happened. By the end of 2003, the Medicare Modernization Act, that did provide for a prescription drug benefit we now know as the part D section of Medicare, was signed into law, and 2 years later it began to deliver on that promise and deliver prescription benefits to senior citizens who previously had not had access to a prescription drug program.

But it was clear that the government system needed to catch up to what by comparison was a relatively robust private system that was already doing the things required, focusing on things like disease management and disease prevention.

The good work done by the people at the National Institutes of Health over the previous 40 years had certainly set the stage for what we now recognize as a virtual explosion in preventive care. The premature cardiac deaths prevented by research done and delivered by the National Institutes of Health, probably somewhere between 800,000 and 1 million lives from the mid-1960s to the present time, over that 40-year interval, probably 1 million lives that have been saved or 1 million premature deaths that have been prevented by advances in treatment and prevention of heart disease, which in 1965 was certainly a more serious illness or affected a good number of people. And the problem was that oftentimes the first symptom of cardiac disease in 1965 was sudden death.

We no longer think in terms of cardiac disease as extracting that type of toll from our citizens, and that is largely because of the benefits that are there, benefits provided by the medicines like the statins that lower cholesterol, that are able to prevent and postpone the serious aspects of cardiac disease.

So Congress passed the Medicare prescription drug plan that gives seniors coverage for medication. The program has been successful, providing greater benefits for seniors. It did not come without considerable discussion and considerable argument back and forth. But with a massive push by the Department of Health and Human Services, the success of the Medicare prescription drug program now, I think, is clearly evident. But, at the same time, the private sector also continued to improve and expand, and it kind of brings us to the crossroads where we find ourselves today.

Again, at the present time the government pays for about half of all health care administered in this country. The current gross domestic product is roughly $11 trillion, and the Department of Health and Human Services, with its Medicare and Medicaid services alone, costs this country each year upwards of $600 billion. Add to that the expense for the VA, Indian Health Service, Federal Prison Service, and clearly you can see that we are getting quickly to that number which represents 50 percent out of every health care dollar that is spent in this country originating in this Congress.

Again, the other half is broken down, with the primary weight being carried by private industry, commercial insurance. There is also some charitable and some self-pay accounting for the balance of that number.

As the numbers increase for just the overall expense of health care, and the Federal Government continues to have to put more and more of the American taxpayers' dollars into health care, we have got to ask ourselves, are we using the taxpayer dollar wisely? Is the government providing excellence as far as managing money when it spends dollars for health care? Is the government better suited to make decisions about health care than families? Who is better suited to handle the growing health care requirements in this country?

Now, a government-only universal health care system tends to be more inflexible. In America, my concern is that it will hamper our innovation and delivery of some of the most modern health care services available anywhere in the world.

Two specific examples that a private-based system is more flexible and less expensive. Look at what goes on to our northern neighbor in Canada, a government-run system that took over health care shortly after the Second World War. It is a universal system, and the Canadians are very proud of their system, and rightly so. But there are some trade-offs, and one of the trade-offs is there can be a wait for health care services. In fact, the Canadian Supreme Court ruled in 2005 that access to a waiting list was not the same thing as access to care, and that in some instances the waiting list was, in fact, health care denied to Canadian citizens. And the Supreme Court required that the Canadian system remedy that.

But in Canada, if you find yourself with a diagnosis and a treatment, but a long time between that diagnosis and treatment, people who have the cash can certainly travel across the border to the south into the United States and find that they can have whatever it is they have been placed on a waiting list that seems interminable; whether it be a cardiac catheterization, a CAT scan, an MRI, they find they get it much more quickly than if they simply waited it out in Canada.

So, we have to ask ourselves, is our health or the health of someone in our family something with which we are willing to gamble that that length of time, that that delay won't cause problems, won't increase the morbidity for that particular disease process, won't lead to a lower expectation of a cure or salvage with whatever that particular diagnosis is?

The British Isles, where they have a similar type of system, they have a National Health Service. Again, very famous. Britons love the system. But, in fact, they also have a private system that coexists within their country. And if the National Health Service is not able to get to someone in a timely manner, and if that patient or their family has the funds available to expend, then indeed they can be seen in the private system. And for patients who are concerned that they might not survive their wait, or they are living with significant disability, this is a choice that they are willing to make.

But the reality is, again, our population is getting older and older, and if you ask someone who is in their sixth decade, seventh decade, eighth decade of life to wait for 4 months, 6 months, 8 months, 12 months or longer for a procedure or a diagnostic test, we, in fact, are consuming a significant amount of the available time they have left, and this, in fact, is not a fair allocation of health services.

So my premise would be that the private sector, with all of its difficulties, with all of its faults, is more nimble and is a more suitable and stable arena from which we can build our health care system in the future.

This is a complex relationship; and how Congress instructs the medical care in this country be done is largely going to determine if we have the best health care system possible. Certainly, it is incumbent upon Congress to promote policies that help the public sector maintain efficiency and become efficient in areas where it is not efficient, and, at the same time, allow the private sector to lead the way with innovation and development of new therapies, new techniques, and new ways of tackling old problems.

Now, one of the things that immediately comes to mind any time you have a discussion about health care is the issue with the uninsured. The uninsured population in this country is estimated by the United States Census Bureau to be somewhere around 46 million people. Now, within that group, I would argue that access to health care is not frequently the issue; it is the coverage that is the issue, because there always exists an emergency room someplace where care can be delivered urgently. But we all know the problem there is you don't always get your best result if you put off the treatment or the diagnosis until such time as it just no longer will allow itself to be put off, and we can increase the cost of health care by delivering health care under that model. But I would stress that in this country, it is not lack of access to health care, because those access points do exist, but it is lack of access to coverage that drives a lot of this debate.

Now, some of the things that have happened, and two examples that we should talk about, and, in fact, they are issues that we are going to need to take up within this Congress, because both programs require reauthorization, are the State Children's Health Insurance Program, or the SCHIP program, and Federally Qualified Health Centers.

Now, currently the children's health insurance operates as a joint Federal-State partnership. It certainly provides some flexibility for States to determine the standards of providing health care and funding for those children who are not eligible for Medicaid, but whose parents truly cannot afford health insurance. The program has been successful, and it has been successful across the board.

As we look to reauthorize the program this year, I think one of the things we can do and should do is clarify the fact that it is children's health insurance. While the intent of the legislation is clear, some States have opted to spend their funds on individuals other than children or pregnant adults. In an effort to correct this process, I introduced H.R. 1013, making certain that the SCHIP funds are spent exclusively on children and pregnant women, not on other groups. We don't cover every child who should be covered under the SCHIP program; and, until we do, it only makes sense that we restrict the funding, again, for children and for pregnant women, who are obviously going to be having a child in the near future, so that child can be covered during the prenatal period. But to take those dollars that should be spent covering children when not every child is covered in this country and spend that covering nonpregnant adults seems to undo the intent of the legislation.

Now, if our intent is to provide other coverage for other individuals, let's have that debate, let's have that discussion, let's have that vote. But let's keep those dollars that are designated to provide health care for children providing health care for children.

But SCHIP is an example where children and pregnant women can receive additional medical coverage which otherwise would not be available to them through the Medicaid program. And, certainly, there are some people who are now covered by SCHIP who previously would have fallen into the broad category as the uninsured.

Other ways of coverage for those individuals who are not children, who are not pregnant, there is access to care. If a Federally Qualified Health Center is available in the area, certainly health care can be gained through an FQHC. The patient has access to health care without insurance. In fact, 15 million of that number of the uninsured can access their health care through a Federally Qualified Health Center. A medical home, continuity of care, see the same doctor every time, in some instances have dental and other coverage, have some coverage for prescription drugs. This is real care available to real people, and it is care that should not be discounted, because it is available to all persons in the community regardless of ability to pay, and it is a program that has been up and running for 35 years. It is a program that is providing care today.

Both SCHIP and the Federally Qualified Health Center program were designed to help the poorest, the youngest, and those underserved in our communities. What about individuals that can afford to pay some of their health care services? Two programs that would assist individuals and their companies in receiving health care coverage, health savings accounts and association health plans.

Health savings accounts, previously known as medical savings accounts, are a tax-advantaged savings account that is available to taxpayers who are enrolled in a high-deductible insurance plan, an insurance plan with lower premiums and higher deductibles than a traditional health plan. Sometimes that is referred to as a catastrophic health plan, but it is with a difference, because you can put money away up to an amount that is $5,000 for a married couple. You can put money away in a tax-deferred or tax-free savings account. That money must be used only to pay for health care services in the future, but that money grows over time and can be a significant source of health care funds for an individual or a couple as they go through life.

For the health savings accounts, the funds are contributed to the account, they are not subject to income tax, and they can only be used to pay for qualified medical expenses. But the best part of having a health savings account is that all deposits to an HSA become the property of the policyholder regardless of the source of the deposit. So that means whether it is the individual themselves or their employer who deposits that money into the health savings account, the actual policyholder is the owner of those dollars designated for health care.

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And patients have a say in how and when they spend their health care dollars; any funds deposited but not withdrawn each year carry over to the next year. And the popularity of HSAs has grown considerably since their inception.

Now remember, medical savings accounts were started a little over 10 years ago in the Kennedy-Kassebaum bill that was passed in 1996. With the Medicare Modernization Act in 2003, the health savings accounts became the follow-on from the medical savings account. These were expanded. The number of companies offering insurance greatly expanded, a lot of the restrictions were removed, and health savings accounts really represent the full measure of what the old medical savings account attempted to achieve, but it just simply had too many regulations in its way to allow itself to come to fruition.

But numbers from 2005, by December of 2005, some 3.2 million individuals had coverage from a HSA. Of that number, 42 percent of those individuals or families had incomes below $50,000 and were purchasing health savings account-type insurance. The HSAs are an affordable option.

In addition, the number of previously uninsured HSA plan purchasers over the age of 60 nearly doubled, proving that plans are accessible to people of all ages. And really, the proof of that, for a young person in the mid-1990s, getting out of college, perhaps going to go into business for themselves, didn't want to go to work for a big company, no longer can be carried on their parents' health insurance, almost impossible to buy health insurance coverage at any price. I know, because I tried in the mid-1990s to do just that for one of my children.

Fast forward to the present time. Go on the Internet, your search engine of choice, type in health savings accounts, and very quickly, with a few clicks, you'll be with a menu that has a number of options available as far as health savings accounts are concerned. And a high deductible, reputable company, PPO plan in the State of Texas for a male, 25 years of age, nonsmoker, these premiums run about $65 a month.

Yes, you do have a high deductible. Yes, until that high deductible is funded with tax-deferred, pretax dollars that are going to go into that health savings account to grow over time and provide the offset for that high deductible, sure, during the first year or early years of having a health savings account, things like preventive care are not necessarily going to be covered. Those are expenses that will have to be paid for out of pocket because most people, fortunately, will not get to the limit of their deductible.

A young person needs a flu shot. They're probably going to have to write a check for that out of personal funds. But over time, that so-called medical IRA will grow and, again, it grows tax deferred and so it can begin to grow quite quickly.

Albert Einstein one time said the most powerful force for good known to man was the miracle of compound interest. That money will grow over time. So for a young person especially, starting that type of account, again, that that can be very powerful.

Now, of the 46 million Americans who are uninsured, nearly 60 percent of them are employed, and they're employed within a small business. Some of these individuals prefer a more traditional health plan than a HSA, but their employer, the small business for whom they work, find offering a health benefit is either nonexistent or just quite simply too expensive for them to provide.

To take some of the burden off of the small employer who wants to provide insurance for their employee, Congress has devised the concept of what is known as association health plans. This allows small businesses a similar business model, or business plan, to band together to get the purchasing power of a much larger corporation in order to provide more cost-effective insurance coverage to their employees.

A group of realtors, for example, or a group of Chambers of Commerce, or medical offices or dental offices or insurance offices, these groups would be able to form a purchasing unit that would be able to purchase health care, again, get the purchasing clout of a much larger group than a small office could ever provide by itself.

This legislation has passed the House of Representatives twice in the 108th Congress, twice in the 109th Congress. It never could get through the Senate, and I believe it is still an important concept and one which we need to come together and work on.

We heard the group before me talking about how important it was to have a bipartisan effort on these issues, and I certainly welcome that spirit, and would suggest we do need to have a bipartisan effort on working out these types of problems for the American people, because association health plans might not bring down the number of uninsured acutely, right away, but it will certainly help stem the number of small employers who are finding it increasingly difficult to provide insurance for their employees.

So it will bend that growth curve of the uninsured that has gone inexorably upward. It will bend that growth curve of the uninsured in a much more favorable direction.

But I think we also heard from the President this year when he talked in the State of the Union address, he talked a little bit about perhaps providing some tax relief to individuals who are self-employed, who would purchase insurance but, gosh, I've got to buy it with after-tax dollars, and that just adds to the expense. So the President was talking about providing some measure of tax relief for individuals who wish to have their own insurance policy.

He also talked about putting a cap on the upper limit of insurance benefits that would be able to be offered by a company to an employee and come to that employee as an untaxed benefit.

One of the things in addition to the issues that the President brought up and one of the things that I think this Congress should look at as perhaps a follow-on or extension to what the President was talking about, would be to provide, whether you call it vouchers, whether you call it tax credits for people who lack insurance, whether you call it premium support, to buy down the cost of the premiums so that a person who is employed, but says those health insurance premiums are just too expensive for me to afford. If we can help that individual pay that premium cost, that keeps the individual off of the Medicaid rolls. So it keeps them from being a governmental expense and allows them to participate in their employer's insurance plan, which has an advantage of keeping the insurance plan that the employer offers a viable one because more employees will be participating; and over time, perhaps that employer will find that they can indeed reach a stage in their employment where they are, in fact, able to carry the cost of the premium expense themselves.

But the concept of premium support not mentioned by the President during his State of the Union address, but one which I feel very strongly is an issue that should be explored by this Congress, it is a concept that we should study, and I think come up with a solution that would be a benefit for the American people.

Well, one of the other things that I do want to talk about in the context of all of these things that I've discussed with health care is, we've got to be careful we're not putting the cart before the horse. A conversation with Alan Greenspan about a year and a half ago, just as he was leaving the Federal Reserve Board, the obvious question came up, how in the world is Congress ever going to pay for Medicare in the future?

He thought about it. He said, at some point, when the time comes, the Congress will do the right thing and figure out a way to pay for Medicare. He paused and then said, what concerns me more is, will there be anyone left to provide the services that you desire when you get to that point? And that is a very valid observation, and certainly one that drives a lot of my thinking when I study the issues surrounding health care and health care delivery in this country. Because the question legitimately can be asked, is our country heading into what might be described as a crisis in physician staffing, a crisis brought on by a physician shortage in the country?

And I reference back in my home State of Texas. The Texas Medical Association puts out a magazine every month, a periodical every month, called Texas Medicine. I stole the cover of their March issue because it really says what Mr. Greenspan was telling us that day. The title of the lead article in the periodical last March was, Running Out of Doctors. And that is a concept that I think this Congress, we need to pay some attention to that. And if we don't, I think we put the system in this country in greater peril than it needs to be.

And we need to ensure that the doctors who are in practice today stay in practice, that they stay engaged, they stay there providing care to their patients. These are doctors who are at the peak of their clinical abilities, they're at the peak of their diagnostic abilities. We want them to remain active in their practices and providing services and, honestly, services to the patient who have, who provide them with their most complex medical challenges, our senior citizens.

So what steps do we need to take to ensure we have an adequate physician workforce going forward into the future and ensure that the doctors of today stay engaged in the practice of medicine, and that the young people of tomorrow come to realize that a career in health care is one that is not only viable but one that is going to be rewarding for them as well?

Well, tackling a problem that has plagued the medical community for years and years revolves around the issues of medical liability. My belief is that we need a commonsense medical liability reform to protect patients, to stop the escalation of costs associated with lawsuits, and to make health care, to keep health care more affordable and thereby more accessible for more Americans, and to keep the necessary services in the communities that need them the most.

My belief is that we do need a national solution. The State-to-State solutions that have grown out of necessity do leave vast populations in jeopardy, and have the undesirable effect of actually increasing health care expenditures in this country all of the time that we leave that condition unsolved.

I like the system that was developed by my home State of Texas that placed caps on noneconomic damages in medical liability suits. I think it is one that certainly is worthy of study by this body, and perhaps worthy of consideration by this body. Texas brought together all the major stakeholders in the discussion, doctors, hospitals, nursing homes and patients. The State was able to have these discussions and bring the stakeholders to the table and come up and craft legislation that really put the brakes on the escalation that was going on in medical premiums; and just as importantly, to keep medical liability insurers involved in writing policies in the State of Texas.

We'd lost most of our medical liability insurers from the State. They had simply closed up shop and left because they could not see a future in providing medical liability insurance in Texas. We went from 17 insurers in 2000 down to two in 2002. Rates were increasing year over year. In my personal situation, before I left medical practice, my rates were increasing by 30 percent to 50 percent each year.

So, in 2003, the Texas State Legislature passed a medical liability reform based on a much older reform passed in the State of California. California, in 1975, passed the Medical Injury Compensation Reform Act of 1975, which essentially put a cap on noneconomic damages in medical liability suits, and it has worked extraordinarily well in the State of California.

The Texas law was modified a little bit, I'd say made ready for the 21st century. Instead of a single $250,000 cap, there is a $250,000 cap on noneconomic damages as it pertains to a physician, a $250,000 cap on noneconomic damages as it pertains to a hospital, and an additional $250,000 cap as it pertains to a nursing home or a second hospital, if one is involved, for an aggregate cap of $750,000.

So the question is, how has the Texas plan fared? It actually came into law September 12th of 2003, and remember, I said the State had dropped from 17 medical liability carriers down to two because of the medical liability crisis in the State. Now we're back up to 14 or 15 carriers. And most importantly, they came back to write business in the State of Texas without an increase in their premiums. This is, indeed, a significant reversal.

More options mean better prices and a more secure setting for medical professionals to remain in practice and certainly provides physicians the certainty that they need to keep their practices open in Texas. And one of the most astounding and unintended beneficiaries of this was that of the small, community, not-for-profit hospital that was self-insured for medical liability. These small community hospitals have been able to take money out of those escrow accounts that they were having to hold in abeyance in case they found themselves involved in a liability suit, and have been able to put more money back into their community hospitals, been able to spend money on capital expenses, been able to spend money on nurses' salaries, precisely the types of things you want your small, community, not-for-profit hospital to be doing, rather than just holding money against a day where they might be involved in a large damage suit.

So I took the language of the Texas plan and worked so it would fit within our legislative structure here in the House of Representatives, and actually gave this legislation to the ranking member of our Budget Committee, and he had that bill scored by the Congressional Budget Office. So the Texas plan, as applied to the Texas house of representatives, to the entire 50 States, would yield an average savings of $3.8 billion over 5 years.

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Not a mammoth amount of money, but when you are talking about a $2.99999 trillion budget, this savings would amount to moneys that we could use on any of the other number of spending priorities that we hear so much about in this Congress.

And consider this: A study done in 1996 by Stanford University revealed that in the Medicare system alone, the cost of defensive medicine was approximately $28 to $30 billion a year, 10 years ago, Mr. Speaker. I suspect that that number is significantly higher today. Defensive medicine, those additional tests and procedures that are ordered by doctors in order to help them provide a good defense should they have a bad outcome and should the case go to litigation in the courts, again, moneys expended on medical care not for the care of the patient, but to provide the best possible defense for a physician if a case is taken into court.

Another consideration is young people getting out of college who are considering a career in the health professions, whether it be medical school, nursing school, dental school, or one of the allied professionals, the current system keeps young people out of the practice of health care for their livelihood because of the burden that we put on them. One thing we have to consider: They are graduating from school with massive amounts of debt, and then immediately upon getting out and emerging on the world and starting into practice, they have to come up with another $100,000 for their liability insurance. It is an untenable position, and it drives young people away from considering a career in health care.

One of the things that I think we really need to focus on, getting back to the cover of Texas Medical Association and running out of doctors, part of ensuring that the workforce for the future includes helping younger doctors and younger students with residency programs, one of the strange things about doctors is we do tend to have a lot of inertia. A lot of us tend to practice very close to where we did our training. Studies have shown that many doctors will stay within 100 miles of where they trained. They like to practice in communities similar to the communities in which they did their training. So it would be a great asset to look at areas in this country where there is high need for certain types of physician specialties, areas that are currently medically underserved, and encourage young doctors to get their training in these locations where they are actually needed.

Now, a bill that I am going to introduce, called the Physician Workforce and Graduate Medical Education Enhancement Act, would develop a program that would permit hospitals that do not traditionally operate a residency training program the opportunity to start a residency training program to build a physician workforce of the future. This bill would create a loan fund available to hospitals to create residency training programs where none has operated in the past. The programs would require full accreditation and be generally focused in rural, suburban, inner-urban community hospital locations.

On average it costs a hospital $100,000 a year to train a resident, and the cost for smaller hospitals can be prohibitive. Another concern stems from the 1997 congressionally passed balanced budget amendment that set a residency cap that also limits resources to nontraditional residency hospitals such as smaller community hospitals. In my bill the loan amount to any institution would not exceed $1 million, and the loan itself would constitute start-up funding for a new residency program.

As we all know, the start-up money is essential. Since Medicare graduate medical education funding can be obtained only when a residency program is firmly established, the cost to start a training program for a smaller, more rural, or suburban hospital can be cost-prohibitive because these hospitals operate on much narrower operating margins.

The overall bill would authorize a total of $25 million to be available over 10 years. The fund, of course, would be replenished because these are constructed as loans, and the Health Resources Service Administration may make the loans available to new applicants. These moneys would be repaid, and the residency slots in existing programs would continually work to bring new residents into the program and keep the program self-perpetuating.

To be eligible, a hospital must demonstrate that they currently do not operate a residency program, have not operated a residency training program in the past, and that they have secured preliminary accreditation by the American Council on Graduate Medical Education. Additionally, the petitioning hospital must commit to operating a residency program in one of five medical specialties or a combination of specialties: family medicine, internal medicine, emergency medicine, OB-GYN, or general surgery. Again, the hospital may request up to $1 million to assist the establishment of this new residency program, and funding could be used to offset the cost of residents' salaries and benefits.

The bill would require that the Health Resources Services Administration study the efficacy of the program in increasing the number of residents in family medicine. The loans would be made available beginning January 1, 2008, and the program would be sunsetted in 10 years' time, in January 2018, unless Congress voted to reauthorize the program.

Now, locating young doctors where they are needed is just part of solving the impending physician shortage crisis that will affect the entire health care system. Another aspect that must be considered is training doctors for high-need specialties.

My High-Need Physician Specialty Workforce Incentive Act of 2007 will establish a mix of scholarships, loan repayment funds, tax incentives to entice more students to medical school, and create incentives for those students and those newly minted doctors. This program will have an established repayment program for students who agree to go into, again, family medicine, internal medicine, emergency medicine, general surgery, or OB-GYN, and practice in an underserved area. The Health and Human Services Department will administer and promulgate the requirements. The recipients must practice in the prescribed specialty and the prescribed area, which is designated as a medically underserved area, and the practices may include solo or group practices, clinics, public or private nonprofit hospitals. And it will be a 5-year authorization at $5 million a year.

The bill would provide additional educational scholarships in exchange for a commitment to serve a public or private nonprofit health facility determined to have a critical shortage of primary care physicians. Such scholarships will be treated as equivalent to those under the National Health Service Corps, and penalties apply for those that take advantage but do not go into one of those practice areas.

This will establish the Primary Care Physician Retention and Medical Home Enhancement grants to help ensure that primary care physicians continue to provide coordinated care to patients in underserved areas or high-risk populations. And the reality is we can all think of areas like that back in our home States or, indeed, back in our districts.

In other areas such as the Louisiana gulf coast, where so many doctors left after the devastating hurricanes of Katrina and Rita 1½ years ago, it has been very hard on the doctors in this area, very hard to keep doctors in this area, very hard to encourage and entice new doctors to come to the area; and this would be one more tool, one more way, to keep the rather fraying social safety net from becoming completely undone in that area.

Every year there would be a report back to Congress about the effectiveness of the program. This would allow us to assess if we are spending our dollars wisely and getting what we thought we would get when we initiated the program. Again, oversight is going to be key to this process.

Well, so far in addressing the physician workforce crisis, we have discussed the medical liability, the placement of doctors in locations of greatest need, and the financial concerns of encouraging young people to go into medical school in the first place and to remain in high-need areas in high-need specialties.

The next portion of this has to deal with perhaps the largest group of practitioners affected in this country and certainly the still-growing group of patients, our baby-boom generation, within the Medicare program.

The baby boomers, and we have already talked about it, as they age and retire, the demand for services has nowhere to go but up. And if the physician workforce trends continue as they are today, which is downward, we may not be talking about funding a Medicare program. We may be talking about what are we going to do to take care of our senior citizens when there is no one there to take care of them? I often tell people if you see a train wreck coming, you have two options. One is to stop the wreck and avert the wreck from happening in the first place; and the other is to run home and get your video camera and be the first to get it up on YouTube. I believe the responsible approach is to avert the crisis in the first place.

Year after year there is a reduction in reimbursement payments from the Center for Medicare and Medicaid Services to doctors for the services they provide to their Medicare patients. This is not a question of doctors wanting to make more money; it is about a stabilized payment system for the services that are already rendered. And it isn't just affecting doctors. It affects patients. It becomes a real crisis of access.

Not a week goes by that I don't get a letter or fax from some physician who says, you know what, I have just had enough, and I am going to retire early. I am no longer going to see Medicare patients in my practice, or I am going to restrict the procedures that I offer to my Medicare patients. Unfortunately, I know this is happening because I saw it in the hospital environment before I left the practice of medicine to come to Congress, but I also hear it in virtually every town hall that I do back in my district. Someone will raise their hand or come up to me after the town hall is over and say, how come on Medicare, when you turn 65, you have to change doctors? And the answer is because their doctor found it no longer economically viable to continue to see Medicare patients because they weren't able to keep up with the cost of delivering the care. They weren't able to cover the cost of providing the care because of the cuts that are happening year over year in the Medicare reimbursement formula.

Now, Medicare payments to physicians are modified annually using a formula called the sustainable growth rate. Because of flaws in the process, the sustainable growth rate formula has mandated physician fee cuts in recent years that have only been moderately averted by last-minute activity by Congress. If no congressional action is implemented, a cut goes through. And if no long-term action is taken, the SGR will continue to mandate fee cuts for physicians. And unlike hospital reimbursement rates, which closely follow the Medicare Economic Index, a cost of living index, if you will, which measures the increasing cost of providing care, physician reimbursements don't do that. In fact, Medicare payments to physicians cover only about 65 percent of the actual cost of providing patient services. Can you imagine any other industry or service or company that would continue in business if they received only 65 percent of what they spent to deliver the service? Not 65 percent of what they needed to make a profit; 65 percent of what they need to simply keep the doors open in the first place. Currently, the sustainable growth rate formula links physician payment updates to the gross domestic product, which has no relationship to the cost of providing patient services.

But the simple repeal of the sustainable growth rate formula can't happen, or we are told it can't happen, because it is too cost-prohibitive. Two hundred and eighty billion dollars is what it would cost this year to repeal the sustainable growth rate formula.

But perhaps if we approached it as something we could do over time, we could bring that cost level down to an area that is manageable. And paying physicians fairly will extend the careers of many physicians who are now in practice who would either opt out of the Medicare program, seek early retirement, or restrict those procedures that they offer to their Medicare patients. It also has an effect on ensuring an adequate network of doctors available to older Americans in this country that make the transition to the physician workforce in the future.

In the physician payment stabilization bill that I will introduce, the SGR formula would be repealed in 2010, 2 years from now, and provide incentive payments based on quality reporting and technology improvements. These incentive payments would be installed to protect practicing physicians against the program cuts that are likely to occur in 2008 and 2009. The incentive payments would be voluntary. No one would be required to participate in a quality program or the technology improvement, but it would be available to those doctors or practices who wanted to offset the proposed cuts that will occur in physician reimbursement in the 2 years until a formal repeal of the SGR happens.

Now, I do know from talking to my friends who are physicians and my friends in organized medicine that it is an alarming thought that we would have to wait for any period of time before repeal of the SGR.

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If we step back and look, in terms of a long-term solution, the only practical approach is, in fact, to deal with it on a long-term basis. The reason we are in the deep depression we find ourselves in is because year over year we've only provided these last-minute fixes, which have only served to exacerbate the problem, not solve the problem.

Well, why not just do away with the SGR once and for all and get it done? Remember, the cost for doing that is going to be about $280 billion. One of the problems that we have in Congress is the Congressional Budget Office is the group to which we must petition and the group to which we must look for advice about how much things are going to cost. If we are going to be spending the taxpayers' money, how much are we going to spend, over what time will we spend it? Because of some of the constraints of the Congressional Budget Office, we are not allowed to say, look, we are doing things so much better now within the system that give us credit for that going forward so we can, in fact, reduce that number from $280 billion down to something that is more reasonable.

We all saw the Medicare Trustees Report from about 2 weeks ago. It said that in the year 2005, there were 600,000 hospital beds that were not filled as a result of improvements that have occurred because of disease management, because of doctors doing things more efficiently. These are dollars that have been saved out of the part A portion of Medicare, but it's because of work done in the part B part of Medicare, and that is, after all, where we are all focused within the part B world.

By postponing the repeal of the SGR by 2 years' time and taking the savings that occur during those next 2 years and applying it back to the SGR formula, we may actually get a number that is doable as far as releasing the SGR and replacing it with the full Medicare economic index so we can pay doctors the same way hospitals, HMOs and drug companies are reimbursed.

One of the main thrusts of this bill is to require the Center for Medicare and Medicaid Services to look to their top 10 conditions that drive the highest percentage of payment. It's the old Willie Sutton argument: He robbed banks because that's where the money is. Let's look at the top 10 drivers of health care expenditures in this country, and look at ways where we can improve the care that is delivered in those 10 areas, and look to those areas to give us the savings that will, in fact, deliver the benefit towards the ultimate repeal or retirement of the SGR.

The same conditions actually apply to the Medicaid program as well. It will be a useful exercise. It helps not only Medicare, but would also help CMS with the Medicaid expenditures as well, and will just help physicians in general provide better care for their patients.

It will include some reporting back to doctors and back to patients as to their utilization amounts; these numbers will not be made public generally, but will allow doctors to individually modify their own practices if they see there are ways where they may improve.

Health information technology, it is something which, I will admit, I have been slow to come to the table with as far as looking for improvements in health information technology to provide substantial savings. And I will tell you what changed my mind on that.

In January of 2006, with our Oversight and Investigations Committee down in New Orleans, Louisiana, to look at the recovery from the hurricane as it impacted the health care system in that part of the world, this is the medical records department at Charity Hospital, one of the venerable teaching institutions in our country. When the city of New Orleans was flooded, these records were completely under water.

Now the basement has been all but completely emptied of water. There is probably about a foot of standing water that doesn't show up in the photographs. But look at the records. This is not smoke or soot damage, this is black mold growing on these records. So how do we know that there is a patient in there that is on dialysis waiting for a kidney transplant? We will never know.

We couldn't ask anyone to go in there and go through those records, it would be hazardous to their own health. How do we know about where a person was in their cancer treatment? We will never know that information; that information has been lost to the ages. This is the kind of problem that you can get into with paper records.

You know, the youngsters of today, the college students of today, indeed, the young physicians of today, they understand this very well. They are connected, they are wired in, they all have flash drives and zip drives. They would no more imagine preparing a term paper for one of their classes and then only keeping one paper copy. No. They've got it on their hard disk. They've got it on a floppy disk. They've got it on a flash drive. They have probably e-mailed it to someone back home. The old adage of "The dog ate my homework" just won't wash anymore. We need to evolve into the 21st century when it comes to medical record keeping.

It costs money to do this. It is going to require a big push from both the public and the private sectors. I prefer to think of the bonus payment as being an inducement and enticement for physicians offices to participate in this program. But on the face of it, it's just good medicine, it's just good patient care.

Now, we all heard about the troubles at Walter Reed Hospital a few months ago. I went out to Walter Reed shortly after the story broke in the Washington Post, and here is Master Sergeant Blades. And he took me around building 18, and yeah, it was a crummy building. We could certainly have done a lot better than we were doing for our soldiers on medical hold in building 18.

But the real thing that bothered Master Sergeant Blades was the fact that they had to wait so long to get in to see someone. And when they did, oftentimes their records that they had worked on and they had prepared and they had organized, sometimes those records, after they delivered them to the appropriate clinic, their records would get lost. His specific complaint to me was, I can spend 20 man-hours putting together my medical record and highlighting the areas that are of significance and importance to me. This goes over to one of the clinics. It sits on someone's desk until it is no longer retrievable, and I have to start all over again.

Now, the VA has been very forward thinking in its embrace of electronic medical records and its investment in medical technology. The problem is the Department of Defense medical records do not interface with the VistA system at the Department of Veterans Affairs. So if delivering value to the patient is of paramount importance, it is critical that we make this type of service generally available to our patients.

Mr. Speaker, I was also going to address some of the issues on health care transparency; I probably don't have time to do that. I will simply mention that I have introduced a bill dealing with health care transparency that provides for keying off what is happening in the States, and making certain that every State would have at least some level of transparency in health care pricing.

In Texas, up on the Web right now, and I realize it is going to go through several different iterations and it will evolve considerably over time, but TXpricepoint.org, available on the Internet, allows patients to compare prices on hospitals in their area.

Again, a lot of things we have to consider when we work on the transformation of the health care system in this country. There are good things as far as the public system, there are good things as far as the private system. We have got to be certain that we build on the good things present in both systems, and that we stop doing the things that no longer deliver value to our patients.

U.S. TRADE AGREEMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New York (Mr. CROWLEY) is recognized for 60 minutes.

Mr. CROWLEY. I thank the Speaker for affording me this opportunity. And to the new Democratic coalition, to have an opportunity to speak a few moments on the new template that has been created as we move forward on trade here in the House of Representatives.

I want to take this opportunity again to applaud the Chair of the Ways and Means Committee, my chairman, Mr. RANGEL, as well as chair of the Subcommittee on Trade, Mr. LEVIN, as well as the Speaker of the House, NANCY PELOSI, and the entire Democratic leadership for what I believe was forcing the Bush administration to agree to a framework that will encompass all future trade agreements, a framework that will ensure that our trade pacts with other nations respect labor, both here in the United States and abroad; that respect the environment both here and abroad; and respect our Nation's future economic success. And specifically, the new Democratic majority achieved a long sought-after goal that our trade agreements will include enforceable labor and environmental standards.

I think it is incredible that our caucus, that charged our leadership and Mr. RANGEL with the authority to negotiate on behalf of our caucus with the administration, with the USTR, the principles that we laid out for him and for our leadership. And what is remarkable is the success that Mr. RANGEL and our other leaders met in those negotiations.

This new framework, this new template, as I said before, illustrates how Democrats, in response to public demands to work in a bipartisan way, how we were able to achieve our goals by working cooperatively with Republicans without compromising what we stand for as Democrats—and that, in large contrast to the stalemates that we saw in recent past Congresses.

I think it is a new day in many respects for the Ways and Means Committee and for the House of Representatives. I hope it goes beyond this new template for fair and free trade agreements: that this can be used as an example in other areas; that we can hopefully work in a more bipartisan spirit, not always agreeing, not always getting along, but working in the spirit of cooperation on behalf of all our constituents, be that Democrat, Republican or Independent.

This new trade policy achieves the core Democratic principles and goes far beyond the provisions in any previous free trade agreement. All pending free trade agreements will be amended to incorporate key Democratic priorities and will be fully enforceable. Key demands that were met are fundamental labor and environmental protections included in trade agreements that are fully enforceable.

I think it is important to note here, after years of opposition, this administration and the former Republican-controlled Congress agreed to include in the text of the agreement the five ILO worker rights: first, the right to association. Secondly, the right to collectively bargain. It also prohibits child labor. It prohibits slave labor. It prohibits discrimination. For the first time, environmental standards cannot be lowered, and will be fully enforceable in free trade agreements going forward.

The agreement upon framework expands access to life-saving medicines in developing countries as well. Trade agreements with South Korea and Colombia present additional and distinct obstacles that need to be addressed. This is a framework; it is not carte blanche for every free trade agreement moving forward.

The framework is about leveling the playing field for America's workers, for our farmers and businesses, and promoting a trade policy that advances U.S. economic interests around the world, but also advances what we stand for as Americans.

Democrats will continue to work across the aisle to make sure our country stays in the forefront of this globalizing economy and this globalizing world. Working across the aisle, Democrats will educate our youth and upgrade worker skills on the job, and stimulate science, education and research as we move forward.

Democrats are committed to moving beyond the current trade adjustment assistance, TAA system, to provide meaningful support, training and revitalization programs for entire communities which have been hurt by the effects of trade and technology. This bipartisan framework will keep America as a global economic leader and a champion for the principles Americans all believe in.

I am so happy to be joined this evening by a fellow member of the New Democratic Coalition, ALLYSON SCHWARTZ from Philadelphia, who would also like to share her thoughts about this new template that we have been able to create here in the House of Representatives.

Ms. SCHWARTZ. I thank Congressman JOE CROWLEY from New York, who has been a leader in the New Democratic Coalition. He has really been, as a member of both the coalition and of the Ways and Means Committee, as I am, really out front and really working to make sure that we are as economically competitive as we need to be in this country. And that means all American workers being given new opportunities. And that really does involve making sure that we get these trade agreements right.

So I want to thank the Congressman, and thank him for asking me to join him this evening.

What I want to do is to add my words, some of them will be similar, I share some of the same feelings you do, about how important it is for us as new Democrats to participate and to push to make sure that we get trade policies in this country that, in fact, are committed to advancing sustainable and responsible trade between ourselves and the rest of the world.

We recognize that this is a new day in the way we work. It is a global marketplace. We need to recognize that, we need to recognize these new marketplaces.

I, too, want to recognize our leadership on the Democratic side, Speaker PELOSI and Chairman RANGEL and SANDER LEVIN, who really are absolutely committed to doing these trade agreements differently and bringing a Democratic perspective to some of the goals and ambitions that we have for our constituents and for the American people to really try and do things differently.

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But let me also say that I understand very clearly, as I think all of us do here in Congress, that the new global economy has created real challenges for American businesses, for American workers, for American consumers and for American families, and that we need to do things differently in the 21st century. We need to recognize the competition that we are in, and we need to do a number of different things. Trade agreements are one piece of what we have to do, and do them in a way that recognizes how difficult this issue is for so many Americans. But it is not all we are going to do.

So we are going to talk specifically about trade this evening, but I think as you started to speak to towards the ends of our remarks, the fact is as New Democrats, and I hope for all of us in Congress, we need to work together to make sure that Americans are well prepared for the jobs of the 21st century, and that means investing in education, demanding more from our educational systems, demanding access to higher education and job training. It means making sure that people displaced by globalization, by the changing marketplace, have access to continuing education and job training, and that they are trained for jobs that are family-sustaining, that help them be able to do all they want to do for their families, and that we help American businesses be as innovative and as technologically advanced as they possibly can.

Our support as New Democrats for research and development, for ways and means, for tax credits that help advance the use of technology in our businesses and to make sure that we are competitive are all things that we need to do, in addition to making sure that our trade policies are really going to work for American businesses and American workers.

You went into some detail, and I think that was important, but let me certainly say that what we have done and what has been put forward by Chairman RANGEL and by Congressman SANDY LEVIN really is an enormous change over the agreements that we have seen in the last 6 years in particular. I want to say I am very proud of the fact that they held really firmly on putting forward, making sure that we and other nations really meet international labor standards. They were missing in our trade agreements.

If we are going to bring up the standards of workers in other countries, if we are going to be able to compete with workers and businesses in other countries, we need to have them make a commitment to those ILO standards, to the international labor standards.

We also stood firmly on making sure we were going to demand that other nations work on environmental protections. That means when we are dealing with Peru, we are talking about logging and making sure that they meet commitments.

Of course, we will need to make sure on an ongoing basis that language that is written in these trade agreements is enforced. It does not help us to write good language, although that is the first step; we must make sure there is an enforcement. I think many Democrats, and I hope that it is true for all of us, are concerned about the lack of enforcement that has gone on in the last 6 years. I myself have raised some of those questions in the Ways and Means Committee hearings.

So we are not finished by any means, even by speaking tonight. This is a broad template. We are referring to it as a new trade policy for America. But we feel very strongly, I certainly do, that we have made an enormous step forward here in making sure of the trade agreements, and we expect the template to be first used in our pending agreements with Panama and Peru.

There are obstacles and other issues that have to be dealt with in our trade agreements. This is just part of the special ones that often have to be dealt with. They certainly will be with Colombia, with South Korea, that are not spoken to in this template that will be very specific.

But the fact that this framework requires and demands that we will see higher labor standards in other countries, that we will see higher environmental standards, that we will see a commitment to really meeting these international standards, is a commitment that I think we have made to American workers. As I say, it is a piece of helping to make sure that American businesses and American workers can meet the challenges of the 21st century.

We will continue to, I certainly will, make sure that we do everything we can to make sure our workers are well-trained and prepared for the jobs of the next century, that those jobs are here in America, that we can complete in an international global marketplace.

This is really our responsibility in Congress is to be able to say what we expect of these trade agreements, to put language in those trade agreements. But the fact that we can work with this administration; you know, it has been hard to work with this administration on a lot of issues. The fact is this has been a breakthrough on trade.

The administration wants to see these trade agreements, but we weren't willing to relent without these high standards on labor and on the environment, and, again, I am going to add on enforcement.

I will say also that we fully expect that the work that we are going to do on education and on research and development and on innovation really is going to, I hope, put ourselves forward in making sure that we are going to be as competitive; that we add the work we are going to do on energy, bringing down the cost of energy; that we can add what we hope to do on health care and bringing down the cost of health care for our businesses and creating more access to health care.

We are really looking long term, because this is long term, in making sure that America continues to be the leading industrialized Nation in the world, that our people live at the highest standards, and that they can compete in a global marketplace in a way that we have always been proud of American products, and we will always be, and that we will, in fact, be able to make sure that our workers have the access to jobs, and that around the world we see all of the economies grow and expand and create new markets for us as well.

So I yield back. I will be happy to go into, as I know Mr. CROWLEY will be, into some of the specifics about some of these standards. But, really, I think what we want to do tonight is say as Democrats, we believe in the American worker. We believe in American business. We know we can compete. We need fair trade agreements that are enforced by this administration, and I know we will stay right on it to make sure that happens.

Mr. CROWLEY. One of the things that I think is remarkable about the template is that this is the base. This is not the ceiling. This is where we start from. And it is also precedent-setting. We have been asking, I wouldn't say begging, but we have been pleading with the other side to include these ILO declarations for many, many, many years now.

Unless you have served in the House for the past few years, you may not have the same appreciation for the dysfunctionality of the Ways and Means Committee and how it was or was not working in the past. It was either you take the agreement and you vote for it, or you don't. That is not a way, I think, to build bipartisanship. That is not a way to build consensus on any issue, let alone an issue that is as contentious as trade is for both Democrats and Republicans.

I think the American people, Allison, I think you will agree, want to see us working together. It doesn't mean we always have to agree on everything, but they want to see us working together and crafting a template like this, that there is a give and take on all sides. I think when anyone enters into negotiation on behalf of any party, the understanding is there will be some give and take.

There will be some who are not entirely happy with every aspect of an agreement, but I think on the whole, we have to look at what Mr. RANGEL and Mr. LEVIN have been able to craft here and understand that just about everything we wanted as Democrats is in this template.

It doesn't mean that we will all, either Democrat or Republican, support all of the free trade agreements moving forward, but it is the floor and not the ceiling, and it gives us a great place, I think, to start.

One thing to also recount is that many of the nations that we have talked to, whether it was Peru or Panama or even Colombia, have said they have no problem with us including these provisions. They had no problem if the former Congresses would have included them, but they didn't include them.

Under this new Congress, this new Democratically controlled House and Senate, we said, no more. It will no longer be the way it used to be. It will no longer be a rubber stamp. We are going to impose a new template that incorporates some of the things that we believe are core standards for the American worker, but also for us as Democrats and for the environment.

We have been joined as well by our colleague from Wisconsin Mr. KIND, a cochair of the New Democratic Coalition. I know he would like to participate.

Mr. KIND. If the gentleman will yield, I am very, very glad my colleagues here tonight are taking time to try to explain what all the news has been about the last couple of weeks, and this is a very important template of trade that has been reached with the Democratic leadership here in Congress, with the Bush administration.

Let me congratulate both of you for the leadership you have shown on the Ways and Means Committee on this issue and so many other economic issues that affect all of our constituents across the country.

I also want to commend Chairman RANGEL, the chairman of the Ways and Means Committee; and SANDY LEVIN, who is the chair of the Trade Subcommittee; and Speaker PELOSI for the negotiation and hard work that they put into this template of how we move forward on trade agreements in this country.

For the first time I believe that the values of this Nation are finally starting to be recognized and reflected as a basis of these trade agreements; the attempt to try to elevate standards upwards, rather than having a race to the bottom when it comes to trade relations, because so many of our constituents have felt for some time, and we have heard it in our own congressional district, that the trade agreements really don't speak to their needs, that they are competing on an uneven playing field in relation to the rest of the world.

That is really what this agreement was about, was trying to level the playing field, to try to elevate standards globally, not only influencing and recognizing the needs of our workers here in America, but trying to influence and recognize the needs of workers throughout the rest of the world by having basic principles as part of the trade agreement, core international labor standards as part of these trade agreements as we move forward, environmental protections, all on an even par of enforcement with other important provisions that are part of the trade agreement.

But let me also admit the sheer political fact, and that is there is very little political upside in supporting trade in Congress these days because it is so unpopular back home. I think because of that, because of the growth of globalization and the interrelationship that we have now in the world economy, very few workers feel that there has been a real upside to them.

That is what we are trying to accomplish in this trade agreement is a recognition that they, too, have a place at the table when this comes to trade; that they do have rights that need to be protected and assured; that we should be a Nation that stands up in opposition to the exploitation of child labor or slave labor; that other workers around the world, as they do in the United States, have the right to collectively bargain so they have better leverage in negotiating decent, fair working conditions and compensation for themselves and their families, wherever they may be living in this planet.

But, to me, trade has been more than just goods and products and services crossing borders, although that is what most people think about as trade. Trade is also an important tool in our diplomatic arsenal. It is also about how we, the United States, chooses to engage the rest of the world, whether it is a negative engagement or a positive engagement.

Nothing could be more positive than having a healthy trade relationship with rules in place that everyone has to live by. I happen to believe something that Cordell Hull, who was FDR's Secretary of State, said many, many years ago, and that is when goods and products cross borders, armies don't. There is so much conflict, and there are so many rivalries, and there is so much violence in this world today that trade, if used right, with the right rules of engagement, can be a positive experience not only for our own economic needs here in the United States, but also abroad. To me, that is what this agreement really speaks to is incorporating these types of values now as we move forward.

We have got a few trade agreements that we are trying to work on: Panama and Peru, for instance. Colombia and South Korea may need some more work in talking to a lot of our colleagues, but at least we are establishing what those rules need to look like. Now we can get down and haggle out the details as we do move forward.

Ms. SCHWARTZ. If the gentleman will yield, I think the way you put it, I wanted to just echo that. What trade agreements really are are setting the rules. I think you are right. There has been, I hear it, I think we all hear it. We go in our districts and people say trade is ruining us. Yet many of those same people work in companies that sell products overseas and are proud of the work that they do. They realize how specialized, how important the work is that we do, and how we often are still setting the standards in the world marketplace.

But the reason to set these rules and to set the rules as strongly as we can, and we are setting them now, it doesn't mean they won't be changed at some point. They may need some tweaking, which is why you renegotiate these agreements. They don't go on forever. It is a dynamic marketplace we are in.

But it also means we can then go enforce those rules. And when we see lack of enforcement, I understand that frustration. I have businesses come to me, and I have tried to advocate on their behalf to say, wait a minute, it is in the rules, and we are unfairly disadvantaged. Is there something we can do? Sometimes there is.

We have seen dumping of steel. We are concerned about currency manipulation in China. These are complicated issues. In some ways, I am learning some of them myself.

But the fact is there are such different systems in these different countries, and we need to recognize that. But there are so many nations now that want to have a capitalist system and be able to have private investment and to be able to compete with us. At the same time there are very different rules in some of these countries, so we have to have a mechanism for interpreting what is fair and what is not.

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That is part of the reason we do these trade agreements. So if there is unfair manipulation, if there is dumping and State support for a company that makes it very difficult for us to compete, we have the rights within these agreements to bring forward those complaints and to have a fair hearing.

Mr. KIND. We had a very important caucus meeting earlier today, the Democratic Caucus, talking about the provisions of this trade agreement.

What I heard in that caucus, and I am not going to speak on behalf of those who spoke, but there was a lot of pent-up frustration. For the last 6 years with one-party control, our ideas, thoughts and values were excluded in terms of the template of trade agreements and what was in these bilateral regional trade agreements coming before Congress.

But also, as you just recognized, there is a big concern about the lack of enforcement of existing trade agreements and the likelihood of enforcement being done by this current administration in future trade agreements when they come before Congress asking for our ratification. That is a legitimate concern, a concern that I hear back home from a lot of my constituents as well.

Unless the administration wants to step up and start enforcing these trade agreement and say we entered into these trade agreements for a reason, and that is to uphold the terms of the agreements and make sure everyone is playing by the same rules, trade confidence in this country is going to continue to ebb, and it is going to get worse. I think that would be disastrous ultimately for our long-term national economic growth and for helping our workers and expanding economic opportunities both at home and abroad.

So there is a big question mark with the majority of the people in this Congress with regard to the administration's willingness to enforce these agreements.

Mr. CROWLEY. I think one of the aspects of the template that we are talking about this evening, dealing primarily with the environment, for instance, is something that has not gotten as much attention as the labor and the ILO declaration has gotten in terms of its incorporation within the template.

But I think it is important to note for the RECORD that the policy, as it moves forward under this template that the Democrats have created, will require our trading partners to enforce environmental laws already on the books, that they have agreed to, and comply with several multilateral environmental agreements, MEAs, which would include: the Convention of International Trade in Endangered Species; the Montreal Protocol on Ozone Depleting Substances; Convention on Marine Pollution, the Inter-American Tropical Tuna Convention; the Ramsar Convention on Wetlands; the International Whaling Convention; and the Convention on Conservation of Antarctic Marine Living Resources.

The U.S. is a signatory to all of these agreements, and I believe that free trade agreements cannot be used to undermine any of these MEAs. I think we all agree, as Democrats, that protecting the environment and protecting our planet is something that is an important element in any free trade agreement.

Mr. KIND. I look forward to working with my colleague here who, I think, appreciates this. As we go forward with this new template, we also need to focus on capacity building in a lot of these nations that we are trying to enter into agreements with, countries like Panama and Peru that aren't exactly wealthy and have a lot of resources, but to enable them to establish the institutions so they can do a better job of policing labor standards or environmental standards within their own countries. I think there is a great need and calling for us to do that.

But, ultimately, there has to be a willingness on our part and the administration's to take these agreements seriously and to enforce them seriously.

We all hear it back home; when you see someone losing their job or a plant closing down, it is usually laid at the doorstep of one of two factors. Either it is bad trade or it is illegal immigration. It is obviously more complex than that, but we need to have a broader discussion within the context of trade, as well, in regard to worker empowerment so that when people do lose a job, they don't have to make a showing of trade relation in order to get any assistance from the government. When a factory closes, it does not matter to the family affected whether it is trade related or some other circumstance, because they feel the pain the same way.

We have to step up our efforts in education and worker training in this country so our workers have the skills to compete in a 21st century economy and so they can be full participants. We should also be talking more about portability of health care and pension and retirement security, so it is not necessarily tied to a single job or occupation; and when they lose it, they lose all of that, the whole fabric of supporting their family is destroyed overnight.

Ms. SCHWARTZ. We spoke before about all of the other things that we need to do to ensure that our businesses and workers are fairly able to compete and excel.

One of the other things that I was going to say is that when we look at these new environmental standards, it also creates opportunities for American businesses. We have been speaking in a different context about the way we are going to create more energy-efficient businesses and products. And I am sure you have been visited, as I have been visited, by entrepreneurs across this country who have great ideas and are trying to move to market with solar and wind and biofuels and are ready to go.

When you think about these other countries that are trying to move very quickly to gear up and create new businesses, they are going to be looking for that technology and they are going to be looking for the scientists and the engineers. Hopefully, we will do a little patent protection and intellectual property protection, but this is where America has been so great, have that innovation and be on the cutting edge to do the very next thing that will then be bought by not only other American companies, but by other nations' companies as well. I think there is a hunger across this globe for that kind of interaction and cooperation. Market working, that is really what this is about, and trade capacity.

So what this does, and it is not the end-all and be-all. I think that is something we want the American people to understand. These are trade agreements, some of the rules and trying to make sure that it is fair for American businesses and American workers, and then are enforced. But we have a lot of other work to do on education and health care and research and development and some of our tax laws to, in fact, make sure that we can compete and it is fair.

But I think we, as new Democrats, in particular, are very excited about this challenge. It is scary. We hear from families who are committed to making some of those other changes, particularly in trade assistance adjustment. I think we will. So we recognize how difficult this is. There have been certainly some serious bumps, and those are very, very hard for families.

But we also have seen businesses grow and thrive and we have seen individual workers go on to do remarkable work as well. That is what we are trying to do with not just the trade agreements, but with all of the work that we are trying to do in here in the Congress.

Mr. CROWLEY. We have been joined by another member of the New Democratic Coalition, the gentleman from Texas (Mr. CUELLAR) who has a keen understanding of a number of the issues we just spoke about, trade being one, and immigration being another. That may be a subject for another evening for us to talk about.

HENRY, I know you want to weigh in a bit as well on the trade template that the new Democratic leadership has been able to forge.

Mr. CUELLAR. Thank you, Mr. CROWLEY. I certainly appreciate the hard work of Speaker PELOSI and Chairman RANGEL and the ranking member, Mr. MCCRERY, as well as SANDY LEVIN, working with the administration to come up with an agreement. This is very important.

Let me give you some of my personal experience. I am from Laredo, Texas, which is the largest inland port in the U.S. If you want to see trade, go to a place like Laredo, Texas. I have seen not only the primary jobs that are created, but also the secondary jobs it creates when we talk about international trade.

When you look at the U.S. economy, the $12 trillion economy is bolstered by trade, which is a pillar of our American economic power. In 2005, U.S. exports to the rest of the world totaled $1.2 trillion and supported one in five of the U.S. manufacturing jobs we have. Jobs directly linked to the export of goods pay 13 percent to 18 percent more than the U.S. jobs that we have.

Agriculture exports hit a record high in 2005 and now account for 926 jobs that we have. So trade creates jobs, and I think the balanced approach of the new Democrats plays a role in developing this and is something that is so important to us.

I believe in trade for several reasons. It is not only the economics, but the other thing is, we have to stay engaged in the dialogue. If, for whatever reason, the United States would turn against trade, that is not going to stop the world. Other countries are going to continue entering into their own trade agreements. That is why it is important that the United States continues trade negotiations and stays in the dialogue.

If I can say one thing, and then I will leave it open, one of the things that I have seen is ever since President John F. Kennedy talked about the Alliance for Progress, he looked at countries like Peru and Colombia, to make sure that we have that dialogue with them because if we are able to do that, then we can bolster those economies. And again, talking about immigration just briefly, but the more jobs you create in those countries, hopefully the fewer people will come to the United States. Being on the border, we see those people trying to get better jobs in the United States.

Mr. KIND. I think you are exactly right. I would submit that in a short while we will be engaged in a immigration reform debate in this Congress. But as long as we have a huge economic disparity right across our border and throughout the Western Hemisphere, really we will be battling the issue of people wanting to come to the United States to realize the hope and the promise of our country and a better way of life for themselves and their families.

Trade is a way to try to elevate people's standards upwards and create job opportunities across the globe. Or we will always be at the losing end of the immigration proposition because of what the United States has to offer and the temptation to enter this country either legally or illegally for a better way of life.

Mr. CROWLEY. We are talking about uplifting these other countries, as well, by transposing our core values as it pertains to labor standards, as it pertains to the environment. I think that is something that should not be lost on anyone when we look at what we are attempting to do here.

Talking about Kennedy, talking about anyone who has looked to the hemisphere that we are in, as well as the Southern Hemisphere, in many respects you cannot move that hemisphere elsewhere. We are connected by land mass.

I think as we move forward on the immigration debate and we discuss this more and more, many of us believe we should be helping those countries with direct aid and assistance, to help them become better democracies or become democracies.

We see what is happening in some of those countries in South America that are trying to experiment with other forms of government that we don't necessarily agree with. It is not the way that we would prefer to see South America move. I think that is why being able to bolster some of those countries down there and show that there is a positive benefit to be gained by having a positive relationship with the United States in this template in trade and moving forward could very well be an example that could be set for other countries in the region.

We have been joined by our friend and colleague from New York, Congressman MEEKS, who has certainly been engaged on many trade and immigration issues, and has worked with Venezuela and other countries.

And I would love to have your input as well.

Mr. MEEKS of New York. You are exactly right, Mr. CROWLEY. Some people would like to say individuals, particularly in our hemisphere, that globalization and trade is taking advantage of them, that they are poor. Yet these individuals, long before globalization existed, were poor and taken advantage of. Here is an opportunity because of globalization to give them a hand up.

Part of the problem has been that people have turned their backs on them. When we trade and create jobs and opportunities for them in their country, as well as making sure that we are creating jobs and opportunity in our country, we have what is called a win/win situation.

For example, there is something called FedEx. For every 40 packages that FedEx sends someplace else, we create a job in the United States of America.

Mr. CROWLEY. If the gentleman would yield, I prefer to say for every 40 packages UPS delivers, we create one additional union job.

Mr. MEEKS of New York. And I concur. We are creating opportunities for individuals here in the United States of America, as well as giving individuals an opportunity for jobs in these foreign countries.

Many of the people are in the informal sectors in their communities right now. When you go to South America, you can talk about Colombia, Peru, Ecuador, Brazil, they are in the informal sector. What we are doing is creating a formal sector where they can get health benefits and talk about creating a future with pensions for their kids for tomorrow. We are talking about giving them a hand up which they don't have now in the informal sector.

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Mr. CROWLEY. We're also talking about trade capacity building.

Mr. MEEKS of New York. Absolutely.

Mr. CROWLEY. They are going to want to afford our products the more they can afford our products.

Mr. MEEKS of New York. As a result of that, and I'm direct evidence of it, what they will do is then they will begin to educate their kids so that they can now send their kids to school. And that becomes their focus—to make sure that the next generation is better than theirs as far as education is concerned and health care. It's exactly what we've done in this country. So why should we just say it's exclusively for us and not want to share the benefits of what we've gained in this country with others? That's what leadership is all about, and that's all that we're doing here.

We're not saying that we're going to turn our backs on other individuals, say we're going to help them, and we're going to help yourselves, because you know what, the number one jobs, when you look about creating jobs in America, it's services. The services are creating jobs over and over and over and time and again. And what we're doing also by, you know, trading with our services in other areas, we're creating jobs and opportunities, and, in fact, our businesses, I often say this, become our best ambassadors because they look at the jobs that Americans have created, and they say, well, thank you for lifting us up, thank you, for showing us that you are not turning your backs on us, thank you, because we're the only superpower in the world. So folks are looking at us to be leaders in that regard, and if we turn our backs on them, leaving these individuals not to have hope and opportunity for tomorrow, then we will become the ones that's isolated them, and we should not.

It's good foreign policy. It's good domestic policy, and it just makes overall, good moral sense.

Mr. KIND. There are a lot of positive features to trade, but the congressional district I represent, western Wisconsin, is still heavily manufacturing, a lot of agriculture, and there's been a lot of displacement and a lot of jobs lost.

And I don't think any of us here on the floor tonight are promising that with this new template of trade that we're going to be able to guarantee everyone's job in this country. You just can't do it. In fact, each generation of Americans have had to wrestle with their own transition and economic displacement that's occurred at that time period. Whether we're moving from the agrarian to the industrial age, from the industrial age to the information age, to the next new thing, there are going to be displacements.

As long as we can remain the most innovative and creative Nation in the world, which we've been able to sustain for some time, we're going to be able to make those adjustments probably a lot easier than other people around the globe.

I don't think anyone's here to offer this hope or promise that everyone's job is going to be guaranteed with this new template right now. We can't do that any more than we can shut down the information age or shut down the World Wide Web and the Internet. Now with the push of a button, we've got services crossing borders and collaborations being created that we've never imagined before, and that's a large part of globalization today.

Ms. SCHWARTZ. I just want to make a point here that when you talk about lifting up, I want to make sure that people understand what trade agreements really are about. This is not the foreign aid bill, and we will discuss it in another moment, and I think there's important work that we do through some of that.

This is also saying to the countries, if you're going to be our trading partner, you have to allow certain labor standards. Some of them are really very well known. We'll not allow child labor or slave labor. But we're also saying that your workers have a right to organize, have a right to bargain, and to be able to have workers in some countries that have not had this opportunity to be able to band together.

We know how important it is, as part of our own history continues to be in speaking up on behalf of workers and making sure they're paid fairly and treated fairly, that our rules are fair.

Mr. CROWLEY. Free from physical harm.

Ms. SCHWARTZ. Exactly. We know there's a huge struggle.

So part of what we're saying is if you're going to be our trading partner, then there's certain expectations about the way you treat people, and that is true in the workplace. And once we're partners, there are also broader issues, of course, about human rights and about rule of law, and, you know, we have some deep concerns about this as well. And this becomes sometimes complicated, but having that trade agreement often allows the beginning debate and engages us to be able to make, in some ways, some of these other expectations for themselves and for us as well to be part of the world community, to be part of the world economy.

And part of it is we don't want our own people to be disadvantaged, but because we understand they have a right to organize, they have a right to speak up, and if we have some kind of engagement with them, then their standard of living will improve and, of course, hopefully their human rights.

Mr. KIND. I think you're exactly right. One of the forces, quite frankly, that we are contending with in the United States, in this hemisphere, especially in South America, is a gentleman by the name of Chavez, the President of Venezuela, who's been fond of traveling around, spending his petrodollars all around, and delivering a very anti-American message.

I think one of the reasons that message is starting to resonate, much to our concern, is because a lot of the workers in those countries where he's visited have felt excluded and left out of trade agreements. What's in it for them? And finally, for the first time, with this agreement, we're starting to address our concern for their needs as well.

Mr. CROWLEY. If I could interject, no longer will our trade agreements be negotiated by our government on behalf of and solely for the benefit of multinational corporations. This is also under this template an opportunity to negotiate and have the American worker be a part of those negotiations, at least have a sense that someone here on the Democratic Caucus is looking out for their interests and for the interests of the poor people of the countries we're talking about.

Mr. CUELLAR. Let me just follow up on the points that they make.

First of all, for the people, like the gentlewoman from Pennsylvania said, if people are interested in labor standards, the environment, raising up the wages of certain countries, the only way we can do this is by having some sort of dialogue. If we retreat back, then there's no vehicle to use to raise those standards, and this is why those trade agreements are very, very important.

The second point is, and Mr. CROWLEY mentioned this, if you're interested in the rule of law, if you're interested in the principles of democracy, if you're interested in the economics, like the gentleman from New York said, we have to have some sort of vehicle to engage those countries, because if we don't engage them like you said, other countries will do it. So either we get engaged, or somebody else is going to do it.

Let me just give you a brief history about what happened to us in Central America a few years ago. We decided to turn our back to a lot of those countries. What happened? In the 1980s, you'll recall the Communists, Nicaragua, the sandanistas all came in, and all of a sudden the United States said, oh, you know what, we better get engaged. So, instead of having trade agreements, we started sending arms to those countries.

The response to that was the Caribbean-based initiative, and, of course, we saw what happened with the other trade agreement we did. This is why history should teach us that if we don't get engaged with countries, then somebody else is going to fill the vacuum, whether it's Chavez, like you mentioned a while ago, or it's going to be Castro or somebody else. But if we don't stay engaged, we're going to lose this. So this is why it's so important that we stay engaged in these trade agreements.

Mr. MEEKS of New York. You're absolutely right, and here's another reason why trade agreements are important, because if you look at particularly our recent trade agreements, what they do is they level the trade balance. Because a lot of these nations, when you talk about Central America, they were already open to come to our market. They were open to come to the United States. We didn't have access to theirs. So we were able to level the trade imbalances.

And, in fact, when you talk about where we have the biggest imbalance, happens to be with China, but you know what the fact of the matter is? We do not have an FTA agreement with China. We don't even have one with India. We've negotiated them. We were able to negotiate them so that we can balance it so that it's fair to both sides as opposed to it being unfair on one side.

You use the FTAs as an agreement to balance the playing field, to balance the trade imbalances to a large degree as well, as well as create hope and opportunity for people both abroad and at home.

Some folks say they don't like trade at all. Well, I challenge them, especially if you're poor. I come from the southeastern Queens in New York. I was raised in public housing. There's certain things that we can't afford, and I look at poor people, a number of them, some of the trade has helped them because they can now buy some goods that they may not have otherwise been able to afford. So we've got to look at both sides of this. It has created some jobs.

Where we've got to make sure that we're focused in the country is the competitiveness issue. So we've got to make sure that we're educating our young people so that they can take the jobs, the high-paying jobs that, I might add, that globalization and us being a leader in technology and information technology in particular and the services, that we can create opportunities for them.

So, yeah, are there some dangers. If we allow our public educational system to continue to go downhill, and we don't now focus on it, and we don't make sure that our people are educated so that they can take the high-paying jobs that are being created, then, yes, we're in danger of succeeding as a country, period. Education is our greatest resource, and competitiveness is where we've got to go, and that's what our focus should be.

We should be working out together to make sure that we're competitive with the rest of the globe because otherwise we lose out on this. It's not as if to say globalization is a bad thing that's going to go away tomorrow. Obviously it's not, and it's helping millions of people.

There are 6 billion people in the world, 6 billion people in the world. There's only 300 million of us in the United States of America. 300 million. And of the 6 billion people in the world, over 3 billion of them live on less than $2 a day. Why? They're in the informal sector. Why? There's no hope and opportunities for them.

Don't you think that as we being the only world superpower, that we can do something better; being humane, being the country that we are, we could do something better for them?

Mr. KIND. You're exactly right. We're less than 4 percent of the world population, and we can no sooner turn ourselves into a fortress of solitude and hope to maintain economic progress and opportunity in our own country.

But the Democrats in Congress haven't been dealing with trade in a vacuum. We've been promoting this innovation agenda for some time. We have had legislation on the floor to try to enhance further fields of study in those crucial fields of math, science, engineering, technology, those fields that will enable our students and workers to be innovative and creative and develop into high-paying jobs that we hope to see here in the United States.

We've been moving that legislation forward, working with our Senate counterparts. We're trying to increase research investment in the National Institutes of Health, for instance, so we can be at the cutting edge of medical and scientific breakthroughs. All this is interwoven into the economic agenda the Democrats have been standing for that the New Democratic Coalition has been a big part of in helping to formulate that agenda.

That's, I think, the direction we need, and I think the American people want to hear that type of message and see that type of agenda. Our concern is there's a lot of economic anxiety throughout the country, and they want to know what their role is going to be in this global marketplace. Perhaps more importantly, they want to know what kind of future their children have to look forward to.

The Democrats for the first time have been able to get legislation to the floor that speaks to those needs, that starts speaking to those anxieties. Will it solve all those problems? No, but I think it's the best hope that we have to make sure that our country is well positioned to stay competitive globally.

Ms. SCHWARTZ. I know we're concluding our hour, but I just think that's a great note, as New Democrats, for us to end on.

It is important for us to move forward on these trade agreements. I think all of us would say this is a major breakthrough for the Democrats to see this kind of labor and environmental standards and kind of enforcement and commitment to do that.

But the real question is, this is just a piece of the puzzle. This is only one part of it, and we're committed to a much broader agenda of making sure our young people are prepared for the future, that some of our slightly older people also have the enormous opportunities for new directions for them as well, and that our businesses can be competitive.

So we've a lot of work to do to making sure that our tax policy and our trade policy and our education and health care policies and energy policies all contribute to making sure that America has that economic capacity and opportunity for all of our people.

Mr. CUELLAR. Let me just make two points to conclude.

First one, let's talk about the Constitution. Why are these trade agreements different? Why are they going to be different; whether it's Peru, Colombia, Panama or Korea, why are they going to be different? First of all, in the past, the President pretty much negotiated the agreement, and it was an up-or-down deal. This time, the Congress, through our leadership, through the New Democrats, we're asserting ourselves through the commerce clause. That is, we have the right to assert ourselves to make sure that we're part of the process so we can set up the framework. And this is why these trade agreements from now are going to have a different type of framework, because Congress is getting involved in the development of that trade policy, number one.

Number two, I will conclude with this. In 2005, the U.S. exports to the rest of the world totaled $1.2 trillion. Think about that, $1.2 trillion. Jobs have been created all across the country not only by big companies, but also by the medium and small companies.

Second of all, jobs that are directly linked to the export of goods pay 13 to 18 percent more than the other U.S. jobs. I have seen this personally in my hometown where we have this trading community. It works, and we have to stay engaged, and this is why this new framework that the New Democrats have developed along with our leadership will provide the pathway for new agreements in the future.

And thank you again for all the work that y'all have done.

Mr. MEEKS of New York. Let me conclude with this.

Number one, I want to just compliment Chairman RANGEL and Chairman LEVIN. They have done a great job. I mean, it's something the Democrats have been asking for since the 1990s, I've been in Congress, to make sure it's been included in every trade bill. They've done a fantastic job to make sure that we protect environmental rights and labor rights, et cetera.

We care about those individuals that we know are going to be hurt, because in any agreement there are people that get hurt, and when we talk about we've got to do a real comprehensive program so people can be retrained and go back to work.

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Now that's even more than just trade agreements, because, you know, if you check it out, really, more people have lost their jobs through efficiency and technology. Think about it.

How many people does it take to produce a car today than it did yesterday. When you need a telephone operator, does anyone pick up? It's technology that picks up the telephone. You know, EZPass, and all the conveniences that we currently have. We better do a better job.

I think that Mr. RANGEL and Mr. LEVIN have put that in that we will do a better job, and retraining Americans who are hurt, not only because of trade, but who are out of the job for any reason, whether it's technology or because of a trade agreement.

As Democrats, we are focused on that. We can do that. We can do good by our folks at home, but we also can do good by the people abroad so that we can be the leaders of the Nation. We are the world's only super power.

Mr. KIND. I also want to commend JIM MCCRERY, who is ranking member of the Ways and Means Committee, and the Republican colleagues on Ways and Means who are also embracing this template to go forward on trade agreements. But as Chairman RANGEL reminded all of us today in caucus, this new template doesn't commit any single member on future trade agreements. We will still have the opportunity to review them when the President formally submits them for our consideration. We will see if they are the best deal struck for our Nation and for our constituents' best interest.

I think now, with this agreement, the template is finally shaping up to where we can get wider bipartisan support. There is still a lot of work that needs to be done. We can't hold this out as the silver bullet to the challenges that our workers are experiencing day in and day out, but trade is going to be an important part of our economic equation, whether we like it or not, because of the effects of global warming and the ease of transporting goods and products, services, across borders, all that is breaking down.

The question is, whether we roll up in a fetal position and pretend it's not happening and try to pursue neo-isolationist policies, or whether we embrace this change and try to make the changes that we have to, to be in the best position to stay competitive.

That's really, I think, what the discussion will be about in the coming weeks when we start analyzing these trade agreements coming forward. I want to thank my colleagues for taking some time this evening to discuss a very important issue on the floor. Hopefully, we will have some more discussions in the future.

Mr. CROWLEY. Let me close by just saying thank you, thank you to the gentlelady of Ohio for chairing this hour of debate, as well as all my colleagues for being here this evening and participating in this free-flowing discussion on this new template.

This new template, as we go forward, it really is a new day in terms of trade negotiations, and the relationship between the minority and the majority here in the House of Representatives, the comity that has now been brought back, I think, to the Ways and Means Committee, to the House in some respects. Hopefully, this can be an example of other things we can work on in the future on behalf of all of our constituents, again, Democrat, Republican, Independent and the like, to move the agenda of America forward.

I want to thank each of my colleagues for participating this evening.

PATRIOTISM

The SPEAKER pro tempore (Ms. SUTTON). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Madam Speaker, for some, patriotism is the last refuge of a scoundrel. For others, it means dissent against a government's abuse of the people's rights.

I have never met a politician in Washington or any American, for that matter, who chose to be called unpatriotic. Nor have I met anyone who did not believe he wholeheartedly supported our troops, wherever they may be.

What I have heard all too frequently from the various individuals are sharp accusations that, because their political opponents disagree with them on the need for foreign military entanglements, they were unpatriotic, un-American evildoers deserving contempt.

The original American patriots were those individuals brave enough to resist with force the oppressive power of King George. I accept the definition of patriotism as that effort to resist oppressive state power.

The true patriot is motivated by a sense of responsibility and out of self-interest for himself, his family, and the future of his country to resist government abuse of power. He rejects the notion that patriotism means obedience to the state. Resistance need not be violent, but the civil disobedience that might be required involves confrontation with the state and invites possible imprisonment.

Peaceful, nonviolent revolutions against tyranny have been every bit as successful as those involving military confrontation. Mahatma Gandhi and Dr. Martin Luther King, Jr., achieved great political successes by practicing nonviolence, and yet they suffered physically at the hands of the state. But whether the resistance against government tyrants is nonviolent or physically violent, the effort to overthrow state oppression qualifies as true patriotism.

True patriotism today has gotten a bad name, at least from the government and the press. Those who now challenge the unconstitutional methods of imposing an income tax on us, or force us to use a monetary system designed to serve the rich at the expense of the poor are routinely condemned. These American patriots are sadly looked down upon by many. They are never praised as champions of liberty as Gandhi and Martin Luther King have been.

Liberals, who withhold their taxes as a protest against war, are vilified as well, especially by conservatives. Unquestioned loyalty to the state is especially demanded in times of war. Lack of support for a war policy is said to be unpatriotic. Arguments against a particular policy that endorses a war, once it is started, are always said to be endangering the troops in the field. This, they blatantly claim, is unpatriotic, and all dissent must stop. Yet, it is dissent from government policies that defines the true patriot and champion of liberty.

It is conveniently ignored that the only authentic way to best support the troops is to keep them out of danger's undeclared no-win wars that are politically inspired. Sending troops off to war for reasons that are not truly related to national security and, for that matter, may even damage our security, is hardly a way to patriotically support the troops.

Who are the true patriots, those who conform or those who protest against wars without purpose? How can it be said that blind support for a war, no matter how misdirected the policy, is the duty of a patriot?

Randolph Bourne said that, "War is the health of the state." With war, he argued, the state thrives. Those who believe in the powerful state see war as an opportunity. Those who mistrust the people and the market for solving problems have no trouble promoting a "war psychology" to justify the expansive role of the state. This includes the role the Federal Government plays in our lives, as well as in our economic transactions.

Certainly, the neoconservative belief that we have a moral obligation to spread American values worldwide through force justifies the conditions of war in order to rally support at home for the heavy hand of government. It is through this policy, it should surprise no one, that our liberties are undermined. The economy becomes overextended, and our involvement worldwide becomes prohibited. Out of fear of being labeled unpatriotic, most of the citizens become compliant and accept the argument that some loss of liberty is required to fight the war in order to remain safe.

This is a bad trade-off, in my estimation, especially when done in the name of patriotism. Loyalty to the state and to autocratic leaders is substituted for true patriotism, that is, a willingness to challenge the state and defend the country, the people and the culture. The more difficult the times, the stronger the admonition comes that the leaders be not criticized.

Because the crisis atmosphere of war supports the growth of the state, any problem invites an answer by declaring war, even on social and economic issues. This elicits patriotism in support of various government solutions, while enhancing the power of the state. Faith in government coercion and a lack of understanding of how free societies operate encourages big government liberals and big government conservatives to manufacture a war psychology to demand political loyalty for domestic policy just as is required in foreign affairs.

The long-term cost in dollars spent and liberties lost is neglected as immediate needs are emphasized. It is for this reason that we have multiple perpetual wars going on simultaneously. Thus, the war on drugs, the war against gun ownership, the war against poverty, the war against illiteracy, the war against terrorism, as well as our foreign military entanglements are endless.

All this effort promotes the growth of statism at the expense of liberty. A government designed for a free society should do the opposite, prevent the growth of statism and preserve liberty.

Once a war of any sort is declared, the message is sent out not to object or you will be declared unpatriotic. Yet, we must not forget that the true patriot is the one who protests in spite of the consequences. Condemnation or ostracism or even imprisonment may result.

Nonviolent protesters of the Tax Code are frequently imprisoned, whether they are protesting the code's unconstitutionality or the war that the tax revenues are funding. Resisters to the military draft or even to Selective Service registration are threatened and imprisoned for challenging this threat to liberty.

Statism depends on the idea that the government owns us and citizens must obey. Confiscating the fruits of our labor through the income tax is crucial to the health of the state. The draft, or even the mere existence of the Selective Service, emphasizes that we will march off to war at the state's pleasure.

A free society rejects all notions of involuntary servitude, whether by draft or the confiscation of the fruits of our labor through the personal income tax. A more sophisticated and less well-known technique for enhancing the state is the manipulation and transfer of wealth through the fiat monetary system operated by the secretive Federal Reserve.

Protesters against this unconstitutional system of paper money are considered unpatriotic criminals and at times are imprisoned for their beliefs. The fact that, according to the Constitution, only gold and silver are legal tender and paper money outlawed matters little. The principle of patriotism is turned on its head. Whether it's with regard to the defense of welfare spending at home, confiscatory income tax, or an immoral monetary system or support for a war fought under false pretense without a legal declaration, the defenders of liberty and the Constitution are portrayed as unpatriotic, while those who support these programs are seen as the patriots.

If there is a war going on, supporting the state's effort to win the war is expected at all costs, no dissent. The real problem is that those who love the state too often advocate policies that lead to military action. At home, they are quite willing to produce a crisis atmosphere and claim a war is needed to solve the problem. Under these conditions, the people are more willing to bear the burden of paying for the war and to carelessly sacrifice liberties which they are told is necessary.

The last 6 years have been quite beneficial to the health of the state, which comes at the expense of personal liberty. Every enhanced unconstitutional power of the state can only be achieved at the expense of individual liberty. Even though in every war in which we have been engaged civil liberties have suffered, some have been restored after the war ended, but never completely. That has resulted in a steady erosion of our liberties over the past 200 years. Our government was originally designed to protect our liberties, but it has now, instead, become the usurper of those liberties.

We currently live in the most difficult of times for guarding against an expanding central government with a steady erosion of our freedoms. We are continually being reminded that 9/11 has changed everything.

Unfortunately, the policy that needed most to be changed, that is our policy of foreign interventionism, has only been expanded. There is no pretense any longer that a policy of humility in foreign affairs, without being the world's policemen and engaging in nation building, is worthy of consideration.

□ 2115

We now live in a post-9/11 America where our government is going to make us safe no matter what it takes. We are expected to grin and bear it and adjust to every loss of our liberties in the name of patriotism and security.

Though the majority of Americans initially welcomed the declared effort to make us safe, and we are willing to sacrifice for the cause, more and more Americans are now becoming concerned about civil liberties being needlessly and dangerously sacrificed.

The problem is that the Iraq war continues to drag on, and a real danger of it spreading exists. There is no evidence that a truce will soon be signed in Iraq or in the war on terror or the war on drugs. Victory is not even definable. If Congress is incapable of declaring an official war, it is impossible to know when it will end. We have been fully forewarned that the world conflict in which we are now engaged will last a long, long time.

The war mentality and the pervasive fear of an unidentified enemy allows for a steady erosion of our liberties, and, with this, our respect for self-reliance and confidence is lost. Just think of the self-sacrifice and the humiliation we go through at the airport screening process on a routine basis. Though there is no scientific evidence of any likelihood of liquids and gels being mixed on an airplane to make a bomb, billions of dollars are wasted throwing away toothpaste and hair spray, and searching old women in wheelchairs.

Our enemies say, boo, and we jump, we panic, and then we punish ourselves. We are worse than a child being afraid of the dark. But in a way, the fear of indefinable terrorism is based on our inability to admit the truth about why there is a desire by a small number of angry radical Islamists to kill Americans. It is certainly not because they are jealous of our wealth and freedoms.

We fail to realize that the extremists, willing to sacrifice their own lives to kill their enemies, do so out of a sense of weakness and desperation over real and perceived attacks on their way of life, their religion, their country, and their natural resources. Without the conventional diplomatic or military means to retaliate against these attacks, and an unwillingness of their own government to address the issue, they resort to the desperation tactic of suicide terrorism. Their anger toward their own governments, which they believe are coconspirators with the American Government, is equal to or greater than that directed toward us.

These errors in judgment in understanding the motive of the enemy and the constant fear that is generated have brought us to this crisis where our civil liberties and privacy are being steadily eroded in the name of preserving national security.

We may be the economic and the military giant of the world, but the effort to stop this war on our liberties here at home in the name of patriotism is being lost.

The erosion of our personal liberties started long before 9/11, but 9/11 accelerated the process. There are many things that motivate those who pursue this course, both well-intentioned and malevolent, but it would not happen if the people remained vigilant, understood the importance of individual rights, and were unpersuaded that a need for security justifies the sacrifice for liberty, even if it is just now and then.

The true patriot challenges the state when the state embarks on enhancing its power at the expense of the individual. Without a better understanding and a greater determination to rein in the state, the rights of Americans that resulted from the revolutionary break from the British and the writing of the Constitution will disappear.

The record since September 11th is dismal. Respect for liberty has rapidly deteriorated. Many of the new laws passed after 9/11 had, in fact, been proposed long before that attack. The political atmosphere after that attack simply made it more possible to pass such legislation. The fear generated by 9/11 became an opportunity for those seeking to promote the power of the state domestically, just as it served to falsely justify the long plan for invasion of Iraq.

The war mentality was generated by the Iraq war in combination with the constant drumbeat of fear at home. Al Qaeda and Osama bin Laden, who is now likely residing in Pakistan, our supposed ally, are ignored, as our troops fight and die in Iraq and are made easier targets for the terrorists in their backyard. While our leaders constantly use the mess we created to further justify the erosion of our constitutional rights here at home, we forget about our own borders and support the inexorable move toward global government, hardly a good plan for America.

The accelerated attacks on liberty started quickly after 9/11. Within weeks, the PATRIOT Act was overwhelmingly passed by Congress. Though the final version was unavailable up to a few hours before the vote, no Member had sufficient time. Political fear of not doing something, even something harmful, drove the Members of Congress to not question the contents, and just voted for it. A little less freedom for a little more perceived safety was considered a fair trade-off, and the majority of Americans applauded.

The PATRIOT Act, though, severely eroded the system of checks and balances by giving the government the power to spy on law-abiding citizens without judicial supervision. The several provisions that undermine the liberties of all Americans include sneak-and-peek searches, a broadened and more vague definition of domestic terrorism, allowing the FBI access to libraries and bookstore records without search warrants or probable cause, easier FBI initiation of wiretaps and searches, as well as roving wiretaps, easier access to information on American citizens' use of the Internet, and easier access to e-mail and financial records of all American citizens.

The attack on privacy has not relented over the past 6 years. The Military Commissions Act is a particularly egregious piece of legislation and, if not repealed, will change America for the worse as the powers unconstitutionally granted to the executive branch are used and abused. This act grants excessive authority to use secretive military commissions outside of places where active hostilities are going on. The Military Commissions Act permits torture, arbitrary detention of American citizens as unlawful enemy combatants at the full discretion of the President and without the right of habeas corpus, and warrantless searches by the NSA. It also gives to the President the power to imprison individuals based on secret testimony.

Since 9/11, Presidential signing statements designating portions of legislation that the President does not intend to follow, though not legal under the Constitution, have enormously multiplied. Unconstitutional Executive Orders are numerous and mischievous and need to be curtailed.

Extraordinary rendition to secret prisons around the world have been widely engaged in, though obviously extralegal.

A growing concern in the post-9/11 environment is the Federal Government's list of potential terrorists based on secret evidence. Mistakes are made, and sometimes it is virtually impossible to get one's name removed even though the accused is totally innocent of any wrongdoing.

A national ID card is now in the process of being implemented. It is called the REAL ID card, and it is tied to our Social Security numbers and our State driver's license. If REAL ID is not stopped, it will become a national driver's license ID for all Americans. We will be required to carry our papers.

Some of the least noticed and least discussed changes in the law were the changes made to the Insurrection Act of 1807 and to posse comitatus by the Defense Authorization Act of 2007. These changes pose a threat to the survival of our Republic by giving the President the power to declare martial law for as little reason as to restore public order. The 1807 act severely restricted the President in his use of the military within the United States borders, and the Posse Comitatus Act of 1878 strengthened these restrictions with strict oversight by Congress. The new law allows the President to circumvent the restrictions of both laws. The Insurrection Act has now become the "Enforcement of the Laws to Restore Public Order Act." This is hardly a title that suggests that the authors cared about or understood the nature of a constitutional Republic.

Now, martial law can be declared not just for insurrection, but also for natural disasters, public health reasons, terrorist attacks or incidents, or for the vague reason called "other conditions." The President can call up the National Guard without congressional approval or the Governors' approval, and even send these State Guard troops into other States.

The American Republic is in remnant status. The stage is set for our country eventually devolving into a military dictatorship, and few seem to care. These precedent-setting changes in the law are extremely dangerous and will change American jurisprudence forever if not revised. The beneficial results of our revolt against the King's abuses are about to be eliminated, and few Members of Congress and few Americans are aware of the seriousness of the situation. Complacency and fear drive our legislation without any serious objection by our elected leaders. Sadly, though, those few who do object to this self-evident trend away from personal liberty and empire building overseas are portrayed as unpatriotic and uncaring.

Though welfare and socialism always fails, opponents of them are said to lack compassion. Though opposition to totally unnecessary war should be the only moral position, the rhetoric is twisted to claim that patriots who oppose the war are not supporting the troops. The cliche "Support the Troops" is incessantly used as a substitute for the unacceptable notion of supporting the policy, no matter how flawed it may be.

Unsound policy can never help the troops. Keeping the troops out of harm's way and out of wars unrelated to our national security is the only real way of protecting the troops. With this understanding, just who can claim the title of "patriot"?

Before the war in the Middle East spreads and becomes a world conflict for which we will be held responsible, or the liberties of all Americans become so suppressed we can no longer resist, much has to be done. Time is short, but our course of action should be clear. Resistance to illegal and unconstitutional usurpation of our rights is required. Each of us must choose which course of action we should take: education, conventional political action, or even peaceful civil disobedience to bring about necessary changes.

But let it not be said that we did nothing. Let not those who love the power of the welfare/warfare state label the dissenters of authoritarianism as unpatriotic or uncaring. Patriotism is more closely linked to dissent than it is to conformity and a blind desire for safety and security. Understanding the magnificent rewards of a free society makes us unbashful in its promotion, fully realizing that maximum wealth is created and the greatest chance for peace comes from a society respectful of individual liberty.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Madam Speaker, a tsunami of illegal aliens is sweeping into our country, crowding our classrooms, closing our hospital emergency rooms, unleashing violent crime, and driving down wages.

This is not theory. It is a harsh, threatening reality borne out not by numerous academic studies, but by the life experiences of the American families from California to Georgia and from Iowa to New Jersey.

Our middle class is being destroyed. Our communities are not safe. Our social service infrastructure is collapsing. And, yes, it has everything to do with illegal immigration, illegal immigration which is out of control. And year after year, while our schools deteriorate and our jails fill and our hospital emergency rooms shut down, the elite in this country turns a blind eye to the disaster that is befalling the rest of us, their fellow Americans. The elites obscure the issue and maneuver to keep in place policies that reward illegal immigrants with jobs and benefits, and now, of course, being rewarded with citizenship.

This country, the upper class says, can't function without cheap labor.

□ 2130

Well, cheap to the captains of industry and the political elite, but painfully expensive to America's middle class. It's our kids whose education is being diminished, our families who are paying thousands more in health insurance to make up for the hospital costs of giving free service to illegals. It's our neighborhoods who suffer from crime perpetuated by criminals transported here from other countries. And, yes, our livelihoods are being dragged down as wages are depressed and anchored down by a constant influx of immigrants, mostly illegal, some with H1B visas, willing to work at a pittance.

Big business, with its hold on the GOP, in an unholy alliance with the liberal left coalition that controls the Democratic Party, have been responsible for this invasion of our country, this attack on the well-being of our people. This coalition gives the jobs and passes out the benefits that lured tens of millions of illegals to our country. It's no accident. This predicament was predictable. It's been over 20 years of bad policy in the making. If you give jobs and benefits, the masses of people over there will do anything to get over here. And that's what we've been doing. Give it and they will come. Surprise, surprise.

Now the out-of-touch elite has introduced yet another piece of legislation, this so-called comprehensive reform bill that they claim will fix our illegal immigration crisis once and for all. Of course, this is a crisis they created. They are trumpeting the supposedly new enforcement measures and security measures that will be initiated in this bill, the border fence, new agents, new employer sanctions, if only we will swallow hard and give amnesty to those law-breakers who are already here.

Like Lucy holding out the football for Charlie Brown to kick, the bill is yet another effort to trick us. It's an illusion, a scam that will make things worse, not better.

The Senate legislation now being touted by Senator KENNEDY and a few Republican Senators immediately legalizes the status of 15 to 20 million illegals, while offering more border control, yes, fences and Border Patrol agents and such, as sweeteners aimed at getting us to accept this deal.

But we've already passed legislation addressing border security. It's already into law. It's already against the law, for example, to hire illegals. We've already mandated a stronger fence and more Border Patrol agents. So, in reality, this legislation isn't about those other things which they're trying to get us to support the legislation about; this is only about legalizing the status of 15 to 20 million illegals and then finding new ways to get more immigrants into our country. It has nothing to do with controlling the flow of illegals and controlling the flow of immigrants into our country, as much as it is expanding the number of immigrants, legal and illegal, coming into our country.

In such situations as we find ourselves in today with this legislation, it's fashionable on Capitol Hill to say "the devil is in the details". And this bill has enough demons to open up a whole new level of hell.

Let's start, first and foremost, with the most obvious lie, the claim that this bill does not give amnesty to illegal aliens. President Bush has done great damage to his credibility by playing such word games. My friends, the first thing this bill does is legalize 15 to 20 million people who now illegally reside in our country. I don't care what the President calls it, it immediately legalizes the status of millions who are here illegally.

Under the proposed legislation, this amnesty, and that's exactly what it is, is now called a probationary Z visa. Upon passage of this bill, every illegal alien who can claim they were here in the United States by January 1 of 2007 can apply for a probationary Z visa that grants them immediate legal status to be in the United States.

Listen carefully. Immediately upon this bill's passage, there is no waiting for triggers or clarification or bureaucratic benchmarks, their status is immediately legalized. It is very straightforward. These probationary visas are available immediately upon the passage of this bill, 15 or 20 million illegals immediately legalized in their status here.

What message does this send to the 100 million or so people who are waiting overseas? The 15 to 20 million newly legalized immigrants will be quickly followed by 50 to 100 million more illegals flooding our system beyond the point of return. If we let that happen, this will be a catastrophic event of historic proportions. More importantly, for the American people, it will be a calamity for their communities and for their families.

According to this so-called immigration reform bill, how does an illegal become legal? Well, first of all, he temporarily, right off the bat, becomes legal once this bill passes. Very simple, if he wants to make himself legal, then beyond that, he or she walks in and applies. Or he or she just, they don't have to pay back taxes; they don't have to do anything else.

If this bill passes, he or she doesn't have to go through health checks. They don't have to have any other process. They will be granted, immediately after the passage of this bill, legal status to be here, legal status that is supposedly temporary. Supposedly. The illegal pays a fine of $1,000 for this probationary visa, not the $5,000 that we've all heard about. It's $1,000. And for $1,000, one can obtain the legal right to work in this country, to participate in our Social Security system, to be protected by our laws, and given benefits from our government, a plenty good bargain for them.

But for the taxpayers it's worse than a raw deal. Yes, out of the shadows will come 15 to 20 million people who will now be demanding equal rights to live here freely, to get jobs, to consume resources that they are not now entitled to consume because they are now here illegally.

There is another detail that makes this process dangerous and unworkable. The government, according to this legislation, has only 1 business day to act once an application has been submitted, and that is just 1 day to look over that application and to approve it. After 1 business day, that's 24 hours, the government must issue the amnesty to that applicant.

Is there anyone who doesn't understand that this means huge numbers of criminals and, yes, terrorists, who will obtain the legal right to live and work here in the United States under this rule because of this legislation? One day to oversee this applicant?

One needs to ask, who is writing such obvious insanity into Federal legislation? Obviously, whoever is insisting on a 1-day review, that must be followed by an approval if one doesn't object; 1-day review, obviously, the person who's advocating this doesn't care about us at all. He's looking to make sure that we treat those people who are in this country illegally better. This person obviously doesn't care, who's written this into our Federal law, or is trying to, doesn't care if Americans are victimized by criminals who should never have been permitted to come here, but will come here because we're only requiring 1 day to determine if they can be approved or not.

Now, you think that criminals throughout the world and even terrorists don't see this as a vulnerability? Who's trying to foist this off on us? Who's trying to write this into Federal law? They're not watching out for the interests of the American people.

This Z visa gives illegal aliens exactly what they want, the legal right to work in the United States, and the Z visa is renewable every 4 years, without limits. The way this bill is written, you can live in the United States until you die by renewing your Z visa every 4 years.

Fellow Americans, who love this country, word games aside, this is amnesty of the worst possible sort. Millions of illegals who broke the law will be granted legal status and can stay in this country as long as they please. In fact, I predict millions of people who are currently holding valid student and tourist visas will immediately apply for the Z visa. And why not? Student and tourist visas expire. The Z visa won't expire; every 4 years you can just renew it.

Only if the alien wishes to become a citizen do the increased fines, that $5,000 we've heard about, only if they want to become a citizen do these fines and other requirements come into play.

No serious person in the immigration reform movement has ever said that it is citizenship that defines amnesty. Amnesty is not being held to account for breaking the law. This Z visa goes beyond not punishing law breakers. It actually rewards law breakers.

Wake up, America. Someone is giving away our country. Someone is betraying the interests of the American people. The perpetrators of this crime want low wages for the benefit of business and they want political pawns for the benefit of the liberal left.

This legislation will make a bad situation that we all know exists in this country, it'll make it dramatically worse. Is this what the American people are calling for when they want comprehensive immigration reform? They want something that will make it worse than we have it today?

I don't understand how we can stand and let this happen to our country. It is up to us to make sure that it doesn't.

This legislation is a declaration of war on the American middle class. And not only will this legislation increase illegal immigration, a clause in the bill will create a rush to the border. Section 601H5 states that anyone arrested trying to cross into our country, who then claims to have formerly lived in the United States will be allowed to apply for a Z visa; which means they can be approved in 1 day.

This is a mind-boggling incentive for fraud. Who wouldn't want to come across the border on the chance that they could bluff their way into getting amnesty and becoming eligible for all our government programs and eligible for the jobs that should be going to Americans?

Expect to hear ballyhoo about the tough enforcement mechanisms and the "triggers" built into this bill. But don't believe it; it's just so much more fraud, more flim-flam. The triggers and other schemes in this bill are a farce.

There is no reason these safeguards against illegal immigration have not already been implemented. They are now simply being used as a ruse to disguise the one goal of the elite, and that is to legalize the status of those millions who are already here illegally and leading tens of millions more to come here.

The bill calls for 18,000 Border Patrol agents. That's one of the claims of why we have to support the bill. We're going to get 18,000 Border Patrol agents. But we already have 15,000 Border Patrol agents. And in the Intelligence Reform and Terrorism Prevention Act of 2004, it's required that there be 2,000 new Border Patrol agents each year through 2010. So this is simply smoke and mirrors.

What this new legislation does is simply reiterate hiring mandates that are already in the system, already mandated by law. This bill simply takes credit for the hard work that's already been done. Of course, they're doing that because, again, it's a cover for their attempt to legalize the status of 15 to 20 million illegals and, yes, to unleash a flood of millions more to come into our country.

On another level, how does anyone expect to actually meet the goal of increasing the ranks of the Border Patrol when this administration throws Border Patrol agents into prison and gives immunity to alien drug smugglers? This administration has lost the confidence of the Border Patrol.

And I submit at this time a statement by the Border Patrol Agents Council opposing this legislation. I would like to put this into the RECORD at this point, Mr. Speaker.

[From the National Border Patrol Council of the American Federation of Government Employees, May 17, 2007]

SENATE IMMIGRATION REFORM COMPROMISE IS A RAW DEAL FOR AMERICA

More than a century ago, the philosopher George Santayana sagely observed that "those who cannot remember the past are condemned to repeat it." The United States Senate would do well to heed that advice as it once again debates immigration reform.

In 1986, Congress passed the Immigration Reform and Control Act. At that time, it was estimated that between three and four million illegal aliens were living in the United States. The bill promised to crack down on the businesses that hired illegal aliens and step up border enforcement efforts. Since those measures would finally solve the problem of illegal immigration, Congress reasoned, there would be no harm in establishing a pathway to citizenship for those who had been working in this country for a minimum period of time. It was assumed that about one-half million people would qualify for that benefit under those terms. In the final analysis, however, nearly three million illegal aliens became citizens, many of them through fraud. A large number of criminals and even a handful of terrorists were among the beneficiaries of that program.

Twenty-one years later, it is estimated that at least 12 million, and perhaps as many as 20 million, illegal aliens reside in the United States. Quite obviously, the promise of enforcement never materialized. Now, some elected officials are desperately trying to convince the American public that they are finally serious about keeping that promise, and to prove it, claim that they will add about 5,000 Border Patrol agents and 370 miles of border fencing, as well as an electronic employment verification system. While this represents a slight improvement over the current untenable situation, it will by no means stop, or even substantially slow, the current rate of illegal immigration.

As long as impoverished people can find work in this country at wages that far exceed those available to them in their native countries, millions of illegal aliens will continue to cross our borders every year. The only way to stop this influx is to eliminate the employment magnet by means of a foolproof employment verification system. While the plan unveiled by the Senate takes a few small steps in that direction, it would do very little to actually hold employers accountable. In order to achieve that goal, every prospective worker must be required to present a single type of secure biometric employment-verification document whenever applying for a job, and every prospective employer must be required to electronically verify its authenticity. The logical choice for this document is the Social Security card, which every legal worker is already required to possess.

Those who claim that it would be impossible to arrest and deport millions of people ignore economic reality. If illegal aliens can no longer find work in this country because employers are afraid of the consequences for hiring them, they will go home of their own accord.

Unless Congress gets serious about worksite enforcement, it will be impossible to secure our borders. The Border Patrol is totally overwhelmed by the high volume of illegal traffic that streams across our borders every day. Front-line agents estimate that for every person they apprehend, two or three slip by them. At the same time, Border Patrol agents need to be provided with the necessary tools and support in order to be able to intercept the criminals and terrorists who will continue to attempt to breach our borders.

T.J. Bonner, the president of the National Border Patrol Council, issued the following statement today:

"Every person who has ever risked their life securing our borders is extremely disheartened to see some of our elected representatives once again waving the white flag on the issues of illegal immigration and border security. Rewarding criminal behavior has never induced anyone to abide by the law, and there is no reason to believe that the outcome will be any different in this case."

"The passage of time has proven the 1986 amnesty to be a mistake of colossal proportions. Instead of 'wiping the slate clean,' it spurred a dramatic increase in illegal immigration. With the ever-present threat of terrorism, it is critical to take the steps necessary to immediately and completely secure our borders. Piecemeal measures will prolong our vulnerability, and are an open invitation to further terrorist attacks."

"Rather than the meaningless 'triggers' of additional personnel and barriers outlined in the compromise, Americans must insist that border security be measured in absolute terms. As long as any people or contraband can enter our country illegally, our borders are not secure. Sadly, the plan that the Senate is proposing falls woefully short by that yardstick, and needlessly jeopardizes the security of this Nation."

□ 2145

As we deliberate on this bill, it behooves us to remember that Border Patrol Agents Ramos and Compean are at this very moment languishing in solitary confinement in a Federal prison. These heroic border guards, one a 10-year veteran who was up to be Border Patrol Agent of the Year, another 5-year veteran, these people who were putting their lives on the line for us on a daily basis for years, interdicted a drug smuggler one day. This drug smuggler was transporting over $1 million worth of narcotics into our country. Yet when all was said and done, and the drug smuggler had escaped, but his drugs were interdicted and seized, this administration turned what may have been just administrative paperwork and literally things not reported right on paper, mistakes that may or may not have been made by the agents, and I think that after looking at this, there weren't mistakes, but if there were, it was procedural mistakes, policy issues there that were being dealt with on paper, they turned that into criminal activity, charging our Border Patrol agents with felonies, putting them away for 10 to 11 years, while siding with the drug smuggler, giving the drug smuggler immunity to testify against the Border Patrol agents as they turned what would be minor mistakes into felonies rather than trying to say, well, you made some mistakes in this, but we will give you immunity, however, so we can get the drug smuggler who is trying to smuggle drugs in to our children and into our communities.

And then there are the cases of Gilmer Hernandez and Gary Brugman, two more law enforcement officers, jailed for stopping human traffickers. Again, the book was thrown at them, the maximum penalties sought, but no prosecution of illegal criminal aliens.

This indefensible inclination of the administration, of President Bush's leadership of the administration, has demoralized our protectors at the border. According to the National Border Patrol Council, the union representing 12,000 frontline Border Patrol agents, we are losing 12 percent of our Border Patrol agents a year right now. That amounts to 1,500 officers quitting their job every year. And we cannot replace the ones that we are losing. Why? Because this administration is not backing them up; because they feel that they are being abused by the people, by the government that they are serving. This is the administration that claims to be doing things in this legislation to help increase border security.

This administration, this President, has a miserable record of providing border security. Our defenders have been undercut and abused by a personal protege of the President of the United States.

This isn't as if President Bush doesn't know this. Attorney General Johnny Sutton, a young man who has tagged his career to the President for the last 20 years, he personally decided to prosecute these people, these law enforcement people, to the fullest extent of the law. And he has demonstrated that he will show no mercy for these Border Patrol agents and law enforcement officers like Ramos and Compean. The White House and Johnny Sutton will not permit these Border Patrol agents to even go out on bond until their appeal is heard. And it was Johnny Sutton, the U.S. attorney, and prosecutors that decided to prosecute them and let the drug smugglers go, decided to throw the book at them, decided to give gun charges against these people even though it is their job to carry a gun in order to protect us.

Well, are we expected to believe that the legislation now pursued by the President, who is behind such nonsensical policies at the border, will help make our borders more secure, help stem the out-of-control flow of illegals into our country? How can we believe that that is what the purpose of this legislation is when at this time the administration is taking steps and has taken steps for the last 6 years to ensure that we would have a massive flow of illegals into our country? These people didn't just materialize into our country. They have come especially from across the southern border, but across our other borders as well, and there has been no attempt by this administration to get control of the people who are entering via airports from other parts of the world, people who then just overstay their visa.

Well, this administration has not done this and has attacked our Border Patrol agents instead. So much for the idea that this legislation, backed by Senator KENNEDY and the President, will somehow strengthen the Border Patrol.

The next trigger that we are told about is similarly fraudulent. The bill requires U.S. Immigration and Customs Enforcement to have the resources to detain up to 27,000 illegal aliens. How about that? But the Intelligence Reform and Terrorist Prevention Act of 2004 already requires almost double that number, 43,000 beds. Again, the bill is simply taking credit for legislation and for mandates that have already been passed into law. They are doing this to confuse the American people because they are using this as a cover to legalize the status of 15- to 20-million people who are here illegally, which will attract tens of millions more.

And what this bill doesn't do and what it doesn't require may be just as significant as what it does. It does not require worksite enforcement. In an amazing loophole. It only requires the Department of Homeland Security to have the tools to conduct worksite enforcement, but nowhere in the bill does it mandate the Department of Homeland Security to actually conduct worksite enforcement. Since millions of illegal aliens come here looking for work, worksite enforcement is imperative if we are to discourage illegal immigration.

If the Department of Homeland Security has the tools, but this so-called comprehensive package does not require them to use the tools, then we are right back in the situation that we are now. The law isn't being enforced. If it was, then the situation would not have gotten out of hand, as it is today.

One of the triggers in this legislation actually reduces border security. It cuts in half the border fence that Congress required to build on our southern borders. Now, remember we already passed the legislation requiring a fence. Everybody remembers that. Now those who ignored that mandate, the President and others who ignored that mandate, are telling us we must legalize the status of millions of illegals who are in this country in order for us to get what is already required by law. Now, what makes us think they are now going to obey the law, the agreement that they made?

What this bill doesn't do, as I said, speaks as loud as it what it does. It does not require the U.S. to have a verifiable exit system so we know that when visiting foreigners come into the U.S., then we have no idea if they have left. Someone who is coming into the United States on a visa can overstay their visa, and we don't know if they have left. How can we seek out and deport someone who has violated their visa if we don't even know if that person is in the country or not? There has been no effort on the part of this administration to try to fix that problem, and this bill does not mandate that.

Furthermore, it does not mandate checks on legal status in order for people who are here to get benefits. So those who oversee the limited resources that we have for our own people aren't expected to verify the legal status of those seeking to obtain services or benefits that are paid by the taxpayers. Our own people are going to suffer because of this. This is the comprehensive bill that is supposed to help our people; yet it leaves us vulnerable. Illegals are waved right through the system.

Let me give you an example. What I have learned is that there are hundreds of thousands of illegals throughout this country who are in Federal housing. Why? Because one member of their family, perhaps a child that was born here once they came to this country illegally, one child becomes a U.S. citizen, and if they have one child as a U.S. citizen, the whole family then gets to have housing benefits from the Federal Government.

Now, tell me this: The American people who are paying the bills, shouldn't they be getting this benefit rather than a family from overseas who has one child in this country who then supposedly becomes a citizen? What about our people who are barely making it, who can barely afford to pay their rent? They don't get the housing subsidy. What about our seniors who lose their income or they can't make it on what their retirement income is? They don't get the help. But illegals are being herded right through the system and given this help because they have a child that was born here.

We shouldn't even permit an illegal who has a child here to think that that child is going to be a legal citizen. That itself should be taken care of in this legislation, and that isn't being taken care of. And by letting anyone who is born here become a U.S. citizen, we have again opened up all these benefits to illegals, millions of them, and we have also invited millions to come here to make sure their children become citizens by being born here.

And, by the way, the triggers that we have heard about will unleash forces that they claim will make things better, but what about these triggers? How are these triggers going to be met? Well, the Secretary of Homeland Security, all he has to do to say that the triggers have been met is simply submit a written piece of paper that claims the triggers have been met. There is no actual reduction in illegal immigration required before there is a trigger which brings in all of these new immigrants and opens up the rest of the legislation. There is no decrease in, for example, those people who are involved in trying to get jobs through the match file system of Social Security. No, that would be measurable. Perhaps if we had a reduction in the number of illegal aliens in our prisons that could be noted, maybe that would be a good trigger, or anything else that can be objectively measured. No. That might mean that we are actually making progress, and that is the real reason why you have triggers. No, the triggers are there to provide cover.

The Secretary of the Department of Homeland Security, all he has to do is simply sign a letter saying that the trigger elements are funded, in place, and in operation. So these supposed triggers, these supposed safeguards, they just have to be in place. They don't have to have any results, and at that point, that is when the rest of the safeguards don't make any difference at that point. That is when the meat of the bill goes into effect. The immigration spigot will be turned on by a simple piece of paper saying that something is in place, not necessarily working.

And as we have seen, several of these triggers that I have already mentioned have already been put in place by prior legislation. The wall, building the wall, and expanding the Border Patrol agents, they have already been mandated. So one can expect the trigger letters that we are talking about that they are saying we are going to hold off until this situation is under control, they will be issued almost immediately, and that is predictable.

And what happens when a letter certifying that we have gotten tough with border security is issued? Well, once that letter is issued, this legislation provides that a massive, and I mean a massive, guest worker program is then launched. You get that? Expanding the Border Patrol agents and the fence and these things, when they just say they are in place, all of a sudden the new guest worker program is brought out and launched into service.

The deep pool of illegals currently here is going to be boosted by a flood of new illegals who know that if they get here, they will likely be given amnesty just like we did in 1986 and just like people are trying to do right now.

☐ 2200

The lies of the past are almost as blatant as the fraud we are now confronting. The unspoken truth is Senator KENNEDY wants extremely high levels of immigration. The truth is, President Bush wants extremely high levels of immigration. It hurts the well-being of the American people, but if it does, so be it. That's what Senator KENNEDY and President Bush want.

It isn't enough that we have a 15 percent unemployment rate among high school dropouts in this country, and millions of lower-income Americans who are seeing their wages buy less and less. It isn't enough that immigration has reduced the wages of low-skilled Americans by about $2,000 a year. Apparently, we need to push them into abject poverty by importing 400,000 guest workers a year to compete directly with Americans. Yes, 400,000, and again, now, details matter.

While Y visas, which are designated for those who are in this new temporary guest workers program, while they are supposed to be only temporary and only good for 2 years, a Y visa holder can eventually apply and get U.S. citizenship. They can also bring their spouse and children. They can stay for 2 years to work. Then they return home, and then they reapply for another 2-year visa. They can renew the Y visa this way up to three times.

Now, who in their right mind actually believes that these people, once they've uprooted their families and they brought all this and met these other requirements, that once they are here, that they are just going to go back? When we have millions of people swarming into this country because we've already given amnesty to everybody else, why won't these people in the guest worker program just melt right into the crowds, just go right there?

And, of course, they might go in and ask for green cards, which they can do, or they will just melt into the system, melt into our country. Why not?

Well, does this sound like it is a temporary guest worker's program, that 400,000 people are going to be here temporarily? Well, who gets hurt by this nonsense?

This bill allows employers to lay off American workers and replace them with Y visa holders as long as the Americans were fired 90 days before the petition of the foreign worker is filed. This is a huge subsidy to corporate America. It is both corporate welfare and an attack on the paycheck of hard-working Americans who are struggling to keep afloat.

We are told we must have these guest workers because Americans won't take the jobs, like in agriculture. Well, there are Americans who will pick fruit and vegetables. Don't tell me there aren't Americans who will go out and do this kind of labor in the fields. In fact, I've visited compounds where you have thousands of Americans, men, healthy men, between 18 and 40 years old, who would love to get out and earn some money. These are men in prison. These are prisoners who, after serving their time, 5 to 10 years, they get out with no work ethic, no money, $50 in their pocket and a new suit; and people are surprised when they come back to prison after committing more crime.

Well, let's put these people to work, rather than wasting all of their time, not developing any work ethic, let's let them earn $10,000, $20,000, so when they get out, they will have some money in their hand and they will have a work ethic. And half of the money can be used to pay for their own incarceration.

When somebody like me says this in Washington, DC, they make fun of that. They make fun of me for suggesting that prisoners should pick the fruits and vegetables. The people making fun of me, are they watching out for the American people? These prisoners, they will be given a chance if we let them earn a living, come out of prison with $10,000 or $20,000 that they've earned, and they've paid some restitution in the meantime. So there are people who will do these jobs, even the agricultural jobs.

We are told we must have guest workers because Americans won't take the jobs, like agriculture and other jobs, because the guest worker program isn't just agricultural work. Look real close, Mr. and Mrs. America. This guest worker program includes a lot of other jobs rather than just agricultural work, cleaning hotel rooms and construction workers, for example.

Now, is it really true that Americans won't do that, or Americans won't be nannies for other people's children? No. Americans will do those jobs as long as they get pay commensurate for their work. No, they won't work like slave labor, like illegals who are pouring over the borders into our country to fill these jobs.

There are millions of American women who would love to drop off their children at school at 9 o'clock in the morning and go to work at these various hotels, cleaning the rooms and changing the sheets and then get off by 3 o'clock in order to pick up their kids at school. Yes, millions of American women would like to do that, but they're not going to work for a pittance, they're not going to work as slaves. They want benefits if they're going to work for the job. But with illegals pouring across the border, these millions of American women are left out.

There are millions of American women who would love to be a nanny for some rich people who would like to have a nanny for their children, or even some people who aren't so rich who would like to have some help with their children, but they're not going to work for a pittance. And all these rich people who have nannies from overseas and are paying them half as much as they would have to pay an American woman to help them, who is being helped? The rich lady or the rich woman who has the children are being helped.

Yes, those rich people are being helped. Maybe the immigrant, the illegal immigrant, probably woman, who is helping out as a nanny, she has helped a little bit. Who is the big loser are the American women, who could be earning a decent living to help their families by serving as nannies, because they are women who are mothers and they know about taking care of children. We have frozen them out of the market.

We are hurting the American family. We are making sure that families don't have the extra money, and that these hotel chains can pay people a pittance.

The guest worker program starts at 400,000, but it can be increased. This bill allows for adjustments every 6 months based on market fluctuation. Is there a doubt in anyone's mind that simply allowing the number of guest workers to go up and down will not result in the number of workers going up and up and up? H1B visas and Y visa holders will be taking the jobs that Americans are willing to do, but they will be driving down wages.

In Orange County, I went to a function a few years ago and a fellow grabbed me by the arm and he said, Congressman, I am here to thank you. He had a newspaper clipping when we were debating H1B visas here on the floor of the House. He said Congressman, I read your quote. You said if we bring in these hundreds of thousands of people on H1B visas from India and Pakistan to work at our high-tech jobs, we are going to do nothing but depress the wages of the people in the electronics industry.

He said, I was laid off, and do you know what happened? I went back to get my old job back. They paid me $80,000, and now they were offering the same job to me for $50,000. And they looked at me and said, if you don't take this, we can get somebody with an H1B visa to take it, some Indian or Pakistani, so you'd better take it.

And he said, I did. He said, you know the difference, Congressman, between earning $50,000 and $80,000 is? I said, what is it? He said, you never dream of owning your own home if you make $50,000 a year.

We are destroying the dreams of the American people in order to what? To bring down wages so that our business elite can prosper, and yes, so that we can bring millions of illegals into this country, millions of immigrants into this country, which the liberal left of the political spectrum thinks that they are going to use these people as pawns in their own political game. They are being exploited by the business community and exploited by the liberal left who control the Democratic party. This is obscene.

Who loses? Yeah, the immigrants are kind of losers, even though they're a little bit better off. The American people are the losers.

What happens to particular Americans isn't the worst of it. Not only do we greatly expand our guest worker program, we are actually increasing chain migration, even though they are telling us this bill will take care of that. Chain migration allows an immigrant to bring his spouse and children and the sisters and brothers and inlaws, grandparents, aunts and uncles.

One of the reasons the wait to migrate to America is so long for many people overseas is that the open slots that could become open to immigrate here legally are going to people who are bringing their relatives over, people who may immediately be on the dole, people who can't even support themselves, but they are family members.

The Senate claims this bill will move away from that, that it will point the system to a merit system, to those who have skills that America needs and will be able to come into the country before the relatives of those people are already here. Sounds pretty good in theory, doesn't it? Once again, there are so many loopholes in this bill that the reality of this legislation is just the opposite for which it portends.

The bill, as written, for most of the next decade will dramatically increase chain migration. Well, how is that? How? Right now, chain migration is limited to 112,000 per year. This bill increases that. Get this: Chain migration is 112,000 a year; this bill would increase that number to 440,000 per year until the current backlog of applications is filled.

That backlog will take 8 years, get that, 8 years to fix, 8 years before the point system we are being told about will come into play, 8 years at a fourfold increase in chain migration during those 8 years.

Does anyone here really think that 8 years from now we will implement a merit system for chain migration? By then we will have 50 to 100 million new illegal immigrants here who have swarmed into our country, and we will be in the midst of chaos and confusion.

One might reasonably hope, after granting amnesty, establishing a new guest worker program, increasing chain migration and requiring trigger mechanisms that already are in place and aren't needed, that this bill might at least crack down on illegal immigrant criminals. Well, don't hold your breath. This bill imposes significant obstacles to removing dangerous alien gang members from our country.

This bill also narrowly defines criminal gangs so that many small gangs will be excluded from the bill. Further, the government must prove bad intent on the part of the alien gang member in order to remove the alien gang member. All a gang member has to do is sign a piece of paper saying he has renounced his gang affiliation and he can then get a Z visa. He is then getting a visa that will permit him legal status here, even though he's illegal and part of a criminal gang. Of course a gang member would never lie to us about that, would he? I guess not. Why are we putting out this welcome mat for criminals? This is madness.

Further, the bill weakens the law involving passport fraud and misuse. It actually reduces the punishment for illegal reentry by criminals into this country. The so-called comprehensive bill weakens restrictions that are already in place.

And shockingly enough, this bill does not make engaging in a terrorist activity proof that an immigrant is not of good moral character, the good moral character, of course, being a requirement to get a visa.

And the final insult, let's look at the highly touted electronic employment eligibility verification, the system allowing employers to make sure that the employees they hire are eligible for employment. It's a fraud. Why? First, because the bill permits the entire system to be changed by the Department of Homeland Security Secretary and the Social Security Administrator.

Second, while an illegal alien is appealing a finding of noneligibility for employment, so if he is found not to be eligible for employment, while he is appealing that, he can appeal it administratively, and then he can appeal it in the courts. The illegal can't be fired while he is appealing that decision. That could go on for years, and so the mechanism is irrelevant.

In real-life scenarios, this bill would make that mechanism to check irrelevant. Forget whatever requirements are in the bill. There are over 40 pages of such requirements, such as, in section 302 of the bill, the Department of Homeland Security Secretary and the Social Security Administrator are given authority to change any requirement. Any of the supposed tough mandates can be administratively done and deleted simply by publishing these changes in the Federal Register.

What is the purpose of defining a system for page after page in this legislation and then saying, by the way, if you don't like it or get too much heat from greedy employers or a confused press, don't worry, you can change it? It can be changed easily without having to go back to the Congress.

□ 2215

This is not laying the foundation for meeting serious challenges. This is creating a phony facade to make people think that something else is happening.

The final slap? This bill legalizes instate tuition for illegal aliens. If your child goes 100 miles to the next State, he or she must pay for out-of-state tuition. But an illegal alien who is smuggled 2,000 miles by their parents into this country can go to school cheaply and on your tax dollar.

This much vaunted compromise that we are talking about, this comprehensive bill, is in reality an amnesty for everyone; a new guest worker program so your employer can throw you out of work. It vastly expands chain migration. It guts enforcement provisions and makes it easier for illegal alien criminals to stay. If this is a compromise, I shudder to think what the other bill will look like. It would be more honest for the Senate to draft up a bill declaring war on the American people.

Robert Rector from the Heritage Foundation estimates the cost for the out-of-control flow of illegal immigration will be over $2.5 trillion. That is trillion dollars with a "T." Babyboomers retiring and the looming crisis in Medicare and Social Security are upon us. What rational person thinks that we can take on another $2.5 trillion in obligations and not see the utter bankruptcy of our country? And what rational person thinks we can absorb tens of millions of new illegals who will be attracted to America once we legalize the status of this bunch who are here now?

This goes deeper than economics. Why are we officially endorsing the existence of a permanent class of illegal residents, because when those 50 to 100 million people get here, it will be over. A group of people who are not citizens, who have neither obligation nor benefits of being citizens, will be in our country forever. It will change the nature of the United States. It is changing the nature of the United States.

I strongly support legal immigration. Legal immigrants are the bulwark of our economy and our society. They are the most patriotic of Americans. But they have come here to be Americans. They have come here, legal immigrants have come here, to make sure they are healthy, yes, and they can work and they can actually take care of themselves, rather than be wards of the state. They have met these obligations. They want to speak English.

But they have come here with the premise, everyone comes here who comes to our country, they know, these legal immigrants, that they have to give up their allegiance to their old country and to truly become Americans, and they want to become Americans. I am proud of those legal immigrants who support me in my district. They deserve the rights and their families deserve the rights of every American, and no one should ever interpret this battle against illegal immigration with any attack on those wonderful American citizens who are here by choice and who have come here legally and come here through the process.

We have a huge group of illegal immigrants here now, and a growing number, who refuse to renounce their allegiance to their old country and to their old ways, but loudly insist on being granted the economic benefits of living in this country. This is a prescription for disaster. For disaster.

Legal immigration is a controlled process. We take in more than all the rest of the world combined. We have more legal immigrants into our country than all the other countries of the world combined, and we can be proud of that.

But it hasn't been enough for those who rake in higher profits when wages go down or for those in the liberal left who want to fundamentally change America and believe a mass of new immigrants will help them do it.

America is a wondrous dream. We are letting an elite clique of capitalists and leftists, as unholy an alliance as that is, to turn this dream into a nightmare. The American people need to step forward with a righteous rage. They are being betrayed. President Bush and Senator KENNEDY have an agenda that will destroy America's middle-class. Those who sign onto this legislation are not, not, representing the interests of the American people.

If we do not speak up, the Americans, the patriots, both legal immigrants and people who are born here, if we do not step up there will be another 50 to 100 million people here from abroad and they will live here a decade from now and it will be a different country. We will have lost our country.

Yet those supporting this invasion of America posture themselves as morally superior. Cities declare "sanctuary" for illegals, these illegals who have broken our laws. These cities who are declaring sanctuary are never asked who is being hurt. They think they are helping people.

It is not just the American people being hurt, it is those people waiting in line overseas. Why should the person who has come here illegally, the people who have come here illegally, get the benefits? Why should the people who run the sanctuaries be on the side of those people who cheated and cut in line in front of all of those hundreds of millions of people waiting overseas?

The sanctuary cities are treating the good people who would immigrate here legally and are waiting to do so as a bunch of saps. Any time that we reward illegal conduct and these people who have come here illegally and we say we are reaching out to them, we are going to try to help them, what you are really doing is hurting the people overseas. You are hurting someone else who is a decent, hard-working person who would come here. So anybody who offers sanctuary and is reaching out to illegals is doing nothing but hurting other people overseas. Of course, they are hurting the American people. It is not enough to tell them that. They are also hurting these poor people overseas. These sanctuary cities are contributing to the breakdown of our society.

This "holier-than-thou" attitude is not humanitarian. It is phony. Those posers are rarely willing to sacrifice their own resources. They want to spend taxpayer dollars to take care of their humanitarian instincts. The Catholic Church, for example, demands that illegals be given healthcare and education benefits. Let the Catholic Church, if they are serious, pay the bill for the illegals. They can do it. They can provide schools and healthcare. There are a lot of Catholic properties that could be sold to pay for their healthcare. No, they want the American people, other people, to pay for it. The taxpayers. That is not humanitarianism. That is not Christian charity.

Then what happens when the next wave gets here, 50 to 100 million illegals? First and foremost, the American people should be loyal to each other. We must care for each other. This is not hate mongering. This is not being against people. Americans of every race, every religion, every ethnic background, we need to be compassionate to each other and each other's families. We must not drain the limited resources that we have for the Americans in order to give it to the other people who have come here illegally, because we must first care for our own people.

That is not hate. That is the right kind of love you have in your heart for your family and your neighbors. This is not humanitarianism, when we give this away to others and encourage millions more to come here. It will cause the collapse of our system and all of us will be worse off.

The immigration legislation being foisted upon us will create a different America with a permanent alien underclass, people who may or may not share our Democratic values and may or may not be loyal to America's ideals. It is time for patriots to act, to stand up and be heard. Be angry. Call on elected officials to be held accountable.

This supposed comprehensive immigration bill must be defeated, and I would call on my fellow Members of Congress and the American people to join in this fight. We need every patriot to be activated now to save America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIRK (at the request of Mr. BOEHNER) for today on account of a family emergency.

Mrs. MCMORRIS RODGERS (at the request of Mr. BOEHNER) for the week of May 21st on account of the birth of her son.

Ms. CORRINE BROWN of Florida (at the request of Mr. HOYER) for Monday, May 21, and for today, May 22, on account of a family emergency.

Ms. BERKLEY (at the request of Mr. HOYER) for today after 4 p.m.

Ms. BORDALLO (at the request of Mr. HOYER) for today and the balance of the week, on account of a death in the family and official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CROWLEY) to revise and extend their remarks and include extraneous material:)

Mr. Cummings, for 5 minutes, today.

Ms. Woolsey, for 5 minutes, today.

Mr. Wynn, for 5 minutes, today.

Mr. McDermott, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

(The following Members (at the request of Mr. Garrett of New Jersey) to revise and extend their remarks and include extraneous material:)

Mr. Poe, for 5 minutes each, today, May 23 and 24.

Mr. Rogers of Michigan, for 5 minutes, today.

Mr. Bilirakis, for 5 minutes, May 23.

Mr. Franks of Arizona, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 254. An act to award posthumously a Congressional gold medal to Constantino Brumidi, to the Committee on Financial Services.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 23, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1907. A letter from the Regulatory Contact, Department of Agriculture, transmitting the Department's final rule — Official Fees and Tolerances for Barley Protein Testing (RIN: 0580-AA95) received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1908. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas; Addition of Areas in Virginia [Docket No. APHIS-2006-0171] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1909. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance [EPA-HQ-OPP-2006-0323; FRL-8122-8] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1910. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Administrative Revisions to Plant-Incorporated Protectant Tolerance Exemptions [EPA-HQ-OPP-2005-0116; FRL-7742-2] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1911. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Propiconazole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2007-0224; FRL-8121-2] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1912. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Small Business Programs [DFARS Case 2003-D047] (RIN: 0750-AE93) received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1913. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Electronic Submission and Processing of Payment Requests [DFARS Case 2005-D009] (RIN: 0750-AF28) received May 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1914. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no such exemptions to the prohibition against favored treatment of a government securities broker or dealer were granted during the period January 1, 2006 through December 31, 2006, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

1915. A letter from the Senior Attorney Advisor, Federal Housing Finance Board, transmitting the Board's final rule — Federal Home Loan Bank Appointive Directors [No. 2007-01] (RIN: 3069-AB-33) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1916. A letter from the Senior Attorney Advisor, Federal Housing Financing Board, transmitting the Board's final rule — Limitation on Issuance of Excess Stock [No. 2006-23] (RIN: 3069-AB30) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1917. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — TERMINATION OF A FOREIGN PRIVATE ISSUER'S REGISTRATION OF A CLASS OF SECURITIES UNDER SECTION 12(g) AND DUTY TO FILE REPORTS UNDER SECTION 13(a) OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934 [RELEASE NO. 34-55540; INTERNATIONAL SERIES RELEASE NO. 1301; FILE NO. S7-12-05] (RIN: 3235-AJ38) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1918. A letter from the Director, Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Electrical Standard [Docket No. S-108C] (RIN: 1218-AB95) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1919. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Laxative Drug Products for Over-the-Counter Human Use; Psyllium Ingredients in Granular Dosage Forms [[Docket No. 1978N-0036] (formerly Docket No. 1978N-0036L)] (RIN: 0910-AF38) received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1920. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee: Change of Name and Function — received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1921. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Substances Affirmed as Generally Recognized as Safe in Feed and Drinking Water of Animals: 25-Hydroxyvitamin D3 [[Docket No. 1995G-0321] (formerly 95G-0321)] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1922. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Anthropomorphic Test Devices; ES-2re Side Impact Crash Test Dummy 50th Percentile Adult Male [Docket No. NHTSA-2004-25441] (RIN: 2127-AI89) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1923. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cooperative Agreements and Superfund State Contracts for Superfund Response Actions [FRL-8306-2] (RIN: 2050-AE62) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1924. A letter from the Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-30, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1925. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's justification for determination under Section 530 of the Foreign Relations Authorization Act for Fiscal Year 1994 and 1995, Pub. L. 103-236, regarding Iraq and Libya; to the Committee on Foreign Affairs.

1926. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-45, "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Freedom of Information Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1927. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-43, "Closing of a Public Alley in Squares 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes (S.O. 06-221) Clarification Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1928. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-44, "School Modernization Funds Submission Requirements Waiver Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1929. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-42, "Solid Waste Disposal Fee Temporary Amendment Act of

2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1930. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-46, "Vacancy Conversion Fee Exemption Reinstatement Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1931. A letter from the Senior Attorney Advisor, Federal Housing Finance Board, transmitting the Board's final rule — Privacy Act and Freedom of Information Act; Implementation [No. 2006-25] (RIN: 3069-AB32) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1932. A letter from the OGE Director, Office of Government Ethics, transmitting the Office's final rule — Removal of Obsolete Regulations Concerning the Inoperative Provisions Regarding Charitable Payments In Lieu of Honoraria and Conforming Technical Amendments (RINS: 3209-AA00, 3209-AA04 and 3209-AA13) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1933. A letter from the Chief, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule — Petitioning Requirements for the O and P Nonimmigrant Classifications [CIS No. 2295-03; USCIS-2004-0001] (RIN: 1615-AB17) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1934. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Suicide Prevention Program [BOP-1107-F] (RIN: 1120-AB06) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1935. A letter from the Chairmen, Naval Sea Cadet Corps, transmitting the 2006 Annual Audit and the 2006 Annual Report of the Naval Sea Cadet Corps (NSCC), pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

1936. A letter from the Secretary, Department of Energy and Department of the Interior, transmitting the Departments' study of issues regarding energy rights-of-way on tribal lands as defined in Section 2601 of the Energy Policy Act of 1992, pursuant to Public Law 109-58, section 1813; jointly to the Committees on Energy and Commerce and Natural Resources.

1937. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the April 2007 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375; jointly to the Committees on Foreign Affairs and Appropriations.

1938. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill to "establish a fee for processing applications for permanent employment certification for immigrant aliens in the United States, to enhance program integrity, and for other purposes"; jointly to the Committees on the Judiciary and Education and Labor.

1939. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation to authorize the Secretary of Agriculture to dispose of certain National Forest System land and retain the receipts for certain purposes, including the acquisition of other lands and the temporary extension of payments to State and local jurisdiction impacted by reduced Federal timber revenue; jointly to the Committees on Natural Resources, Agriculture, and Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANTOS: Committee on Foreign Affairs. H.R. 957. A bill to amend the Iran Sanctions Act of 1996 to expand and clarify the entities against which sanctions may be imposed; with an amendment (Rept. 110–163 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 65. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; with an amendment (Rept. 110–164). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 429. Resolution providing for consideration of the bill (H.R. 1100) to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes (Rept. 110–165). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action omitted from the Record on May 21, 2007]

Pursuant to clause 2 of rule XII, the Committees on Rules and House Administration were discharged from further consideration. H.R. 2316 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

[The following action occurred on May 22, 2007]

Pursuant to clause 2 of rule XII the Committee on Oversight and Government Reform discharged from further consideration of H.R. 957.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 957. Referral to the Committees on Financial Services and Ways and Means extended for a period ending not later than June 29, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PETERSON of Minnesota:

H.R. 2419. A bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. SMITH of New Jersey, Mr. MARKEY, Mr. MEEKS of New York, Mr. SIRES, Ms. WATSON, Mr. DELAHUNT, Mr. BERMAN, Mr. CROWLEY, Mr. WEXLER, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. ACKERMAN, Mr. SHERMAN, Ms. WOOLSEY, Mr. MILLER of North Carolina, Mr. KLEIN of Florida, Mr. PAYNE, Mr. SMITH of Washington, Mr. CARNAHAN, Ms. LINDA T. SÁNCHEZ of California, Mr. WU, Mr. HINOJOSA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, and Ms. GIFFORDS):

H.R. 2420. A bill to declare United States policy on international climate cooperation, to authorize assistance to promote clean and efficient energy technologies in foreign countries, and to establish the International Clean Energy Foundation; to the Committee on Foreign Affairs.

By Mr. OBERSTAR (for himself, Mr. DINGELL, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAXTON, Mr. TAYLOR, Mr. PLATTS, Mr. HIGGINS, Mr. LOBIONDO, Mr. COHEN, Mr. SHAYS, Mr. DEFAZIO, Mr. KIRK, Mr. NADLER, Mr. WALSH of New York, Ms. MATSUI, Mr. CASTLE, Mrs. TAUSCHER, Mr. SMITH of New Jersey, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Ms. HIRONO, Mr. KAGEN, Mr. BISHOP of New York, Mr. CUMMINGS, Ms. CARSON, Mr. MCNERNEY, Mr. ARCURI, Mr. CARNAHAN, Ms. NORTON, Mr. HALL of New York, Mr. DOGGETT, Mr. GRIJALVA, Mr. PALLONE, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Ms. SCHWARTZ, Mr. KUCINICH, Mr. THOMPSON of California, Mr. WEXLER, Mr. GEORGE MILLER of California, Ms. MCCOLLUM of Minnesota, Ms. ESHOO, Mr. HASTINGS of Florida, Mr. BLUMENAUER, Mr. BERMAN, Mr. KILDEE, Ms. HOOLEY, Mr. SERRANO, Mr. WAXMAN, Mrs. CAPPS, Mr. MORAN of Virginia, Mr. SARBANES, Mr. PATRICK MURPHY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. DOYLE, Mr. LANTOS, Mr. LEVIN, Mr. OLVER, Mr. PAYNE, Mr. HONDA, Mr. ABERCROMBIE, Mr. CHANDLER, Mr. CROWLEY, Ms. MOORE of Wisconsin, Mr. MCNULTY, Mr. MOORE of Kansas, Ms. CASTOR, Mr. COURTNEY, Mr. JACKSON of Illinois, Mr. SPRATT, Mr. CLAY, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. WYNN, Mr. LANGEVIN, Mr. VISCLOSKY, Ms. WOOLSEY, Mrs. LOWEY, Mr. SIRES, Mr. HODES, Mr. STARK, Ms. KAPTUR, Mr. DELAHUNT, Ms. ZOE LOFGREN of California, Mr. MURPHY of Connecticut, Mr. KANJORSKI, Mr. ROTHMAN, Mr. PASCRELL, Mr. UDALL of New Mexico, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. HOLT, Ms. BALDWIN, Mr. SCHIFF, Mr. GONZALEZ, Mr. SHERMAN, Mr. FARR, Ms. SLAUGHTER, Mr. ALLEN, Mrs. DAVIS of California, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. ANDREWS, Mr. GORDON, Ms. BEAN, Ms. SOLIS, Mr. KLEIN of Florida, Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Mr. WU, Mr. TIERNEY, Mr. WEINER, Mr. VAN HOLLEN, Mr. ELLISON, Mr. RUPPERSBERGER, Ms. CLARKE, Ms. WASSERMAN SCHULTZ, Mr. RYAN of Ohio, Mrs. CHRISTENSEN, Mr. MARKEY, Mr. MEEHAN, Mr. CLEAVER, Mr. ENGEL, Mr. DAVIS of Alabama, Ms. KILPATRICK, Mrs. MCCARTHY of New

York, Ms. SHEA-PORTER, Mr. DICKS, Mr. KIND, Mr. LARSON of Connecticut, Mr. KENNEDY, Mr. LEWIS of Georgia, Mr. WELCH of Vermont, Mr. GUTIERREZ, Mr. PRICE of North Carolina, Mr. COOPER, Mr. RUSH, Mr. CONYERS, Mr. STUPAK, Ms. LINDA T. SÁNCHEZ of California, Ms. WATERS, Ms. HARMAN, Mr. BUTTERFIELD, Mr. YARMUTH, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. INSLEE, Ms. LEE, Mr. FATTAH, Mr. RANGEL, Ms. DELAURO, and Mr. LYNCH):

H.R. 2421. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Transportation and Infrastructure.

By Mr. GONZALEZ:

H.R. 2422. A bill to require railroad carriers to prepare and maintain a plan for notifying local emergency responders before transporting hazardous materials through their jurisdictions; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself, Mr. BAKER, Mr. GILCHREST, Mr. EHLERS, and Mrs. MILLER of Michigan):

H.R. 2423. A bill to provide for the management and treatment of ballast water to prevent the introduction of nonindigenous aquatic species into coastal and inland waters of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 2424. A bill to repeal the Gun-Free School Zones Act of 1990 and amendments to that Act; to the Committee on the Judiciary.

By Mr. BOOZMAN:

H.R. 2425. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself, Mr. MORAN of Kansas, and Mr. SALAZAR):

H.R. 2426. A bill to require the Secretary of Energy to award funds to study the feasibility of constructing dedicated ethanol pipelines, to address technical factors that prevent transportation of ethanol in existing pipelines, and to increase the energy, economic, and environmental security of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARROW:

H.R. 2427. A bill to require that an independent review of the efficiency and effectiveness of all headquarters offices of USDA Rural Development and the Natural Resource Conservation Service be carried out before any county Rural Development office may be merged with a county office of the Natural Resource Conservation Service or any county office of the Natural Resource Conservation Service may be merged with a county Rural Development office; to the Committee on Agriculture.

By Mr. EDWARDS (for himself, Mr. LAMPSON, and Mr. COSTA):

H.R. 2428. A bill to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration between the Department of Agriculture, the Department of Energy, and land-grant colleges and universities, and for other purposes; to the Committee on Agriculture.

By Mr. THOMPSON of California (for himself and Mr. SAM JOHNSON of Texas):

H.R. 2429. A bill to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself and Mr. MCKEON):

H.R. 2430. A bill to amend the Department of Education Organization Act and the Carl D. Perkins Career and Technical Education Act of 2006 to redesignate the Office of Vocational and Adult Education; to the Committee on Education and Labor.

By Mr. CUELLAR (for himself and Mr. REHBERG):

H.R. 2431. A bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes; to the Committee on Homeland Security.

By Mr. DEAL of Georgia (for himself, Mr. BARTON of Texas, Mr. PITTS, Mr. UPTON, Mr. FERGUSON, Mrs. BLACKBURN, Mr. TERRY, Mr. LAMBORN, and Mr. CONAWAY):

H.R. 2432. A bill to extend for 3 months transitional medical assistance (TMA) and the abstinence education program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO:

H.R. 2433. A bill to prohibit the designation of any agency, bureau, or other entity of the Department of Homeland Security as a separate agency or bureau for purposes of post employment restrictions in title 18, United States Code; to the Committee on the Judiciary.

By Mrs. DRAKE:

H.R. 2434. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide regular notice to individuals submitting claims for benefits administered by the Secretary on the status of such claims; to the Committee on Veterans' Affairs.

By Mr. AL GREEN of Texas (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. LYNCH, Mr. MICHAUD, Mr. FATTAH, Mr. GENE GREEN of Texas, Mr. HARE, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Ms. DELAURO, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2435. A bill to amend the Occupational Safety and Health Act to provide for criminal liability for willful safety standard violations resulting in the death of contract employees; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY (for herself, Mr. WU, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. HONDA, Mr. LIPINSKI, and Mr. KIND):

H.R. 2436. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Science and Technology.

By Mr. ISRAEL (for himself, Mr. MATHESON, and Mr. SHIMKUS):

H.R. 2437. A bill to provide for the establishment of an energy efficiency and renewable energy finance and investment advisory committee; to the Committee on Energy and Commerce.

By Mr. JORDAN (for himself and Mr. ELLSWORTH):

H.R. 2438. A bill to amend title 18, United States Code, to deter public corruption; to the Committee on the Judiciary.

By Mrs. LOWEY (for herself, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, and Mr. ETHERIDGE):

H.R. 2439. A bill to amend the Internal Revenue Code of 1986 to reward those Americans who provide volunteer services in times of national need; to the Committee on Ways and Means.

By Mr. LYNCH (for himself, Mr. PLATTS, Mr. KLEIN of Florida, Mr. ROYCE, Mr. CARNEY, and Mrs. MALONEY of New York):

H.R. 2440. A bill to reauthorize the Financial Crimes Enforcement Network; to the Committee on Financial Services.

By Mr. MATHESON (for himself, Ms. BERKLEY, Mr. UDALL of Colorado, Mr. BISHOP of Utah, Mr. SALAZAR, and Mr. CANNON):

H.R. 2441. A bill to amend the Internal Revenue Code of 1986 to allow public school districts to receive no interest loans for the purchase of renewable energy systems, and for other purposes; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 2442. A bill to provide job creation and assistance, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE (for himself, Mr. FILNER, Mrs. BONO, Mr. GENE GREEN of Texas, Mr. ENGLISH of Pennsylvania, Mr. ROTHMAN, Mr. DOYLE, Mrs. GILLIBRAND, Mrs. CAPPS, Mr. MELANCON, Mr. HILL, Mr. CROWLEY, Mr. BERRY, Mr. ABERCROMBIE, and Mr. CAPUANO):

H.R. 2443. A bill to amend title 49, United States Code, to suspend the authority of the Administrator of the Federal Aviation Administration to eliminate, consolidate, deconsolidate, colocate, or plan for the consolidation, deconsolidation, inter-facility reorganization, or colocation of, any air traffic control facility and services of the Administration; to the Committee on Transportation and Infrastructure.

By Mr. TIAHRT:

H.R. 2444. A bill to amend title 4, United States Code, to provide that it is especially appropriate to display the flag on Father's Day; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2445. A bill to amend that Alaska Native Claims Settlement Act to recognize Alexander Creek as Native village, and for other purposes; to the Committee on Natural Resources.

By Mr. LANTOS (for himself and Ms. ROS-LEHTINEN):

H.R. 2446. A bill to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. PITTS, Mr.

FORTENBERRY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. BERMAN, Mr. ROYCE, Mr. ROHRABACHER, Ms. WATSON, Mr. SAM JOHNSON of Texas, Mr. RENZI, Mr. BOOZMAN, Mr. WELDON of Florida, Mr. DANIEL E. LUNGREN of California, Mr. CHABOT, Mr. MCCOTTER, Mr. LOBIONDO, Mrs. JO ANN DAVIS of Virginia, Mrs. MUSGRAVE, Mr. HOEKSTRA, Mr. FRELINGHUYSEN, Mr. FERGUSON, Mr. MANZULLO, Mr. SHUSTER, Mr. POE, Mr. MARIO DIAZ-BALART of Florida, Mr. STEARNS, Mr. SOUDER, Mr. INGLIS of South Carolina, Mr. HERGER, and Mr. GALLEGLY):

H. Con. Res. 151. Concurrent resolution noting the disturbing pattern of killings of dozens of independent journalists in Russia over the last decade, and calling on Russian President Vladimir Putin to authorize cooperation with outside investigators in solving those murders; to the Committee on Foreign Affairs.

By Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. WEXLER, Mr. SHERMAN, Mr. CROWLEY, Mr. ENGEL, Mr. KLEIN of Florida, Mr. BERMAN, Mr. FALEOMAVAEGA, and Mr. BURTON of Indiana):

H. Con. Res. 152. Concurrent resolution relating to the 40th anniversary of the reunification of the City of Jerusalem; to the Committee on Foreign Affairs.

By Mr. GILCHREST (for himself, Mr. CASTLE, Mr. GILLMOR, Mr. MCHUGH, Mr. MORAN of Virginia, Mr. BARTLETT of Maryland, Mr. SHAYS, and Mr. KIRK):

H. Con. Res. 153. Concurrent resolution expressing the sense of the Congress regarding the need for a nationwide diversified energy portfolio, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN:

H. Con. Res. 154. Concurrent resolution expressing the sense of Congress that the fatal radiation poisoning of Russian dissident and writer Alexander Litvinenko raises significant concerns about the potential involvement of elements of the Russian Government in Mr. Litvinenko's death and about the security and proliferation of radioactive materials; to the Committee on Foreign Affairs.

By Mr. MCGOVERN (for himself, Mr. PITTS, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. LANTOS, Ms. MCCOLLUM of Minnesota, Mr. RUSH, Mr. LYNCH, Ms. BALDWIN, Mr. WEXLER, Ms. SUTTON, Mr. FARR, Mr. FATTAH, Ms. DELAURO, Ms. SCHAKOWSKY, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Ms. WOOLSEY, Mr. HINCHEY, Ms. LEE, Mr. MCDERMOTT, and Ms. MOORE of Wisconsin):

H. Res. 426. A resolution recognizing 2007 as the Year of the Rights of Internally Displaced Persons in Colombia, and offering support for efforts to ensure that the internally displaced people of Colombia receive the assistance and protection they need to rebuild their lives successfully; to the Committee on Foreign Affairs.

By Mr. LANTOS (for himself and Mr. SHAYS):

H. Res. 427. A resolution urging the Government of Canada to end the commercial seal hunt; to the Committee on Foreign Affairs.

By Mr. ROGERS of Michigan:

H. Res. 428. A resolution raising a question of the privileges of the House.

By Mr. VAN HOLLEN (for himself, Mr. LANTOS, Mr. CUMMINGS, Mr. GILCHREST, and Mr. ACKERMAN):

H. Res. 430. A resolution calling on the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

67. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 64 memorializing the Congress of the United States to take action to investigate and provide remedies for those injured by the recent contamination of pet food and deaths of family pets; to the Committee on Energy and Commerce.

68. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 77 memorializing the Congress of the United States to fund fully the Select Michigan Agricultural Program through the United States Department of Agriculture; to the Committee on Energy and Commerce.

69. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 88 memorializing the Congress of the United States to enact the Passenger Bill of Rights Act; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XIII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. MCDERMOTT, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. MCINTYRE, Mr. ALLEN, Mrs. CAPPS, Mr. MARKEY, Ms. BORDALLO, and Mr. COOPER.

H.R. 65: Mr. BARROW.

H.R. 67: Mr. SPACE, Mr. PEARCE, and Mr. BLUMENAUER.

H.R. 87: Mr. SHULER and Mr. KING of New York.

H.R. 98: Mr. NEUGEBAUER.

H.R. 123: Ms. LINDA T. SÁNCHEZ of California.

H.R. 178: Mr. WATT.

H.R. 241: Mr. SMITH of Texas.

H.R. 372: Mr. BERMAN.

H.R. 380: Mr. PAYNE and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 451: Mr. GEORGE MILLER of California.

H.R. 539: Mr. CUMMINGS and Mr. WALBERG.

H.R. 549: Ms. BALDWIN.

H.R. 554: Mr. DEFAZIO.

H.R. 566: Mr. BURGESS.

H.R. 601: Mr. PAYNE.

H.R. 612: Mr. BILIRAKIS, Mr. MCDERMOTT, Mr. ENGEL, Mr. BLUMENAUER, and Mr. WALZ

H.R. 694: Mr. CUMMINGS.

H.R. 695: Mr. FERGUSON.

H.R. 734: Mr. BOYD of Florida and Mr. SARBANES.

H.R. 743: Mr. KELLER and Mr. MCCOTTER.

H.R. 760: Mr. MEEK of Florida, Mr. HASTINGS of Florida, and Mr. GONZALEZ.

H.R. 773: Ms. LEE and Mr. KUCINICH.

H.R. 821: Mr. MILLER of North Carolina and Mr. SAXTON.

H.R. 871: Mr. AL GREEN of Texas and Ms. SCHAKOWSKY.

H.R. 943: Mr. YOUNG of Alaska.

H.R. 964: Mr. CALVERT.

H.R. 969: Mr. LEWIS of Georgia, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of New York, Ms. SCHAKOWSKY, Mr. WAXMAN, and Mr. JACKSON of Illinois.

H.R. 971: Ms. SHEA-PORTER, Mr. HINOJOSA, and Mr. MCCAUL of Texas.

H.R. 980: Mr. PASCRELL, Ms. SLAUGHTER, Mr. BERRY, Ms. CARSON, Mr. BARROW, Ms. PRYCE of Ohio, Mr. SESTAK, Ms. KILPATRICK, Mr. HODES, Mrs. BACHMANN, Mr. PATRICK MURPHY of Pennsylvania, Mr. MURTHA, Mr. SERRANO, Mr. BUTTERFIELD, Mr. KAGEN, Mr. LANTOS, Mr. SCHIFF, Mr. BISHOP of Georgia, Mr. MCNULTY, and Mrs. GILLIBRAND.

H.R. 997: Mrs. MUSGRAVE.

H.R. 1023: Mrs. JONES of Ohio, Mr. LEWIS of Georgia, and Mr. WALBERG.

H.R. 1046: Ms. BALDWIN.

H.R. 1078: Mr. ETHERIDGE and Mr. WALSH of New York.

H.R. 1091: Mr. KLEIN of Florida, Mr. ENGLISH of Pennsylvania, Mr. ROHRABACHER, and Mr. CALVERT.

H.R. 1107: Mr. MEEKS of New York.

H.R. 1108: Mr. SAXTON and Mr. WU.

H.R. 1113: Mr. WYNN, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. WU, Mr. ISRAEL, Mr. JEFFERSON, Mr. RAMSTAD, Mr. SAXTON, Mr. HONDA, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Mr. PATRICK MURPHY of Pennsylvania, Mr. CLAY, Mr. PAYNE, and Mr. ABERCROMBIE.

H.R. 1127: Ms. BEAN, Mr. WALBERG, Mr. AKIN, Mr. CAMP of Michigan, and Mr. PETRI.

H.R. 1134: Mr. GRIJALVA, Mr. ROTHMAN, Mr. BOOZMAN, and Mr. LANGEVIN.

H.R. 1188: Mr. GONZALEZ.

H.R. 1198: Mr. KING of New York.

H.R. 1222: Mr. TURNER, Mr. ROGERS of Alabama, and Mr. LEWIS of Georgia.

H.R. 1223: Mr. TURNER, Mr. ROGERS of Alabama, and Mr. LEWIS of Georgia.

H.R. 1224: Mr. SHAYS and Mr. WALSH of New York.

H.R. 1228: Mr. PORTER.

H.R. 1236: Mr. TIAHRT, Mr. JINDAL, Mr. FILNER, and Mr. INGLIS of South Carolina.

H.R. 1279: Ms. KAPTUR, Mr. JEFFERSON, Mr. MCCOTTER, and Mr. ABERCROMBIE.

H.R. 1280: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1293: Mr. HONDA, Mr. COHEN, Mr. SCOTT of Georgia, Mr. HINOJOSA, Mr. CRAMER, and Mr. SAXTON.

H.R. 1304: Mr. NEUGEBAUER, Mr. ALTMIRE, Mr. JORDAN, Mr. ETHERIDGE, Mr. MAHONEY of Florida, Mr. ROSS, and Mr. PORTER.

H.R. 1380: Mr. DEFAZIO, Mr. CARNEY, Mr. HONDA, and Mr. WAXMAN.

H.R. 1385: Mr. SAXTON.

H.R. 1386: Mr. RAMSTAD and Mrs. CHRISTENSEN.

H.R. 1418: Mr. MARSHALL, Mr. WILSON of South Carolina, and Mr. WOLF.

H.R. 1426: Mr. BOUCHER.

H.R. 1440: Mr. SAXTON.

H.R. 1456: Mr. FOSSELLA and Mr. FORTUÑO.

H.R. 1461: Ms. CLARKE.

H.R. 1470: Mr. WALZ of Minnesota.

H.R. 1474: Mr. WILSON of Ohio, Mr. BOSWELL, Mr. DOGGETT, Mr. BOYD of Florida, Mr. PRICE of Georgia, Mr. MITCHELL, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. RODRIGUEZ, Mr. WALBERG, and Ms. FALLIN.

H.R. 1498: Mr. MCNERNEY.

H.R. 1507: Mr. FRANK of Massachusetts, Mr. RUSH, and Ms. WOOLSEY.

H.R. 1544: Mr. TOWNS and Mr. THOMPSON of Mississippi.

H.R. 1560: Mr. MCNULTY and Mr. SAXTON.

H.R. 1564: Ms. LEE.

H.R. 1567: Mr. LARSEN of Washington and Mr. MORAN of Virginia.

H.R. 1576: Mr. GILLMOR and Mr. RAMSTAD.

H.R. 1582: Mr. JOHNSON of Georgia.

H.R. 1623: Mr. PAYNE.

H.R. 1638: Mr. ARCURI.

H.R. 1643: Mr. ROTHMAN.

H.R. 1655: Mr. BRALEY of Iowa.

H.R. 1688: Mr. MORAN of Virginia and Mr. FILNER.

H.R. 1709: Mr. HONDA and Mr. CARNEY.

H.R. 1719: Mr. MCHUGH.

H.R. 1735: Mr. GOHMERT.

H.R. 1748: Mrs. MCMORRIS RODGERS, Mr. YOUNG of Alaska, Mr. SHAYS, Mr. WICKER, Mr. FRANK of Massachusetts, Mr. MCCOTTER, Mr. BOOZMAN, and Mr. PAYNE.

H.R. 1761: Mr. TIAHRT.

H.R. 1783: Mr. SIRES, Mr. SARBANES, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1797: Mr. MCCOTTER and Mr. TERRY.

H.R. 1821: Mr. BRALEY of Iowa and Mr. BECERRA.

H.R. 1857: Mr. FEENEY.

H.R. 1876: Mr. THOMPSON of Mississippi, Mr. ABERCROMBIE, Mr. KELLER, Mr. PLATTS, Mr. ENGLISH of Pennsylvania, Mr. PAUL, Mr. JONES of North Carolina, Mr. CUMMINGS, and Mr. CHABOT.

H.R. 1881: Mr. ISRAEL, Mr. TERRY, and Mr. BOSWELL.

H.R. 1889: Mr. DINGELL and Mr. MEEKS of New York.

H.R. 1890: Ms. BERKLEY.

H.R. 1893: Ms. JACKSON-LEE of Texas.

H.R. 1907: Mr. LANTOS.

H.R. 1926: Mr. BOREN, Mr. MITCHELL, Mr. LYNCH, Mr. MCGOVERN, Mr. LEWIS of Georgia, and Mr. FORBES.

H.R. 1971: Mr. ROTHMAN, Mr. MCINTYRE, Mr. KUCINICH, Ms. LEE, Mrs. DAVIS of California, Mr. FILNER, and Mrs. MYRICK.

H.R. 1975: Ms. SCHWARTZ, Mr. ROTHMAN, and Mr. JACKSON of Illinois.

H.R. 1980: Mr. HODES and Mr. DAVIS of Kentucky.

H.R. 1982: Mr. HODES.

H.R. 1984: Mr. JACKSON of Illinois.

H.R. 1992: Mr. MCHUGH, Mr. ALTMIRE, Mr. BRALEY of Iowa, Mr. JEFFERSON, and Mr. ROSS.

H.R. 2032: Mr. WAXMAN and Mr. MCGOVERN.

H.R. 2046: Mrs. MCCARTHY of New York, Mr. RODRIGUEZ, and Mr. CROWLEY.

H.R. 2063: Mr. RANGEL.

H.R. 2066: Mr. BOSWELL and Mr. MICHAUD.

H.R. 2075: Mrs. MYRICK and Mr. MCCAUL of Texas.

H.R. 2086: Mrs. MYRICK.

H.R. 2095: Mr. BOSWELL, Mr. HOLDEN, Mr. MORAN of Virginia, and Mr. ARCURI.

H.R. 2126: Ms. JACKSON-LEE of Texas.

H.R. 2129: Mr. FILNER, Mr. ALLEN, Ms. CARSON, Mr. STARK, Mr. WAXMAN, Ms. WATSON, Mr. GRIJALVA, Mr. KILDEE, Ms. LEE, Mr. GUTIERREZ, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mr. DOYLE, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, and Mr. JACKSON of Illinois.

H.R. 2138: Mr. RANGEL and Mr. WOLF.

H.R. 2144: Mr. CAPUANO.

H.R. 2147: Mr. CUELLAR.

H.R. 2158: Mr. BILBRAY and Mr. SAXTON.

H.R. 2164: Mr. SOUDER and Mr. WALDEN of Oregon.

H.R. 2199: Mrs. BOYDA of Kansas, Mr. OBERSTAR, and Mr. BLUMENAUER.

H.R. 2203: Mr. CANTOR, Mr. SOUDER, and Mr. EHLERS.

H.R. 2214: Ms. SCHAKOWSKY and Mr. MICHAUD.

H.R. 2223: Mr. MCCOTTER.

H.R. 2239: Mr. BLUMENAUER.

H.R. 2266: Mr. GEORGE MILLER of California and Mrs. CAPPS.

H.R. 2292: Mrs. MCCARTHY of New York and Mr. MURPHY of Connecticut.

H.R. 2295: Mr. WALDEN of Oregon, Mr. STEARNS, Mr. PASTOR, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. SENSENBRENNER, Mr. MCCOTTER, Mr. MCHENRY, Mr. ELLISON, Mr. ANDREWS, Mr. KLEIN of Florida, Mr. BRALEY of Iowa, Mr. FILNER, Mr. WILSON of South Carolina, Mr. MURPHY of Connecticut, Mr. SESTAK, Mr. EVERETT, Mr. COSTELLO, Mr. ACKERMAN, Mr. HINOJOSA, Mr. BLUMENAUER, Ms. MATSUI, Ms. PRYCE of Ohio, Mr. BERRY, Mr. DAVIS of Alabama, Mr. STUPAK, Mr. AL GREEN of Texas, Mr. SAXTON, Mr. SPACE, Mr. GRAVES, Mr. WU, Mr. KIRK, Mr. WELDON of Florida, Mr. CONAWAY, Mr. LAMPSON, and Mr. WELCH of Vermont.

H.R. 2298: Mr. SOUDER.

H.R. 2309: Mr. MARSHALL.

H.R. 2310: Mrs. MYRICK.

H.R. 2312: Mrs. BLACKBURN, Mr. CAMP of Michigan, Mr. KNOLLENBERG, Mr. MARIO DIAZ-BALART of Florida, Mr. GERLACH, and Mr. HENSARLING.

H.R. 2329: Mr. UPTON, Mr. HIGGINS, Mr. SHIMKUS, Ms. LINDA T. SÁNCHEZ of California, and Mr. MOORE of Kansas.

H.R. 2332: Mr. KING of New York, Ms. BERKLEY, Mr. CALVERT, Mr. PRICE of Georgia, and Mr. GARRETT of New Jersey.

H.R. 2334: Mr. PERLMUTTER and Mr. SALAZAR.

H.R. 2335: Mr. TERRY and Mr. SHAYS.

H.R. 2367: Mr. BERMAN and Mr. BLUMENAUER.

H.R. 2380: Mr. GORDON, Mr. ROGERS of Alabama, Mr. BOUCHER, Mr. WALBERG, and Mr. FEENEY.

H.R. 2399: Mr. SHULER, Mr. PATRICK MURPHY of Pennsylvania, Mr. ELLSWORTH, and Mr. WILSON of Ohio.

H.R. 2402: Mrs. GILLIBRAND, Mrs. BOYDA of Kansas, Mr. BARROW, Mr. MICHAUD, Mr. HILL, and Mr. TANNER.

H.R. 2417: Mr. TERRY.

H.J. Res. 14: Mr. ANDREWS.

H. Con. Res. 21: Mr. GARRETT of New Jersey, Mrs. MYRICK, and Mr. KNOLLENBERG.

H. Con. Res. 53: Mr. BAIRD.

H. Con. Res. 75: Mr. CONAWAY.

H. Con. Res. 80: Mr. MCDERMOTT and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 85: Mr. GOODE, Mrs. CAPPS, Mr. CONAWAY, Mr. MCNULTY, Mr. MCHUGH, and Mr. WOLF.

H. Con. Res. 102: Mr. GRIJALVA, Mr. GUTIERREZ, Ms. MCCOLLUM of Minnesota, Mr. MARKEY, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Mr. NADLER, Mr. ROTHMAN, Ms. KILPATRICK, Mr. PORTER, and Mr. BURTON of Indiana.

H. Con. Res. 104: Mr. SCHIFF, Mr. MCDERMOTT, Mr. DOGGETT, Mr. CASTLE, and Mr. EHLERS.

H. Con. Res. 115: Mr. SIRES.

H. Con. Res. 120: Mr. LANTOS and Mr. GINGREY.

H. Con. Res. 139: Mrs. JONES of Ohio, Mr. SMITH of New Jersey, Ms. WATSON, Mr. TANCREDO, Mrs. MUSGRAVE, and Ms. WOOLSEY.

H. Con. Res. 142: Mr. BURGESS, Mr. BLUMENAUER, Mr. MORAN of Virginia, and Mr. PLATTS.

H. Con. Res. 148: Ms. CASTOR.

H. Con. Res. 149: Mr. PICKERING and Mr. LEWIS of Georgia.

H. Res. 121: Mr. BRALEY of Iowa and Mr. PORTER.

H. Res. 233: Mr. SOUDER, Mr. ACKERMAN, Mr. PAYNE, Mr. POE, Mr. ROHRABACHER, Mr. BERMAN, Mr. COBLE, and Mr. BOOZMAN.

H. Res. 257: Mr. FARR, Mr. ENGEL, Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, and Mr. HINCHEY.

H. Res. 287: Mr. STEARNS.

H. Res. 295: Mr. WU and Mr. PORTER.

H. Res. 351: Mr. GRAVES and Mr. WILSON of South Carolina.

H. Res. 378: Mrs. TAUSCHER, Mr. WALSH of New York, Mr. SHUSTER, Mr. BILBRAY, and Mr. MCNERNEY.

H. Res. 379: Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. FORTUÑO, Mr. BROWN of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. BILIRAKIS, Mr. INGLIS of South Carolina, Mr. BOOZMAN, Mr. CAMPBELL of California, Ms. WATSON, Mr. SKELTON, Mr. TANCREDO, Mr. STEARNS, Mr. JEFFERSON, Mr. SMITH of New Jersey, Mr. CASTLE, Mr. GINGREY, Mrs.. EMERSON, Mr. KING of Iowa, Mr. CULBERSON, Mr. GILLMOR, Mr. AL GREEN of Texas, Mr. PASCRELL, and Mr. GENE GREEN of Texas.

H. Res. 395: Ms. CARSON, Mr. BURTON of Indiana, Mr. ROYCE, Mr. PENCE, Mr. INGLIS of South Carolina, Mr. BILIRAKIS, Mr. ARCURI, Mr. WILSON of South Carolina, Mr. MCCOTTER, Mr. GALLEGLY, Mr. HENSARLING, Mr. ROSKAM, Mr. HELLER, Mr. WELLER, Mr. SMITH of New Jersey, Mr. KING of Iowa, Mr. MACK, Mr. MCCAUL of Texas, and Mr. WALBERG.

H. Res. 412: Mr. GALLEGLY and Mrs. MCMORRIS RODGERS.

H. Res. 416: Mr. TERRY and Mr. GILLMOR.

H. Res. 417: Mr. WEINER, Mr. SMITH of Washington, Ms. SCHWARTZ, Mr. WEXLER, Mr. WATT, Mrs. CAPPS, Mr. EMANUEL, Mr. KIND, Mr. PRICE of North Carolina, Mr. JOHNSON of Georgia, Ms. SHEA-PORTER, Mr. ALTMIRE, Mr. MORAN of Virginia, Mr. RAHALL, Mr. ABERCROMBIE, Mr. HINCHEY, Ms. WATSON, Mrs. DAVIS of California, Ms. VELÁZQUEZ, Ms. ROYBAL-ALLARD, Ms. MATSUI, Ms. SOLIS, Mr. CARDOZA, Mrs. TAUSCHER, Ms. SUTTON, Mr. ROTHMAN, Mr. DAVIS of Illinois, Ms. SLAUGHTER, Mr. ISRAEL, Mr. KLEIN of Florida, Mr. CROWLEY, Ms. LEE, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. OBERSTAR, Mr. BERRY, Mr. HOLT, Mrs. LOWEY, Ms. KAPTUR, Mr. OLVER, Mr. BISHOP of New York, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. LARSEN of Washington, Mr. RUSH, Mr. WALZ of Minnesota, Mr. SHERMAN, Mr. KENNEDY, Ms. ESHOO, Mr. FILNER, Mr. PASCRELL, Mr. LYNCH, Mr. MEEHAN, Mr. ENGEL, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. HONDA, Mr. MEEK of Florida, Ms. Clarke, Ms. MCCOLLUM of Minnesota, Mr. TIERNEY, Mr. GEORGE MILLER of California, Mr. OBEY, Mr. LEVIN, Mr. DEFAZIO, Mr. BOREN, Mr. BOSWELL, Mr. MARKEY, Mr. ALLEN, Ms. HIRONO, Mr. HALL of New York, Mr. BRALEY of Iowa, Mr. FRANK of Massachusetts, Mr. BLUMENAUER, Mr. BECERRA, Mr. KILDEE, Ms. WOOLSEY, Mr. KUCINICH, Mr. WELCH of Vermont, Mr. LARSON of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. PAYNE, Ms. CASTOR, Mr. RANGEL, Mr. LOEBSACK, Mr. CHANDLER, Mr. MOORE of Kansas, Mrs. MCCARTHY of New York, Mr. COSTA, Mr. SIRES, Mr. ANDREWS, Mr. PALLONE, Mr. HIGGINS, and Mr. DINGELL.

H. Res. 418: Ms. ROS-LEHTINEN, Ms. LINDA T. SÁNCHEZ of California, and Ms. WATERS.

H. Res. 422: Mr. BURTON of Indiana, Mr. OLVER, Mr. CHABOT, Mr. ISRAEL, Mr. SAXTON, Mr. ALLEN, Mr. POE, Mr. DOGGETT, Mr. WILSON of South Carolina, Mr. GRIJALVA, Mr. FORTUÑO, Mr. MCNULTY, Mr. LAHOOD, Mr. JEFFERSON, Mr. PORTER, Mr. SIRES, Mr. ROTHMAN, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. MORAN of Virginia, Mr. RUSH, and Mr. LEWIS of Georgia.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendments to be offered by Representative BISHOP of Utah or a designee to

H.R. 1100 the Carl Sandberg Home National Historic Site Boundary Revision Act of 2007, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

The amendments to be offered by Representative MARTIN MEEHAN or a designee to H.R. 2316 the Honest Leadership and Open Government Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

The amendment to be offered by Representative CONYERS or a designee to H.R. 2316, the "Honest Leadership and Open Government Act of 2007", does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

The amendment to be offered by Representative HELLER or a designee to H.R. 1100 the Carl Sandberg Home National Historic Site Boundary Revision Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

TRIBUTE TO C. MICHAEL BRIGHT, GOVERNMENT PRINTING OFFICE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, as chairman of the Committee on House Administration and of the Joint Committee on Printing, I want my colleagues to note that June 1, 2007, will mark the retirement of C. Michael Bright from Federal service following a dedicated career of 33 years at the Government Printing Office. Mike, as he is known, compiled an exemplary record of service at the GPO that benefited not only GPO's Federal-agency customers, the public seeking access to Government information, but Members and staff of the Congress as well.

Mike served most of his career in the GPO's Superintendent of Documents operation, which makes published Federal documents available to the public via sales and through Federal depository libraries nationwide. Beginning as an editor of GPO's sales catalog, he later worked as a marketing specialist for Government documents and then was the principal assistant to the Superintendent of Documents. Among the duties Mike performed from that post during the 1980's was service as GPO liaison to the Books Abroad program, a U.S. Information Agency initiative to expand distribution of Federal Government publications overseas to counter the Soviet Union's distribution of its publications.

Mike was a principal in helping to shape GPO's support for electronic information dissemination, later assisting Federal agencies in creating their own electronic information products through GPO, and for a time he served as an assistant to GPO's chief of staff. Most recently, as a congressional relations officer he was trusted by the staffs of the Joint Committee on Printing as well as other Member and committee offices to provide expert advice and assistance on GPO-related matters. In recognition of his accomplishments, over the years Mike earned both the Public Printer's distinguished service and meritorious service awards as well as the thanks of the congressional and agency staffs who worked with him.

Madam Speaker, please join the Members of the House Administration Committee and the Joint Committee on Printing in expressing their heartfelt thanks for Mike Bright's career of outstanding service to the Government Printing Office, and in extending their best wishes to Mike and his family—wife Susan and son Andrew—as Mike embarks on the next stage of his life.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Monday, May 21, 2007, I was unavoidably detained during official travel. Had I been present and voting, I would have voted as follows:

Rollcall No. 384: "yes." On Motion to Suspend the Rules and Pass H.R. 698.

Rollcall No. 385: "yes." On Motion to Suspend the Rules and Pass H.R. 1425.

* * *

TRIBUTE TO DR. DAVID LONG, RIVERSIDE COUNTY SUPERINTENDENT OF SCHOOLS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside County has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Dr. David Long is one of these individuals. On Thursday, May 24, 2007, Dr. Long will be honored at a farewell dinner at the Riverside Convention Center.

Dr. Long is originally from Mason City, Iowa, and obtained is Ph.D. from Iowa State University. Over the years, Dr. Long has served as a classroom teacher, coach, principal, and district superintendent. He was elected Riverside County Superintendent of Schools in 1998. The Riverside County Office of Education (RCOE) has 2,000 employees and a budget totaling more than $260 million. RCOE is a service agency supporting the county's 23 local districts with training, fiscal support, and certain state mandated educational programs.

The Riverside County Office of Education has been dramatically improved by Dr. Long's innovation and dedication to excellence. Under his leadership, RCOE created the nationally recognized Riverside County Achievement Teams (RCAT), which have helped Riverside County outpace the state in improving test scores, and focused attention on specific issues that create problems for students.

Dr. Long has been active in both state and national arenas, serving as the President of the California County Superintendents Educational Services Association (CCSESA), and chairing the national Safe and Drug Free Schools and Community Advisory Committee for the U.S. Department of Education.

Dr. Long has been honored as California Administrator of the Year by the National Organization of Partners in Education, Superintendent of the Year, and received the Governor's Award for school leadership. Dr. Long received the Inland Empire 2003 Entrepreneur of the Year award for his innovative approach to raising student achievement through the Riverside County Achievement Teams. Dr. Long is also the recipient of the prestigious Marcus Foster Memorial Award from the Association of California School Administrators for outstanding leadership and significant contributions to public education by a school administrator.

Dr. Long was recently selected by Gov. Schwarzenegger to serve as California's Secretary of Education and the Governor could not have picked a more qualified individual. Dr. Long's tireless passion for community service has contributed immensely to the betterment of the community of Riverside and the entire State of California. Dr. Long has been the heart and soul of Riverside County education and he will be sorely missed. I know that so many community members and leaders are grateful for his service and salute him as he moves on to the next stage of his career On behalf of Representatives Lewis, Bono and Issa, I also add my expression of admiration and appreciation to Dr. Long for his outstanding service to our children and our community. We wish him the best of luck and all blessings in his new position.

* * *

HONORING HURRICANE, WV MAYOR F. RAYMOND PEAK

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mrs. CAPITO. Madam Speaker, today, I have the distinct privilege to recognize a man of remarkable vision and unyielding commitment to the community of Hurricane, WV.

Mr. Peak is a native of Dakota, WV, where he began his career of public service in the school patrol. His family relocated to Putnam County in 1948.

In 1951, Mr. Peak was elected to his first public position in Hurricane as city recorder, which he held for 4 years. The job came right after graduation from Morris Harvey College, now the University of Charleston.

In 1957, Mr. Peak ran for the office of mayor pledging to build a city Hall. He accomplished that promise in two construction phases with no long-term indebtedness to the citizens.

Mr. Peak served in the West Virginia House of Delegates from 1973 to 1977. In his desire to see small towns and cities grow, he was instrumental in the organization of the West Virginia Municipal League and served as president and he was a charter board member of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Regional Intergovernmental Council, serving twice as Chairman.

Peak has been a mentor to young people in the Hurricane community for several generations, as a math and business teacher, band instructor and girl's basketball coach at Hurricane High School. He was always available to read aloud in the elementary schools and to attend extracurricular events to recognize students.

Serving the community as mayor of Hurricane for 40 years, recently Mr. Peak has brought about a new $1.8 million municipal complex, a $10.6 million upgrade to the regional wastewater treatment facility, and water improvements to a system that has received the 2006 Drinking Silver Award.

Perhaps Mr. Peak's greatest accomplishment is his bond he unwaveringly nourishes with his family. Mayor Peak and his wife, Gloria, are enjoying a marriage of 52 years. They are blessed with three children, five grandchildren, and two great grandchildren.

Through the leadership of Mayor F. Raymond Peak, the city of Hurricane has experienced growth and prosperity. His good works have been enjoyed by generations past and will continue to benefit generations to come.

Madam Speaker, I ask you to join me and the community in expressing our thanks and to honor Mr. Peak's accomplishments and commitment to public service. His commendable service serves as an attribute which we should all strive to emulate as we attempt to make the world a better place. As he leaves the mayor's office, we extend our best wishes for joy and happiness in the months and years ahead.

HONORING REVEREND FREDERICK "JERRY" STREETS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the many family, friends, and community leaders who have gathered to pay tribute to one of New Haven's most outstanding religious leaders and one of my friends, Reverend Frederick "Jerry" Streets. There is no doubt that Reverend Streets has touched the lives of many in the Yale community and beyond. Though he will be missed, the legacy he leaves will continue to inspire others for years to come.

Today marks the end of an era as we bid farewell to a real community treasure. Reverend Streets, the first African-American and Baptist to hold the position of University chaplain, will conclude 15 years of service to Yale since being appointed to this position in 1992. Under the University's term limit rules for chaplaincy, he must now pass on his legacy to a newly appointed chaplain. Reverend Streets' commitment to service through religious leadership has been unwavering and his involvement, not only with his chaplaincy and pastoral duties at Yale, but with his congregation at University Church, has been essential to its spiritual growth and prosperity. He expanded the multi-faith dialogue at Yale and had a deep sense of his social responsibility to the surrounding residents of the New Haven community.

During his tenure, Reverend Streets did spear-head a rapid growth of religious diversity within the student population. His natural gravitation toward tolerance for all ethnicities and religious freedoms began as a boy growing up on the South Side of Chicago. Here, amid much diversity, he learned the need for acceptance of others which shaped his character and influenced his professional life. Perhaps best known for his development of Yale's undergraduate multi-faith council—a group with faiths ranging from Protestant to Baha'i—he promoted discussions between students of different faiths and helped other chaplains to grasp an understanding of a diverse student population.

In addition to his work in our community, Reverend Streets has represented Yale across the globe by lecturing or presenting workshops on issues of global justice and mental health. He has traveled worldwide to places such as Bosnia, Cuba, and West Africa, and served as a delegate to the first global conference of religious leaders to convene at the United Nations.

As a spiritual guide, he has nourished the souls of many—often providing much needed comfort in the hardest of personal trials. It was evident through his work that he had a strong devotion and compassion to helping many Yale students restore their faith and bring a sense of balance back to their lives. There is no better example of living faith with commitment and dignity. He will be sorely missed and we cannot thank him enough.

It is with great pride that I stand today to join his wife Annette, his children, family, friends, and the Yale community to extend my deepest thanks and appreciation to Reverend Jerry Streets for all of the good work he has done. May God bless him and keep him well as he continues in his mission of peace, compassion, hope and tolerance.

HONORING THE LIFE AND LEGACY OF VAL McCOMBIE, FORMER AMBASSADOR OF BARBADOS AND FORMER ASSISTANT SECRETARY GENERAL OF THE ORGANISATION OF AMERICAN STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. RANGEL. Madam Speaker, I rise today to pay honor to a great man, Ambassador Val McCombie, of Barbados and to enter into the record an article from Carib News by Tony Best titled, Diplomat Who Paved The Way For Others. He passed away after a lengthy illness and was funeralized on May 9, 2007.

Val McCombie inspired me in so many ways. He was a man who had a commanding presence, but was not commanding at all. He was powerful, but gentle. Further, he was well respected, articulate, and giving.

Serving as a public servant was the calling on his life. Early in his career, he spent a great deal of his time teaching French and Spanish to young people. Pursuing the desire to represent the people of Barbados, he became the Ambassador to the United States. Serving as an ambassador provided him an awesome opportunity to bridge a gap between Caribbean nations and Latin American nations. His great ability to lead and serve paved the way for other public servants, some of which he mentored.

I'm honored to have known him and feel blessed to have had the opportunity to learn from such a dignified man. I urge young people and my colleagues to learn more about his life and contribution to Barbados.

DIPLOMAT WHO PAVED THE WAY FOR OTHERS

(By Tony Best)

Two diplomats who took turns occupying the same Ambassadorial office offered different assessments of the man who had set the standard they later followed. "He built a career strengthening relationships" between CARICOM and "the rest of Latin America," said Michael King, Barbados' current top diplomat to the U.S. and the Organization of American States.

Sir Courtney Blackman, King's immediate predecessor, succinctly summed up the diplomat's career in a different way. "He was an Ambassador's Ambassador," said Sir Courtney. Both men were reflecting on the life and career of Valerie Theodore McComie, Barbados' first resident Ambassador in Washington, who later became the first person from the English-speaking Caribbean to be elected Assistant Secretary-General of the OAS, a position he held from 1980–1990. McComie died in Washington on Friday after a lengthy illness.

Called "Val" by his friends and colleagues, the linguist and educator who once taught French and Spanish to students in Barbados and St. Kitts-Nevis, English to Venezuelans and French-speaking students in Martinique and France and both languages to Americans and Ghanaians in high schools in the U.S. and Africa used his facility with language to advance the Caribbean's cause on the international stage. He did that during a diplomatic career that began in 1967 and ended in the early 1990s.

Along the way, he served as Barbados' Ambassador in Caracas, the first diplomat from the country to do so; its non-resident envoy to Brazil; and Alternate-Governor to the Inter-American Development Bank.

Born in Trinidad and Tobago on April 1, 1920, McComie received his early education in his birthplace and Barbados, before he went on to London University in England which awarded him a Bachelor's degree in mediaeval and modern languages; and later the University of Bordeaux in France and the University of California at Los Angeles. As Barbados' first resident Ambassador in Washington McComie was his country's eyes and ears in the U.S. capital and in Latin America at a time when Caribbean nations were just beginning to extend their diplomatic links to Latin America.

Whether it was at the OAS headquarters or along ambassador's row, McComie was at home, so to speak. "He had a tremendous presence and in any room he stood out, tall, handsome and very comfortable with strangers," Sir Courtney said. But even more than that, he earned the respect of the Latins, who were skeptical of the interest the small English-speaking nations with a British orientation were showing in the OAS, first with Trinidad and Tobago's membership in the Western Hemisphere body. Next was Barbados. "The respect was tremendous and it came from all of the ambassadors and their governments," added Sir Courtney who served in Washington in the 1990s. "It was that respect that enabled him to become the Assistant Secretary-General of the OAS."

By any objective assessment, McComie performed his OAS duties with aplomb, ever mindful though of the gap in influence between the Secretary-General and the Assistant. Still, he paved the way for Chris Thomas, the Trinidad and Tobago diplomat, who succeeded him. His ability to play the diplomatic game with ease and his record of getting results allowed him to serve as a role model for many of the young people in the Caribbean who aspired to diplomatic careers. "He was a pioneer in our foreign service and a driving force behind our membership in the OAS in 1967 and he ably performed the duties of Ambassador in Venezuela when we opened a mission in Caracas in 1974," said King. "He was a mentor to many people. He was able to use his brilliance as a teacher to encourage many young diplomats to develop their careers in the area of representation. "

Less than four years ago at a ceremony in which he was being awarded the Order of Christopher Columbus by the Dominican Republic, Luigi R. Einaudi, at the time the OAS Assistant Secretary-General, described McComie as a visionary, who like Columbus "sailed unchartered waters, who came to harbors that became the ports and bridges of the future." But it was Barbados' Prime Minister, Owen Arthur, who best summed up McComie record, when he told the OAS General Assembly in Barbados in 2002 that "his contribution as an educator in Barbados and St. Kitts-Nevis helped to encourage many key decision-makers in newly independent states to become more aware of our Latin neighbors at a time when political contact could have been said to be almost nonexistent."

Little wonder, then, that the Barbados leader, speaking for the entire Caribbean told him "Val, we all owe you debt of gratitude for having the foresight of and appreciation for the value of cross-cultural contact."

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Ms. CARSON. Madam Speaker, on Monday, May 21, 2007, I was unable to vote on roll No. 384 and No. 385 as a result of my flight, US Airways #3088, being delayed 65 minutes. Had I been present, I would have voted "Yes" on both.

RECOGNIZING RAINDROP TURKEVI FOUNDATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize the efforts of the Raindrop Turkevi Foundation of Dallas, TX.

As a non-profit, relatively new organization, the Raindrop Turkevi Foundation of Dallas is committed to facilitating common ground amongst diverse communities and assisting Turkish Americans in the Dallas area. The Foundation provides Turkish Americans with various resources in order for them to prosper socially and culturally.

In regard to education, the Raindrop Turkevi Foundation hosts various cultural scholarship opportunities and creates programs that benefit the Turkish-American Youth, such as K–12 and SAT tutoring, ESL classes, Turkish classes, and college advising. As for social development, the foundation holds conferences that promote diversity.

In collaboration with various local entities, the Raindrop Turkevi Foundation hosts meaningful events as well. It sponsors and cosponsors ethnic picnics and organizes athletic events for children, such as weekly soccer games.

All in all, this organization's benevolent objectives and current exploits make it an invaluable member to the Dallas area. The Raindrop Turkevi Foundation has playing an integral part in aiding the success of the Turkish American population and unionizing different communities in Texas.

On behalf of the 30th Congressional District of Texas, I am honored to recognize and commend Raindrop Turkevi of Dallas for accepting all ethnicities and for their leadership and hard work in the Dallas community as well as in the great State of Texas.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. PENCE. Madam Speaker, I was unable to vote on May 21, 2007. Had I been present, I would have voted in the following manner:

Rollcall 384 (On Motion to Suspend the Rules and Pass, as Amended—H.R. 698) "aye"; and

Rollcall 385 (On Motion to Suspend the Rules and Pass—H.R. 4096)—"aye."

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. FORTENBERRY. Madam Speaker, on Monday, May 21, 2007, I was unavoidably detained and thus I missed rollcall votes Nos. 384 and 385. Had I been present, I would have voted "aye" on both votes.

CONGRATULATING THE UNIVERSITY OF FLORIDA GATORS

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise to congratulate the University of Florida Gators for winning the 2007 men's basketball NCAA championship title.

After a hard fought season and tournament, the Florida, Gator men's basketball team proved victorious, on April 2, 2007, with a dazzling 84–75 triumph over the Ohio State University Buckeyes.

I want to extend special congratulations to Florida's head coach, Billy Donovan, who trained this team to be the best in the country. All of the athletes are shining stars for the university and deserve our highest praise.

This year, the men's basketball team made history by becoming the first school to win back to back championships since 1992. The Florida Gators also maintain a record as the only university in history to win simultaneous championships in both men's basketball and football.

Florida's academic reputation is stellar, our sports teams are number one and our fans are like none other.

Madam Speaker, it is great to be a Florida Gator! Congratulations to the students, faculty, alumni, and friends of the University of Florida.

Go Gators!

TRIBUTE TO MR. JAY EAGEN

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. BOEHNER. Madam Speaker, I rise to honor Jay Eagen, this body's Chief Administrative Officer, upon his retirement. Mr. Eagen has served with distinction in this executive capacity since July 31, 1997, and has been in continual service to the House since 1982. As Chief Administrative Officer, Mr. Eagen was responsible for managing this body's support services, finances, procurement, and information technology.

Mr. Eagen faced head-on the rapid rise of computer technology in the 1990s that forever changed the worlds of business and government. Through Mr. Eagen's persistence the House's information systems were modernized and placed at the cutting edge of public sector information services.

Mr. Eagen's efforts to modernize the House also extended to financial accounting and auditing. Before his tenure as CAO, the House's accounting systems were found to be byzantine and indecipherable. During Mr. Eagen's tenure, the House has received eight consecutive "clean opinions" on its financial statements.

Madam Speaker, I ask that my colleagues join me in honoring Mr. Eagen, a dedicated public servant who always operated with the highest standards of professionalism and respect for this House. His commitment to improving this institution's services have made a critical difference as we meet the demands of a changing marketplace and in meeting the American public's desire for information and transparency. This body will miss Mr. Eagen's fairness and bipartisanship as well as his spirit of innovation.

PREAKNESS DELIVERS THREE FLORIDA CHAMPIONS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. STEARNS. Madam Speaker, I am thrilled to announce that the winner of the recent Preakness Stakes, along with those horses that placed and showed (came in second and third, respectively), all have strong ties to stables in my district.

Street Sense and Hard Spun, who placed second and third respectively, were both broken and received elementary training at Ocala training centers. As if this were not enough cause for celebration, Curlin, the victor of the Preakness Stakes, is partially owned by Padua Stable, also in Ocala. Satish Sanan, a computer CEO, founded Padua Stable in 1997, choosing the Ocala location for its pristine pastures and renowned reputation among horse enthusiasts.

Curlin's story is especially unique. Though entering the competition for the Kentucky Derby after only three career starts, Curlin was an unlikely early favorite due to his victory in the Arkansas Derby in which he crushed eight foes and won by 10½ lengths.

Shirley Cunningham, Jr., a lawyer hailing from Georgetown, is one of Curlin's former owners, and it is from his family history that the horse's name is derived. Cunningham's great-grandfather, Charlie Curlin, is a legend in the area in and around Trigg County, Kentucky due to his service on behalf of the U.S. Colored Troops battalion of the Union Army in 1864. Curlin, a freed slave, represented the hallmark American ideal of service to one's country, fighting nobly to make freedom a reality for all United States citizens. Thus, in winning the Preakness Stakes, and putting forth a gallant effort in the Kentucky Derby, Curlin the horse is carrying the family history, serving as a reminder to all of the benefits of perseverance and faith in one's cause.

Though Curlin, Street Sense, and Hard Spun are more prominent examples of success derived from Ocala stables, the city's strong reputation in equine breeding and training is by no means new or rare. Ocala, within Marion County, is considered the "Horse Capital of the World" by the Florida Thoroughbred Breeders' and Owners' Association. In 1995, Ocala was named an All-America-City winner, due largely in part to its reputation for expansive and well-kept pastureland. More than 450 farms and training centers in the Marion County area are devoted to breeding, training, and showing breeds such as the thoroughbred, Arabian, quarter horses, and even draft horses. The USDA's Census of Agriculture reported that Marion led all U.S. counties in total number of horses and ponies in residence in 1997, cut-off year for the 5-year census. Furthermore, the county ranked third nationally (behind two counties in Kentucky) in total value of horses sold. Horses are big business in Marion County. Between 45 and 50 different breeds are represented in the area. Nearly 29,000 residents are employed in the county's thoroughbred industry alone. Florida thoroughbreds finish first in 20 percent of the foremost stakes races in the U.S. and are counted among Triple Crown, Breeders' Cup, Belmont Stakes, Preakness and Kentucky Derby winners. The thoroughbred industry's economic impact on the state is considered to be in excess of $1 billion dollars annually, and the exciting horse sales at the Ocala Breeder's Sales Complex run into the millions.

One cannot visit Marion County without becoming immediately aware of the impact the horse industry has on the area. This is currently evidenced by the enthusiasm exhibited by many of my constituents in having not one, but three horses sweep the top spots in the Preakness Stakes. I believe that this much-celebrated victory will serve to further illustrate the excellence of stables and breeders in Marion County and Ocala, and encourage others in the industry to consider the area as a future home for both their horses and their families.

Finally, I am honored to be the new cochair of the Congressional Horse Caucus, and I look forward to cochairing with Representative BEN CHANDLER of Kentucky. Many may not realize the magnitude of the equine industry and its importance to our national, state and local economies. It is a diverse industry, involving business, agriculture, sport, entertainment, gaming and recreation, and we hope Members will join the Caucus.

By the way: I have stood on this House Floor three times in the past year to herald national victories from the University of Florida in my district—twice for Men's Basketball championships, and January for the 2006 Bowl Championship in football. I suspect my colleagues will begin to find me immodest if I keep bragging and offering resolutions on my winning constituent athletes, both human and equine.

IN HONOR OF THE STUDENT GRADUATES OF WOODCLIFF LAKE'S D.A.R.E. PROGRAM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. GARRETT of New Jersey. Madam Speaker, today, the Woodcliff Lake Police Department will hold its D.A.R.E. graduation ceremony with the students of Dorchester School. More than 100 students are participating in this important program that gives young people the support they need to say no to drugs, underage drinking, and gang violence.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. It uses positive peer pressure to help children defeat the negative cultural influences that bombard them daily.

I am proud of the young boys and girls who participated in this program in Woodcliff Lake, and I would like to recognize them all for taking this step toward positive citizenship:

Erica Aborlleile, Samantha Acciardi, Stephanie Alberti, Jillian Anderson, Houssein Assi, Sydney Badway, Mark Bannon, Jasmine Barkley, Sigourney Barman, Daniel Bazzini, Michael Benducci, Jacob Bloom, Thomas Cahill, Kenneth Caspert, Neil Chopra, Romy Conrad, Arie1 Danziger, Julie DiPiazza, Victoria Eichenlaub, Gregory Fassuliotis, Jake Fischer, Kelly Gao, Austin Gebbia, Julie Gerstley, Jake Goldstein, Jonah Gould, Samara Gould, Ross Greenberg, Connor Hammalian, Dylan Herman, Alexa Hirschberg, Magdaline Hurtado, Randi Ivler, Susan Janowsky, Ian Johnson, Mark Kaplan, Rebecca Karpinos, Joshua Katsnelson, Jake Kessel, Jonathan Lam, Mila Lam, Jordan Lazarus, Jamie Lee, Caroline Lerche, Eric Li, Amanda Lindefjeld, Samantha Livingstone, Frank Lomia, Jerry Lubrano, Alexandra Mangino, Raymond Maresca, Christina Masciale, Jacquelyn Michaels, Liana Mino, Taylor Muller, Andrew Nathin, Olivia Nikol, Olivia Novak, Nicole O'Brien, Noah Panagia, Lindsay Panagia, Alexis Pearlman, Michael Pierro, Lucas Pontillo, Frank Purritano, Michael Raevsky, Jason Rosen, Jonathan Rosenberg, Taylor Rosenblatt, Angela Rossi, Lena Safron, Robert Sarakin, Sydney Schlicher, Michelle Schumacher, Matthew Shafran, Matthew Sherman, Jared Siegel, Brian Silver, Alec Silverman, Marc Solomon, Max Spelling, Jacob Sperber, Rachel Spiro, Gregory Steiger, Ethan Strauss, Kayla Strick, Ryan Stroud, Michael Tortora, William Trumbetti, Jackie Tsontakis, Noah Tucker, Daniel Velez, Philip Volkov, Sean Wang, Justin Weinfeld, Nicholas Weingartner, Sara Wexler, Austin Willock, Devon Willock, Benjamin Wolfin, Amy Yakomin, Bernard Yannelli.

TRIBUTE TO TIMOTHY EDWARD BARTLETT, A TRUE FRIEND

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. CAMP of Michigan. Madam Speaker, there is an old saying in Washington, DC, that goes: if you want a friend, then you better get a dog. While Nancy, the kids and I did just get a dog, I have long considered myself lucky enough to have been in the Circle of Friends with Timothy Edward Bartlett. For that I thank him.

And for those of us who knew Tim, friend is the word that comes to mind when we think of him. He embodied the word and gave it greater meaning. He was more than a person you knew and liked. He was a person who inspired, excelled and, despite returning to God much too soon, he lived a full life.

Tim's obituary read in part that he was passing "into an eternal community without limits." It will be the second such home he lives in, for Tim never allowed himself to be restrained. In that sense he was Myrna and Ed Bartlett's son. He took risks and was rewarded and as a result he set out and not only lived in his own home, but gave others the courage to do the same; he was active in his faith and improved our community; and his adventures led him to see and learn things many only dream about.

I remember one such trip to our Nation's capital. It was my great pleasure to show Tim the U.S. House of Representatives, where he was able to see the House Chamber firsthand. In fact, Tim came away from that experience with more than just a view of how laws are made, he came away with the Speaker's gavel. In all of my years serving in the House, no one but Tim has ever managed that.

And, while the Good Lord has gaveled Tim's session here on earth to a close, he remains my Friend; he remains an inspiration to us all. It is with deep sadness I say goodbye to my Friend, Timothy Edward Bartlett.

Lord, as many others did, I knew and liked this man. I know You will do the same. May You keep him close and may his spirit light your community of angels as he lit ours.

HONORING GLORIA LYNNE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. CONYERS. Madam Speaker, I rise to call attention to the lifetime artistic achievements of singer Gloria Lynne, an outstanding vocalist whose unique style and sound has blurred the distinctions among pop, jazz, and blues.

Born Gloria Alleyne in the Harlem section of New York City on November 23, 1931, Gloria Lynne compensated for a bleak domestic life of poverty by absorbing everything she could of the city's vibrant night life. Exposed to gospel music at a young age by her mother, Lynne quickly graduated from singing at home to singing in the local African Methodist Episcopal Zion Church's choir. However, it was Lynne's first place performance at the Apollo Theater's Amateur Night, at the age of 15, which introduced America to her unique and impressive ability to tell stories that leaves audiences spellbound.

Twelve years later, in 1958, after singing with groups like the Dell-Tones and Enchanters, Ms. Lynne signed with Everest Records and began her solo career. This marked the beginning of her most prolific period: between 1958 and 1963 she cut 10 records and had hits with "I Wish You Love" (a song she virtually made a standard) and "I'm Glad There Is You." "I Wish You Love" not only became a signature song for Lynne, it sold in the millions and was the first song to become a hit on the jazz, rhythm & blues and pop music charts at the same time. Her popularity during this time enabled her to work with many of jazz's greatest masters, teaming up with musicians like Ray Charles, Billy Eckstine, Ella Fitzgerald, Quincy Jones, Harry Belafonte and others, as well as co-writing "Watermelon Man" with Herbie Hancock and "All Day Long" with Kenny Burrell.

Gloria Lynne continues to perform before enthusiastic audiences. She was a special honoree at the Apollo's 2006 Amateur Night Celebration and recently performed to sold-out crowds at Dizzy's Coca Cola Room at New York's Lincoln Center for 5 consecutive nights. Ms. Lynne performed before a standing-room-only audience in May 2005 in Washington, DC at the 1,200-seat Historic Lincoln Theater in Washington, DC as part of Jazz in Southwest. She performed at the Kennedy Center's Women in Jazz Festival in 2003; and also in 2003, she received the National Treasure A ward from the Seasoned Citizens Theatre Organization. She has been inducted into the National Black Sports & Entertainment Hall of Fame. She is also the recipient of The Rhythm & Blues Foundation's Pioneer Award in honor of her lasting contributions to the music world. In 1996, she received the International Women of Jazz Award. On April 7, 2007, she received the Living Legend Award from the State of Pennsylvania.

Teaming up with her son, Richard Alleyne, a writer and producer, Lynne also helps run their production company, Family Bread Music, Inc.

On May 23, 2007, Ms. Lynne will be returning to Washington, DC. to receive a tribute from the Southwest Renaissance Development Corporation for her contributions to jazz. I am pleased to take this opportunity to add my voice to theirs and congratulate Gloria Lynne on her long and fruitful career. I wish her many more years of success.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. KIND. Madam Speaker, on Monday, May 22, 2007, I was detained in my district due to a family emergency and was unable to have my votes recorded on the House floor for H.R. 698 (Roll No. 384) and H.R. 1425 (Roll No. 385). Had I been present, I would have voted in favor of both measures.

TRIBUTE TO THE GUILD OF SAINT AGNES AND EDWARD MADAUS, EXECUTIVE DIRECTOR

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to the Guild of Saint Agnes, an extraordinary childcare organization headquartered in my hometown of Worcester, Massachusetts. Later this evening the very talented and dedicated staff members of the Guild will be recognized for their contributions to the success of this agency at an employee appreciation dinner. Due to scheduled roll callvotes, I am unable to attend that event but wanted to take this opportunity to publicly thank the staff of the Guild for the exceptional care they provide to more than 1,100 children and families all across central Massachusetts.

As the father of a young son and daughter, I know full well the love, patience and understanding it takes to care for children. While the demands are often great, the rewards are more often times immeasurable. Each and every employee of the Guild should be commended for the profoundly positive influence they have had and are having on the scores of young boys and girls in their care. Nothing we debate in this body is as important as the future we give our young people and the good work of the people at the Guild of Saint Agnes must not go unnoticed by Congress.

Madam Speaker, I believe it is also equally important on this occasion that we in the U.S. House of Representatives take notice of the visionary leadership the Guild of Saint Agnes has enjoyed these past 14 years. Notwithstanding the Guild's proud history, the organization has prospered and thrived like no other in the region under the skilled and expert stewardship of Ed Madaus. As Executive Director of the Guild, Ed has transformed the agency into the most widely-known and highly-regarded childcare provider in greater Worcester County. In addition to growing the annual operating budget of the Guild from $1 million to $9 million, Ed has led the organization through the rigorous process of having all of its childcare centers fully accredited by the National Association for the Education of Young Children. He has also built successful partnerships with the Worcester Public Schools and other area school districts to provide after-school care for countless working families. Ed has long understood the intrinsic connection between early childhood education and child development, and was the primary proponent for seeking the highly-competitive 21st Century grant to better connect parents and children to their schools. Perhaps most impressive among Ed's numerous achievements at the Guild has been his steadfast refusal to ignore the pressing needs of the most vulnerable children in our midst. He has aggressively pursued childcare placements for children who might otherwise find themselves in foster care and thereby given stability and hope to an untold number of families struggling to remain intact.

Not satisfied to do right by just the Guild's clients, Ed has also instituted a number of employee benefit programs as Executive Director. At his insistence, the Guild established a 100 percent tuition assistance program to encourage staff members to further their education and training in early childhood development and teaching. Today, one-third of the Guild's employees are enrolled in college. The success of that program reflects Ed's own lifelong commitment to learning. A graduate of Holy Cross College, Ed holds both a master's degree in Education from Worcester State College and a second master's degree in Social Work from Boston College.

Madam Speaker, in my 10 years in Congress I have seldom encountered a more consummate professional and decent human being than Ed Madaus. In the tradition of Marian Wright Edelman, the founder of the Children's Defense Fund, Ed Madaus has time and again proven himself to be a fierce, unrelenting and committed advocate for children. Whether at the state's Department of Social Services or as Executive Director for the Guild of Saint Agnes, Ed has surpassed that test made famous by Wright Edelman when she said, "If we don't stand up for children, then we don't stand for much.

Madam Speaker, in closing, I humbly ask that today we in the U.S. House of Representatives stand up to publicly thank Edward Madaus for his lifetime of devoted service to our nation's children and, in particular, for his leadership at the Guild of Saint Agnes. He deserves our admiration, respect and gratitude for a career spent in the most noble cause of all.

IN RECOGNITION OF THE 82ND ANNIVERSARY OF THE HALL MEMORIAL CHRISTIAN METHODIST EPISCOPAL CHURCH OF VALLEY, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to The Hall Memorial Christian Methodist Episcopal Church of Valley, Alabama, which is celebrating their 82nd Anniversary on May 27, 2007.

In 1866, the General Conference of the Methodist Episcopal Church allowed African Americans to have their own congregations. Many years later, in 1925, Hall Memorial Christian Methodist Episcopal Church was founded.

In 1941 Hall Memorial CME was rebuilt after a devastating fire, and in 1969, was remodeled. With dedicated pastors and a committed congregation, the church has grown and prospered over the years. The pastor there now is Rev. Pierre K. Primm.

I am pleased to recognize the members of The Hall Memorial Christian Methodist Episcopal Church of Valley, Alabama, today for reaching this important milestone in the history of Valley, and congratulate the church family on their 82nd Anniversary.

TRIBUTE TO REV. THOMAS CHARLES

HON. BOBBY JINDAL

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. JINDAL. Madam Speaker, I rise today to honor the Reverend Thomas Charles French, Jr., for his 49-year service to the congregation of Jefferson Baptist Church in Baton Rouge, Louisiana.

Reverend French, who retired this May, departs from a pastorship he has held since Jefferson Baptist's founding. In the five decades since; he has overseen its growth from a mere 17 members to nearly 1,500, has played an active role in the Southern Baptist Convention, has developed a television ministry program in collaboration with his church, and has ministered to four generations of some of the families at Jefferson Baptist.

Though officially he is retired, Reverend French will continue to serve the community on various governing boards in Louisiana. He also will act as Jefferson Baptist's pastor emeritus after a new pastor is found. I know that even in retirement, Revered French will continue the good works that have made him so beloved to his community in Baton Rouge.

Madam Speaker, I ask that all my colleagues join me today in honoring my good friend Reverend Thomas French's life and works. His exceptional energy, service to the public good, and lifelong dedication to his church and his state are an example for all of us to follow. I am honored to call him a friend, and I wish him the best in retirement.

TRIBUTE TO CALIFORNIA NATIONAL GUARD SERGEANT RHYS W. KLASNO

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, California National Guard Sergeant Rhys W. Klasno. Today I ask that the House of Representatives honor and remember this incredible young man who died in service to his country.

Rhys was born in Orange, California and attended Woodcrest Christian middle and high schools in Riverside, California. School officials and teachers remember Rhys fondly—he was a good student who was friendly with classmates and teachers.

Sergeant Klasno enlisted in the California National Guard in 2004 and was trained as an ammunition Sergeant before being reassigned in April 2006 as a heavy vehicle driver for the 1114th Transportation Company, according to the Riverside Press Enterprise. Members of Rhys's unit recall a young man who was ready to help others. After his enlistment in the National Guard, Rhys had planned to become a paramedic and to help save lives. Rhys deployed to Iraq in July 2006 and was killed Sunday, May 13, 2007, by a roadside bomb in Haditha, Iraq. Rhys received the National Defense Medal, the Army Service Ribbon and the Drill Attendance Ribbon. Today Sergeant Klasno was laid to rest at Riverside National Cemetery in California.

Rhys leaves behind his wife, Stephanie Ann Klasno and their soon-to-be-born daughter, London; his mother and father Michael and Lynn Klasno; and his grandparents Elisabeth Klasno of Temecula and Robert E. Jardinico of Arizona.

As we look at the incredibly rich military history of our country, we realize that this history is comprised of men, just like Rhys, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. Today was probably the hardest day the Klasno family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice goes out to them. There are no words that can relieve their pain and what words I offer only begin to convey my deep respect and highest appreciation.

Sergeant Klasno's wife and family have all given a part of themselves today in the loss of their loved one and I hope they know that their husband, son and grandson, the goodness he brought to this world and the sacrifice he has made, will be remembered.

TRIBUTE TO LANE BEATTIE

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. BISHOP of Utah. Madam Speaker, today I would like to pay tribute to Lane Beattie, president and CEO of the Salt Lake Chamber. Lane was honored last week as the Distinguished Utahn of the Year, joining the ranks of many other Utahns who have contributed to the development of the State. Each year the Salt Lake City Chapter of the BYU Management Society recognizes individuals in the State of Utah for their exemplary leadership and service to the community, and Lane is a well-deserving recipient.

Lane was a professional real estate broker and developer. He has also given extensive service in the public sector. Lane, a friend and colleague of mine from the State legislature, was elected to the Utah State Senate in 1989. He quickly ascended the ranks of leadership, becoming Utah Senate President just 5 years later. He served as president of the Senate for 6 years and established a reputation as one who had the best interests of Utahns at heart.

While in the Senate, Lane proposed and implemented some of the most sweeping changes in the legislative process in several decades, including total internet access for legislators as well as the public. This made the legislative process significantly more efficient and allowed more legislator and citizen involvement. This is just one example of his commitment to truly serving the citizens of Utah by making the process and product of the legislature better.

This award is evidence of the high esteem in which Lane is held by all those who know him. His colleagues in the Senate have commented that, under his leadership, the Senate became "more efficient, productive, professional, and more open to the public." For those of us who know something about the Senate, that's saying a lot! One quality that I admired about Lane when we served together in the Utah State Legislature was his ability to build consensus. Having a good leader in the Senate certainly made my life easier on the House side.

I always appreciated Lane's commitment to lowering taxes. As leader of the Senate, he made sure the Senate passed major tax reforms and reductions across the State that have saved taxpayers millions of dollars. The Taxpayers Association, in presenting Lane the Taxpayers Advocate Award in 1999, estimated that, during his leadership in the Senate, permanent tax cuts amounting to $1 billion were enacted.

Lane has represented our State well, being asked to speak locally, nationally, and internationally. In 1996 he was invited to address the European Union in Italy on Federalism and State's rights. He also served as a representative for all United States Senate Presidents when he was elected as Chairman of the National Senate Presidents Forum in 1998. The following year he headed a delegation from the United States on an official visit to China as a guest of the Vice President of China.

In June 2000, Governor Leavitt asked Lane to accept the post as Chief State Olympic Officer for the State of Utah to oversee and manage the 2002 Winter Olympic Games. As State Olympic Officer, Lane was in charge of coordinating the legal, financial and intergovernment arrangements for Utah's hosting of the 2002 Winter Olympics. Other members of the Salt Lake Organizing Committee for the Olympics commended Lane for his unwavering commitment and tireless efforts at the Olympics. He was particularly effective at bringing together different groups and uniting everyone toward accomplishing a common goal. Lane's effectiveness at finding solutions to problems greatly contributed to the success of the 2002 Winter Olympics. His reputation as a leader extends beyond just the State of Utah.

Following the Olympics, Lane was chosen as president and CEO of the Salt Lake Chamber. His experience in both the public and private sector has been a tremendous asset to the business community in the Salt Lake area and his vision for Utah has improved the state as a whole. Lane is truly a voice for the business community in Utah.

Working with and supporting Lane in his various civic pursuits is Lane's wife Joy and their three children. His contributions as a legislator, businessman, and Olympic Officer have truly made Utah a better place to live. Lane Beattie is one of Utah's most accomplished leaders and I am pleased to honor him today for his outstanding contributions and achievements.

PRIVILEGED MOTION REGARDING ALLEGATIONS AGAINST REPRESENTATIVE MURTHA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. UDALL of Colorado. Madam Speaker, I cannot support this motion.

If the Committee on Standards of Official Conduct (the so-called Ethics Committee) were to report such a resolution, it would be a matter demanding careful consideration by the House.

But that is not the case with this resolution. It has not been considered by the Ethics Committee or by any other Committee and its author seeks to have the full House of Representatives act on it without having the benefit of any hearings before it is debated here on the floor.

To me, Madam Speaker, that is not the appropriate way to proceed.

The resolution combines elements of an indictment—in the form of allegations stated as facts—with those of a verdict in the form of a conclusion that there has been a violation of the Rules of the House.

I do not know whether any or all of the allegations are true, and so I cannot say whether or not the proposed verdict would be just.

Rather than ask the House to vote today on those allegations and the proposed verdict, I think the resolution's author should bring the matters dealt with in this resolution to the attention of the Ethics Committee so they can be considered in a way that allows for a fair process aimed at determining the facts and making such recommendations as the facts will support.

Because that has not been done, I think the resolution is premature at best and so I cannot support it.

INTRODUCTION OF THE RURAL AMERICA JOB ASSISTANCE AND CREATION ACT

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. McHUGH. Madam Speaker, I rise today to introduce the Rural America Job Assistance and Creation Act, which is a comprehensive measure designed to address a host of issues identified as problematic for residents and businesses in my central and northern New York district and the rest of rural America.

The need for this legislation, which I have introduced in each of the past three Congresses, has been reillustrated by a recent development in my district. Specifically, on May 14, 2007, the General Motors, GM, Corporation announced that it would phase out some 500 jobs at its Powertrain plant in Massena, NY. While such an unfortunate event would have a negative impact on any community, it is especially devastating for my constituents in St. Lawrence and Franklin Counties, as GM's $31 million annual payroll served as a cornerstone to the local economy and will be difficult to replace.

The GM situation in Massena particularly illustrates the need for two provisions of this legislation. First, when GM made its decision regarding the Massena Powertrain plant, the company failed to notify me or any elected officials in advance. However, under the Rural America Job Assistance and Creation Act, companies that employ 100 or more workers would have to provide the impacted elected officials with 60 days' advance notice of a decision to reduce its workforce or close. This notice would serve two purposes: (1) To alert these officials to the situation and the impact it will have on workers and the community; and (2) to provide these officials with the opportunity to assist in determining if State and/or Federal resources are available and can be utilized to prevent closure or layoffs and the resulting loss of employment opportunities.

Secondly, the GM situation in Massena also highlights the need for a provision in the Rural America Job Assistance and Creation Act that would exclude from gross income up to $25,000 of any qualified severance pay. Needless to say, it is often very difficult for employees who suffer layoffs or the shutdown of their place of employment, particularly in rural areas, to find new employment that provides a comparable income. While severance pay certainly provides affected individuals with a small sense of security and is without a doubt a helping hand in a time of great need, unfortunately, the recipients often lose a third of their severance pay to taxes because they are pushed into a higher bracket.

Madam Speaker, this bill is also designed to help my district and the rest of rural America develop jobs, in the wake of plant closings and otherwise. For example, the Rural America Job Assistance and Creation Act would establish regional skills alliances to help identify needed skills and create and implement effective training solutions. In addition, the bill would also encourage cooperation between educational institutions and entrepreneurs who have innovative ideas but cannot afford the legal and consultant fees necessary to take their ideas from the drawing board to the production line or otherwise make them a reality.

To increase international cooperation in the development of economic and job opportunities, the Rural America Job Assistance and Creation Act would also streamline the immigration visa procedures for H1–B professional specialty workers by requiring the submission of the H1–B labor condition application to the U.S. Department of Labor at the same time as the classification petition is submitted to the U.S. Department of Homeland Security. By reducing unnecessary delays in the processing of these visas, this provision would help facilitate the employment-related travel necessary for border areas like my northern New York congressional district to further its symbiotic relationship with Canada and thereby create good jobs.

Finally, the Rural America Job Assistance and Creation Act would expand the work opportunity tax credit to include both small businesses and individuals found in communities experiencing population loss and low job growth rates such as those in central and northern New York. Approximately 100 such communities would be so designated, subsidizing some 8,000 jobs in each area.

Accordingly, I ask my colleagues to join with me to enact this important legislation. It not only would help my Massena constituents as they face the fallout of GM's decision, it also would enhance the economic opportunities available and quality of life throughout our great Nation.

CALLING FOR THE IMMEDIATE RELEASE OF DR. HALEH ESFANDIARI

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. VAN HOLLEN. Madam Speaker, in December 2006, while visiting her ailing 93-year-old mother in Iran, Dr. Haleh Esfandiari, a respected American scholar, and director of the Middle East Program at the Smithsonian's Woodrow Wilson Center in Washington, DC, was imprisoned by the Government of Iran.

Dr. Esfandiari is a dual U.S.-Iranian citizen who has lived in the United States for more than 25 years. She taught Persian language and literature for many years at Princeton University where she inspired untold numbers of students to study the rich Persian language and culture.

While preparing to board her flight back to the United States, Dr. Esfandiari was stopped by Iranian officials, and forced at knife point to turn over her passport. Afterwards, she was repeatedly interrogated by Iranian intelligence officials and, though the Ministry of Intelligence has yet to produce any evidence of wrong-doing, she has been held in Iran's notorious Evin Prison since May 7, 2007.

Iran's imprisonment of Haleh Esfandiari shows a gross disregard for the rule of law and belies statements by Iranian government officials that Iran would like to improve relations with the United States.

I ask my congressional colleagues to join me in passing this resolution to demand that the government of Iran immediately release Dr. Haleh Esfandiari and to encourage the U.S. Government to employ all appropriate means to expedite the process.

TRIBUTE TO WHITE CHURCH CHRISTIAN CHURCH OF KANSAS CITY, KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to the White Church Christian Church of Kansas City, Kansas, which will celebrate the 175th anniversary of its founding on June 2, 2007.

White Church Christian Church is the oldest continuously operating church in the State of Kansas; the church and the Delaware Indian Cemetery west of the church are listed on the Register of Historic Kansas Places. The inside walls of the original log building were whitewashed, so the native Indians referred to it as the "white church." As a result, the surrounding area became known as White Church, Kansas.

In 1830, the Missouri Conference of the Methodist Church met in St. Louis to establish the mission society that would soon begin its work among the Kansas Indians. The Rev. Thomas Johnson was appointed to serve as superintendent of what was then known as the Kansas Indiana Missionary District. Two years later, Rev. Thomas Johnson, his brother Rev. William Johnson, and Rev. Thomas Markham established a mission school and church at the site of today's church. In the 1834 annual report of the Missionary Society, it was reported: "The church has forty members, some serving as exhorters, and they were regular in attendance at preaching and other means of grace. There are twenty-four native children in the mission school who are learning well." In 1844, the original church was destroyed by fire and a new church was built. Beginning in 1850, the land in the reservation was deeded by the government to Indians individually. Some sold their ground and soon the area began to be settled by white people.

In 1870, a school district was established and a school located near the church adopted the same name, White Church School. Disaster struck the church for a second time on May 11, 1886, when the walnut-framed White Church and the original White Church School building were destroyed by a tornado. In the following year, a two-story school building was erected on the present site of the White Church Elementary School. On May 4, 1904, the cornerstone of the present native stone church structure was laid. The Gothic building included 21 memorial stained glass windows.

The adjoining Delaware Indian Cemetery is the oldest area cemetery in which burials are still conducted, with the earliest recorded burial having taken place in 1881. For approximately 100 years, White Church, under the direction of the Methodist Church, served both Native Americans and White Americans. In 1931, the White Church withdrew its affiliation from the Methodist Church and organized a Community Church at White Church. Later, in 1956, the congregation voted to become affiliated with the Christian Church, Disciples of Christ and was renamed White Church Community Christian Church. In 1968, the word "Community" was removed from the church name. In 1965, an educational unit was built on top of the stone foundation at the south end of Fellowship Hall, and in 1966, the church board established a pre-school and child care center to serve the community. Expansion of the congregation and improvements to the property have continued to the present day, as we approach the 175th anniversary of this anchor of the Kansas City community. As a history of the church, published in 1996, notes, "It is the prayer of the present generation of God's servants, that there always be a Church at this place, and that the generations which follow will continue to serve the Lord to the End of Time."

Madam Speaker, I know that you and all members of the House of Representatives join with me in commending the White Church Christian Church on its upcoming 175th anniversary celebration and I thank you for the opportunity to place this statement of commendation in the CONGRESSIONAL RECORD.

RECOGNIZING THE RETIREMENT OF LINDA K. BOWMAN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. MILLER of Florida. Madam Speaker, it is an honor for me to rise today and recognize the retirement of Linda K. Bowman. Over the last 3 decades, Mrs. Bowman has dedicated her work to improving the quality of life in my district of northwest Florida.

Throughout her entire career, Linda has been unquestionably devoted to serving her community. She earned her bachelor's and master's degrees in Home Economics Education from Florida State University. In 1973, she joined the University of Florida's Institute of Food and Agriculture Sciences (UF/IFAS) as a faculty member with the Escambia County Extension Service. Here she began a career with Family and Consumer Sciences that would extend over 30 years.

In an effort to further her education and better serve her community, Linda became a Registered Dietician in 1980 and soon relocated to the Santa Rosa County Extension Service, where she has been for the last 16 years of her career.

Since college, Linda has maintained active membership in numerous professional organizations. These include the Extension Honorary Society, Epsilon Sigma Phi; the Florida Extension Association; the American Dietetic Association; and she is a graduate of the Santa Rosa Chamber of Commerce's Leadership Class.

She dedicated her energy toward making northwest Florida the best place to live and she is well known for the efforts she put forth toward that goal. Throughout her career, Linda has been blessed with the support from her husband Chuck, and their 3 loving children: Kevin, Heather, and Amy. She has spent her entire career sharing her insights with others and looking at ways to better aid and care for her community.

There is no question that Linda is a leader for northwest Florida and has set the bar high for all those who will follow. Her leadership and knowledge helped to create a better place, and her service to those in this community will, be missed. I remain confident that Linda's input will still play a great role in continuing the efforts to sustain and enhance the quality of human life. Madam Speaker, on behalf of the United States Congress, it is with great admiration that I recognize Mrs. Linda K. Bowman, our community has benefited greatly from her service, and I wish her well in her retirement.

TRIBUTE TO DR. MARTHA JEAN ADAMS-HEGGINS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a wonderful woman who has dedicated her entire career to ensuring that our youngest students receive the best education possible. On Friday, May 25, 2007, Dr. Martha Jean Adams-Beggins is retiring as the Director of South Carolina State University's Family Life Center. Dr. Heggins' retirement is the culmination of a 43-year career in early childhood education.

A native of Florence, South Carolina, Dr. Beggins began her teaching career there after graduating from South Carolina State University (SCSU) in 1964. She spent 2 years as a first grade teacher at Carver Elementary in Florence, and then went on to teach in Cope and Orangeburg, South Carolina before deciding to pursue her master's at Bank Street College of Education in New York. After she earned her advanced degree, Dr. Beggins returned to South Carolina to teach kindergarten at Felton Laboratory School at SCSU. The following year, she became an instructor at the university and went on to become the Assistant Director of Student Teaching.

However, Martha Heggins knew she wanted to pursue her doctorate and moved to New Jersey to attend Rutgers University. While earning her PhD, she was an Instructor of Early Childhood Education, a Teaching Assistant in the Urban Education Department, and the Director of Demonstration Day Care Learning Center in New Brunswick, New Jersey. She received a Ford Foundation Research Award for her "Study of the Relationship of Logical Thinking to School Achievement in Elementary School Children."

Upon earning her doctorate, Dr. Heggins returned home to South Carolina and her beloved SCSU. In 1975, she became an Assistant Professor of Early Childhood Education and has not left the university since. Over the years, Dr. Beggins has become a highly valued member of SCSU's education department. She has served as an Associate Professor of Early Childhood Education, Director of the Title XX Project, Assistant Professor of Early Childhood Education, and in 1982 became a full Professor.

Dr. Heggins has implemented, directed and served as the Coordinator of the Undergraduate and Graduate Early Childhood Programs at SCSU. Since 1999, she has served as the Director of SCSU's Family Life Center. In this position, she oversees a program for at-risk students and parents from the poorest neighborhoods in Orangeburg, South Carolina. The program focuses on 6 core areas: Academic development, personal development, career enrichment, cultural enrichment, family bonding, and recreational development. Under Dr. Heggins' leadership, the program has received national recognition by the Family and Community Violence Prevention Program at Central State University in Wilberforce, Ohio. Dr. Beggins has also been involved with the Orangeburg Gang Summit Task Force.

She is a member of the America Association of University Women, the Association for Childhood Education International, Association for Supervision and Curriculum Development, the South Carolina Association for Supervision and Curriculum Development, the Southern Poverty Law Center, the National Organization for Women, Phi Delta Kappa International, and Kappa Omicron Nu. Dr. Heggins has received numerous honors including Teacher of the Year 1991–92 for SCSU's School of Education; Distinguish Faculty Chair 1982–83 at SCSU; and inclusion in a number of Who's Who listings. She is the organizer, founder and vice president of the National Black Child Development Institute at SCSU, which is the first undergraduate chapter in the United States.

Madam Speaker, I ask you and my colleagues to join me in applauding Dr. Martha Jean Adams-Heggins for her exemplary career. I commend her dedication to educating young people and to ensuring that those with the least among us are given the tools necessary to succeed in life. I wish her a wonderful retirement and Godspeed.

TRIBUTE TO THE LIFE AND SERVICE OF STAFF SERGEANT ANSELMO MARTINEZ III

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. ORTIZ. Madam Speaker, like so many young soldiers fighting for this Nation in Iraq—whose tours have been extended by the current surge in Iraq—Army SSG Anselmo Martinez III, from Robstown, Texas, was due for a 2-week leave from his first tour duty in Iraq around Mother's Day, but it kept getting pushed back.

He was due to come home sometime in July. On May 18, after the armored vehicle he was riding in ran over an improvised explosive device in Tahrir, Iraq, his time on this Earth ended, and he won't see his mother or his wife and two children ever again.

Each time we lose a soldier, it breaks my heart. It hurts all the more when it is a soldier from South Texas. This one is from my hometown.

SSG Anselmo Martinez was stationed in Fort Hood, where his wife Christina Martinez lives their two daughters. He graduated from Robstown High School in 1998 and joined the Army in 2002 for job security.

Sergeant Martinez deployed to Iraq in October with the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, out of Fort Hood, Texas.

Everyone called him B.J., short for "Baby Junior," because no one wanted to call him a number; he was the third in his family sharing the same name.

He loved to fish, and the first thing he would want to do when he came home was grab a fishing pole and head to Oso Bay.

BJ loved to work with his hands, to shape things. At Robstown High School, he was a member of the woodshop club. He was a funny, sweet, and polite young man who was loved by everyone and who was proud to serve his country.

A fellow soldier from Robstown who knew him said Sergeant Martinez was an excellent role model and a great noncommissioned officer. He thought of his men while in Iraq; yet he was missed badly at home.

On February 4, his wife told him: "Hola papa. I feel so bad that you couldn't be here today for baby's birthday."

Madam Speaker, I ask my colleagues to join me today in paying tribute to the life and service of Army SSG Anselmo Martinez III, from Robstown, Texas, who gave the last full measure of devotion to his country.

TRIBUTE TO UNIVERSITY OF KANSAS HOSPITAL PRESIDENT/CEO IRENE CUMMING

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to the outgoing president/chief executive officer of the University of Kansas Hospital, Irene Cumming, who is leaving KU's hospital after 11 years to become chief executive officer of the Oak Brook, Illinois, based University HealthSystem Consortium, a group of 97 academic medical centers and their affiliated hospitals.

During her tenure as president/CEO of the University of Kansas Hospital, Irene Cumming compiled what the Kansas Legislature recently described as a "stunning list of successes and achievements." As Lawrence Journal-World editor Dolph Simons, Jr., recently noted, "Cumming became CEO of the hospital in 1996 after serving as its chief financial officer since 1994. The hospital was in bad shape in terms of the number and excellence of its doctors, staff and patients. Staff morale was very low, and its perceived excellence in the minds of greater Kansas City residents was suffering. Today, it is the best hospital in Kansas City. Its patient load is growing each year, it enjoys a solid financial base and it provides great support for the KU medical school both in the quality of training it provides to residents and in the dollars it provides to the school. Cumming helped to build a true winner and model for other hospitals, particularly those with close historical ties to a medical school."

The improvements and accomplishments credited to the University of Kansas Hospital under Irene Cumming's leadership are numerous, including:

Since 1998, patient volume has grown by 50 percent to nearly 20,000 patients, shattering all existing patient volume records in the 100 year history of the hospital;

Financial health has improved steadily every year, with revenue climbing 185 percent to more than half a billion dollars since the Hospital Authority was established;

Financial strength has allowed significant capital investment in resources and facilities, totaling nearly $450 million in the 8 years following the establishment of the Hospital Authority;

This financial strength has also permitted a 340 percent increase in support provided for the hospital for the university since 1998, with $31 million this year alone;

After purchasing the outpatient cancer program from a for-profit corporation to which the university had transferred it in the 1990s, the hospital has invested $75 million in cancer services, including the construction of the largest outpatient cancer center in the region, opening this summer on the hospital's Westwood campus;

In 2000, the heart program at the hospital was revitalized, culminating in the 2006 opening of the $77 million Center for Advanced Heart Care;

The hospital became, and continues to be, the region's only nationally-accredited level 1 Trauma Center;

The hospital's Bennett Burn Center is the only adult/pediatric burn center in Kansas City accredited by the American College of Surgeons and the American Burn Association;

The quality and safety of patient care has improved dramatically and gained national recognition; in 2006, the hospital ranked 11th among the Nation's 81 academic medical centers in overall safety and quality rankings;

The hospital ranks in the top 17 percent of institutions in the University HealthSystem Consortium database in mortality;

The hospital earned Magnet designation from the American Nurses Credentialing Center of the American Nurses Association, the first designation for a Kansas-based hospital [only 3.5 percent of the Nation's health care organizations are Magnet hospitals];

The hospital received the first Annual Performance Achievement Award from the American Heart Association for stroke care in a six-state region;

The hospital's cancer program received the 2004 Commission on Cancer Outstanding Achievement Award, achieved by only eight percent of cancer programs in the country;

The hospital is a nationally recognized leader in the Institute for Healthcare Improvement's 100,000 lives campaign;

The hospital pioneered the creation of partnerships between physicians and hospital staff to raise quality, with a model so successful it has been adopted by many institutions across the country;

Patient satisfaction ratings have climbed more than 900 percent since 1998 in the Kansas City area;

Employee turnover has dropped from 33 percent in 1998 to 11.69 percent, the lowest among Kansas City hospitals;

Sixty-one percent of the hospital's nurses have BSN degrees, compared to a 33 percent national average, and the hospital has the second lowest nursing turnover rate among large hospitals in Kansas City;

The hospital's staffed beds have nearly doubled, from 275 to 508; and

The hospital has achieved all of this while still providing care for those who can't afford it; fiscal year 2007 projections are to absorb nearly $100 million in uncompensated care charges.

Prior to joining KU Hospital, Irene Cumming was associate director of medical affairs for St. Luke's Health System and chief executive officer of St. Luke's Medical Development Corporation in Kansas City, Missouri. From 1989–1993, she was executive vice president and chief financial officer of Allegheny Health, Education and Research Foundation of Philadelphia. Additionally, she previously was a partner in the national health care division of Price Waterhouse, where she was one of the first women to be admitted to the partnership.

Clearly, Irene Cumming is a woman of vision, distinction and achievement. The University of Kansas Hospital was very fortunate to have her as its president/CEO for the past 11 years and her departure leaves an exceptional pair of shoes to fill. Madam Speaker, on behalf of all residents of the Kansas City region and all consumers of KU Hospital, I thank Irene Cumming for her many accomplishments while associated with the University of Kansas Hospital and wish her every success in future endeavors, as well.

IN RECOGNITION OF THE RETIREMENT OF LUKE McCOY FROM "PENSACOLA SPEAKS"

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. MILLER of Florida. Madam Speaker, it is a great honor for me to rise today to recognize a living legend in northwest Florida. After nearly 15 years, Mr. Luke McCoy is stepping down as the host of the long-running "Pensacola Speaks" talk radio show in my district.

Luke's viewpoints were as well-known as his distinctive voice as he took to the airwaves in the afternoon. However, he let all callers and guests offer their own opinions and insights and never hesitated to broach a tough political issue. The topics covered both national and local levels, and the callers always numerous and well-informed no matter the issue. Luke was well-known as the "Common Man's Intellectual" as he brought these issues into a forum where all felt comfortable discussing them and offering their views.

It was not just the topics brought up on Luke McCoy's show that made it great, but also the way Luke presented them—sometimes with humor, sometimes with a touch of irreverence, and when appropriate with well-deserved dignity. However, his respect for differing viewpoints was always constant, and northwest Florida will miss having his familiar presence on the airwaves in the afternoons. Fortunately, listeners will still get to hear Luke on the local morning show, and I know his unique personality will be a breath of fresh air.

Luke McCoy is more than a radio personality, though, Madam Speaker. More than anything, he is a patriot, having served his country in combat and being wounded in action in Vietnam. He served with both the Army's 82nd Airborne Division as well as the Marine Corps as he recognized the greatness of this Nation and answered a call to duty. Those that listen to Luke and meet him know this patriotism is still strong today. He recognizes the different opinions and people that have come together to make America what it is today, but his support goes to what he sees as keeping this the greatest Nation in the world.

Madam Speaker, I know many share my sadness with Luke's departure from "Pensacola Speaks." His name is a fixture in the community, and I know many will seek his advice for years to come. His passion to contribute to this country is endless, and I know as he rides his Harley through northwest Florida and elsewhere that he will always maintain his support and love for the United States of America.

TRIBUTE TO TRACY DELLA VECCHIA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. SKELTON. Madam Speaker, as our men and women in uniform are deployed all over the world, they leave behind parents, siblings, spouses, children, and friends. It has come to my attention that Tracy Della Vecchia has formed a network in order for families of those deployed in the United States Marine Corps to stay connected and informed.

When Operation Iraqi Freedom began, Tracy's son, Derrick Johnson, was in marine basic training. Like so many others, he was deployed to Iraq after training. Not long into Derrick's tour Tracy met several other mothers with concerns similar to her own, and it was after this meeting that she decided to create www.marineparents.com. The website was designed for others to reach out through chat rooms in order to post questions and get answers from other families that have been in the same situations and circumstances. Since creating this forum in 2003, Tracy has spent countless hours organizing, sorting, and sending care packages to marines who are serving in Iraq.

Tracy Della Vecchia formed this organization with the intention of making a difference, and the care packages she has mailed have done just that. Recently, she sent hundreds of AA batteries for personal CD players; however, the batteries were put to use in night vision goggles when the unit's supply was exhausted. Personal hygiene and first aid items have also been included in care packages; however, they were used in combat situations to ease the pain of the wounded.

Madam Speaker, I know the Members of the House will join me in thanking Tracy Della Vecchia for all that she does for the United States Marine Corps and the men and women who are currently serving overseas.

RECOGNIZING THE ACCOMPLISHMENTS OF SPECIAL AGENT ERNEST A. SIMON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize the accomplishments that Special Agent Ernest A. Simon has made to the safety and security of our Nation. Mr. Simon currently serves as the Executive Assistant Director for Criminal Investigations or the Naval Criminal Investigative Service (NCIS), and is a member of the Senior Executive Service. Special Agent Simon is retiring from federal service after an illustrious 31 year career in federal law enforcement.

Special Agent Simon began his career with the Naval Investigative Service (NIS) in October 1975 following his graduation from San Diego State University. From December 1978 to December 1980, Mr. Simon was assigned to the NCIS Office in Guam, after which served as Staff Assistant to the Regional Director for Operations of the NIS Regional Office New York. In 1982, Mr. Simon was appointed Assistant Special Agent in Charge (ASAC) of the NIS Newport, Rhode Island Office, and in 1984 he returned to New York City as ASAC of the NIS Office in New York.

In 1986, Mr. Simon transferred back to the West Coast as Special Agent in Charge (SAC) of the NIS Office in Miramar, California, and named SAC of the newly-formed San Diego Regional Fraud Unit, a highly specialized office that focuses on major procurement fraud investigations. In 1990, Mr. Simon transferred to NISHQ, as a Division Head of the Fraud Department, as part of the reorganization of NIS to NCIS; Mr. Simon was named Deputy Assistant Director for Fraud in the Criminal Investigations Directorate in 1993. In 1996, Mr. Simon was appointed Assistant Director for Government Liaison & Public Affairs and subsequently named Assistant Director for Criminal Investigations.

In July 2001, Mr. Simon was appointed to the Senior Executive Service as the Executive Assistant Director (EAD) for Pacific Operations, headquartered in San Diego, CA. In this capacity, he served as the primary focal point for major Navy and Marine Corps Commands on all force protection, investigations and operations affecting the Pacific region and supervised seven NCIS Field Offices. In April 2006, Mr. Simon was again transferred back to NCIS Headquarters to serve in his current position as EAD for Criminal Investigations.

By promoting results-oriented strategies, as well as focusing on those crime problems that are known to have a debilitating effect on operational readiness or, have the potential to precipitate a serious international political incident, Executive Assistant Director Simon has made the criminal investigations program as a model program for how federal law enforcement should operate in today's high impact and highly charged threat environment.

Mr. Simon's career has been marked by sustained progression, significant challenges and numerous successes. He has earned the reputation over the years of being a stellar investigator who steadfastly adheres to the highest ethical standards of the law enforcement profession, and most importantly, an accomplished and dedicated leader. He will long be remembered as a leader who was deliberate and always maintained a sense of compassion and understanding for the people of NCIS.

SENATE—*Wednesday, May 23, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven, we thank You for the freedom we enjoy. Thank You for freedom of the press, speech, religion, assembly, and petition. Thank You also for a government of the people, by the people, and for the people.

Lord, today, bless the Senate and our Nation. Deliver us from internal and external forces that seek to destroy our liberty. Give the Senators strength and wisdom. Help them to remember Your promise to keep them from temptation and to deliver them from evil. Remind them that they face no test that You cannot help them pass. Let this Nation be a tool for the fulfillment of Your purposes on Earth. Lord, let Your kingdom come, let your will be done on Earth as it is in Heaven.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 23, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following any time used by the leaders, there will be a 60-minute period of morning business. The majority will control the first half hour and the Republicans will control the second half hour.

Following this period of morning business, we will resume consideration of the immigration legislation. The next amendment to be offered this morning will come from the Republican side. Yesterday, I announced that the next Democratic amendment will be that of Senator BINGAMAN relating to the guest worker program.

Members can expect votes throughout the session today on the immigration bill.

Also, I had a meeting with Senator KENNEDY this morning. He indicated he would like to work into the evening on amendments. So Senators should plan to be here until at least 8 o'clock tonight with votes.

We are making progress on the supplemental. It is not done yet, but we are very close.

IRAQ

Mr. REID. Mr. President, I cannot let the day go by without at least acknowledging a conversation I had yesterday afternoon with the father of another fallen soldier from Nevada. We lost two in 1 week. His boy just turned 19. I talked to his dad who was very sad.

I listened to the news this morning, and nine American soldiers were killed yesterday in Iraq. So we are going to continue doing what we can to have the President change course in Iraq. The present course is not working. We need a plan to bring our soldiers home.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, the time to be equally divided, with the first half of the time under the control of the majority and second half of the time under the control of the Republicans.

The Senator from Rhode Island is recognized.

HEALTH CARE

Mr. WHITEHOUSE. Mr. President, on Tuesday, I came to the Senate floor to present ideas on health care reform, particularly on the problem of fixing the internal operations of our broken health care system so that it runs better, at less cost, and with improved care.

I suggested that three fundamental things are wrong with our health care system: One, it doesn't adequately provide quality care or invest in prevention; two, the system doesn't have adequate information technology infrastructure; and, three, the way we pay for health care sends perverse price signals that misdirect market forces.

I am here today to speak about quality reform, about those areas in our health care system where improving the quality of care will lower the cost—let me repeat that—where improving the quality of care will lower the cost.

There is a lot at stake, in money and in lives. Up to 100,000 Americans die every year as a result of unnecessary and avoidable medical errors. By some measures these outcomes are even getting worse. A 2003 article published in the New England Journal of Medicine revealed that the rate of hospital-acquired infections has actually increased over 36 percent since 1999. This increase has occurred even though we have shortened the average length of stay in a hospital and decreased the number of inpatient surgeries. In other words, infection rates rose that much even though the opportunities for exposure decreased.

Pennsylvania has recently chronicled hospital-acquired infection data for its 168 general acute care hospitals. The numbers are staggering: 19,154 patients acquired an infection while in the hospital in 2005, resulting in average commercial insurance payments of $45,601 higher than for patients who did not contract infections. That is big money that could be saved.

Remember the example I gave on Tuesday from Michigan's intensive care unit reform. In a 15-month span between March 2004 and June 2005, the project saved 1,578 lives. It saved 81,020 days patients would otherwise have spent in the hospital, at great expense; and it saved over $165 million just in a 15-month period.

However, it is not easy to pursue these quality reform initiatives. Funding is scarce, collaboration is required in an environment where people are

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

pretty mad at each other, and the economics are perilous. When doctors and hospitals go to the trouble to figure out quality reform and implement it and pay for it, the effect on them is lowered revenues. Investing time and effort and capital in projects that reduce your revenues is not a great business model, but that is our health care system.

Thankfully, efforts to pursue quality reform—in all these indicated States and locations on the chart—are flickering to life around the country, in local initiatives such as the Puget Sound Health Alliance in Washington, the Utah Health Information Network, the Indianapolis Network for Patient Care, and our own Rhode Island Quality Institute. These groups have gathered health care industry players together to seek the holy grail of improved care at lower cost.

The fact that this is happening is itself a small miracle. The health care system is acrid with soured, angry relationships. When I was attorney general of Rhode Island, negotiations took place between one of our major hospital chains and our major health insurer in my office. It was not because I was a great mediator or that there was a role for the attorney general in this, it was simply because they were so angry with each other that I needed to calm things down and keep them in the room so the negotiations could proceed. For a bunch of reasons, through our Government policy to shortchange providers, through the perverse reward structure of our health care system, and our HMO experiment, we have encouraged combat among hospitals, doctors, and insurers, each trying to push their costs onto somebody else rather than working together for the common good.

So these local health care quality initiatives from this toxic climate are as marvelous as that spontaneous Christmas truce in World War I, when the soldiers began singing Silent Night across the barbed-wire wasteland, as they came out from the cold, muddy trenches to share cigarettes and schnapps with the enemy, men they had just been mustard-gassing and machine-gunning.

Let me tell you about the Rhode Island Quality Institute. By the time I became attorney general, I was already deep into health care, having served as insurance regulator, hospital trust administrator, fraud prosecutor, and health care reformer. I had seen firsthand the anger and the vitriol in the system. I had been successful in reforming the workers' compensation system and was optimistic about what sensible reforms could do to repair a broken administrative system. I saw common ground on how quality could lower cost. In 2001, I began to pull doctors, nurses, insurers, regulators, pharmacists, academics, and hospital administrators together. Over many months, we developed a concept of a statewide collaboration that would focus on producing significant, measurable improvements in health care quality, safety, and value in Rhode Island. The Rhode Island Quality Institute was born.

Since then we have made significant progress in e-prescribing, electronic health records, ICU infection rates, and health information interoperability. This happened because the Quality Institute is a place where health care leaders can work through health care problems, despite economic signals that punish them for doing the right thing.

For example, in Rhode Island, our hospitals are pursuing a quality improvement project in every intensive care unit in the State, modeled on the Michigan program. The Rhode Island ICU program had a significant hurdle to overcome, however. The cost was expected to be $400,000 per year to be borne by the hospitals. The savings, estimated to be $8 million per year, went to the payers. For its $400,000 invested, a hospital actually stood to lose money from shorter intensive care unit stays and fewer procedures.

For hospitals, truly pushing that quality envelope and striving for zero tolerance in infections in errors was economically self-abusive behavior. It took the Christmas truce relationships developed within the Rhode Island Quality Institute to overcome that obstacle.

Now similar things are happening all over the country, in little flickering beginnings of reform. The easiest and best way to promote quality reform that lowers cost is to feed, with Federal grants, a little kindling into these flickering flames; to tend them gently with Federal encouragement and support, to network them together to share energy and information and ideas, to have Federal officials clear away regulatory obstacles to their initiatives, and to report on the best and brightest ideas and successes that emerge—in a nutshell, to create a MacArthur genius grant program to encourage these efforts and to clear the way for them through the bureaucracy.

My legislation proposes a Federal grants program to do just that. A little money will go a long way. The CVS/Caremark charitable trust just guaranteed the Rhode Island Quality Institute $500,000 per year for the next 5 years, a great expression of business support and confidence, and it has made a world of difference. Compare that half-million-dollar yearly investment to the savings from the Keystone project in Michigan over a little more than a year, 15 months—$165 million. What if every Quality Institute-type organization got a half million dollars? There are somewhere in the neighborhood of 50 such organizations around the country now. The total savings they can generate could be hundreds of millions, billions of dollars perhaps, based on a yearly investment of perhaps $25 million.

Don't forget, it is not just money. The Keystone project saved over 1,500 lives. Quality reform is already on the march in local communities. To make a significant difference, we need do no more on the Federal level than support these initiatives, encourage new ones, transmit best practices and ideas, and, when necessary, secure waivers for them to help realize the promise of quality reform in both lives saved and dollars saved.

I will close today by noting that if we can do three things together—quality reform, health IT investments, and reimbursement alignment—they will reinforce each other and compound the beneficial effects. Remember, health care is a dynamic system and cannot just be told what to do. We have to identify the problems, find their causes, and repair them. That is not a partisan or even a political effort; it is a repair job, and it has no more a Democratic or a Republican nature to it than an engine tune-up or a plumbing repair. We should work together on this issue to get it right. Hundreds of billions of dollars are at stake, and terrible consequences await American families and businesses as health care costs mount if we fail in our duty. While we still have the time before the economic, fiscal, and health consequences become too urgent for deliberate action, let us not fail in our duty. Let us grasp the controls of change.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

ENERGY PRICES

Ms. CANTWELL. Mr. President, I rise this morning to talk about the high gas prices we are seeing all over America and certainly on the west coast, where Washington State is paying some of the highest gas prices in the Nation.

My point this morning is that we are approaching the Memorial Day weekend in which Americans will be remembering loved one and wanting to spend time with their families, but this Memorial Day might go on record as having the highest gas prices in our Nation's history. That means we in the Senate need to act on energy legislation that not only diversifies us off fossil fuels into more renewables and alternative fuels, as well as pass energy conservation measures, it also means we need to protect consumers with a strong bill that makes price gouging and market manipulation of energy markets illegal. We need to assure that there are tough Federal penalties on the books so that any kind of market manipulations will be met with fines and penalties.

I know many people think this is all just about supply and demand. It is pretty hard to tell the people of Washington State it is just about supply and demand when we have five refineries in the State of Washington and most of our oil comes from Alaska. And people say we are an isolated market. In fact, there are schools in our State that are feeling the brunt. One of the school districts in the Yakima Valley, where buses travel more than 2,200 miles each day, will have to spend about $125,000 more this year on fuel. That is revenue which could go to books or hiring teachers or other needs for the school. In Spokane, the volunteers for Meals on Wheels, which usually delivers 350 meals a day to homebound elderly and disabled residents, are having to cut back on their routes. Another constituent called the office to say he was having trouble paying for gas he needed to make the 80-mile round trip to the Tri-Cities to get kidney dialysis for his wife. That loving husband said he was either going to have to quit his job or move closer to the facility so they could avoid paying high prices of gasoline. So while the pundits are talking about just supply and demand, my constituents and many constituents across this country are feeling the pain at the pump.

It is time that we act and pass the Cantwell-Smith bill, which we will have a chance to do when we return after the Memorial Day recess. This legislation is based on a New York law that has been held up in the courts and gives the Federal Trade Commission the ability to do the job that is needed to investigate potential market manipulation and price gouging. Many of the statutes that are on our books today are inadequate for looking at markets when there is a tight supply.

I heard a great deal about supply and demand during the Western energy crisis. For probably my entire first year in office, that is all we heard about from various people who wanted to say that the Enron problems were nothing more than supply and demand and the failure to build more capacity. In fact, when it came down to it, there was a lot more to this question than lack of supply in California. It turned out that there were elaborate schemes to manipulate energy markets, with names such as Death Star, Get Shorty, Fat Boy, schemes in which people deliberately took supply off line or manipulated it just to drive up prices by suppressing supply.

My colleagues have worked hard in the last several years to put into statute protections for consumers to make sure electricity and natural gas markets are not manipulated. This law is based on the same protections the Commodity Futures Trading Commission and the SEC use to make sure there is not manipulation in those markets. Why not have the same protection for consumers as it relates to oil and gasoline markets?

I hope that when we return, we will give great attention to this issue and not be swayed by those who think this is a simple market-demand issue. If we want to protect the consumers of this country, we will pass a strong law that gives the ability for Federal regulators to do their job. I believe there are real U.S. jobs, pensions, and businesses on the line if we do not act and act aggressively. The American people want to know that the Senate is going to stand up and do something about these record gas prices. They want to know that they are paying a fair and market-based rate for fuel and that they will continue to have the transparency in oil markets to make sure prices are reasonable and affordable, and they want to be sure we are empowering the right people to make sure an investigation takes place.

As I said, there is much that we need to do in the near term and the long term for our energy markets to diversify and to give consumers real choice at the pump, to make sure we are investing in conservation and fuel efficiency. But in the meantime, with tight energy markets, we need to make sure we are giving consumers the protection they need and to pass this legislation when we return after the recess.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized.

IMMIGRATION

Mr. GRASSLEY. Mr. President, I am going to use time in morning business to discuss the very important bill that is before us that we will be going on in about 20 minutes, and that is the immigration bill. This sometimes is referred to as the "grand compromise."

It is no secret that I have had concern about the immigration issue, and now specifically this bill, and in my opinion it contains an amnesty program. I know around here those who are backing this "grand compromise" don't want us to use the word "amnesty," but I think if it walks like a duck and quacks like a duck, it is a duck. So I am going to refer to it as the amnesty program for illegal aliens already in the United States.

Not too many Senators today can say they voted for the 1986 amnesty bill. That was the Simpson-Mazzoli Act, the present law we are amending. I did vote for that amnesty bill, so, in a sense, I voted for amnesty. I am here to tell you that I felt at that time as though I were doing the right thing. I can also tell you that now, looking at history, it was the wrong thing to do. I thought then that taking care of 3 million people illegally in the country would solve the problem once and for all. I found out, however, if you reward illegality, you get more of it. Today, as everybody has generally agreed, we have 12 million people here illegally.

I did believe that bill would solve our problems, but it was not only shortsighted, the one we passed 20 years ago, it turned out to be unworkable. It was soft on enforcement and weak on legal reforms. We believed a legalization component was in the best interest of the country.

The American people, myself included, thought that illegal immigration would decline with an amnesty program. We were wrong. The 1986 legislation failed us, as well intended as it was. That was not a bill that went through very quickly. That bill was worked on over a period of 6 years, as we have been working on other immigration legislation at least over a 3- or 4-year period of time.

Today we are back as a body we call the Senate to put another bandaid on this issue. I don't blame the American people for being angry or rejecting the promises some are making that we will enforce our laws from now forward because I heard that same thing in 1986—from now forward. I think it is fair to say the people of this country are cynical on this issue. They don't have any faith that the law is going to be enforced.

One specific aspect of this bill that is so concentrated on enforcement, first, before we do anything else, is called the trigger mechanism. I am going to talk about that trigger mechanism. Before I get to the amnesty program and trigger, I want to point out that the trigger that is included in this substitute, the trigger says the Y and the Z visa program would be subject to a trigger. I wish to point to the famous Trigger, Roy Rogers' Trigger. I think everybody knows about that Trigger. I point to that because I think, if Roy Rogers were here today—and he has been dead about 20 years—he would say: Boys, saddle up. There is going to be a rough ride ahead for us.

The "Trigger" is coming in handy today. He first galloped into this Chamber when I used "Trigger" during a budget resolution because there is a trigger in the budget resolution just adopted. Now "Trigger" is back for the immigration debate because there is a trigger mechanism in this bill.

You can see from the chart that Trigger is a very impressive-looking horse. He looks big and strong and probably can help do some of the chores around the farm. I am sure my grandkids would like to ride Trigger, if they knew he was safe to ride. This horse and its rider look very safe and confident. But I wish to make the point, in this bill, with a trigger mechanism, we can't trust the trigger in this bill. It is false and it is misleading and that is what I wish to point out.

I have heard Members of this body talk about how amnesty would not start until the trigger is pulled. It says on page 2, "with the exception of the probationary benefits," the Y and Z visa programs cannot start until certain actions and certain items are completed. So 12 million illegal aliens will apply and likely get a probationary card. This card gives the illegal alien a work authorization, a Social Security number, and protection from removal. That is problem No. 1. Amnesty is given away before we even get to the trigger.

I wish to talk about four of the key actions that the trigger requires. First, it requires the establishment of an electronic employer verification system. I am a champion for that concept—make the employer responsible for making sure the person is legally in the country. In fact, I wrote title III last year. It could be a very solid enforcement tool. But the trigger only says it needs to be established. It says nothing about requiring all businesses to use it. Under the compromise, employers would not be forced to use it until up to 3 years after the date of enactment.

Second, the trigger says that 18,000 Border Patrol agents have to be hired. According to the Department of Homeland Security, we already have 14,000 agents, so the trigger requires that 4,000 more are hired. Sure, we can hire these agents. But the trigger doesn't require that the agents be trained and stationed and doing their job.

Third, the trigger says we have to construct 370 miles of real fence along the border. I understand this construction is currently underway. Congress authorized 700 miles of fencing in the Secure Fence Act of last year. We also provided billions of dollars for fencing and infrastructure last year. Why doesn't the trigger require that all 700 miles has to be constructed?

The trigger also says the Department of Homeland Security needs resources to detain up to 27,500 aliens per day on an annual basis. If they are caught, you have to have someplace to secure them. The problem is these spaces are full this very day.

How do these trigger actions, then, add to our present day enforcement? The impression is left by the author of the trigger—and I think it is the intent of that author and the "grand compromise"—that all these security provisions are going to be in place before any of the other provisions of the law, such as allowing legality of people here illegally—before those provisions can go into effect.

Fourth, the trigger requires the United States to end what we call the catch-and-release practice. Maybe it is late-breaking news to some around here, but we ended that practice already. Secretary Chertoff was on TV, telling the world on August 23, last year, that he ended catch and release.

However, further along in the bill it says—and it is referred to as OTMS, "other than Mexicans"—can be released into our community on a $5,000 bond. The policy of catch and release will not end. This part of the trigger in my judgment is false and misleading.

There is a lot missing from the trigger. For example, title I of the compromise has border security requirements, but they are not in the trigger. The bill requires the Department to have a national border security strategy and surveillance plan. One would think a plan is necessary right away in order to secure the borders, not after the trigger is pulled.

The trigger does not include authorizations for a number of Homeland Security personnel. While the bill requires the Department to hire more investigators for alien smuggling and more interior enforcement personnel, these requirements are not part of the trigger.

I think, before an amnesty starts, we should require interior enforcement measures to be met. Our national security is not just a border issue.

Finally, I think the trigger should include something we have been trying to do since 1996, after the first attacks on the World Trade Center. Congress enacted a law that requires an entry and exit system to track all foreign travelers. That is known as the US-VISIT Program. We had to endure another attack in 2001 before people took the entry and exit system seriously. We got it partly implemented, but the administration decided on their own that the exit portion was not worth the cost, so that 1996 mandate still remains ignored.

After 10 years, for us in Congress it is still like pulling teeth, trying to get an implementation schedule out of the agency bureaucrats. I think we should be ashamed that is not done yet. This trigger is not legitimate or worthy of the tradition of Roy Rogers. It is only a coverup for amnesty.

I wish to address the flaws that I found in title 6, the part of the bill that gives probationary status and Z visas to illegal aliens currently in the United States. I am simply going to list my top 15 flaws. I don't have time to go into them in great detail. I will be glad to supply more detail if people want it.

No. 1, probationary benefits are not subject to the trigger. Probationary benefits, including work authorization, protection from removal, and a Social Security number are granted to illegal aliens immediately, even if the alien's background check is not complete. I wish to emphasize that point—even if the alien's background check is not complete.

No. 2, many criminal provisions may be waived. Numerous criminal provisions are waived for eligibility purposes. For example, an alien who falsely claimed U.S. citizenship would be considered eligible for amnesty, even though it is a crime.

No. 3, background checks are taken too lightly. An illegal alien can apply for probationary status and a Z visa without thorough background checks. Immediately after the bill passes, the alien can apply for probationary legal status and receive a card, even if the alien's background check is not complete.

No. 4, illegal aliens are protected from removal. If an alien is in removal proceedings or being detained at the time of enactment, the alien can still apply for amnesty. Aliens who apply for amnesty cannot be detained or deported while their application is being processed, essentially giving them immunity from justice.

No. 5, terrorists and criminals can apply for amnesty. The Secretary of Homeland Security is allowed to waive the grounds of ineligibility for those who have an outstanding final administrative order of removal, deportation or exclusion. Currently, there are more than 637,000 alien absconders in the United States who have defied orders to leave.

No. 6, taxes. Illegal aliens are required to provide the Internal Revenue Service information about tax payments only when applying for legal permanent residence if that avenue is pursued. Illegal aliens can skirt the Federal, State and local tax laws because it is not a requirement to prove one has paid outstanding tax liabilities to get probationary or Z status.

No. 7 limits eligibility to illegal aliens. It creates a Z nonimmigrant visa program for illegal aliens and illegal aliens only. No one else is eligible for this program, particularly those waiting their turn in line. Also, there is no cap on the number of eligible participants.

No. 8, indefinite renewal of the Z nonimmigration visas. Z nonimmigrant visas are valid for 4 years and may be renewed indefinitely. This is a disincentive for illegal aliens to pay the $4,000 penalty, touch back to their own country, and prove that they paid their taxes or receive a very important medical exam.

No. 9, health standards are ignored. No medical exam or immunizations are needed to get a Z visa.

No. 10, there is no incentive to learn English. There is no English requirement to get a Z visa. Each Z nonimmigrant must only demonstrate "an attempt to gain an understanding of the English language" upon the first renewal of the Z visa. There are waivers even for that requirement.

No. 11, green card applicants are not required to return to their home country. Green card applicants, only for the principal alien, must be filed in person outside the United States but not necessarily in the alien's country of origin.

The alien can then reenter, likely on the same day, under a Z nonimmigrant visa because it serves as a valid travel document. Again, there are exceptions for the requirement.

No. 12: Fault with these provisions. Fines are, quite frankly, false and misleading. Not everyone is required to pay the $5,000 penalty. The principal alien pays some fines and fees, and the dependents only have to pay a processing and State-impact fund fee. To get a green card, if an alien intends to pursue this route, a Z-1 nonimmigrant must pay a $4,000 penalty. Z-2 and Z-3 aliens are only required to pay application fees.

No. 13: Fines will not adequately pay for the cost of amnesty. The bulk of the monetary fines are required at the end of the program. All fines may be paid in installments, and waivers are available in extraordinary circumstances.

No. 14: Impact on State and local government. State impact money will be granted to States to provide services for noncitizens only, instead of providing services to all citizens impacted by the large number of illegal immigrants. Examples would be school systems and health care services.

No. 15 and last: Revocations of terrorist visas. You know that visas revoked on terrorism grounds—I am talking about terrorists—if a visa is revoked on terrorism grounds, it would allow Z visa holders to remain in the United States and use the U.S. court system to appeal those terrorism charges.

The bill, including the amnesty program, does not address visa revocation for any visa holder.

I would like someone to tell me that this is the last time we will do an amnesty because I heard that 20 years ago. I will not hold my breath. Nobody is making any promises that this is the last amnesty, and that is because we all know amnesties will continue. We are on a path to make what I consider a mistake that I made in 1986. We ought to get it right and focus on the long-term solutions to this problem.

So I am going to be offering some amendments to fix some of these 15 flaws, but I am not sure it can be repaired at the end of the day. It is my plan, when we go into the bill, to offer an amendment, to lay an amendment before the body.

Madam President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. McCASKILL.) Morning business is closed.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

AMENDMENT NO. 1166 TO AMENDMENT NO. 1150

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I have an amendment at the desk that I would like to call up.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, and Mr. DEMINT, proposes an amendment numbered 1166.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify that the revocation of an alien's visa or other documentation is not subject to judicial review)

At the appropriate place, insert the following:

SEC. ____. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking "There shall be no means of judicial review" and all that follows and inserting the following: "Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all visas issued before, on, or after such date.

Mr. GRASSLEY. Madam President, the amendment I have before you is dealing with an issue I just described in morning business as one of 15 flaws in a very important part of this legislation. This amendment is going to revise current law related to visa revocation for visa holders who are on U.S. soil.

Now, we have this situation which does not make sense. My amendment is meant to bring common sense to this. Under current law, visas approved or denied by a consular officer in some of our embassies overseas would be nonreviewable. In other words, what that consular office said would be final. That person being denied a visa to come to this country would not have access to courts because consular officers have the final say when it comes to granting visas and allowing people to enter a country. So if you are a consular officer and you believe somebody is a terrorist or a terrorist threat, you can deny the visa, no review.

However, if that person gets a visa and they come to this country and we find out later on that they are a potential terrorist and should not have come here in the first place and you want to get them out of the country as fast as you can—because that is surely what we would have done with the 19 pilots who created the terror we had on September 11—then that decision made when the person comes to this country, that decision by the consular officer is reviewable in the U.S. courts.

Now, everybody is going to say: Well, that just does not make sense. You know, the same person over in some foreign country wants to come here, and the consular officer says: We can't let that person come here because he is a potential terrorist threat. Well, then they do not get to come here and nobody can review that. But if that very same person came here and we decided they shouldn't have been here in the first place, then they have access to our court system before they can be removed. Thanks to a small provision inserted during conference negotiations on the Intelligence Reform and Terrorism Prevention Act of 2004, the visa holder at that point has more rights than he or she should have. I think that is very obvious.

Now, the ability to deport an alien on U.S. soil with a revoked visa is nearly impossible if the alien is given the opportunity to appeal the revocation. This section has made the visa revocation ineffective as an antiterrorism tool.

My amendment would treat visa revocations similar to visa denials because the right of that person to be in the United States is no longer valid. In other words, if it was not valid for him to come here in the first place and it was not reviewable by the courts, and then they get here and for the same reasons they should not be here—because they are a terrorist threat—they should not have access to our courts.

So this exception has made the visa revocation ineffective as an antiterror tool. My amendment would treat visa revocations similar to visa denials because the right of that person to be in the United States is no longer valid. If they were originally denied a visa by the consular officer, there would be no right to dispute; they would not be here in the first place.

I asked Secretary Chertoff about the problem with our current law on the visa revocation, and I want to quote from what he told the Judiciary Committee in March because I have been working on this problem for a while. To quote Secretary Chertoff:

> The fact is that we can prevent someone who's coming in as a guest. We can say "You can't come in overseas," but once they come in, if they abuse their terms and conditions of their coming in, we have to go through a cumbersome process. That strikes me as not particularly sensible. People who are admitted as guests, like guests in my house, if the guest misbehaves, I just tell them to leave; they don't get to go to court over it.

We can equate the role of homeowner to that of a consular officer. Currently and historically, all decisions by consular officers with regard to the granting, the initial granting of visas are final and not subject to review. Revocations shouldn't be treated differently in the case of terrorists.

Why is this important to do? Consider visa revocations related to terrorism. Consider the 2003 Government Accountability Office report revealing that suspected terrorists could stay in the country after their visas had been revoked on the grounds of terrorism because of a legal loophole in the wording of revocation papers. This loophole came to light after the Government Accountability Office found that individuals were granted visas that were later revoked because there was evidence the persons had terrorism links and associations.

The FBI and the intelligence community suspected ties of terrorism in hundreds of applications. The FBI did not share this information with our consular officers in time, so the consular officers granted the visas. So I suppose at that point you cannot blame the consular officers when they did not have the information the FBI should have given to them. So then when they got the derogatory information about these individuals from the FBI, then it was too late. They had already been granted visas. They were already here. The consular officers then had to go through the process of revoking the visas. What the Government Accountability Office found was that even though the visas were revoked, immigration officials could not do a thing about it. They were handicapped from locating the visa holders and deporting them.

I wish to give you an example of how this hurts us today. A consular officer grants a visa to a person, and that person makes his or her way where they were intended to come, to this great country of the United States. After arriving in the United States, a consular office finds out that the foreign individual has ties to terrorism. Maybe the consular officer found out that visa holder attended a terrorist training camp or maybe the intelligence community just informed the consular officer that the visa holder was linked to the Taliban or maybe our Government just learned that visa holder gave millions of dollars to a terrorist organization before they applied for a visa. These are all very good reasons for revocation of a visa. If a person should not have received a visa in the first place, then the consular officer has to revoke it. Well, I mean if they had the visa then, you have to go to the trouble of getting it revoked.

Three key points to consider: First, the decisions to revoke a visa are not taken lightly. If a consular officer needs to revoke a visa, the case is thoroughly vetted. In fact, the case is decided back here in Washington, DC, at the highest levels. Second, consular officers do not have the authority to revoke a visa based on suspicion. A revocation must be based on actual finding that an alien is ineligible for the visa. Third, consular officers give the visa holder an opportunity to explain their case. They may ask them to come to the embassy and defend themselves. So when a visa is revoked, it is very serious business. But the current law handicaps law enforcement and makes it nearly impossible to deport the alien if they already made it to the United States.

Current law allows aliens to run to the steps of our country's courthouses and take advantage of our system. Allowing review of a revoked visa, especially on terrorism grounds, jeopardizes the classified intelligence that led to the revocation. It can force agencies such as the FBI and the CIA to be hesitant to share any information. Current law could be reversing our progress on information sharing, the very major thing we did to make sure September 11 didn't happen again. Prior to September 11, the FBI and the CIA could not share information. Now they can, in hopes that we will stop September 11 from happening again. But if all this information is going to get out through the court system, one of two things will occur: It isn't going to be given to the State Department in the first place, or, secondly, if it is given and it gets into the court system and gets out, we are going to have a damper put on the sharing of information.

We ought to be able to make sure a terrorist doesn't get into this country without exposing the source of our information and, once here, get them out. We need to secure this country, and we need the ability to revoke visas without terrorists or criminals seeking relief from deportation. I remind my colleagues of our poor visa policy contributing to the attacks on September 11. Nineteen hijackers used 364 aliases. Those people who killed 3,000 people in New York and 300 people here at the Pentagon knew how to play the system. They had 364 aliases. Two of the hijackers may have obtained passports from family members working in the Saudi passport ministry. Nineteen hijackers applied for 23 visas and obtained 22. The hijackers lied on the visa application in detectable ways. The hijackers violated the terms of their visas. They came and went at their convenience.

The 9/11 Commission pointed out the obvious by stating:

> Terrorists cannot plan and carry out attacks in this country if they are unable to enter the country.

In the Midwest we call that common sense.

The 9/11 Commission recommended that we intercept terrorists and constrain their mobility. This amendment would do that. Allowing aliens to remain on U.S. soil with a revoked visa or petition is a national security concern and something the 9/11 Commission would suggest is needed. We should not allow potential terrorists and others who act counter to our laws to remain on U.S. soil and get the protection of our courts, stay in this country for years through the appeals process of seeking relief from deportation.

Terrorists took advantage of our system before 9/11. We cannot let that happen again. This amendment will be helpful in making sure that doesn't happen again.

I hope my colleagues will support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank the Senator from Iowa.

I see the Senator from Georgia and I know the Senator from New Jersey wishes to speak on this issue. I will speak briefly. Will the Senator agree to an hour of time on the amendment?

Mr. GRASSLEY. Yes. Will the Senator let me check with our leadership?

Mr. KENNEDY. That is fine. We don't expect to vote at that time. I have been informed by the leader we are going to try to do this amendment, then the Bingaman amendment, and then vote on both at 2 o'clock. I won't propose that as a time, but if the Senator would think in those terms, we will go ahead with other Senators and then come back to the Senator from Iowa.

Mr. GRASSLEY. Madam President, may I say to the Senator that it is not my idea to take a long time, but I was asked to offer my amendment now by the leadership. I want to check with them.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, in deference to the distinguished Senator from New Jersey, I will only be a minute.

To the distinguished Senator and my ranking member on the Finance Committee and my dear friend, I commend him on his words and his effort. I do want to correct or at least amplify on a simile he used in his remarks where he had the picture of a stuffed horse named Trigger and made an analogy to the triggers in this bill.

I have worked for 18 months on these triggers. They actually are a complement to what he wants to do in terms of deporting people who are in this country on expired visas. One of the triggers in the bill that is a prerequisite to any of the rest of the bill going into effect is a biometrically secure ID which will prohibit exactly what happened with the hijackers on 9/11, because every business, school, employer, university, training center, and the like will be able to swipe that mag tape, and if they have an expired visa, they will know it. Secondly, because of the biometrics of a fingerprint, you cannot have a forged ID, nor can you have a stolen ID, because the holder of the stolen ID's print will not match.

With regard to the other triggers—and I appreciate the time of the Senator from New Jersey to amplify on the remarks I made yesterday—the triggers in this bill provide 2,700 redundant miles of barriers and visual security on the border, more miles than there are on the common border; 18,000 Border Patrol agents; 27,500 beds to detain anyone who is caught until their hearing date comes forward; 375 miles of barriers; 1,640 miles of ground positioning radar; 600 miles of constant surveillance in the air, plus all the ground sensors and the cameras that allow those 18,000 agents, when they are on duty, to immediately intercept the people who are violating the border, immediately put them in one of the 27,500 beds, and hold them until their case comes up and they are deported. I have no qualm with the Senator's amendment whatsoever, but I don't think it is exactly correct to make the reference to Roy Rogers' horse as an analogy to the triggers in this bill because, in fact, these triggers are meaningful. In their absence and in the absence of the President seeing that they are done, Homeland Security executing, and the Congress appropriating, this bill self-destructs. It is the predicate upon which complementary things such as the Senator is trying to do actually are made more meaningful and more helpful.

I appreciate the Senator letting me amplify on that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I have two purposes for rising at this point. One is to speak to the amendment offered by the distinguished Senator from Iowa and then to speak substantively, as we get into a full debate of comprehensive immigration reform, to lay out some parameters I hope all of our colleagues will consider.

Let me start off with the Grassley amendment. I rise in strong opposition to the amendment. It abolishes the last—underlined—remnant of judicial review on visa revocations. During the course of this week and the week when we come back, we are often going to hear terrorism invoked as the reason we must act in certain ways. Some of those ways ultimately undermine the essence of the Constitution of the United States and the equal protection clause. I think it is a false choice to be put in a position between the suggestion of terrorism and the suggestion that we should undermine the Constitution. I raise that as a warning flag now, as we look at all other amendments that are going to be coming. We are going to hear a wide range of reasons why we should dramatically change judicial reviews, the essence of protection under the Constitution. I hope our colleagues will understand that is a slippery slope to go down.

I hope we are not going to undermine due process, rule of law, and judicial review, because they are not just limited to suggestions on terrorism. Maybe if they were limited only on that, we could consider supporting such amendments. But it is eliminating judicial review totally, as it relates to visa revocation.

Right now what is the law? Right now judicial review of a visa revocation is already severely restricted. In fact, visa revocations are insulated from any judicial review when the visa holder is outside of the United States and the consular officers—these are our representatives abroad—have exceptionally broad authority to make revocation decisions. If you are outside the United States, you are not even coming. You don't even get a chance at judicial review. Let's make that clear.

The only area where limited judicial review of visa revocation remains available is with respect to individuals who are in the United States and then are placed in removal proceedings as a result of the revocation. Then judicial review is permitted in the context of those removal proceedings, if revocation is the only ground for that removal.

This is a critical check on Government authority to make arbitrary decisions. It is vitally important to allow the court review of removal proceedings because a person's ability to remain in the United States is at stake. We know immigration authorities have on more than one occasion made a mistake in the person's case or the person may have compelling circumstances that warranted consideration by a judge. We have seen cases time and time again that have so dictated and have said the Government is wrong, the individual is right. This would nullify that opportunity totally. This amendment would eliminate the last remaining remnant of judicial review.

Mr. KENNEDY. Will the Senator yield on that point for a question?

Mr. MENENDEZ. I am happy to yield.

Mr. KENNEDY. I listened with great interest—I hope our colleagues are—to the point the Senator from New Jersey is making. I wish to ask his comment on a situation. Some months ago we had a raid in New Bedford, MA. The people were picked up. They were sent up to Fort Devons and flown out of there, and many of them were transported to El Paso. Then some of them were deported. I have in my hand a May 3 article from the Boston Globe. The headline is "U.S. Deports Wrong Raid Detainee In Case of Mistaken Identity."

> A man arrested in the March 6 raid of the Michael Bianco leather factory in New Bedford was deported by mistake, Federal officials said yesterday. Juan Sam-Castro, a native of Guatemala, was taken for a man of the same name, said the spokesman for the U.S. Immigration and Customs Service. As soon as the Customs Service became aware, we took immediate steps to bring Castro back to the United States. We are trying to locate him.

Here is an American citizen who has been deported and they are trying to locate him. Is the Senator not saying that in the situation where last year we deported 187,000 individuals and even in the last few weeks where we have this kind of mistake, at least some opportunity for an expedited kind of a review that effectively is not slowing the process down with this individual, between the time he was arrested and the time he was deported, was very few weeks, let alone the time he had the hearing, does this illustrate at least part of the points the Senator is trying to make with regard to the immigration service and the need for at least permitting the kind of review that currently exists? I do not believe we have had testimony to the contrary that this is an undue burden on the system.

Mr. MENENDEZ. Madam President, I appreciate the question and description from the Senator from Massachusetts. In fact, it is clearly one element—one very dramatic element—of the Government acting wrongly: deporting someone who had every legal right to be here in this country—making that mistake, and then, realizing they made a mistake, are now trying to find that individual whose life has been turned upside down.

In the process of doing that, under the amendment of the Senator from Iowa, they do not even have a chance to go to court. So the human faces we are talking about here are real. That is not about terrorism.

Now, let me give you another example. The Senator from Massachusetts gave a very vivid one. Let me give you another example of what happens when we do not permit basic due process as a part of our law.

This amendment would eliminate judicial review for all visa revocations unnecessarily, and it unduly expands the already broad discretionary authority of the executive branch. Let me give you an example—a different case. A foreign government that wants to rein in one of their dissidents provides false information to the U.S. consulate that leads the consul to revoke the visa. This is someone who is speaking against maybe a totalitarian regime, a dictatorship, people who are oppressing people's human rights, but they are here in the United States. They got a visa, and they are here speaking out. That government wants to make sure that person can no longer speak out, so they give false information to the consul, and the consul reviews it and makes a factual determination: Do you know what. This looks right. Let's revoke the visa.

That person, that dissident, struggling to make a difference in the lives of people in that country—we want to see people like that challenging their own systems; we want to see people like that fighting in their own countries so we never have to send our people abroad—that person does not even have one chance to make the case in a court of law that what is being said is false.

Exposing individuals in this country to such arbitrary and capricious action is un-American. We should be striving for more balance and more transparency, not less.

Let me say there is another case, a case decided here in the United States in June of last year, where a U.S. Federal judge issued an order soundly rejecting the Government's contentions against an individual—the same type of case that would not, under this amendment, have access to this type of judicial review where this Federal judge determined that the Government was wrong, the individual was right.

What was the individual saying? He was saying his point of view, which separated him from the administration's point of view. Because it separated him from the administration's point of view, they revoked his visa. The judge held the decision was not a due authority, a use for the revocation of the visa, and that person was allowed to stay simply because they were expressing their points of view different from this administration.

Is that what we want to do? Eliminate the possibility for someone to be able to go to court and say: "I am being hushed because I have a different point of view. My visa is being revoked with not one chance to go to court"?

By the way, finally, if we are going to talk about terrorism, if I have a terrorist in my possession, under other provisions of law I do not want to deport them. I want to arrest them. I want to throw them in jail. I want to make sure they do not get out of the country to do harm back to this country. Why would I want to deport them? I want to arrest them. I want to jail them under other provisions of law. I want to prosecute them. I do not want to let them go free so they can try to do harm again to the United States.

This amendment actually works to the opposite of our national security interests. I urge my colleagues to oppose it.

Now, let me speak more broadly about the overall immigration effort. Since I have already heard some of the commentaries on the floor, I think it is important for us to have a framework of where this discussion, I hope, will go in a civilized fashion that understands the better angels within us.

From the congressional district I had the honor of representing for over 13 years in the House of Representatives, one can see the Statue of Liberty. You can almost touch it. Ellis Island has been a gateway to opportunity for millions of new Americans. For me, it is a shining example of the power of the American dream, a place that launched millions down their own road to success.

As Americans listen to this debate, I hope they understand and are honest with themselves—whether their family was part of the men and women who made the voyage on the Mayflower or part of the millions who stepped off of Ellis Island or part of those who were brought to this Nation against their will or, if like my own parents, they came to this country fleeing tyranny and searching for freedom—we all have a connection to immigration.

America has a proud tradition as a nation of immigrants and a nation of laws. History is replete with examples of the United States of America being a welcoming Nation. But, unfortunately, very often the public dialog through the years has been less than welcoming. Over the decades, the influx of immigrants of various ethnicities has caused concerns and, in many cases, heated comments against such immigrants to our Nation. In some cases, there were even laws enacted to limit or ban certain ethnic groups from being able to come to the land of opportunity. Let's remember some of this history so we do not repeat it again in these debates.

Before the American Revolution, Founding Father Benjamin Franklin wrote of the influx of German immigrants to Philadelphia:

> Those who come hither are generally the most stupid of their own nation.

Henry J. Gardner, the Governor of Massachusetts in the middle of the 19th century, saw the Irish as a "horde of foreign barbarians."

In 1882, Congress enacted the Chinese Exclusion Act, which made it nearly impossible for additional Chinese to enter America. The law was not repealed until 1943, in the middle of World War II, when the United States and China were allies against Japan.

In the early 1900s, H.G. Wells, a British novelist, stated that the arrival of Eastern Europeans, Jews, and Italians would cause a "huge dilution of the American people with profoundly ignorant foreign peasants."

Congressman Albert Johnson, coauthor of the Johnson-Reed Immigration Act of 1924, which severely restricted immigrants from Southern and Eastern Europe, and entirely prohibited East Asians and Asian Indians, stated that:

> Our capacity to maintain our cherished institutions stands diluted by a stream of alien blood, with all its inherited misconceptions respecting the relationships of the governing power to governed. . . . The day of unalloyed welcome to all peoples, the day of indiscriminate acceptance of all races, has definitely ended.

Finally—to give you a sense of some of these things that have been part of our past—a 1925 report of the Los Angeles Chamber of Commerce stated that Mexicans are suitable for agricultural work "due to their crouching and bending habits . . . , while the white is physically unable to adapt himself to them."

That was in 1925.

These are just a few statements from the past that have taken issue with and criticized the relatives and forefathers of various segments of our Nation's population today.

We must all remember that just in the last Congress the House of Representatives passed H.R. 4437, better known as the Sensenbrenner bill. Beyond the heated rhetoric that existed during the debate on that legislation, the bill itself was shortsighted and even more mean spirited and would have made felons out of anyone who was here in an undocumented status. That bill would have also criminalized citizens of the United States through a much broader definition of smuggling that would have allowed the Government to prosecute almost any American who had regular contact with undocumented immigrants. Luckily, that did not pass.

But today we continue to hear across the landscape of the country hateful rhetoric used to polarize and divide our country on this issue. But we must never allow ourselves to buy into the rhetoric. We must never subscribe to the policies of fear and division, driven by xenophobia, nativism, and racism.

The responsibility is on all of us—not just on Members of Congress, but everyone in this Nation. We must reject the rhetoric of hatred, division, and polarization. We must demand a comprehensive immigration policy that does not denigrate or demonize, but is tough, smart, fair, and humane.

However, on this issue, we must be completely honest with ourselves. Our country's immigration system is unarguably broken. In light of these failures, we must enact tough, smart, and comprehensive immigration reform that reflects current economic and social realities, respects the core values, I hope, of family unity and fundamental fairness, and upholds our tradition as a nation of immigrants.

In the absence of Federal legislation, what is happening is many local governments in my State of New Jersey and, for that matter, across the Nation are passing ordinances to address issues surrounding undocumented immigration in their communities. Unfortunately, many of these ordinances violate constitutional equal protection guarantees and create divisions in communities that did not exist.

In addition to the moral imperative, our society would greatly benefit economically if we enacted comprehensive immigration reform. Such reform would allow undocumented immigrants to come out of the shadows and fully pay their taxes, ensuring accurate census counts, which translates into equitable funding levels for programs and schools. Additionally, we can reduce law enforcement demands since the need for day laborers, forged documents, and driver's licenses, along with the use of exploitation and human trafficking would largely be shut down.

As to those who don't come forward when such an opportunity is presented, we would be focused on asking: Why are they not coming forward? We would be able to determine who is here to pursue the American dream versus who is here to destroy it.

We need to aggressively curtail unauthorized crossings at the border, protect both undocumented immigrants and American workers from corporations exploiting undocumented labor, and provide a pathway for immigrants to earn—and I repeat: earn—permanent residency in order to ensure our immigration system is safe, legal, orderly, and fair to all.

Our goal should be neither open borders nor closed borders but smart borders. The specter of terrorism in a post-September 11 world creates an even greater imperative for us to succeed in this endeavor. The underlying bill has a whole host of triggers that go to the very heart of those elements.

We have all seen some of the consequences. We have seen lawlessness along the borders. Crime in our border communities is increasing and overwhelming local law enforcement's ability to address these challenges. So-called coyotes, or human smugglers, charge thousands of dollars to bring people into this country, creating a multimillion dollar industry for organized criminal organizations to exploit and fuel their other illegal activities. In fact, several reports have indicated there is more money in smuggling these undocumented immigrants into our Nation than smuggling drugs.

However, history proves it is not enough to rely on enforcement alone, even though I am totally for the enforcement. Over the past two decades, the Federal Government has tripled—tripled—the number of Border Patrol agents and increased the enforcement budget tenfold—tenfold. Yet, despite tripling the Border Patrol and increasing the budget tenfold, these efforts have yet to stop those who have either crossed the border or overstayed their visas. So it is about border protection, but it is also about a more comprehensive effort to make sure you deal with the push-and-pull factors of immigration.

Securing our borders is the first step to ensure an orderly, fair, and smart immigration system, but by no means is it adequate in isolation. We must also crack down on companies that illegally hire undocumented workers—something that is long overdue. I know under the Clinton administration, employers were held accountable for hiring undocumented workers, as 417 businesses were cited for immigration violations in 1999 alone. In contrast, a mere three—three—employers were issued notices of intent to fine by the Bush administration in 2004 for similar violations, making it 22 times more likely for an American to be killed by a strike of lightning in an average year than prosecuted for such labor violations.

So much for enforcing the existing law.

What happened in the span of those 5 years? What happened? Did companies suddenly decide to start abiding by the law by not hiring undocumented immigrants? No. The truth of the matter is, similar to border enforcement, this administration made a conscious decision to look the other way in order to once again serve the interests of corporate America to the detriment of average American citizens.

That is why I support stronger immigration enforcement not only at the borders but at the workplace. Unscrupulous companies that intentionally hire undocumented immigrants do so because they know they can exploit these people without fear of retribution. They know this because undocumented immigrants are forced to hide in the shadows of society and subsequently have no avenues to report labor abuses. Not only does this hurt the immigrant being exploited, it also directly impacts American citizens who must compete in the market with exploited labor. We must immediately end these abuses and in doing so create an equal playing field to ensure that the wages, benefits and health and labor standards of the American worker are not undercut.

While securing our borders and enforcing strengthened workplace employment laws will enable us to regulate the influx of new immigrants, it does nothing to solve our current dilemma of an estimated 12 million undocumented immigrants who currently reside in the United States. That is why our immigration policy must be about more than simply enforcement. It must be about providing a safe, orderly, timely, and legal process that deals with the economic realities of our time.

So in order to make our immigration system overall workable, we must be practical, fair, and humane in dealing with the estimated 12 million undocumented immigrants living in the United States. To do otherwise would require the most massive roundup and deportation of people in the history of the world—in the history of the world. I believe this is both highly unlikely and impractical on many levels, including due to both budgetary and economic impacts on the Nation and its economy.

Such a mass deportation of the undocumented population, even assuming 20 percent could leave voluntarily if such a policy was enacted, would cost us over $200 billion over a 5-year period, according to the Center for American Progress. That is not going to happen. So fully securing our borders is impossible unless efforts to include a temporary guest worker program and a path to earn residence for undocumented immigrants is part of the overall reform.

This solution will encourage immigrants to come out of the shadows and legalize their status. By doing so, we will learn who is here to seek the American dream versus who is here to destroy it through criminal or terrorist acts. Most of the people who cross our borders come looking for work, as many of our ancestors did. These immigrants contribute to our economy, provide for their families, and want a better life for their children.

Let me say I am, first and foremost, in favor of hiring any American—any American—who is willing to do any job that is available in this country today or tomorrow, but let's remember the jobs we are talking about. The fruit you had for breakfast was picked by the hands and bent back of an immigrant laborer. The hotel room and bathroom you use in travels through the country is likely cleaned with bended knee by an immigrant worker. The chicken you had for dinner yesterday was likely plucked by the cut-up hands of an immigrant laborer. If you have an infirmed loved one, their daily necessities are probably being tended to by the steady hands and warm hearts of an immigrant aide. Let us remember that.

So we have to create an equal playing field to ensure that the wages, benefits, health, and labor standards of the American worker are not undercut. But it is also in our best interests to have these workers participate and contribute to our society, especially when we had a 4.5-percent unemployment rate in April of this year and a declining ratio of American workers to retirees.

By coupling enhanced enforcement efforts with new immigration and labor laws, we will not only regulate how workers come into the country but finally give our border and law enforcement agencies a fighting chance to fulfill their duty.

Now, much of what the underlying bill does meets some of these challenges, and I respect those elements. But I wish to talk about one very compelling issue that I believe it does not meet: the importance of family. I said throughout the negotiations that were had, with a massive, complex bill such as this one, the devil is in the details. There are a number of details in this deal that would create an unfair and, in my mind, impractical immigration system, undercutting the more sensible provisions.

This is especially true when it comes to the issue of family. The deal struck virtually does away with a provision for family reunification which has been the bedrock of our immigration policy throughout our history. This idea not only changes the spirit of our immigration policy; it also emphasizes family structure, and all without a single hearing on the issue of family and our immigration system by the Senate Judiciary Committee, either in the 109th or the 110th Congress.

Under this bill, they change the fundamental values of our immigration policy by making an advanced degree or skill in a highly technical profession the most important criteria—the most important criteria—for a visa. This Nation has been built by immigrants who came here to achieve success, but the deal tilts toward immigrants whose success stories are already written. They are already written.

Family reunification will be deemphasized under this deal, serving to tear families apart. From a moral perspective, this undermines the family values I hear so many—in different contexts—so many of my colleagues talk about all the time.

As the late Pope John Paul II said:

> The church in America must be a vigilant advocate, defending against any unjust restriction of the natural right of individual persons to move freely within their own Nation and from one Nation to another. Attention must be called to the rights of migrants and their families and to respect for their human dignity.

Practically speaking, a breakdown of family structure often leads to a breakdown of social stability. I took it to heart when President Bush said: "Family values don't end at the Rio Grande," but this agreement, similar to his proposal before it, belies those words.

Yet here we are with a piece of legislation which the White House promoted that undermines the very essence of that. Even under a new point structure that is envisioned under the bill, it seems to me that the essence of family should be given more weight and points within the context of a whole new process of how we are going to move our immigration system forward. Family, I would hope, even under a new system, is a critical value, in our country.

I would like to take a little time to get into some of the details of this agreement and how they would impact families.

Under current law, foreign-born parents of U.S. citizens are exempt from green card caps when applying for legal permanent residency as they fall in the immediate relatives category. Now, remember, this is someone—a U.S. citizen already—a U.S. citizen or a U.S. permanent resident who has a right—who has a right—to claim their relative. In this case, I wish to talk about parents. Unfortunately, the agreement removes these individuals from the immediate relative category and sets an annual cap for green cards for parents of U.S. citizens at 40,000. Last year, 120,000 visas were given to such parents, and the annual average number of green cards issued over the past 5 years to parents is 90,000, so this bill would slash required green cards by more than half for a U.S. citizen to be reunified with their mother or father. So we are automatically creating a new backlog, even though the bill is intended to end such family backlogs.

Another area that would be negatively impacted under the deal is the spouses and minor children of legal permanent residents of the United States. The bill before us does not lift the visa cap on the spouses and minor children of lawful permanent residents; it actually lowers it, ensuring that backlogs continue indefinitely. The separation is not only immoral in my mind, but it exacts an economic toll, as lawful immigrants who are productive members of society move to rejoin their families. Moreover, unification with immediate family members gives rise to an undesirable incentive to break the law and live in the United States illegally. Families want to migrate to each other, and that is a natural, human instinct. We undermine that in this respect.

Now, the so-called "grand bargain" also moves us to a point-based immigration system which would turn current immigration on its head—a system that hasn't received any hearings by the Judiciary Committee. Yet, in the agreement, we are moving to a point system that is geared toward people with degrees who are highly skilled or educated. Fine. We can have people who are highly skilled and educated as part of the equation, but in my mind it shouldn't ultimately undermine dramatically the ability of families to have a fighting chance. In fact, in the point system that is contained in the bill, families would receive no points at all—no points at all, none—unless the applicant has obtained at least 55 points through other elements: employment, education, language. So much for family values under that system, in my mind.

In addition, if the applicant meets the 55-point threshold, they would be eligible for a maximum of 10—a maximum of 10—additional points; that is out of 100 maximum points. I guess that some who preach family values don't believe that family should count for more than 10 percent—10 percent.

Now, this legislation also curtails the ability of American citizens today, permanent residents, to petition for their families to be reunified here in America.

As I mentioned earlier, there is a family backlog of people who have applied for legal permanent residency who are claimed by U.S. citizens. This legislation, as currently drafted, does away with several of the family categories such as adult children of a U.S. citizen and lawful permanent residents and siblings of citizens. These categories will be grandfathered in and dealt with as part of clearing the backlog during the first 8 years but only if you filed your application before May 1 of 2005. What is the consequence of that? The consequence of that is over 800,000 people who have played by the rules, applied under the normal process, didn't come across the border, didn't violate any law, did the right thing, that all of those who did all the right things but applied after that date, will not be cleared as part of the family backlog. They lose their chance under this law.

More importantly, it vitiates—it takes away—the right of the U.S. citizen to have them claimed because they lose it. They have a petition pending under existing law, and yet that petition is gone with the flash of this bill.

So the legislation, as currently drafted, says that if you legally apply for a visa after May 1, 2005, you have to compete under an entirely new system. It is an arbitrary date that was picked out of the thin air.

Let's think of how fundamentally unfair that is. Imagine you are a lawful, permanent U.S. resident. You have fought for your country, you have shed blood for your country, and in some cases, you may have even died for your country. In fact, a noncitizen, a legal permanent resident of the United States, Marine LCpl Jose Antonio Gutierrez, originally of Guatemala, was the very first, the very first U.S. combat casualty in the war with Iraq. Had he not been a combat casualty under this bill, he would not have been allowed to claim his family. If this bill moves forward the way it is, these legal permanent residents are also not only—there are thousands of them in the Armed Forces of the United States, and they are protecting our airports, our seaports, and our ports. They risk their daily lives in Afghanistan, Iraq, and other places around the world to protect us here at home, yet we would do away with their right to petition to have their sister or their brother come join and live with them in America. Under this bill, you lose that right if you file after May 1, 2005. It is hard to imagine that one would have that right taken away from them.

Here is another case for you to consider. You are a U.S. citizen. You have paid your taxes. You may have served your Nation. You attend church. You make a good living. You are a good citizen. You have petitioned to have your adult child come to America, but you did so after the date of May 1, 2005. Under this bill, that U.S. citizen loses their right. However, those who are undocumented in the country after May 1 of 2005, they actually get a benefit under the bill. So if you obey the law, follow the rules, do all the right things, you are a U.S. citizen, paid your taxes, maybe even served your country in the Armed Forces, doing everything you should do, you lose your right to claim your relative under the existing law and be part of the backlog, but the person who came in an undocumented fashion over the border, they actually will get a benefit as of January 1, 2007. It seems to me that the legal permanent resident, the U.S. citizen, should have at least the same date as those who have not followed the law and the rules. It is hard to imagine, but it is true.

So these are a few of the shortcomings contained in the bill we are moving forward. This deal would have prevented my own parents, a carpenter and a seamstress, from coming to this country. They wouldn't have qualified under this point system. I would like to think that they and others whom I have heard about around this Chamber—I have heard so many stories from my colleagues in the Senate and formerly in the House, talking about their proud history.

Their parents would not have been eligible to come to this country under this bill. I would like to think that, on both sides of the aisle, they have contributed to the vitality of this Nation. I have listened to so many of the stories of our colleagues, and I know many of their parents never would have qualified to come to this country under this bill. It seems to me a new paradigm could have been structured where family values and reunification have more of a fighting chance than under the framework agreement that we consider.

The story of the legislation is not finished. We still have the historic opportunity this week to craft tough, smart, and fair immigration reform. It is my intention, starting, I hope, later today, through a series of amendments, to get to the heart of the issues I have mentioned, to change and to improve this deal. I know many of my colleagues are committed to the same issues of practicality, fairness, and family values, and I will work with them to turn this unworkable deal, in those respects, into sound policy we can all support.

As we have throughout our Nation's long and proud history, I believe we can create a pathway to the American dream for those who contribute to our Nation and allow them to fully participate in our economy and our society. As the President told Congress in this year's State of the Union speech: Let's have a serious, civil, and conclusive debate, so you can pass, and I can sign, comprehensive immigration reform into law.

It is a rare moment, but I agree with the President. Reform is long overdue. I want to just say that I have the greatest respect for the Senator from Massachusetts in his advocacy in this regard. I look forward to trying to—even though he may not be able to support some of these things as part of his commitment to a grand bargain—change it in a direction that we can all be proud of. But for him, we probably would not be on the Senate floor debating this issue today, or in the past, and I admire him greatly in that respect.

However we got here, from wherever we came, we know we are in the same boat together today as Americans, and together I hope we can make this journey a safe, orderly, and legal process that preserves and fulfills the American dream for all, that upholds the right of U.S. citizens to seek the reunification of their families. It takes those who serve our country and who are not U.S. citizens yet and gives us the right to say: You fought for America, you may have been wounded in the process. You have done everything we would want of any citizen. Your right to make a simple claim to have your family reunited for you will not be snuffed out by this legislation.

If we do that, this process deserves our respect. I hope this preserves the Constitution, as well as the due process of law that makes America worthy of fighting for and dying for—the Constitution and the Bill of Rights. When we seek to erode and undo it, we undermine the very essence of America's greatness. Those are our challenges in this debate and also our opportunities.

I yield the floor.

Mr. KENNEDY. Madam President, first of all, I commend my friend from New Jersey for an excellent presentation, particularly on this issue of the Grassley amendment, and for also reminding us about the importance of family in the consideration of our immigration bill.

I think we are going to have an opportunity during the course of the day to deal with those issues in greater detail, and we will look forward to that. I think we have made some important progress in terms of family issues, but I think we have also seen some changes in the existing law in those issues. And it is important for the American people to understand exactly the areas we have made progress in and the areas that we have altered as we deal with this underlying bill.

I wish to take a moment to address the points that are included in the Grassley amendment, which is the pending amendment. Then I understand the Senator from New Mexico will be coming down shortly to offer an amendment that deals with the temporary workers. We will have an opportunity during the noontime to address that issue. Then, according to the leadership, we will have the two votes. If there are side-by-sides, other votes—at 2 o'clock or in the time close to 2 o'clock. I say that for the benefit of our colleagues here.

Madam President, on the Grassley amendment, I think it is important to understand that people who come into the United States under visas have to go through extensive background checks before they are granted visas, and again before they are admitted. We are talking about millions of visitors, about hundreds of thousands of scholars and researchers and workers. These are not criminals or terrorists. Anybody who is a terrorist or criminal is not eligible for a visa.

I will just mention the various crimes that individuals have committed that have denied them the opportunity to come to the United States to get a visa: crimes of moral turpitude, such as aggravated assault, assault with a deadly weapon; aggravated DWI, fraud, larceny, forgery; controlled substance offenses, such as the sale, possession, and distribution of drugs, and drug trafficking; theft offenses, including shoplifting; public nuisance; multiple criminal convictions, any alien convicted of two or more offenses regardless of whether the offense arose from a scheme of misconduct; crimes of violence; counterfeiting; bribery; perjury; certain aliens involved in serious criminal activity who have asserted immunity from prosecution; foreign government officials who have committed particularly severe violations of religious freedom; significant traffickers of persons; money laundering; murder; rape; sexual abuse of a minor; child pornography, as well as attempts or conspiracy to commit most of those offenses.

Those, obviously, who are denied on security-related grounds include espionage or sabotage; engaging in terrorist activity, and that is broadly defined; likely to engage in terrorist activity, broadly defined; association with terrorist activity; representative of a terrorist organization; spouse or child of an individual who is inadmissible as a terrorist; activity that is deemed to have adverse foreign policy consequences for the United States; membership in a totalitarian party.

All of those ban individuals from coming into the United States. So if a visitor here has his visa revoked, he should be entitled to review. This doesn't create a burden on our courts but simply preserves basic due process. Courts review these cases every day, and we have heard no evidence of any undue burden on the courts. These cases can be handled expeditiously.

Immigration judges ordered 220,000 people deported last year. Only 9 percent of these decisions were appealed. We have no abuse in the system at the current time. So providing review to a few more people whose visas are revoked won't flood the courts.

Again, we are talking about the mistakes that can be made with the Department of Homeland Security, as a Member of the Senate, I was put on the no-fly list by the Department of Homeland Security and denied the opportunity to even fly out of the Nation's Capital to go back to my home city of Boston. In Boston, I had the temporary approval by the Department there, which had to overrule Homeland Security. Despite the head of the Homeland Security then saying we have cleared that up, it wasn't cleared up for 3 more weeks, and with the airlines, it was 4 more weeks. If that happens to a Senator, what is happening to other individuals?

I have given the example of a person in my home State of Massachusetts who was deported. Now the Immigration Service is trying to find that individual down in Guatemala. It was because of similar names.

So I think, as the Senator from New Jersey pointed out, the system we have included in the legislation is appropriate. It is not burdensome. We have had no complaints even during this long period of time. We have had no complaints from any of those who have been involved in the system that it is an undue burden, or any complaints from the judicial system. We have found out that we have 23 different incidents reported by my own Boston office of individuals who are very substantial citizens in New England, including a dean of a medical school, who were put on the list by mistake.

So mistakes happen. All we have in this is a simple process of review. That process has been outlined and stated by the Senator from New Jersey, and it should be preserved.

I look forward to not closing off the time to the Senator from Iowa, but we are trying to move this process along and consider the amendment of the Senator from New Mexico and then see if we cannot continue to consider the follow-on amendments. The Senator from South Carolina has an amendment as well. We will be looking forward to having debate on his amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

IRAQI TRANSLATORS

Mr. KENNEDY. Mr. President, I wish to take a moment to congratulate the House for moving on the issue of Iraqi translators. I am talking about translators who have worked for the American Armed Forces in Iraq. They have to follow a very detailed procedure, and then they get certified. Most of them have to work on it for more than a year.

These people have been particularly targeted by the terrorists. Their names are printed in mosques and other places of worship, and if they are found, they are executed. We have a limitation, I believe, of 50, and we have taken in 18. Many of these individuals have risked their lives for American service men and women and this legislation will be a very small downpayment in terms of their safety and their security. It is important, and I am hopeful we will be able to address this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

AMENDMENT NO. 1169 TO AMENDMENT NO. 1150

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send to the desk an amendment to the underlying substitute and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, and Mrs. FEINSTEIN, Mr. OBAMA, Mr. DODD, and Mr. DURBIN, proposes an amendment numbered 1169 to amendment No. 1150.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce to 200,000 the number of certain nonimmigrants permitted to be admitted during a fiscal year)

Strike subparagraph (B) of the quoted matter under section 409(1)(B) and insert the following:

"(B) under section 101(a)(15)(Y)(i), may not exceed 200,000 for each fiscal year; or

In paragraph (2) of the quoted matter under section 409(2), strike ", (B)(ii),".

Mr. BINGAMAN. Mr. President, this is an amendment to reduce the number of visas issued each year under the new guest worker program that is in this bill—reduce it to 200,000. This is 200,000 new visas each year which would be permitted if my amendment were to be adopted.

The amendment I am offering is cosponsored by Senators FEINSTEIN, OBAMA, DODD, and DURBIN. It is essentially the same amendment I offered when we had the debate on the immigration bill last year when we were fortunate to have the support of 79 Senators for the amendment.

Let me talk a little bit about the context of this before getting into the detail of the amendment. The Kyl-Kennedy or Kennedy-Kyl substitute amendment allocates 400,000 new guest worker visas per year, and it has in it also an increase mechanism that allows the annual allocation to go from 400,000 up to 600,000 per year. After a few years, presumably, we would be at a level of 600,000 per year from then on. Workers are allowed to stay for a total of 6 years under this program. They would work for 2 years—and Senator DORGAN described this very accurately as part of the debate on his amendment yesterday—and they would be allowed to work for 6 years; that is, they work for 2 years, leave the country for 1 year, work for an additional 2 years, leave the country for another year, and work for an additional 2 years, then leave for good. That is the structure of the system as it now stands. I can go into whatever details Members are interested in to explain how the increase mechanism provided for in the law is structured, but before I get into that, let me just talk about the larger context.

This bill, the Kennedy-Kyl substitute, contains really three so-called temporary worker programs which are very distinct, and individuals can come to our country and work in our country under any of these three programs.

One program is what I would refer to as the true temporary worker program, and that is where you bring people in for seasonal work. Clearly, that is something we have done for a long time. I think the limit in the law today is 66,000 are permitted to come in each year for temporary work—to work at resorts or work in some kind of a seasonal job—and then that 66,000 is then allowed to be increased to reflect those who have come the previous year or two. In fact, I think the estimate I have seen is that there are about

135,000 people in our country each year doing that kind of temporary seasonal work.

This bill, this Kennedy-Kyl substitute, would change that 66,000 to 100,000. It would contain an increase mechanism similar to what is in this new guest worker program, and so the 100,000 would eventually go to 200,000 after a few years. As I understand it now, there is also written into the law, written into the substitute, a provision that says the 200,000 number for the seasonal guest workers does not include people who have been here under that same program working in any 1 of the previous 3 years. Obviously, you have the potential for a great many more than 200,000 to come in as seasonal temporary workers under that provision.

Another separate provision of this substitute bill which allows for temporary workers to come in is the agricultural workers program. I point out to my colleagues, that is without limit. There is no cap on that. There is a tremendous opportunity for people to come into this country and work in agriculture. We do not have numerical limits on that, so, to anyone who says we are not going to be allowing people to come into the country to do the work Americans don't want to do, the truth is, if they want to do work that is related to agriculture, we can bring them in, in whatever numbers, without any limits being imposed by this law.

The third opportunity to come in as a so-called temporary worker is this new guest worker program. This is a little bit of a misnomer, when we talk about temporary worker, because these are permanent jobs that we are bringing people in to fill. People need to understand that. These are not temporary jobs, these are permanent jobs. We are bringing people in for a temporary period, or a designated period of 2 years, three different times, to do the work. But these are not temporary jobs in the same sense that a seasonal job is a temporary job—that you have it for a few months and then the ski resort closes and you no longer have a job. That is not the kind of jobs we are talking about.

As I see it, there are several fundamental problems with this guest worker program as it is currently constructed. The most significant problem is the bill anticipates letting way too many people come into this country in a new, untested program. This is a new program. There is nothing in the current law that is comparable to this new guest worker program that we are talking about. The amendment I and my cosponsors are offering tries to restrict the size of the program until we find out how it is working, until we figure out whether this makes sense. Let's not build into the law automatic increases in a program we have never tested before. Let's not start this program at 400,000 and have it escalate up to 600,000. The amendment I am offering is trying to bring down the size of the program.

Another problem with the program is the structure, and I described that. This idea we are going to bring people in for 2 years, kick them out for 1 year, bring them in for 2 years, kick them out for 1 year, is not good for the employee, obviously. That is not good for the employer, obviously. It is not a realistic expectation. I think anyone would have to recognize that is not a good structure.

The third problem I have with the bill is there is no real avenue for any of these individuals we are talking about to ever gain legal status, so we are creating a group of workers who have come to this country and worked for 2 years or 4 years or 6 years, to whom then we are saying: Your time is up, go home. There is a tremendous likelihood that we are going to have a lot of people staying over and overstaying their visas. I think that is unfortunate.

That is a change from the previous legislation. We passed that bill Senator KENNEDY brought to the Senate floor last year and I supported it. There was a much more realistic opportunity for people who came in under the guest worker program to pursue legal status at some time, so the incentive to essentially go underground to try to avoid deportation was not the same in that bill.

I think the most significant thing we can do at this point to try to correct the most significant problem with this guest worker program is to reduce the number. Let me show a couple of charts, for my colleagues to understand what we are talking about.

The current bill calls for 400,000. The first year this law is in effect, 400,000 are permitted to come in under this guest worker program. Then there is a complicated process if that total is reached. If there is a demand to bring in 400,000 during the first half of the year, then there is an automatic increase of 15 percent. So you bring in an additional 15 percent at that point, which is 60,000, so you are at 460,000. You start the next year at 460,000, but you add another 15 percent to that immediately, and if there is another demand, using up all of those, you can go up another 15 percent.

In any event, it rachets up pretty rapidly. It says if the 400,000 is not used up until the second half of the year, then there is only a 10-percent increase each year from then on.

What we have done on this chart—and I think people need to try to understand this—is we have tried to show with this graph how many so-called guest workers under this program—not under the other two, not under the ag workers program, not under the seasonal workers program but under this program—how many people we would actually have in the country as the bill is currently written. You would have 400,000 the first year; the second year you would have 840,000 because you would have the first 400,000, plus the second 400,000, plus the increase, 10 percent. You would have 924,000 the third year, you would have 1.4 million the fourth year, you would have 1,958,000 the fifth year, and this keeps going up so, by the eighth year, you would have 3,158,000 people in the country legally working under this program.

There is a very important assumption built into this chart. The assumption is that everybody who comes in under this program goes home when their visa says they ought to go home; nobody overstays his or her visa. If, in fact, that assumption is false and people get to the end of their 6 years and say: Wait a minute, I am not ready to leave the United States, I am staying, and they stay here on an undocumented basis at that point and overstay their visa, then they go on top of these numbers.

So you have a tremendous number of new people. This is a brandnew program. We have never had this program before. I think that is too large.

Let me show what the amendment I am offering does. I did not support Senator DORGAN's proposal to eliminate the guest worker program entirely. I think there is a legitimate argument that some number of guest workers is appropriate to bring into the country to do some of the work. But as I say, this is a brandnew program and we ought to do this in a judicious way and feel our way along. In this proposal that I have put forward, it says let's bring in 200,000 the first year and 200,000 each year after that and see how this goes. We can make judgments and we can alter this in future years. Congress meets every year, so we can alter this if we decide that is not the appropriate number. But let's start with a number that we think makes sense.

Even at that very substantial reduction, we would wind up in the eighth year with 1.2 million people in the country under this program, legally working as guest workers. It is not that there are going to be 200,000 people working here each year, there are going to be 1.2 million people working here each year. Again, the assumption is there will only be 1.2 million, assuming everyone goes home when their visa says they ought to go home, which I think is a fairly questionable assumption.

That is what the amendment does. I think it is a far better way for us to proceed than what the underlying bill calls for. I know there are some who are coming forward and arguing that this is terrible, that we are not going to have enough people to keep the economy running, that there are going to be all kinds of jobs going unfilled. I point out again that there are other ways people can come to our country and obtain employment. They can do so under the seasonal workers program, which is being increased very substantially under the bill. They can do so under the ag workers program, which has no limits on it at all. Of course, there are other ways that people can immigrate into our country that are provided for in the legislation as well.

This is an amendment that I think makes all the sense in the world. I was very pleased we had such strong support for it when we offered it in the previous debate that we had on immigration last year. I hope we can adopt it again this year. By doing so, I think we begin to bring a little more judiciousness to this process if we are going to start a brandnew program.

Let me also point out there is provision in this legislation for a commission to be established to review how this new program is working and to make recommendations back to the Congress. I think that is entirely appropriate. To me, that is another reason why we should not be building in automatic escalators in the size of this program. We should not be starting with a program that is so large as 400,000 and going up to 600,000. We should start at 200,000 and keep it right there until we get those recommendations and find out what we think at that point about whether to increase the size of the program or terminate the program or whatever steps we might take at that point.

That is the basic gist of my argument. I hope colleagues will support the amendment. I think it is a meritorious amendment. I think it will improve the legislation substantially.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I commend my friend from New Mexico for his thoughtful presentation on this issue. As he mentioned, he offered this amendment last year and it passed overwhelmingly. I expect there will be a similar result today.

I appreciated the fact in our earlier debate he understood we need this temporary worker program. All of us want to have a strong border, but we do understand there will be pressure on the border, and we will either have a front door or a back door, the back door being for those who are going to try to penetrate that border, or the front door so they can come in and have a temporary worker program.

The real issue is the size of this program. The Senator has mentioned the other provisions that are included in the legislation. We have the longstanding temporary worker, the H–2B, which is about 100,000 workers. Those are the seasonal workers, for the most part, who work in many of the resorts during the summer or wintertime and are truly temporary workers. They are entitled to bring their families. They do not. That program has been very modestly expanded over this program.

You have the H–1B, which is sort of high tech, which is 150,000—it will go up to 180,000; and the ag jobs, which is 40,000 to 60,000.

The reason the 400,000 was reached is that is the general estimate, although there are some a good deal higher, of individuals who penetrate now. I think it is safe to say it is probably closer to 500,000 undocumented who come across the border and are able to gain employment here. So the 400,000 represented an evaluation, an estimate from results of hearings. That is how we built that in. Then, in the legislation, there is the possibility it can either go up or go down. The Council of Economic Advisers thinks we need probably close to a million new jobs every year.

I think what we, in our considerations, were thinking about establishing is some panel that would be made up of workers as well as members of the business community and people who could help give an assessment, and make a recommendation of what that number would be.

I think that is probably the best way to go in the future. But that is not where we are today. Where we are today in the bill is 400,000 and the possibility of an escalator to go up or an escalator to go down.

The Senator says: Let's start off in this area, we are not sure how this program is going to work. Let's start off with just 200,000, watch it very carefully, find out if the kind of mix we have with this and with the point system we have been able to develop is going to function and work, whether after 2 years people will really go back or they will not go back.

I think he makes a strong case. I did not support this last year. I feel sort of compelled—under the agreements we have made earlier in terms of the totality, I feel the same restraint this time. But I commend him for the thoughtful presentation. It was thoughtful last year, and it is thoughtful this year. He makes his points very effectively. It ought to be considered by the Members. I do not, as I mentioned, tend to support it, but I certainly would ask our colleagues to look at it very closely because it is a thoughtful presentation. He raises some very important and worthwhile points.

I thank him also for coming over here and offering this amendment. I think the time has been set for voting at 2 o'clock.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ.) The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is obviously hard to calculate what is the precise figure among the Senators who crafted the so-called "grand compromise." We thought the figure we had here was correct. We are aware that the Senator from New Mexico offered an amendment last year and was successful in reducing the amount to 200,000. But I think either figure would be understandable. But I will stand by what we have worked out in the bill.

In arriving at the compromise legislation which has been proposed, there was a great deal of give-and-take. While we are facing a tremendous number of objections from both sides of the political spectrum, for every point someone does not like, there were concessions made by others for some points the person does like. There is no doubt that we are facing very substantial criticism in the initial stages of the consideration of this bill. The criticism came before the bill was even printed. The criticism has continued after it was printed, before people had a chance to read it. There is a great deal of analysis and consideration being undertaken at the present time.

I think Senator LOTT has expressed the issue very succinctly; that is, do we have a problem? The answer to that is, categorically, yes, we have an enormous problem. We have a border which is porous. We have anarchy in the way the immigration system works at the present time. People are complaining that it is amnesty. In my legal judgment, it is not. It is not amnesty because people have to pay a fine, people have to have a job, people have to contribute to our society, people have to pay their taxes, people have to learn English, people go to the very end of the line, are not even considered until they have been here 8 years, and it may take as long as 13 years. That is not amnesty.

But the fact is that these 12 million undocumented immigrants are going to be here whether we pass this bill or not. The only difference will be whether they will be here in a way where we regulate their presence here. If we have a registration system, we will have an opportunity to identify people who ought to be deported. It is not practical to deport 12 million people. But when we cull through the list, we may find those who should be deported, if in a practical sense they can be deported. To deport someone, you have to take them into custody. Then you have to have detention facilities, and then you have to have judicial proceedings. It is a total impossibility to think of deporting 12 million undocumented immigrants, but at least we would move toward regulation.

As part of the comprehensive system, we are structuring border security as outlined by the Secretary of Homeland Security, Michael Chertoff. The entire border would be covered either by fences, by obstacles, or by drones. So the entire border would be covered, fences covering the populated areas.

It is not possible to structure border security so that no one slips through, but by moving toward employer verification, we will be eliminating the magnet. Until we have a system to positively identify who is legal and who is illegal, you cannot impose tough sanctions on the employers. But now that we have that system, those tough sanctions can be imposed, and that has the objective, a realistic objective, of eliminating the magnet.

There is great distrust, and understandably so, as to whether the enforcement procedures will occur. Bear in mind that there are preconditions to having the guest worker program or the processing of the 12 million undocumented immigrants.

I think it is fair criticism that since the 1986 legislation, no administration, Democratic or Republican, has enforced the law. There are ideas which are now being formulated to move to a very prompt appropriation immediately after the bill is passed—if and when it is passed—so that we have a structure here.

Senators LOTT's first question is: Do we have a problem? Yes. Is this bill an improvement? Yes. Again, categorically. Will there be a better chance at a better time to improve the system? Categorically, no. If we do not get it done at this setting, as we are moving ahead, hopefully shortly after the Memorial Day recess, then we are off into the appropriations process, and next year is an election year. So that if not now, if not never, certainly not soon.

When we come to the Bingaman amendment, as I say, my preference is to stick with the bill. A certain understanding has been reached among those who were parties to the negotiations of the structuring of the bill to stand together on it. If the Bingaman amendment is adopted, then it is my hope we will retain the adjustment features so that if we find that more or fewer guest workers are necessary for our economy, realizing they perform a very vital function in so much of our economy, in the restaurants and the hotels, on the farms, landscaping, so many facets—talked about that yesterday with the hearings which we held in the Judiciary Committee last year, cited the economists who testified about the importance of immigrants in our economic structure—I hope we will at least retain the so-called adjustor factors so we can make adjustments should that become necessary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, first of all, let me take a moment to acknowledge the senior Senator from Pennsylvania, the Senator from Arizona, the Senator from Massachusetts, Mr. KENNEDY, for their leadership and Herculean efforts on this legislation. In the spirit of praise I heard just a moment ago from the Senator from New Mexico on bringing judiciousness to this process, I rise in opposition to amendment No. 1166 offered by the very distinguished Senator from Iowa, Mr. GRASSLEY. The amendment would eliminate judicial review of removal proceedings where revocation of a visa is the sole ground for removal. That may sound technical and complex, but the amendment is actually quite simple in the way it works. It means that if the State Department should wrongly decide to revoke a visa, whether through bureaucratic error or misjudgment, and then the Department of Homeland Security tries to remove you from the United States, you have no opportunity to have your case heard in Federal court; the case ends at the Board of Immigration Appeals.

It means a dissident lawfully admitted to the United States on a visitors visa could find himself giving a speech one day and then the very next day learn the Department of State revoked his visa based on false information provided by his home country. The dissident may even risk punishment upon return to his home country. But there will be no means to fight his removal in Federal court. The amendment means that when DHS invokes the ideological exclusion provision which allows the Government to exclude anyone from the country who endorses or espouses terrorism or persuades others to support terrorism, there is no judicial check to make sure that is, in fact, what is going on, and that great power is not being abused.

As U.S. district judge Paul Crotty wrote in an opinion last year, rejecting the Government's efforts to exclude a Swiss citizen who had a visa to teach religion, conflict, and peace-building at Notre Dame University.

> While the Executive may exclude an alien for almost any reason, it cannot do so solely because the Executive disagrees with the content of the alien's speech and therefore wants to prevent the alien from sharing this speech with a willing American audience.

That is exactly the kind of case which would be barred by the amendment we are debating. What is the basis for this change? How can it be that review by a Federal court under these circumstances is such a serious burden to the Government that it must be eliminated? Are the courts clogged with these cases? Is it too much to require DHS to submit to a modicum of checks and balances before it exerts its power to expel someone under these circumstances? Judicial review of visa revocation is already severely limited—so severely limited, in fact, that the subject of this amendment is the only area remaining in which somebody can still seek judicial review of a removal order.

Too often, we are obliged to defend basic principles of American democracy—in other circumstances, the great writ of habeas corpus; here, the core principle of separation of powers and judicial review. We should not trample lightly on our founding principles.

I have said over and over that the cornerstone of any comprehensive immigration package must be strengthened security at our borders, enhanced workplace enforcement, and a sensible, practical solution for the 12 million people already living illegally in this country. But strong security means smart security, and smart security must include respect for the administration of justice, including our great American system of checks and balances, and a realization that sometimes the Government gets it wrong.

This amendment, by further limiting the authority of Federal courts to hear removal cases, goes too far. I ask my colleagues to oppose it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under "Morning Business.")

Mr. NELSON of Florida. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to speak on the immigration bill, the underlying amendment.

I am delighted we are taking up this issue dealing with immigration. I am glad we are debating this important issue in the Senate and that the majority leader has dedicated 2 weeks to do this bill. I think we need at least that period of time to delve into this issue. I have worked on it before. I have served on the Judiciary Committee. It is a tough topic, and it needs a lot of debate.

Immigration is an issue which has seized Americans across the Nation. People are torn trying to balance two fundamental American principles: one, of being a rule of law nation; and, second, trying to be a compassionate society. Here I think we do not need to mitigate either of these desires, that we can do both of them. But it is difficult and the details matter.

America is a nation of both justice and compassion. The two are not mutually exclusive. But reconciling the two is sometimes difficult, as we find in this debate.

Currently, we have, we think, somewhere around 12 million illegal immigrants in our country. The number is growing. In 1987, there were roughly 4 million undocumented immigrants in our country; in 1997, there were roughly 7 million; and today, in 2007, there are somewhere around 12 million. In addition, according to the Pew Hispanic Center, annual arrivals of illegal immigrants have exceeded the arrival of legal immigrants since 1985. That is not the trend we want.

The reality is our immigration system is seriously broken and needs to be fixed. Some people think the solution is to grant undocumented immigrants amnesty as we did in 1986, but that won't work. Others think the solution to the problem is to simply enforce the laws we have and kick everyone out. We have taken a serious look at this option, and although our enforcement efforts over the last year have dramatically increased, I do not believe this answer alone will work either.

The office responsible for detaining and removing illegal immigrants is the Office of Detention and Removal, DRO. It is a division of U.S. Immigration and Customs Enforcement, the largest investigative agency in the Department of Homeland Security. You may be surprised to know that the DRO is actually quite large, despite the relatively small impact they are able to have. DRO includes 6,700 authorized employees, including nearly 5,300 law enforcement officers and 1,400 support personnel. To put this in perspective, the number of DRO law enforcement officers is just under half as large as the number of FBI special agents. With these resources in 2006, ICE, Immigration and Customs Enforcement, removed 187,513 illegal aliens from the country—a record for the agency and a 10-percent increase over the number of removals during the prior fiscal year. If you do the math, though, that works out to roughly 28 illegal aliens deported per DRO employee per year or 35 deportations per law enforcement officer per year. At that pace, if we shut down the border to a point at which no one crosses illegally, and successfully end 100 percent of the visa overstays and double the number of DRO agents, then it will take us 25 to 30 years to deport the estimated 11 million to 13 million illegal aliens who are currently in the United States.

As a matter of national security, we can't afford to wait 30 years to know who is in our country illegally. For the sake of our national security and our Nation's future, we need to solve the immigration problems facing our Nation now. The comprehensive bill before the Senate goes a long way toward enabling us to fix our immigration system and the problem of illegal immigration. I might point out that people are not opposed to immigration, they are opposed to illegal immigration, and we need to get the legal system to work and fix the problems in it. I believe we need a multifaceted approach to the complex immigration problem we are facing, and the compromise bill before the Senate now will enable us to take significant strides toward fixing the problem.

That said, there are certain aspects of the bill I wish to change. I look forward to the opportunity to do so through the amendment process and to see whether I can support the final product.

With respect to solving the immigration problem, we must first and foremost secure the border, and this bill appears to do that. Section 1 of the bill ensures that we don't repeat one of the biggest mistakes of the 1986 amnesty of implementing immigration reforms without increasing border and worksite enforcement. The triggers in section 1 require the DHS Secretary to certify in writing the following border and worksite enforcement measures are funded, in place, and in operation before—before—initiating a guest worker program or issuing Z visas to current undocumented immigrants. These are the triggers: 18,000 Border Patrol hired; construction of 200 miles of vehicle barriers and 370 miles of fencing; 70 ground-based radar and camera towers along the southern border; the deployment of 4 unmanned aerial vehicles and supporting systems; ending catch and release; resources to detain up to 27,500 aliens per day on an annual basis: the use of secure and effective identification tools to prevent unauthorized work; and the receiving, processing, and adjudication of applications for Z status.

I go through the details because the details really matter in this bill.

In addition, the bill authorizes enhanced border enforcement, including a national strategy for border security, 14,000 new Border Patrol agents by 2012, doubling the current force; 2,500 new Customs and Border Protection officers by 2012; 3,000 new DHS investigators by 2010; 24,000 new detention beds by 2010; enhanced surveillance, using unmanned aerial vehicles, as I mentioned; cameras, sensors, satellites, and other technologies.

That is not enough for just taking care of the border. We also have to go to the workplace. Most people are attempting to enter the United States illegally to work. I think we have to focus on what we do at the workplace. I think we need to implement a smart worksite enforcement system, smart and tough. The primary reason for illegal immigration, as I stated, is employment. If we eliminate a person's ability to unlawfully gain employment, then we will dramatically reduce the incentive for illegal immigration. This bill includes several measures that enhance our ability to enforce immigration laws at the workplace: increasing penalties on employers who knowingly hire illegal immigrants; requiring DHS to issue a tamper-resistant work authorization document with biometric information; allowing the Commissioner of Social Security to share information with DHS so they can go after those who use fraudulent Social Security cards to gain employment; creating an employment eligibility and verification system that requires employers to electronically verify a prospective employee's work authorization.

The robust worksite enforcement system included in this bill fixes a huge hole in our current system and should curtail the use of false documents to fraudulently obtain employment.

Now let's look at the immigration system reforms. The most significant immigration reform this bill makes is the implementation of a merit-based immigration system—and this is a big shift—to choose the best and the brightest of those coming into our country. This doesn't mean we should only allow rocket scientists or brain surgeons, but education is and should be a factor. The merit-based system under the bill does that. It sets up a system in which immigrants can earn points in four categories: education, employment, English proficiency, and family.

In addition to the merit-based system, this bill ends chain migration for extended family, while preserving family unification for the immediate family. I think that is an important distinction, that we want family reunification for immediate, nuclear family, but we don't want the chain migration system for extended family members. This is an important change.

I am one of the staunchest supporters of family in the Senate. I don't think our immigration system should blindly favor, though, non-nuclear families such as siblings and adult children over skilled workers who are coming to apply their trade and contribute to our economy. It seems to me this is an appropriate balance. Throughout this bill, what we are trying to accomplish is an appropriate, workable balance for the good and the future of this Nation.

On the temporary guest worker program, once we are able to secure the border and implement worksite enforcement enhancements, we need to reform our immigration system to create sufficient legal means for well-meaning workers to come to our country and to work. The temporary guest worker program in this bill does that, while at the same time protecting American workers and wages by: requiring employers to advertise jobs to U.S. workers first; requiring employers to advertise pay, a wage equal to that of an average wage for the particular job or industry, particular in that region of the country; and prohibiting a temporary guest worker from working in a county that has 7 percent unemployment or higher.

I think there are some important changes that need to be made in the bill. As I have said, the compromise bill before us does a lot of good, but I think it is far from perfect and needs improvement.

To give some examples, section 601(h) of the bill gives certain immigration benefits to undocumented immigrants who seek "probationary" status, and states that an undocumented immigrant can obtain no probationary benefits until the alien has passed all appropriate background checks, or until the next business day, whichever is sooner. So you have a 24-hour check period. That is insufficient, if they want to look into the background of an individual seeking this probationary status. I will seek to change that particular provision. The impact of this provision is that 12 million or more undocumented immigrants could receive lawful status, the right to work, and other such benefits even if a background check cannot be completed in time.

I think the problems with this provision are significant and obvious. First, in a post-9/11 world, it is misguided at best and dangerous at worst to grant millions of people unlawfully present in the United States lawful status, even if a background check has not been completed. That is not wise. Second, there is no evidence that the Department of Homeland Security is capable of conducting cross-departmental and cross-governmental background checks, let alone a million of them, or millions of them, in a 24-hour time period. Third, many records relevant to a background check are not electronic and/or are not in possession of or otherwise accessible to the Federal Government, suggesting that more than one business day may be required for a thorough check, and a thorough check we must do. This is an important issue with potentially grave consequences for our national security.

I have filed an amendment to change this provision so no one would receive any immigration benefits without passing a background check. I would urge my colleagues to support this amendment.

In addition, I think the bill should require followup background checks when Z visa holders apply to extend their visa beyond the initial 4 years. As the bill is drafted, it leaves that decision to perform a background check up to the Secretary of Homeland Security. I think we need to be able to have removal proceedings for ineligible Z visa applicants. Section 601(d) of the bill lays out certain grounds of ineligibility for a Z visa, which include multiple criminal convictions, controlled substance trafficking, trafficking in persons, and even terrorist activity.

The very same section also states:

> Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien.

The obvious question is: Why not? Why should DHS not be required to immediately begin removal proceedings against someone who is ineligible for a Z visa because they are a criminal or a terrorist? I think DHS should be required to begin removal proceedings or at the very least take steps toward removing such people from the country.

The two main reasons for providing undocumented immigrants the ability to obtain a Z visa are to separate those who are here with good intentions to work and support their families from those who intend to do us harm; and second, to create a system where people have a legal status. In order to successfully do this, this provision needs to be changed so when an individual is found to be ineligible to remain in the country legally under this program, they are removed.

In conclusion, I look forward to continuing this debate on this bill on these issues I have identified and others to strengthen this bill. As many Members have said, this bill is not perfect and can certainly be improved in ways I have noted and in others. But we can't use the bill's imperfections as an excuse for doing nothing for a system that is clearly broken.

I look forward to offering these amendments to improve the bill, and I look forward to hearing some of the ideas my colleagues in the Senate have as well. At the end of the day, I hope we can pass a bill the President can sign, so we can say we did something to improve America by enacting immigration legislation that secures our borders, restores respect for our laws, and creates an immigration system that works.

Mr. President, I yield the floor.

Mr. OBAMA. Mr. President, I ask unanimous consent that at 2:20 p.m. today, there be 4 minutes of debate prior to a vote in relation to the Bingaman amendment No. 1169, with the time divided as follows: 2 minutes under the control of Senator BINGAMAN, and 1 minute each under the control of Senators KENNEDY and SPECTER or their designees; that without further intervening action or debate, the Senate proceed to vote in relation to the amendment, with no second-degree amendment in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I wish also to speak to the bill.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, last year, I spoke at one of the marches in Chicago for comprehensive immigration reform. I looked out across the faces in the crowd. I saw mothers and fathers, citizens and noncitizens, people of Polish and Mexican descent, working Americans, and children. What I know is these are people we should embrace, not fear. We can and should be able to see ourselves in them.

I do not say that to diminish the complexity of the task. I say it because I believe that attitude must guide our discourse. We can and should be able to fix our broken immigration system and do so in a way that is reflective of American values and ideals and the tradition we have of accepting immigrants to our shores.

I think the bill that has come to the floor is a fine first step, but I strongly believe it requires some changes. I am working with others to improve it.

In approaching immigration reform, I believe that we must enact tough, practical reforms that ensure and promote the legal and orderly entry of immigrants into our country. Just as important, we must respect the humanity of the carpenters and bricklayers who help build America; the humanity of garment workers and farmworkers who come to America to join their families; the humanity of the students like my father who come to America in search of the dream. We are a Nation of immigrants, and we must respect that shared history as this debate moves forward.

To fix the system in a way that does not require us to revisit the same problem in twenty years, I continue to believe that we need stronger enforcement on the border and at the workplace. And that means a workable mandatory system that employers must use to verify the legality of their workers.

But for reform to work, we also must respond to what pulls people to America and what pushes them out of their home countries. Where we can reunite families, we should. Where we can bring in more foreign-born workers with the skills our economy needs, we should. And these goals are not mutually exclusive. We should not say that Spanish speaking or working class immigrants are only good enough to be temporary workers and cannot earn the right to be part of the American family.

With regard to the most pressing part of the immigration challenge—the 12 million undocumented immigrants living in the U.S.—we must create an earned path to citizenship. Now, no one condones unauthorized entry into the United States. And by supporting an earned path to citizenship, I am not saying that illegal entry should go unpunished. The path to permanent residence and eventual citizenship must be tough enough to make it clear that unauthorized entry was wrong.

But these immigrants are our neighbors. They go to our churches, and their kids go to our schools. They provide the hard labor that supports many of the industries in our country. We should bring them out of hiding, make them pay the appropriate fines for their mistakes, and then help them become tax paying, law-abiding, productive members of society.

I am heartened by the agreement that we have to put all 12 million undocumented immigrants on a path to earned citizenship. I applaud those who worked on this compromise. But there are other parts of the compromise deal before us that cause me serious concern. Let me briefly address some of those concerns.

In order to stem the demand for illegal workers, we need a mandatory employment verification system that is actually mandatory. It needs to allow employers to check with the Department of Homeland Security to see that their employees are legally eligible to work in the United States. This is something I worked on last year. But this year's version of the employment eligibility verification system would give DHS too much power to force the screening of everyone working in America without appropriate safeguards. I will be working with others to offer an amendment to make this provision closer to what we proposed last year.

As for the guestworker program in the bill, it proposes to create a new 400,000 person annual temporary worker program that could grow to 600,000 without Congressional approval. And it expands the existing seasonal guestworker programs from 66,000 up to 100,000 in the first year and 200,000 after that. At the end of their temporary status, almost all of these workers would have to go home. That means at the end of the first three years, we would have at least 1.2 million of these new guestworkers in the country with only 30,000 of those having any real hope of getting to stay. I believe we are setting ourselves up for failure, and that will just create a new undocumented immigrant population.

As we have learned with misguided immigration policies in the past, it is naive to think that people who do not have a way to stay legally will just abide by the system and leave. They won't. This new group of second-class workers will replace the current group of undocumented immigrants, placing downward pressure on American wages and working conditions. And when their time is up, they will go into the shadows where our current system exploits the undocumented today.

I will support amendments aimed at fixing the temporary worker program that Senator BINGAMAN and others will be offering. And if we're going to have a new temporary worker program, those workers should have an opportunity to stay if they prove themselves capable and willing to participate in this country.

But the most disturbing aspect of this bill is the point system for future immigrants. As currently drafted, it does not reflect how much Americans value the family ties that bind people to their brothers and sisters or to their parents.

As I understand it, a similar point system is used in Australia and Canada and is intended to attract immigrants who can help produce more goods. But we need to consider more than economics; we also need to consider our Nation's unique history and values and what family-based preferences are designed to accomplish. As currently structured, the points system gives no preference to an immigrant with a brother or sister or even a parent who is a United States citizen unless the immigrant meets some minimum and arbitrary threshold on education and skills.

That's wrong and fails to recognize the fundamental morality of uniting Americans with their family members. It also places a person's job skills over his character and work ethic. How many of our forefathers would have measured up under this point system? How many would have been turned back at Ellis Island?

I have cosponsored an amendment with Senator MENENDEZ to remove that arbitrary minimum threshold of points before family starts to count and to bump up the points for family ties.

And at the appropriate time, I will be offering another amendment with Senator MENENDEZ, to sunset the points system in the bill. The proposed point system constitutes, at a minimum, a radical experiment in social engineering and a departure from our tradition of having family and employers invite immigrants to come. If we are going to allow this to go forward, then Congress should revisit the point system in five years to give us time to examine the concept in depth and determine whether its intended or unintended consequences are worth the cost of continuing the experiment or whether we should return to the existing system that allows immigrants to be sponsored through family and employers.

In closing, we must construct a final product that has broad bipartisan support and will work. I agree with Senator BROWNBACK that the time to fix our broken immigration system is now. If we do not fix it this year, I fear that divisions over the issue will only deepen and the challenge will grow.

I also believe that we have to get it right. I think it is critical that as we embark on this enormous venture to update our immigration system, it is fully reflective of the powerful tradition of immigration in this country and fully reflective of our values and ideals.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I inquire, is the pending business the Bingaman amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, I will speak on that. I support the Bingaman amendment. It is sort of instructive in a number of different ways for us in the Senate because I don't know how the number 400,000, for the first year of the program, got accepted as the number that we would have in the temporary worker program. The temporary worker program is a new way of doing business that I think has great potential, although I am concerned about how it can be effectuated in its details. The temporary worker program is now in addition to the permanent citizenship track that we have in our country—the track where you get a green card and then move on to citizenship.

So the temporary worker program is designed to create an opportunity for people who want to come into America and work for a period of time but who do not desire or may not be accepted on the citizenship track. It makes some sense to me. We have had a portion of our State damaged in Hurricane Katrina, and Mississippi and Louisiana have been severely damaged; tremendous reconstruction is being done. That created a real shortage of labor. Anybody can say that area of the country—at least for a certain period of time—needs additional labor, and temporary workers could help fulfill that and other needs in the country.

I wish to say that the temporary worker program, as I understand it in the legislation—remember, it was dropped in Monday night; that is the first time it has been filed as part of the legislative process in the Senate, and no hearings have been conducted on it—the 400,000 would be for 2 years. So you would have 400,000 come in year one of the bill's passage. They would stay for 2 years. The year after the first group gets here, another 400,000 would come the next year. So it is 800,000, at a minimum, after the first year. So that is a lot of people who would be coming in on the temporary worker program.

I am not aware that we have ever done any research or gone out and actually studied how many temporary workers we need. Apparently, the conferees—this group I affectionately call the "masters of the universe," who met and came up with this 400,000 number, talked to some interest groups out here, and they got an idea somewhere about how many it ought to be. I don't know how they reached that number. I will say this to my colleagues. Earlier this year, when this proposal was raised about a temporary worker program and expressed to me in a way that could actually work, I thought it was a good idea. That is why I voted—reluctantly—against Senator DORGAN's amendment, because I think we need a temporary worker program. But when I asked how many, a member of the Bush administration said 200,000. So now it is 400,000 and over 2 years it becomes, at a minimum, 800,000, and there are accelerators in it that indicate to us—the way my staff calculated the numbers—and I think we are fairly accurate—it would be, in 2 years, almost 900,000 temporary workers alone, not including their family members. So I am not sure that is correct. Professor Borjas at Harvard, himself a Cuban refugee who has studied immigration more deeply than anyone in the country, I would suspect, has written one of the more preeminent books, "Heaven's Door," that deals statistically and quite methodically with immigration and its consequences and how it works out.

It is calculated that the low-income workers in America have received an 8-percent reduction in their wages as a result of a large amount of immigration. So there is no doubt that more and more immigration has an increasingly adverse impact on the wages of hard-working American citizens. I don't think anybody can dispute that. Where did this come from—the 400,000—really 800,000—really almost 900,000? Where did that number come from? I don't know.

Professor Borjas, who is a part of the Kennedy School at Harvard—perhaps Senator KENNEDY needs to meet him sometime—Professor Borjas said in his opinion, 500,000 immigrants a year is the right number. I don't know what the right number is. He is a Cuban immigrant. He came here as a young man fleeing the oppression of Castro. That is what he says.

Where did this number 800,000, almost 900,000 come from? Actually, I think it kicks in with an accelerator. In the outyears, it goes up even 10 to 15 percent a year. It is complicated to read. We just haven't had much time to figure it out.

I think the deal is set up, actually. I think the people who wrote the bill knew we were not going to approve 400,000 people a year and 800,000 over 2 years—that is in the country at a given time, 800,000 to 900,000. I think they knew that. Everybody has known all along. Senator BINGAMAN has filed his amendment to cut that number in half, and then we will go to 200,000 a year, and everybody can say we did something, we made this bill better, so now let's all vote for it.

Regardless, if that is what the deal was about, I suggest to my colleagues that certainly the Bingaman amendment is a move in the right direction. Until we have some very good economic data that shows this country needs a lot more than 200,000, we ought not to be doing it because, remember, the 12 million people we see out here today who are here illegally and those who are here legally are not going to be made to leave America under the amnesty we have here.

If someone came in December 31 of last year, they would be able to stay in this country. So now we are talking about, on top of all of that, on top of the 1 million people who come into the country with green cards that we give each year, that permanent track, we are talking about another track for temporary workers which is in addition to AgJOBS, the agricultural and seasonal workers. So this is a big number.

This bill could be two times plus the current rate of legal immigration into America. I don't think the average American would believe, when we are supposed to reform this broken immigration system, that we would be creating a system that would double the number of people legally coming into the country because even though we certainly hope any legislation that passes would reduce somewhat the number of illegal entries, we know we will still have illegal entries on top of that.

This probably is a very easy vote for colleagues to vote for the Bingaman amendment. I don't see a reason not to do so. I am not aware of any economic study or objective analysis that says we need these kinds of large numbers of immigrants.

Professor Chiswick at the University of Illinois in Chicago testified before the Judiciary Committee, of which I am a member, when we brought up this issue last year. He cautioned strongly that a large flow of low-skilled workers will pull down the wages of American workers. Alan Tonelson, who wrote about a number of job categories from 2000 to 2005, said wages of workers have not gone up, that they actually have gone down, and in each one of those areas, more than half the workers were American citizens.

This is a matter we ought to be careful about. I believe 200,000 is more than adequate based on what I know. And I support the Bingaman amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I rise to speak in opposition to the Bingaman amendment. The idea of 400,000 temporary workers per year was not just pulled out of thin air, but it is based on the estimates of what is needed on a yearly basis to meet the needs of our economy. It, in fact, parallels what takes place each and every year as approximately that many illegal workers cross our borders.

Much has been said about whether there is a need for a workforce. I believe there is. In my home State, the people who are more adamant in pursuing a bill on immigration reform are those very employers who cannot seem to find enough workers to fill their needs. They are in the hospitality industry, the tourism industry, our attractions, theme parks. They are also in agriculture, as well as home construction, which is a huge part of Florida's economy. All of those people seem hard pressed to have enough people available to do the work that is waiting.

So this is a number that was derived according to the Pew Hispanic Center in a March 2005 survey of the migrant population which suggested a group of about 500,000 a year. We think it is a good idea from that standpoint. It is a legitimate number. It is based on the studies of what our needs seem to be.

At the end of the day, it is about supply and demand. It is about the issue that there is a workforce available to meet the demand for workers, and that is the problem in which we find ourselves.

But there is another problem, too, and that has to do with the border. Sure, we are going to do all we can to lessen the likelihood of illegal border crossings. We are going to have more border agents. We are going to have electronic surveillance. We are going to have all that we can build physically and technologically provide, as well as manpower, to provide for safety at the border.

However, wouldn't it be a good idea if to assist safety at the border, if to assist and lower the number of illegal entries in our country, if we disincentivized and legalized the way people come to work in America? At the end of the day, that is what our 400,000 number seeks to do. Reducing it to 200,000 would diminish the effectiveness of our current approach of having a guest worker force that really is coming here legally.

I hope the Bingaman amendment does not receive the support of the Senate. I ask my colleagues to stick with the number that is in the bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I made remarks earlier about my estimation of the number of persons who would be admitted. I would like to be a little more precise and explain it this way. In the first year, under the bill as written, when 400,000 would be allowed in, 400,000 would come for a 2 year period. In the second year, we will have a 15-percent escalator clause. If that is met, the next year would be 460,000 new workers. So we are talking about at that point 860,000 workers. Then 20 percent of the people who come as temporary workers are entitled to bring their families.

On average—and the numbers, I think, are undisputed—when a person is allowed to bring their family, it adds 1.2 persons to the number. So I calculate in just 2 years, the temporary worker program, as written in the bill, will allow for over 1 million persons into the country. I believe that is an honest and fair statement of where the numbers are.

I take seriously these numbers because last year my staff worked their hearts out and concluded and shocked everybody that the bill as originally introduced, the McCain-Kennedy bill, would allow 78 million to 200 million persons into our country in just 20 years when it, at the normal rate, would be less than 20 million. Some objected to those numbers. The Heritage Foundation did a similar study about the same time, and their numbers confirmed our numbers.

At that point, Senator BINGAMAN offered two amendments and I offered one and it ended up bringing the number down to 53 million over 20 years to enter legally as opposed to this incredible number. With these accelerators and this large a number, I think we ought to be very cautious.

I would also note, again, that the Bingaman amendment does not reduce the AgJOBS people who would be coming under that track or the seasonal worker people who would be coming. So a number of areas will not be reduced. I think it clearly is the correct thing to do to adopt the Bingaman amendment.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, there will now be 4 minutes of debate on amendment No. 1169, offered by the Senator from New Mexico, Mr. BINGAMAN, with 2 minutes under the control of Senator BINGAMAN and 1 minute each under the control of Senator KENNEDY and Senator SPECTER.

Who yields time?

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me speak very briefly, and then I will reserve the last minute to try to close this debate.

This amendment will reduce the number of people who can come into the country under this new guest worker program. The underlying bill calls for 400,000, up to 600,000 per year coming in under this new guest worker program. The amendment I am offering would reduce that to 200,000 per year, maximum. I think that is plenty.

This is an unproven, untested, brandnew program. We need to see how it is working. We need to see the impact it is having on other wage rates in the country.

I urge my colleagues to support that amendment. I will reserve the remainder of my time in case there is someone speaking against the amendment. Then I will conclude.

Mr. KENNEDY. Mr. President, first, I thank my friend from New Mexico for his presentation on this issue. He has spoken to those of us who have been working on immigration about his concerns on the numbers. He made this presentation the last time the Senate considered the immigration bill and was successful, and I expect he will be this afternoon.

It was very difficult for us to make an exact judgment about the total numbers. Those numbers were set at about 400,000 because that was a somewhat lower estimate of people who were coming in here who were undocumented, and it was also recommended by the Council of Economic Advisers in terms of the needs of the economy. That is where it is from.

But he makes a legitimate point—we do not have a real definite idea about what these numbers ought to be. We looked at the idea that we establish this program and then try to establish a commission that would make a recommendation to Congress in terms of the numbers on into the future. I think that is probably the best way to proceed in the future.

I will reluctantly oppose the amendment of the Senator from New Mexico, but I thank him for the thought he has given to this issue. We will be willing to work with him regardless of how this comes out.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time?

Mr. KENNEDY. Mr. President, we are prepared to yield whatever time we have—except for the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank my colleague from Massachusetts and congratulate him on his leadership in getting us to this point in the debate. I do hope Members will support this amendment. We had 79 Senators support this amendment when it was offered last year. I hope we get a strong vote again this year. I think this is the prudent thing to do. It does not destroy the bill. It does allow for a guest worker program but a much more prudent one than would otherwise be the case.

I urge my colleagues to support the amendment.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Will the Senator suspend?

Does the Senator from Pennsylvania wish to be recognized?

Mr. SPECTER. I do. Mr. President, I believe I have 1 minute of argument?

The ACTING PRESIDENT pro tempore. The yeas and nays have been called for, and the impression was at that time that time had been yielded back.

Is there sufficient second for the yeas and nays? There is.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I ask consent—I think I yielded the time back before I knew the Senator from Pennsylvania, who is a cosponsor, desired to speak. It will only be half a minute. I ask unanimous consent that he be able to speak prior to the time of the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. May I amend that, Mr. President, to request a full minute?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mr. SPECTER. Mr. President, the 400,000 figure was decided after a very careful analysis and consideration. We had hearings in the Judiciary Committee where prominent economists stepped forward to testify about the importance of immigrant help. We have an economy which relies on immigrants for hospitals, for hotels, for restaurants, for farms, for landscapers, and many lines.

One crucial feature of the Bingaman amendment would take out the adjustment factor, which is important, where we say the needs rise and fall. If the Bingaman amendment is adopted—and I know it was adopted by a large vote last year—at least I hope we will return to provide for the adjustment factor so we can raise or lower the number depending upon the needs of the economy.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent. The Senator from Arizona, Mr. MCCAIN.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—74

Akaka
Alexander
Allard
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Collins
Conrad
Corker
Dodd
Dole
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Harkin
Inhofe
Inouye
Isakson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Sanders
Schumer
Sessions
Shelby
Snowe
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Webb
Whitehouse
Wyden

NAYS—24

Bennett
Bond
Brownback
Coleman
Cornyn
Craig
Crapo
DeMint
Domenici
Graham
Gregg
Hagel
Hatch
Hutchison
Kennedy
Kyl
Lieberman
Lott
Lugar
Martinez
Salazar
Smith
Specter
Warner

NOT VOTING—2

Johnson
McCain

The amendment (No. 1169) was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, Senator GRASSLEY was here earlier. I understand he may be modifying his amendment. Senator GRAHAM is prepared to move ahead. Then we will alternate back and forth. The Senator from California, Mrs. FEINSTEIN, is ready to go. I see the Senator from South Carolina. If he is prepared to proceed, we will go ahead with his amendment.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from South Carolina.

AMENDMENT NO. 1173

Mr. GRAHAM. I ask unanimous consent that the pending amendment be set aside, and I call up amendment 1173.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. MCCAIN, Mr. MARTINEZ, and Mr. KYL, proposes an amendment numbered 1173 to amendment No. 1150.

Mr. GRAHAM. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for minimum sentences for aliens who reenter the United States after removal)

Strike subsections (a) through (c) of section 276 of the Immigration and Nationality Act, as amended by section 207 of this Act, and insert the following:

"(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 60 days and not more than 2 years.

"(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not less than 1 year and not more than 10 years;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, and imprisoned not less than 2 years and not more than 15 years;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, and imprisoned not less than 5 years and not more than 20 years.

"(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 2 years and not more than 10 years.".

Mr. GRAHAM. Mr. President, as we try to repair a broken immigration system and replace it with a new system that learns from the mistakes of the past, I believe it is time for this body and this country to get serious about enforcing border security violations. After 9/11, the immigration debate has taken on a different tone. After 9/11, it is no longer about economic and social problems associated with illegal immigration. It is about national security problems associated with illegal immigration. In the Fort Dix, NJ, case, there were allegations made that six people were conspiring to attack Fort Dix. Apparently, three of those people came in illegally as children or crossed the southern border, and three of the people charged with crimes overstayed their visas. So it is more than securing the border. That is a central concept to this bill.

Democrats and Republicans are rallying around the idea that the current system is broken in many ways. The borders are not secure. When it comes time to verify employment, fraud is rampant. The way you get a job now is to produce a Social Security card. I could take a Social Security card out of my wallet and have it faked by midnight. We are talking about replacing that kind of fraudulent system with tamperproof identification, which would be a great change in terms of understanding who is here and why they are here and employing people on our terms, not theirs.

In the future, after we begin to control our borders, Senator ISAKSON's amendment says you can't bring new people into the country in a permanent fashion until you meet border security triggers. The employment verification trigger is a great idea. Here is the question I have: After we do all this, after we spend all this money to secure our borders and replace fraudulent systems with tamperproof systems, what do we do to people who try to come across illegally in the future? What message do we send them and the world?

Here is the message: If you come across our border illegally in the future, you violate our border security, you are going to jail. No more catch you and send you back. My amendment would require a mandatory 60-day jail sentence for the first illegal reentry, up to a year but mandatory 60 days. If you come back again illegally, no less than 2 years. So everyone needs to know that America is changing its immigration laws, and we are going to be serious about enforcing them. If you break our laws, you do so at your own peril, and you will lose your freedom. That will help us dramatically make sure we don't repeat the mistakes of the past.

There is another group of people we need to deal with in terms of illegal reentry that is bone chilling. The amendment would create mandatory jail time for people who have been convicted of crimes in the United States, illegal immigrants who have committed violent offenses, nonviolent offenses, who have served jail time, that if you get deported—and you are required to be deported after you serve your sentence—and get caught coming back into this country, you are going to go to jail, not be deported again.

Let me give an example. Angel Resendiz is known as the railroad killer. Let me tell you the story of this criminal. In August 1976, he came across the border illegally. In September 1979, he was sentenced to a 20-year prison term for auto theft and assault in Miami, FL. He was paroled within 6 years and released into Mexico as a result of deportation. Over the next 10 years, he was apprehended and tried in Texas for falsely claiming citizenship. He did an 18-month prison term. He was arrested for possessing a concealed weapon in 1988 in New Orleans and received another 18-month prison term. Every time he was sentenced, he was deported and came right back to commit another crime. He got 30 months for attempting to defraud Social Security in St. Louis. He pled guilty to burglary charges in New Mexico that gained him an 18-month prison term, and he was paroled in 1992. He was apprehended in the Santa Fe rail yard for trespassing and carrying a firearm in 1995.

On June 2, 1999, he was apprehended by the Border Patrol for crossing illegally. Due to a computer glitch, they let him go. Every time he committed a crime and served a sentence, he was deported, only to come right back and commit another crime. Once we caught him, all we did was deport him. He wound up killing two people within 48 hours of being released by the Border Patrol. If this amendment had been in place for people such as this guy, once he was found back on our soil after he served his prison term for a violent crime, he would not have been deported. He would have gotten a 20-year jail sentence with a mandatory minimum of 5 years.

So there are people who have been convicted of rape and murder within the United States who have illegally come across the border, committed a crime, served their time, been deported, who have come right back, committed another crime, and nothing happens.

If this amendment becomes law, once you have been convicted of a violent crime and deported, if you are found in our country, whether you are committing a crime, that is a crime in and of itself, and you are going to go to jail for up to 20 years, with a minimum of 5 years.

Now that, to me, is what has been missing when it comes to our legal system and illegal immigration. It is now time to tell the world—our own citizens and all those who wish to come here—there is a right way to do it and there is a wrong way to do it. If you do it the wrong way in the future, you are going to go to jail.

We need to change the system that would allow nothing to happen to somebody who had been in our country illegally, who was convicted of rape or murder, who served their sentence and had been deported, who illegally comes back into our country. If they cross the border again, if they cross the border in the future, after committing a violent crime, they are going back to jail for serious jail time to protect us against them.

Now, I hope every Member of the body will understand this will make our effort to reform illegal immigration meaningful. If America does not care about enforcing its laws in the future, those who want to violate it will not care either.

So now is the time to start the clock over, learn from the mistakes of the past and make a national commitment to secure our borders and deal with those who violate our immigration law in the sternest fashion. Because this Nation is under siege. After 9/11, illegal immigration is not just about people coming here to work, it is about people coming here to commit crimes and do us harm.

So I am very hopeful this amendment will become part of the bill, and we can say, after this bill passes, we have taken a new approach, a tough approach, a long overdue approach, that we do care about the laws on our books and we are going to enforce them, and if you violate the law in the future by illegally coming across our border, you are going to jail.

Mr. President, I would like, if I could, at this time, to recognize my colleague from Georgia, Senator CHAMBLISS.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in strong support of the amendment offered by my friend and my colleague, Senator GRAHAM. I am pleased to be a cosponsor of this amendment.

As I have said before, I believe the agreement we reached among a bipartisan group of Members of this body is a step in the right direction because it gets us to where we are today; that is, we are debating this critical issue on the floor of the Senate.

Bringing this issue to the floor of the Senate allows Members of this body an opportunity to improve upon what has previously been negotiated. Senator GRAHAM's amendment is an improvement that should be adopted because it deals with the very most important part of this particular bipartisan piece of legislation, that is, border security and interior enforcement.

This amendment creates a more effective deterrent against future illegal immigration by ensuring that illegal immigrants who are caught and deported and then return to the United States in violation of our laws again serve minimum jail sentences. There is nobody who is going to be deported and gets caught coming back in who is going to escape going to jail. It is kind of unbelievable to think about that we do not already have this kind of law on the books today. That is why this piece of bipartisan legislation is so critically important to the future of our immigration laws in this country.

Under current law, if an illegal alien is caught entering the United States, that person is deported. This system is subject to abuse because an estimated 20 to 30 percent of those illegal immigrants deported simply return to the United States again in an illegal way. If that same person illegally reenters the United States again, they are subject to fines or imprisonment, but currently there is not a mandatory jail term.

So our Border Patrol agents and our Immigration and Customs Enforcement agents are faced with the problem of removing the same illegal immigrants time and time again. This amendment will ensure that everyone who is deported from the United States and reenters will serve jail time.

This is a most vital piece of legislation in getting control of our borders and in ensuring we have efficient and meaningful interior enforcement. This amendment is critical because it will make sure the resources of our Border Patrol and Customs agents are not expended on the same violators again and again.

It also sends a strong signal to everyone in the world thinking about illegally coming to the United States that we are serious about our laws and are seriously going to punish those who violate those laws.

I have to say, one problem we have, as we debate this bill and we talk with folks back home, is the credibility of this body, as well as the other body, as well as the agencies charged with carrying out the enforcement. Even though we are charged with oversight, the credibility of the U.S. Government in enforcing the current laws on the books is severely lacking.

This is a measure that does put some real teeth into the deporting and reimporting by criminals. In this particular measure, it does give our law enforcement officials an opportunity to not only be serious about enforcement of the law but in a way that is truly meaningful and will go a long way toward stopping illegal immigrants from coming across our borders, as well as doing a better job of enforcing our immigration laws from an interior standpoint.

So I urge all my colleagues to vote in support of the amendment offered by my good friend and colleague, Senator GRAHAM.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have a good deal of respect for my friends from South Carolina and Georgia, but I am somewhat mystified by this proposal. Let me illustrate why.

First of all, this proposal by the Senator from South Carolina is a large Federal mandate. Do you understand? It is a large Federal mandate. Why? Because the Bureau of Federal Prisons now says it takes up to 45 to 60 days for any individual who is found guilty in the lower courts to get to a Federal prison. Who pays for that? The local people pay for that.

First, it takes 45 to 60 days—all of which will be included in this amendment—which is going to be paid by the local people. So we are saddling all the local communities, as they start off in their proposal.

Now, after we hear the speeches about how we are going to be tough on crime, let's look specifically at the current law and what our bill does and then what this amendment does.

For the entry of an alien after removal—no deportation or denied admission, no criminal history—under current law: fine, or not more than 2 years, or both. Our bill is the same as current law. But the Graham amendment says: not less than 60 days in jail—60 days in jail.

So we want to let Arizona, California, Texas, New Mexico know that for all those people whom we all heard about coming back across the border, they are going to be for 45 to 60 days in the local jails. Is there any kind of report about how they can handle it? Is there any sense about whether the jails are crowded? Is there any idea about what the Governors say? Is there any idea about what local communities say? No. But this happens to be the fact. There are seven different places where they put these mandatory penalties in.

Under current law, for the entry of criminal offenders, with three or more misdemeanors involving drugs, crimes against persons, or both, or a felony: fine, not less than 10 years, or both. In the bill, S. 1348, we say, three misdemeanors or one felony gets a penalty of not more than 10 years in jail. What does the Graham amendment say? New mandatory minimum creates minimum penalty of 1 year.

So they say you get 1 year. We say you can get up to 10 years. Why the difference? Because we want the judge to make the decision on the severity of the crime.

Here, we go down to the prior aggravated felony conviction penalty, which under current law is not more than 20 years. We, in the bill, say the penalty can be 15 years, or a fine, or both. Under the Graham amendment, it is 2 years and a fine.

Once more, we leave it up to the judge. If we have the serious kinds of penalties, they ought to get the serious time. Who is being tougher on crime? We are listening to the Senators from South Carolina and Georgia: We are tough on crime. Who is tough on crime? Come on.

The list goes on. If you are caught, you are a repeater, you are caught back across the border with a prior conviction for murder, rape, kidnapping, slavery, terrorism, then the penalty is not more than 20 years. Under the Graham amendment, it is 5 years—the new mandatory is 5 years. Ours is 20 years. We let the judge make that decision, but his is 5 years.

Now, I have been a strong supporter of sentencing reform from the very beginning. We have had these enormous disparities on the issue of sentencing. The Sentencing Commission was supposedly to make an evaluation about the nature of the crimes taking place in the country, the space that exists in the various States and Federal institutions and to make recommendations in terms of what the scope ought to be in terms of various crimes and what the availability is in these various penal institutions and how they compare to other kinds of crimes. It seems to me that is what we ought to be doing with the penalties in this legislation as well.

Let's listen to Supreme Court Justice Kennedy, who has vigorously criticized mandatory minimums as unfair and inconsistent with the fundamental principles of justice. In February, he was very clear in his opposition to penalties in his testimony before the Senate Judiciary Committee. He also said mandatory minimums are wrong because they restrict the ability of judges to strike the best balance between the goal of consistent sentencing and the need to give judges discretion to make the punishment fit the crime in individual cases.

That is what we have in the underlying law.

In 2003, Justice Kennedy said:

> I can accept neither the necessity nor the wisdom of Federal mandatory minimum sentences. In too many cases mandatory minimum sentences are unwise and unjust. The legislative branch has the obligation to determine whether a policy is wise.

Now, I am more than willing to establish tough penalties where appropriate, but we have to draw the line with a rash of mandatory minimum sentences in current law. We have a new Congress and a new opportunity to stop the madness with mandatory minimums that impose long and costly sentences. Moreover, there is no suggestion that these penalties make a great deal of sense. If anything, they are already causing a terrible burden.

There is no epidemic of leniency in the Federal courts today. We have not heard, in hearings in the Judiciary Committee, about leniency in terms of the crimes—we have not—nor with regard to these different provisions.

The Federal prison population has quadrupled in the last 20 years. Now it is larger than any State system. The addition of new mandatory minimums only places further strains on the Federal prisons, which are already struggling with a growing population, along with diminishing budgets. Justice Rehnquist made the following observation about mandatory minimums: Our resources are misspent, our punishments too severe, our sentences too long.

That is his statement in opposition to mandatory minimums. We have the statements that have been made by the 2006 Conference of Mayors, representing 1,100 mayors and cities with populations over 300 that passed a resolution opposing the mandatory minimum sentences. It called for a fair and effective sentencing policy. The Nation's mayors are opposed to mandatory sentences on both Federal and State levels. Our mayors believe we should have laws that permit judges to define appropriate sentences based on the specific circumstances of the crime and the perpetrator's individual situation, and that States should review the effects of both Federal and State mandatory minimum sentencing and move forward.

As I say, that is my position on this. I am under no illusions about what the desire and the will of this institution is on this particular proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, very briefly, and I will move to have this amendment voted upon, if that is the correct order of business.

To my very good friend Senator KENNEDY, it is my understanding in terms of incarceration costs, the costs are paid by the Federal Government through the State Criminal Alien Assistance Program about 90 percent—90 cents on the dollar. So the Federal Government does help the local communities almost fully to deal with the expense of people who are caught violating or who are put in jail.

In terms of leniency—is there any evidence our laws are too lenient—I would say there are about 12 million pieces of evidence that our laws are too lenient. How can you have 12 million people come across the border and the word not be out that there is not much of a downside to doing it? Now, if you get 12 million people violating the law, it must be common knowledge among that population and others there is not much going to happen to you.

Well, that needs to stop. We need to give people who are here a chance to assimilate. Legal paths, we have more legal paths than we have ever had through this bill.

The illegal part of it has to come to an end and will only come to an end if there is a downside to breaking our law, and this amendment is about mandatory jail time. I am not trying to make it easier on people; I am trying to make it harder on people who take the law into their own hands and violate our border security. That is why we have mandatory jail time. Prior misdemeanors, you are going to go to jail 1 year if we catch you here again. If you served jail time of 2½ years and we find you on our soil again after you have been deported, 2 years. If you got a sentence of 5 years and we find you on our soil again after you have been deported, 4 years in jail. If you are convicted of three or more felonies, 4 years in jail, if we find you here again. If you are convicted of a violent crime, no less than 5 years, and up to 20 years.

It is time to get serious. This is a serious amendment for a serious problem. I know this is going to send the right message and that we need to be tough, not just in words but in deeds.

I urge passage of the amendment.

Mr. KENNEDY. Mr. President, I indicated in my earlier comments about the different provisions that exist in the law, the kind of flexibility that is out there to deal with serious crimes. But with the mandatory minimums you have a blunderbuss solution. There is no ability or flexibility at all to be able to deal with it.

The Federal Bureau of Prisons estimates it costs $67 a day for each person in jail. Estimates are it costs $90 per day to detain an immigrant. Right now each immigrant spends an average of 42.5 days in detention prior to deportation, at an average cost of $3,825. Senator GRAHAM's 60-day mandatory minimum for illegal reentry would increase the total spent in detention by 17.5 days, which increases the cost of detention per immigrant to $5,400. These increased costs couldn't be avoided because the mandatory minimum won't let the judge give any defendant a lower sentence regardless of the facts. This is a major problem with the mandatory, and this amendment would be a costly mistake.

The fact is the States pick up before the individual enters the system, the States pick up the tab. So New Mexico, Arizona, California, and Texas, you are going to have this new mandate and expenditures for it.

Last year, 11,000 immigrants were charged with the offense of improper entry. If this amendment passes, we are looking at increasing the costs by millions of dollars. According to 2005 data, the U.S. Government has the resources to hold 19,000 immigrants. It represents less than 1 percent of the undocumented population. This amendment may also require us to build new facilities to house these people, new prison beds, $14,000 per bed. We don't know how many beds will have to be built if this amendment is adopted.

It seems the provisions we have in the legislation make sense, and if the Senator wanted to alter his amendment and say: Let's let this go to the Sentencing Commission and let them make the recommendations, which we have done on other pieces of legislation to permit the penalty to suit the crime, I would say amen. But this amendment is going to put an important additional burden on the local communities, and it doesn't have the flexibility we have in the existing legislation in terms of dealing with those who are the real bad guys in this process. We have that ability in the existing legislation. The idea we are going to make it mandatory for people to go in for this period of time takes away that kind of flexibility, which is desirable.

I see my friend and colleague from New Mexico on the floor and I know he desires to speak.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak briefly in opposition to the amendment. I have great respect for my colleague from South Carolina, but I think this is very misguided.

Chief Justice Rehnquist was speaking in 1994 to a luncheon of the U.S. Sentencing Commission and he said the following:

> Mandatory minimums are frequently the result of floor amendments to demonstrate emphatically that legislators want to "get tough on crime." Just as frequently they do not involve any careful consideration of the effect they might have on the sentencing guidelines as a whole. Indeed, it seems to me that one of the best arguments against any more mandatory minimums, and perhaps against some of those we already have, is that they frustrate the careful calibration of sentences, from one end of the spectrum to the other, which the sentencing guidelines were intended to accomplish.

I think Justice Rehnquist was right, that this is—this, as I understand it, is an amendment that has not been brought up for hearing. These proposed changes in the law have not been brought up for a hearing in the Judiciary Committee. I am not a member of that committee. My colleague Senator KENNEDY is, of course, as is Senator GRAHAM. But my impression is this is not the result of a careful deliberation by the committee of jurisdiction here in the Senate. Instead, this is one of these floor amendments that is intended to demonstrate that legislators want to "get tough on crime" and particularly want to get tough on crime if it involves immigrants. So that is what is going on here.

I think the strongest argument I know, and I am sure this is what the Senator from Massachusetts was mentioning, is the cost that is involved in actually going ahead with this amendment. We are talking about taking people, and instead of kicking them out of the country, we are requiring those individuals be incarcerated in this country at very substantial expense to the U.S. taxpayer for a very long period of time. I don't know that it makes good sense for us to be doing this.

One of the purposes of this immigration legislation that is before the Senate right now is to reduce the burden on U.S. taxpayers of all of the immigrants coming into the country. This amendment does the exact opposite. This amendment puts an enormous additional expense on the taxpayers of the United States by saying: If you come into this country illegally, we are going to lock you up and we are going to be sure you stay locked up for a long time. Well, that is fine, as long as you want to pay—what is it—$30,000, $40,000 per year to keep one of these individuals incarcerated. We are paying a lot more to keep an individual in one of these Federal prisons, I can tell you that, than we pay to keep people in some of our best universities.

I don't think it is a good use of our resources. I think this is one of these feel-good amendments which says we are not being tough enough on immigrants, let's tighten this thing up, let's be real tough on them.

The statistics I have—and these are statistics from the 2006 Source Book of Federal Sentencing Statistics, put out by the United States Sentencing Commission. They have a chart on page 13 where they talk about the distribution of offenders in each primary offense category. It shows that 24.5 percent of the offenders we are incarcerating today are being incarcerated for immigration-related offenses. The only other category that is larger is drugs, where 35.5 percent are being incarcerated for drug-related offenses. So 24.5 percent of our prisoners today are there because of immigration-related offenses. That number is going to go up dramatically if we actually adopt and put into law these mandatory minimum sentences that are contained in this amendment.

I wish also to point out that the penalties, the sentences these people are being given and the actual period of incarceration, the number of months of incarceration for these immigration offenses, is fairly significant. It ranges from 22.8 months up to over 25 months. So we are talking about putting people in prison for a significant period of time. As I say, they are all for immigration-related offenses.

I think it is foolhardy for the United States to be passing immigration reform legislation to reduce the financial burden on U.S. taxpayers for all of the illegal immigration coming into the country and at the same time adopt an amendment that loads an enormous additional cost on to the taxpayer so we can keep these people in prison for a long time and thereby demonstrate we are getting tough on crime.

I urge my colleagues to oppose the amendment.

Mr. GRAHAM. Mr. President, I ask unanimous consent to add Senator McCONNELL as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, very briefly, to respond to my good friend from New Mexico about some of his concerns, this is not about me feeling good: this is about having the law work in a way that will deter people from crossing our borders illegally.

I point to the Angel Resendez case, and if we had this law in effect where we had mandatory jail time for those who had committed offenses and caught on our soil. In a 10-year period he committed five crimes, got deported each time, and was able to come back and commit another crime. If this amendment had been in place, he would have been in jail for a longer period of time and maybe his murder victims would be alive today. This is a case not about me feeling good; it is about somebody with a great propensity to cross our border illegally and commit crimes and not being held accountable in a serious way.

After the Booker case, the sentencing guidelines are advisory. If we want to send a message that we are flexible when it comes to immigration law violations, we are doing a great job of it. People must believe we are flexible, because they are coming across our borders in droves. Flexibility is being taken as indifference. What we need to do is to make it a crime that will sting people when they come across.

The cost to this country of having laws that are ignored and are virtually a joke is huge. Look at where we are today with illegal immigration. Let's try something new. Let's try doing something that has worked over time: If you commit a crime, you do some time.

With that, I yield the floor and ask for passage.

Mr. KENNEDY. Mr. President, briefly, to quote from the American Bar Association, this was their comment a year ago on the previous immigration bill on the same subject, on the issue of mandatory minimums when this issue came up during that time:

> The American Bar Association strongly opposes the provisions in the draft legislation—

That was the draft legislation a year ago—

> that would enhance or create new mandatory minimums. First, as a general matter, the mandatory minimums produce an inflexibility and rigidity in the imposition of punishment that is inappropriate for a system that we hold out to the world as a model of justice and fairness. To insist that all those convicted of a crime be lumped into the same category and be penalized indefinitely inevitably means the injustice of a sentence in particular circumstances will be ignored. Additionally, we are concerned at the high cost of imposing mandatory minimums. Numerous studies have demonstrated the extraordinary costs of incarcerating thousands of nonviolent offenders in our Nation's prisons and jails.
>
> The provisions to create the new mandatory sentences, coupled with those to increase the mandatory detention, have the potential to greatly increase the number of individuals being incarcerated in immigration-related cases at a significant cost to the American taxpayers.

We have provisions in the legislation that are tough and that a judge can use and must use in those circumstances which require it. But I think to effectively tie the judge's hands in these other circumstances makes little sense.

I see the Senator from California on the Senate floor. I would like to ask how the Senator wants to dispose of this amendment.

Mr. GRAHAM. I urge passage of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KENNEDY. Mr. President, I suggest that we proceed with the Senator from California and then come back to that.

Mr. GRAHAM. That suggestion is well taken, yes.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we go now to the Senator from California and her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill. I want to say a few words on the bill in general and then move to an amendment, if I might.

I am a supporter of this bill. It is not a perfect bill. I think it is easy to tell the people on the far right of the political spectrum and the far left of the political spectrum are not happy with this bill. But what this bill accomplishes—like nothing I have ever seen in my 15 years in the Senate—is that it is a piece of work that is a product of people on both sides of the aisle sitting down and trying to work something out that can get 60 votes in this Chamber and move on, and not be a useless piece of legislation, but rather one that offers a kind of comprehensive reform that has definition.

People use the word "comprehensive," and nobody really knows what they are talking about. But in the case of this bill, anyone who carefully looks at the bill will understand what the word "comprehensive" means because the word means addressing all sides of the immigration issue, taking borders that are broken and repairing them, stabilizing a border with additional border patrol, prosecutors, detention facilities, and also strengthening interior enforcement.

Three major sections—called titles—of this bill really deal with enforcement of our borders, enforcement of the interior. Then there is the question of how do you deal with the 12 million people who have been here for some time illegally, most of whom are engaged in legitimate, bona fide work. How do you deal with what has developed to be an entire subterranean economy in this country, with its own special shops, stores, and special points of congregation for work? How do you remove the element of fear that drives all of this further and further underground?

The more the ICE agents—formerly INS—pick up people in the workplace for deportation, the more you see the inequality and injustice—there was one family, about a week ago in San Diego, by the name of Munoz, who had been here for a long period of time. They both worked and raised three children who were born in this country. They owned their home and their furniture.

Well, in came the agents, who picked up the parents. The parents were out of the country and the children were left. The home was sold and the furniture was gone. And this is a family who had the piece of the rock of America. They were contributing to the economy of America. But they were destroyed.

Many of us in this body believe you cannot find and deport 12 million people. My State of California has the largest number of people living in undocumented status, which is estimated to be in the vicinity of 3 million people. They are a vital part of our workforce. They are 90 percent of California's agricultural workforce, which is the largest of the 50 States. They also work in service industries. You see them in hotels and in restaurants, and you see them in construction and housing. So they have become an indigenous part of the California workforce.

This bill puts together reforms in immigration with a process to bring those people out of the shadows. What has bothered me over these days, as I listen to the television and read in the newspapers, is I hear the drumbeat, and I even see small signs on automobiles that simply say "amnesty." This bill is not amnesty.

What is amnesty? Amnesty is the categorical forgiveness of a crime, an event, or whatever the issue may be. This does not do that. This sets up a roadmap, which is complicated for someone who wants to remain in this country, to be legal, to be able to work legally, and perhaps even someday get a green card, and maybe someday further off, become a citizen.

Well, there is an 8-year road created in this bill. There are fines of $5,000 plus an additional $1,500 fee for processing. There is a touchback, which may be changed in a further amendment, but at this stage in the debate it is this: If during that 8-year period the individual who has now achieved this Z visa, which gives them the right to work in this country, decides they want to pursue a green card, they would go to their country of origin, to the nearest U.S. consulate, and with the Z visa they can come in and out of the country at will. They don't have to stay in their country of origin. What they would do is file their papers. They would submit their fingerprints, and they would turn around and come back into the United States. Then, electronically, the evaluation would be done after the present line for green cards expires. Everybody waiting in line legally for a green card gets it. They would have the opportunity to get a green card. This is estimated to be between 8 and 13 years. During that period of 8 years, they would have to re-up, come in and prove that they have done the things the bill requires them to do. This is not an amnesty.

Now, the other part is that there are changes made in what is called chain migration. Currently, one person on a green card can bring in any number of family members. This is changed to the nuclear family. The person holding the green card can bring in their spouse and their minor children. That future green card, after the 8 years—after the list is expunged, future green cards would be granted on the basis of the point system, which deals with merit in the sense of the availability of job, work, the educational attributes of the individual, the family, and other things. I think it is as close as we are going to get to solving this problem and creating the interior enforcement, the border stability, and the laws that are necessary to secure the rule of law when it deals with immigration.

Mr. President, many Senators from both sides of the aisle worked long hours over the past several months to address immigration reform. And through the process of negotiation and compromise a tough, fair, and workable bill has been crafted.

The bill before the Senate provides solutions to restore the rule of law, fix our broken borders, protect our national security, and bring the 12 million people now living illegally in the U.S. out of the shadows.

I believe this bipartisan bill is a strong first step toward addressing illegal immigration in a fair and balanced way.

IMMIGRATION ENFORCEMENT

The bill is predicated on several fundamental principles. The first is that we must control our borders and protect our national security.

The bill ensures that before a single temporary visa is issued, or a single undocumented alien in the United States can earn their green card, several important "triggers" must be met—"triggers" that show the Federal Government is taking a hard stance on enforcing the law and enforcing the border. The triggers include:

Installing at least 200 miles of vehicle barriers as well as 370 miles of fencing, 70 ground-based radar and camera towers, and deploying 4 unmanned aerial vehicles along the southern border; detaining all illegal aliens apprehended at the southern border, rather than continuing the "catch and release" policy; establishing and using the new Employment Verification system to confirm who can work in the United States legally and who cannot, and hiring 3,500 new border patrol agents to increase the total number of agents on the border from 14,500 to 18,000.

Then later, after the first 3,500 border patrol agents are hired, the bill requires that an additional 10,500 more border patrol agents are hired. So, the total number of border patrol agents will increase from its current level of 14,500, to 18,000 under the trigger, to eventually 28,500 by the end of five years.

The bill also requires hiring 1,000 new immigration agents, 200 new prosecutors, and new immigration judges and Board of Immigration Appeals members.

Next, the bill increases the penalties for people who illegally enter the U.S. or who overstay their visas.

Under current law, if an individual enters the U.S. illegally or overstays their visa they are barred from returning to the United States for three years, and could be barred for up to 10 years if they stayed in the U.S. illegally for over a year.

However, under the bill, if an individual is in the United States illegally the penalty is increased so that the person would be barred forever—and never be allowed to come to the United States.

The bill also includes provisions to fight passport and visa fraud based on the bill that Senator Sessions and I introduced this year.

These new provisions would punish people who traffic in 10 or more passports or visas, and increase the penalty for document fraud crimes to 20 years.

By including these tough new enforcement measures, this bill goes a long way to protecting our borders and takes a hard stand against individuals who violate the law.

EMPLOYMENT ENFORCEMENT

The bill also takes a hard stand against employers who violate the law and hire illegal immigrants.

For too long, the administration has not enforced the laws on the books, and the negligible fines for hiring illegal aliens were just a part of doing business—this bill changes that.

Under current law, an employer can be fined $250 to $2,500 for hiring an unauthorized worker; the bill increases that fine to $5,000.

The bill also increases the penalties for employers who repeatedly violate the law and hire illegal aliens. Under current law, the highest penalty that can be assessed against an employer is $10,000 for a repeat violation; this bill imposes a new larger fine of $75,000 for repeat violations.

The bill creates a new employment verification system—mandating that within 3 years, all employers must verify with the Government that all of their employees, foreign and American, are who they say they are.

This new system will require employers to submit each employee's name and social security number or visa numbers to the Department of Homeland Security. DHS will then confirm whether the employee is in fact legally allowed to work.

If the DHS says the employee is not legally allowed to work or his legal status is in question, the employee then has 10 days to challenge the Government's conclusion, and while the employee is taking steps to contest his rejection, the Secretary must extend the period of investigation and the employee cannot be fired.

This new verification system should ensure that individuals who are hired by American businesses are actually legally permitted to work in this country.

GRAND BARGAIN

Once the security and enforcement measures were established, the negotiators sought to devise a pragmatic solution to deal with the approximately 12 million illegal immigrants currently living in the United States.

This solution to this issue is what has been referred to as "the grand bargain."

In order to bring Democrats and Republicans together a compromise was adopted that creates a new "Z" visa that will establishes a strict path for those individuals who are already in the United States to be able to earn a legal status.

In exchange, the bill reforms the current immigration system and eliminates policies that allow for "chain migration."

PRACTICAL SOLUTION TO 12 MILLION NOW HERE

With respect to the first part of the grand bargain, I firmly believe we have to develop a practical solution to the deal with the 12 million illegal immigrants already in the country.

While some have complained that all 12 million undocumented aliens should be deported, such a solution is not practical nor is it reasonable—for many of those individuals and families who have become integrated into the fabric of their communities deportation would be a severe outcome.

For example, in my home State of California, the Munoz family from San Diego is facing exactly what a policy of absolute deportation would mean.

In 1989 Zulma and Abel Munoz came to the United States seeking medical care for their infant son who was sick—sadly, despite their efforts, 2 months later he died. At the time, Mrs. Munoz was pregnant with her second child, a girl, and a medical worker who had helped her son urged Mrs. Munoz to stay longer in the United States to make sure their infant daughter received proper care. They took that medical workers advice, and have remained in the United States since then. Both parents found work; they bought a home, and they repeatedly tried to legally adjust their status, but their attempts failed.

Then last month, at 7:30 p.m. on a Thursday night, Mrs. Munoz was arrested and led away from the house in her pajamas. Later when Mr. Munoz returned from Home Depot, he was handcuffed and taken away—leaving behind their three children, now 16, 13, and 9.

There are many families, like Mr. and Mrs. Munoz, who are not criminals, who have lived and worked in their communities for years, and who are productive members of society, but who are also in the U.S. illegally.

Families like these should be given the opportunity to come out of shadows, to earn a legal status, and to eventually apply for a green card—and that is what this bill provides through the Z visa program.

Let me be clear, this is not an amnesty. For those who say it is, I think it is important to define what amnesty means. Amnesty is automatically giving those who broke the law a clean slate no questions asked. This bill does not do that.

Instead, to qualify for a green card each individual must wait until the backlog has been cleared—approximately 8 years—and during that time these individuals and families would need to pass a national security check; apply for a Z-visa that allows them to stay in the U.S. legally; work or get an education; pay taxes; learn English; pay a fine of $5,000, plus processing fees of at least $3,000; not commit crimes; reapply and undergo additional background checks; return to their home country for a "touch-back" for at least a day, to submit their application, provide a fingerprint , biographical and biometric information; and earn enough points under the same merit system that all future applicants will use.

This is not amnesty. This is not simply giving a green card to anyone who is in the country illegally. Instead, through the Z visa program and the new merit system, each individual must meet these significant demands in order to earn a green card.

GREEN CARD BACKLOG

The second component of the "grand bargain" is to clear up the current backlog of individuals who have been waiting for green cards and to reform how green cards are awarded by creating a point system that is based on merit.

To achieve this, the bipartisan bill would provide about 200,000 new green cards annually that will go to those individuals who have followed the rules and applied for a green card prior to May 1, 2005.

For anyone who applied after May 1, 2005, they will now be required to reapply through the new merit-based point system. This new point system is based on what has been done in other countries, including Canada and Australia. It sets up a framework to allow individuals to earn points that would qualify them to earn a green card.

Under this new system, individuals will get points for education, work history, ability to speak English, as well as whether they have U.S. citizen family members. This new point system is a balanced approach that considers multiple factors and allows individuals to earn their green cards.

TEMPORARY WORKER PROGRAM

Finally, the third component in the "grand bargain" is to ensure that temporary means temporary—meaning workers who come to the United States on a "temporary worker visa" must return to their home countries when the visa expires.

Under the new "Y-visa" there are 2 temporary worker programs—one that brings in workers for 2 years, and then requires the worker to leave for a year; and a second, seasonal Y-visa where workers can come in for 10 months, and then are required to leave for 2 months.

Workers who come to the United States under the longer "2 years in the country, 1 year out of the country" program can renew their visa so that they can work up to 6 years total; but every 2 years they must leave the United States for a year.

However, if Y-visa holder wants to bring their family with them to the United States then they would be limited to only 1 renewal and they would have to demonstrate that they can support their family. They would do this by showing that the family has health insurance and that they will earn a wage above 150 percent of the Federal poverty guidelines.

Finally, the new Y-visa program is capped at 400,000 foreign workers a year for the 2-year/1-year program and 100,000 visas for the seasonal 10-month/2-month program. Both of these caps contain escalation clauses that allow the Secretary of Homeland Security to issue additional visas up to 600,000 per year for the longer program and up to 200,000 per year for the seasonal program.

The escalation clause in the longer program gives the Secretary the discretion to increase the number of Y-visas by as much as 10 percent or 15 percent each year. According to some estimates, this means that in 10 years well over 3.4 million foreign workers could come into the United States through the longer Y-visa program.

I am concerned about the impact on our economy and our country if such a substantial number of visas were to be issued. Senator BINGAMAN has an amendment that would eliminate the escalator and reduce the cap to permit only 200,000 Y-visas each year to be issued under the longer program. I am a cosponsor of the Bingaman amendment and I voted for it last Congress.

While I agree with the grand bargain principle that temporary means temporary, I am concerned that the high cap on the longer Y-visa program and the inclusion of the escalator means that the numbers of temporary workers coming in through this program are just too high.

But with the adoption of the Bingaman amendment I believe the temporary worker program adopts the right balance and still fulfills the principles of the "grand bargain."

NEED FOR AGRICULTURAL LABOR

In addition to these important principles that were developed as part of the "grand bargain", the bipartisan bill contains two more important provisions: the DREAM Act and AgJOBS.

Last Congress, Senators CRAIG, KENNEDY, and I repeatedly tried to pass AgJOBS. This bill reforms the current H-2A agricultural temporary worker program and creates a path to legalization for undocumented farm workers currently in the U.S.

There is no industry that is suffering more from a labor shortage than agriculture. Foreign workers make up as much as 90 percent of the work force and over half of the foreign workers are undocumented—as many as 1.5 million.

But for years now we have heard from farmers and growers that they can not get the labor force needed to harvest their crops.

California growers tell me that their labor forces are already down 30 percent this year. For example, Larry Stonebarger, a cherry packer in Stockton, CA, has said that his packing house only has 650 workers, instead of 1100 he needs.

California provides a vital part of our Nation's food source. Half of this country's fruits are grown in California and, in fact, California is the only U.S. producer of almonds, figs, kiwi fruit, olives, and raisins. The importance of having locally grown produce cannot be underestimated.

This Sunday, the Washington Post reported that the Food and Drug Administration detained 107 food imports from China at U.S. ports just last month. They found dried apples preserved with a cancer-causing chemical; mushrooms laced with illegal pesticides; juices and fruits rejected as "filthy"; and prunes tinted with chemical dyes not approved for human consumption. This situation is unacceptable. But, amazingly, as we fight to keep out foreign produce that is not protected by safety and quality controls, our own immigration policies undermine the ability of U.S. growers to produce high quality fruits and vegetables right here in our own country.

The reality is, if there are not enough farm workers to harvest the crops in the United States, we will end up relying on foreign countries to provide our food. This is not good for our economy or for ensuring that Americans are receiving safe and healthy foods.

The best way to avoid this outcome is to ensure that American farmers and growers have the workers they need to harvest the crops, and the best way to ensure we have a stable agriculture labor force is to pass AgJOBS.

Our bill will stabilize the labor shortage on our farms by allowing undocumented farm workers who have worked in agriculture and agree to continue to work in agriculture for 3 to 5 years to earn a Z-A visa and eventually a green card. This will create a path to earn legal status for those ag workers already in the country.

Secondly, AgJOBS will streamline the H-2A program so that it is usable, so that growers and farmers can have access to a consistent supply of temporary workers in the future.

AgJOBS is a bipartisan bill that needs to be enacted to ensure that farmers, growers, and farm workers can continue to provide Americans home-grown, safe and healthy produce.

Immigration reform is certainly a difficult area to tackle, but this bill strikes the right balance and reflects the best thinking on how to accommodate all the various concerns and interests.

While it is easy to sit on the sidelines and criticize, it is harder to stand up, take on the tough issues, make the hard decisions and do what is right to fix our immigration system. I want to commend Senators KENNEDY, SPECTER, SALAZAR, and KYL for their hard work in undertaking this difficult issue and crafting this important legislation.

This is not a perfect bill, but it is a good bill, and it is a bill that I hope the Senate will pass.

AMENDMENT NO. 1146 TO AMENDMENT NO. 1150

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 1146, and I ask unanimous consent to add Senator MARTINEZ as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, and Mr. MARTINEZ, proposes an amendment numbered 1146 to amendment No. 1150.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in the RECORD of Monday, May 21, 2007, under "Text of Amendments.")

Mrs. FEINSTEIN. Mr. President, about 6 years ago, I was sitting at home and I was watching television. What I saw was, I believe, happening in Seattle. It was a 14-year-old Chinese youngster who had come to this country in a container. Her parents died in the container. She had survived. She had been in a detention facility for 7 months prior to coming before the judge. What I saw on television were tears streaming down her face, her hands in cuffs, and the chain went around her waist. She was unable to wipe away her tears. I thought this was very strange, something really must be wrong.

I found out that she is not alone. There are 7,000 unaccompanied youngsters who come to this country every year. Many of them—at least up to a recent point—were held in detention facilities for unlimited periods of time. They don't speak the language, they have no friends, they have no guardians, and they have no one to represent them. Often, they are sexually abused. It is a real problem.

This amendment is the same as a bill that passed the Senate last year by unanimous consent. There are a few changes, and those changes remove provisions that were contained in the previous version that are no longer necessary because of changes in agency practices to bring this bill in line with other laws, and to require promulgation of regulations and reporting of statistics on children affected by this bill.

Now, in the Homeland Security Act, the responsibility for the care and placement of unaccompanied alien children was transferred from the Immigration and Naturalization Service to the Department of Health and Human Services, Office of Refugee Resettlement. This amendment provides guidance and instruction to the Office of Refugee Resettlement, the Department of Homeland Security, and the Department of Justice, for how to handle the custody, release, family reunification, and the detention of unaccompanied alien children.

The amendment clarifies that any child who was deemed to be a national security risk, or who has committed a serious crime, will remain under the jurisdiction of the Department of Homeland Security or the Department of Justice and will not be released to the Office of Refugee Resettlement. For those who pose no danger to themselves or others, the amendment requires that the children be placed in the least restrictive setting possible, and it defines what those settings are.

This is the order of preference: One, licensed family foster care; two, small group care; three, sheltered care; four, residential treatment center; five, secured detention. So the least restrictive place for these children—remember, in any given year, there are a substantial number of these children. The amendment also would establish minimum standards for this custody or, where appropriate, detention of these children, including making sure they have access to medical care, mental health care, some access to phones, legal services, interpreters, and supervision by professionals trained to work with these children.

I am delighted that Senator MARTINEZ is a cosponsor, and I hope he will come to the floor because I believe he just said to me he found himself in a similar situation. I mentioned to him a case with which we are all familiar, Elian Gonzalez, who landed on the shores of Florida, whose mother drowned trying to get here. He had relatives in Florida. Florida has moved to create certain centers where these children are, in fact, secure, but many States have not.

The amendment also requires that wherever possible, these children are returned to their place of origin if there is a family member who can receive them. So a juvenile is sent home if there is a suitable placement for that child. If not, another appropriate placement must be secured for that child.

I think this legislation is very good legislation. As I said, it has passed the Senate before. We have amended it to comply with bills that have passed the Senate, and I am very hopeful that this amendment might even pass by unanimous consent today.

I will not ask for the yeas and nays at this time.

I do not see Senator MARTINEZ in the Chamber at this time, so I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will not take much time. I commend and thank the good Senator from California. This is an extraordinary humanitarian need. I have listened to the Senator from California on the floor. I have listened to her in committee, and I have listened to her at hearings. This is a matter of enormous importance. It relates to minors, children, vulnerable people, and the record of exploitation. This amendment is well thought out. She has had strong bipartisan support for it. In the past, there has not been objection to this amendment. I know of no objection to it. It is an extremely worthwhile amendment.

I have spent a good deal of time commending her and talking about the amendment, but she has done an excellent job in its presentation. I certainly hope we will accept this amendment. I believe we are prepared to accept it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I have 1 minute of comments to make on the amendment of the Senator from South Carolina, and then I wonder if we can proceed with the possibility of three amendments being disposed of in quick order so that then the Senator from New Hampshire can begin with his amendment.

Let me make my comments about the amendment offered by Senator GRAHAM. I support this amendment because it provides a deterrent to future illegal immigration. While there are a great deal of statistics I would like to cite, in the interest of time, let me make this point.

There is a very interesting operation going on right now in the Del Rio, TX, sector, in something called Operation Streamline in which they actually have the jail space available to detain, for up to 180 days, illegal immigrants caught coming across the border. This has been in operation now since 2005. Anyone caught entering the United States illegally faces prosecution under this particular operation unless for humanitarian reasons they need to be released. It has proven very effective in reducing the number of crossings in that area. The word has spread very quickly to people in Mexico that if they try to cross in this sector and they are caught, they are not just going to be returned home, they are going to spend time in jail. That totally disrupts their lives. They cannot afford not to be back working someplace, either in their own country or in the United States. As a result, the word has spread quickly: Don't try to cross in that sector or you are going to go to jail.

As a result, I think the amendment of the Senator from South Carolina is very well taken. It will provide a deterrent for future illegal crossings into the United States. And that is what this legislation should be all about, the stopping of illegal immigration. So I support his amendment.

Mr. President, if I may address the Senator from Massachusetts, would it be possible at this point to address three amendments that have been offered and dispense with them?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if the Senator will yield, I ask unanimous consent that the previous incomplete voice vote on amendment No. 1173 be vitiated and the amendment be agreed to. This is the Graham amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1173) was agreed to.

Mr. KENNEDY. I had hoped we could voice vote the amendment of the Senator from California. I have been notified that we cannot voice vote it, so we will have to have a rollcall vote on that amendment. I believe the Senator from California is prepared to go ahead.

Mr. GREGG. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. Yes, I will be glad to yield for a question.

Mr. GREGG. I understand I am next in order to offer an amendment.

Mr. KENNEDY. Yes.

Mr. GREGG. If the Senator from Massachusetts is not ready to go to Senator FEINSTEIN's amendment at this time, I suggest I offer mine and then we do the two amendments in sequence.

Mr. KENNEDY. That is an excellent suggestion, if the Senator from Pennsylvania thinks it is a good idea.

Mr. SPECTER. Mr. President, I think it is an excellent idea. Do we have Senator GRASSLEY's amendment to voice vote?

Mr. KENNEDY. I think we ought to do that in a few minutes. I am hopeful we will be able to do it. I hope that request will be made either during or after the debate on the amendment of the Senator from New Hampshire.

Mr. SPECTER. Mr. President, that is satisfactory.

Mr. KENNEDY. So, Mr. President, just before the Senator from New Hampshire begins, we are moving along. We are going to take up the amendment of the Senator from New Hampshire, and then it will come back to our side. We have several Senators who have indicated a desire to offer an amendment. Then I believe it will go back to the other side, and I believe Senator CORNYN has an amendment. That is how we will proceed. We intend to go back and forth. We have quite a list here. We are making progress. I am grateful for all the cooperation we have had.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1172 TO AMENDMENT NO. 1150

Mr. GREGG. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up my amendment, which is No. 1172.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1172 to amendment No. 1150.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure control of our Nation's borders and strengthen enforcement of our immigration laws)

Strike section 1 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) IN GENERAL.—With the exception of the probationary benefits conferred by section 601(h) of this Act, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109-13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

Mr. GREGG. Mr. President, the essence of this bill for most Americans, I believe, is the need and the desire to secure the border, to make sure that people coming across our border are coming across legally, that we know who they are, and that we are able to manage our border.

It is a national disgrace that we have been unable to control the illegal flow of people into our country, especially the massive illegal flow of people across the southwestern border into this country. So I don't believe there is really ever going to be a consensus around major immigration reform, which I happen to strongly support.

I supported last year's bill introduced by Senator KENNEDY and Senator MCCAIN. I support the effort this year in concept, although I still want to see how it is going to end up in detail. But there will never be a consensus support for major immigration reform, which we need so dearly in this country, unless the American people can be confident that the border is secure as the first condition of immigration reform. Thus, I think it was really a touch of genius—and I don't think I overstate that—by Senator ISAKSON from Georgia to come up with this idea of a trigger over a year ago so that it would be clear that the precondition of major immigration reform would be that the border would be secure, especially the southwestern border. I congratulate Senator ISAKSON for that initiative, and it is included in this bill in concept in that the trigger is in place.

The concern I have is that the elements which exercise the trigger, so that we then move on to the policies of this bill relative to other elements of immigration reform, such as the guest worker program, making sure we have adequate employer verification, doing the things that are necessary in the area of creating more capacity for people to come into this country who are qualified in the area of skills, those elements are subject to a trigger today which is in this bill, and I believe the specifics around that trigger do not lead, unfortunately, to what we want, which is a secure border. It is a movement down the road, but it is a movement down the road which appears in some way to have been set not on the basis of what is necessary for controlling the border but on the basis of what would be necessary to make sure the operative part of this bill goes into action or occurs within 18 months of passage of the bill.

So it seems that the numbers which have been put down in this bill relative to how many Border Patrol agents we need, how many detention beds we need, relative to how many observation facilities we need along the border for a virtual fence, relative to other structural needs of the southern border control, those elements were not defined in terms of what would lead ultimately to full security and operational control of the southwestern border, but those elements were defined as to what was perceived as being doable in the next 18 months.

The difference between what is necessary for operational control of the border and what those numbers are is not dramatic, quite obviously, but it is significant, very significant. I had the good fortune for a number of years to chair the Homeland Security Subcommittee of the Appropriations Committee, and I served on it for a long time. So I do believe I am fairly familiar with this issue, as familiar, probably, as anybody in this body with this issue since there were a number of initiatives which I began both as a chairman of the Commerce-State-Justice Subcommittee, which was a precursor to the Homeland Security Subcommittee, and then as chairman of the Homeland Security Subcommittee which were targeted directly on the issue of upgrading the Border Patrol capability, the port control capability, the Coast Guard capability, and the detention bed capability so that we could get operational control over the border.

Throughout this period, as we have been ramping up—and we have ramped up dramatically. We have come really from a marginal capability of controlling the southwestern border to a capability that is quite high, and we are making dramatic strides every day in that area. The numbers that are necessary were fairly well vetted as we stepped with intensity into this process 3 or 4 years ago. The numbers in this bill, therefore, should reflect what was the consensus position at that time and what I continue to believe is the consensus position as to the type of resources and the number of people they need and the type of support they need on the border to gain operational control of the border.

This bill we are dealing with calls for 18,000 Border Patrol agents, of whom it is assumed 16,000 will be boots on the ground on the border. It calls for something like 21,000 detention beds. It calls for something like 70 towers where we do virtual fence activity. We just let out a contract called SBInet, the purpose of which is to replace a program which was a total failure, which would put an electronic surveillance system along the border. That SBInet is a fairly complex technological initiative which involves ground sensors, visual sensors, and heat sensors, and it involves unmanned aerial aircraft to cover that part of the border which cannot be effectively and should not be covered with physical fencing. It is a complex initiative, but it is one which will work, we hope, and one which we are well down the road toward doing. But for it to work effectively and for it to be properly built, the amount of resources that needs to be committed to it exceeds by a factor of about 30 percent what is in this bill. The same is true in the area of Border Patrol agents and in the area of detention beds, although less is needed.

So what I have done in this amendment is essentially propose that we take the numbers that we know are necessary to gain operational control over the border and put those numbers into this bill. And that we allow the trigger, which is this exceptional idea Senator ISAKSON came up with, to function off those numbers, rather than backing into the trigger by using the number of months which we think we want to use before we move on to the rest of the bill.

The difference, as I said, is not dramatic, significant but not dramatic. For example, instead of 18,000 border agents—we had a lot of testimony, a lot of discussion, and the head of the Border Patrol at the time, Robert Bonner, said he needed 20,000 agents on the border—not 16, 20. So there is a 2,000 agent difference. Now, the issue will be hiring, the issue will be how quickly you can work them through the system and bring them on board. The issue is attrition. But the fact is, that is the number where there was consensus, pretty much, that we needed in order to get the right number of agents on the Southwest border—20,000; so 2,000 additional agents over what the bill calls for.

In the area of detention beds, the bill calls for 21,000. We are already headed well past that with the appropriations process, so that was almost picking a number that was already done. It is like saying we are going to approve this event, the trigger will occur if the Sun comes up in the east. The Sun was going to come up in the east. The fact is 21,000 beds is not enough. We know that. We know we need closer to 30,000 beds in order to have the adequate detention capability to stop completely the catch-and-release issue, which is a huge issue.

There are a couple of amendments that have already been offered. I think Senator GRASSLEY has offered that amendment. I am not sure of that, but certainly Senator GRAHAM's amendment, which was just accepted, is related to that point. So instead of 21,000 beds, the number I have put in my amendment is 31,000, which is the consensus position. Again, it is not hard to get to 31,000 from 21,000 because we are already over 21,000, or we are headed over 21,000. We can certainly get well above that number fairly quickly.

In fact, 21,000 may be wrong. Maybe the bill calls for 27,000. I apologize. The number here is 27,000. Somewhere I had seen 21,000, but if it is 27,000 the bill calls for, we are only asking for another 4,000 beds in order to accomplish the goal that was agreed to in order to reach the capacity to handle people coming into this country and not have to release them and ask them to come back, which they do not do, for their hearings.

In addition, on the virtual fence side and on the hard fencing side, this amendment doesn't call for any additional hard fencing. The hard fencing language is 370 miles. I happen to believe that is probably as close to the number as we need. Hard fencing is needed in urban areas, but most of the border is not urban. In the nonurban areas, hard fencing is not functional and doesn't add a whole lot to our security or to our ability to control the border. But we do need additional vehicle barrier fencing, probably another 100 miles over what this bill calls for, which is 200 miles, which is already in place and we are headed toward, so this calls for 300 miles of vehicle fencing, which was what we agreed to back when we did the Safe Border Initiative.

On the virtual capability, this bill calls for 70 towers. Well, we are already headed toward 70 towers. We know we can build 70 towers, but 70 towers isn't what we need to make the system work. We need significantly more than that. We believe, within a reasonable timeframe, we can build 105 towers, which would have us on track, so this language calls for 105 towers.

It also eliminates the arbitrary language in here which is a sense of the Senate that everything has to be done within 18 months. As I mentioned, if you look at these numbers, you can see basically what happened here, I suspect, was somebody said, what numbers can we be absolutely sure we are going to hit in 18 months so we can exercise the trigger and the numbers? They were good numbers that were put in, but they weren't the numbers there had been consensus built around 2 years ago, 3 years ago, even as recently as 1 year ago, that were needed in order to actually gain operational control of the border. So this amendment simply says, let us use the trigger mechanism. It is an excellent idea, and let's take it forward but use it as a real trigger that functions off of numbers that we know, if they are in place, will create operational control and which will not unduly delay the execution of the rest of this bill.

With proper resources, almost everything I have proposed in my amendment could be accomplished fairly quickly. It is more than a statement of commitment to operational control; it is a commitment to operational control before the trigger gets pulled. In addition, to make sure we are getting the operational control we need, the amendment has an independent review by the Government Accountability Office of the effort by the Department to meet these different benchmarks so we, as a Congress, will know when there is a certification that the benchmarks have been reached, the benchmarks actually will have been reached and they will have been reviewed by an independent group, specifically the Government Accountability Office, to confirm they have been reached.

The amendment's purpose is to accomplish what the bill wishes to accomplish. The purpose of this amendment is to make sure the first step in this effort of immigration reform is to secure specifically the Southwest border so we have a situation where people are not continuing to cross into this country illegally after we have passed immigration reform—or at least there is a clear roadmap which will get us to the resources and the number of people we need on the southwestern border to assure people won't be coming into this country illegally along that border because we will have the necessary support to accomplish that. It is, I believe, an extremely reasonable amendment.

Ironically, the numbers in this amendment have been offered from the other side of the aisle on numerous occasions, or pretty close to these numbers, by Senators who feel, as I do, that the border needs to be secure. I would note especially Senator BYRD has had a number of amendments right along this course where he has said, let us do what we have to do in the area of resources to assure that Homeland Security has the people they need in Border Patrol agents, has the resources they need in the area of detention beds, has the resources they need in the area of a virtual fence and regular fencing in order to adequately control the border—not adequately, but to have actual operational control over the border.

I hope this amendment would be accepted. This is an amendment which toughens up our commitment to border security and it does it in the context of what is an idea that makes a lot of sense, which is the Isakson trigger and, therefore, it is, in my opinion, a significant effort to improve the bill and give people the confidence that when we pass this immigration reform, it will have as its first element our ability to make sure we know who is coming into this country, especially across the Southwest border.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1146

Mr. KENNEDY. The Senator from California, Mrs. FEINSTEIN, had an amendment. I understand now that we are prepared to voice-vote that amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Feinstein amendment has been cleared on this side of the aisle. I agree with Senator KENNEDY, we can voice-vote it.

The PRESIDING OFFICER. Is there further debate on amendment No. 1146?

The question is on agreeing to amendment No. 1146.

The amendment (No. 1146) was agreed to.

AMENDMENT NO. 1172

Mr. KENNEDY. Mr. President, now we have the Gregg amendment that is pending; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I will say a brief word about this amendment. If others want to say a word about it, that is fine. Then I intend to make a motion to table it.

Mr. President, the Judiciary Committee, long before we developed this legislation, had extensive hearings about border security. We listened to Secretary Chertoff speak. We listened to him both in open session and in closed session.

I am convinced those recommendations were the best information that we had in terms of our border security and they are incorporated in this legislation.

It is a reflection of a bipartisan effort to make sure that we are going to do everything that is necessary and can be done to provide a secure border. We are using the latest in technology. They are using the fence areas where they believe that is appropriate and have the support to do it.

They are using the latest in terms of aerial drones, the latest in terms of barriers that are out there. All of the latest in technology will be used in terms of securing our border.

Now, the Senator from New Hampshire says he wants additional kinds, as well as dramatic increases, in the total number of Customs agents.

What we have to understand, what has been clear since we have started this whole kind of a process is, if we are going to control our border, as we have heard from Homeland Security, the leader of Homeland Security, it has to be comprehensive.

You have to have a secure border, but you also have to have some opportunity to have a border which permits individuals to be able to come through the front door if you are going to help them.

What I mean is, you are going to have to complete this in a timely way. If we just think we are going to be able to delay the completion of a comprehensive program, which the Gregg amendment will do, we are going to find out the borders are going to continue to be penetrated over the foreseeable future. That just happens to be the fact.

We made those points at the time to those who have said they want to abolish or close out a temporary worker program. If you think you can build a border and have border security there and have no opportunity for any individuals to be able to come in legitimately, you have not listened to the record and you have not listened to the testimony and you have not listened to those who have been responsible for national security.

They say you have to have some opportunity for individuals to choose the more hopeful aspect rather than risk their lives out in the desert. Now, with the Gregg amendment, what that will do is effectively ensure that we are denied a temporary worker program, we are denied the opportunity to have any chance for individuals to come through the front door.

As Governor Napolitano pointed out very clearly in her record materials that we have used previously, if you build a 50-foot high fence, those who want to come in will build a 51-foot high ladder. That happens to be the fact. That is why we have heard from those who have been involved in national security and border security who say: You need the comprehensive approach that is the underlying bill.

I think the Gregg amendment will delay the opportunity for us to do the underlying kind of effort to which we have been committed. I think, therefore, we should not accept that.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I urge my colleagues to vote against the amendment by the Senator from New Hampshire. The changes he makes are only modest in nature. I think they are not directed to accomplish a significant change: from 1,800 Border Patrol agents to 2,000; from 200 miles of vehicle barriers and 70 ground-based radar and camera towers, he moves for 300 miles and 205 ground-based radar and camera towers.

He changes the detention service from 27,500 to 31,500, and a change in some additional protection.

This has been very carefully calibrated. We are looking for an 18-month period for the completion of these triggers. The Secretary of Homeland Security, Michael Chertoff, has assured us, in testimony before the committee and in the extensive negotiations, that these are realistic. We have questioned Secretary Chertoff about whether it can be done within this period of time because they are conditions precedent. Until these barriers and fencing and Border Patrol agents are in place, the balance of the bill cannot go forward. That is the assurance to those who wonder if we are serious about securing our borders before going ahead with the other parts of the program. We do not want to tamper with what the Secretary has articulated. The additional requirements obviously will take longer to complete. We have this bill in place. I urge my colleagues to stay with the negotiated arrangement and to reject the Gregg amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I move to table the Gregg amendment and ask for the yeas and nays.

Mr. SALAZAR. Will the Senator withhold?

Mr. KENNEDY. I will.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is the Gregg amendment No. 1172.

Mr. SALAZAR. I ask unanimous consent to speak for 2 minutes against the Gregg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I join my colleagues, the floor managers of this bill, Senators Kennedy and Specter, in urging our colleagues to vote against the Gregg amendment. There is broad agreement among all Members who have been working on this reform package that we need to secure the border. Indeed, when you look at what Secretary Chertoff has said we need to do to secure the border, he has said we need to do a number of different things which we have incorporated in this legislation. We call for 18,000 Border Patrol agents. We call for 370 miles of fencing, 200 miles of vehicle barriers, 70 ground-based radar and camera towers, 4 unmanned aerial vehicles, new checkpoints and ports of entry, and a host of other things. Those numbers were not just picked out of the sky and put into this bill; those are the numbers the Secretary of Homeland Security said we need in order to secure the borders. He has been a constant presence in the fashioning of the immigration reform proposal that is before the Senate. The Gregg amendment essentially would derail the triggers that have been set up and is inconsistent with what we have heard from the Department of Homeland Security.

I join Senator KENNEDY and Senator SPECTER and my colleagues in urging a "no" vote on the Gregg amendment.

Mr. KENNEDY. Mr. President, I see the Senator from New Hampshire. I would be glad to withhold if the Senator wanted to address the Senate; otherwise, I will make a motion to table the Gregg amendment.

Mr. GREGG. Mr. President, I appreciate the Senator's courtesy. I wish to respond briefly to the points which were made.

The numbers in this bill are numbers which are a fait accompli. They are numbers which we already know we will reach within the next 18 months, if we stay on the appropriations path which was set up by myself and Senator BYRD 2 years ago, but they are not the numbers on which there was consensus needed in order to bring operational control to the borders. They are not those numbers. They are good numbers. They are a-step-in-the-right-direction numbers. That is why we funded them and put in place a path to continue to fund them. But there was absolute consensus—and don't let anybody come to this floor and say something else—that the numbers for gaining control over the border are different than these numbers. If they weren't, then we wouldn't have let the contract on creating the virtual fence, because the numbers in this bill do not come anywhere near the completion of the virtual fence.

The numbers in this bill do not come anywhere near what is needed to have the detention beds necessary to completely end catch and release, nor do they reach the numbers necessary to have the number of people on the border necessary to control the border. The Commissioner of Customs, Mr. Bonner, made it very clear in testimony 3 or 4 years ago that they needed 20,000 agents on the ground on the border.

This amendment hasn't asked for a radical change from what the bill suggests. It says the bill makes a great stride, but if we are to use the Isakson trigger effectively, which we want to—and the purpose of the trigger is to make sure the border is secure before we move to the next step in the bill—then we have to have the resources on the border to accomplish that security. The resources necessary to do that are 20,000 agents, which is an increase of 2,000 over what the bill calls for; the addition to 31,000 beds is an increase of about 2,500 over what the bill calls for; an additional 100 miles of vehicle barrier over what the bill calls for; and within a timeframe we believe is reasonable, so you could still hit the 18 months or be close to it, not 70 towers of virtual fencing, which is where the communications and the optics will be operated out of, but 105. That won't be the end of the towers, but that would be enough to allow operational control over the border.

This is not dramatic or radical. It is not even a grand change from what the bill suggests. It is simply a change that meets the conditions which we know are necessary in order to give operational control over the border. The point which this amendment makes is that operational control of the border should not be determined by an arbitrary number of months going by—in other words, if 18 months go by, we will lose operational control over the border. It should be set by the resources being in place on the border which will limit the ability of people to come across the border illegally. That is what this language does. How much more will this language cost than what the bill costs? About $700 million more. That certainly should be within the funding capabilities of the Appropriations Committee. In fact, if the administration wanted to, they could send up a supplemental to accomplish that. That is a very doable event.

Then it has a second condition, which is, it simply says the certification that these numbers have been met shall be reviewed by GAO. I do think as a Congress we would want that independent review. That is reasonable.

It takes the number of Border Patrol agents up by 2,000 and gets it to the number that was agreed to as being needed. It takes the number of beds up by about 2,500 and gets the number which was agreed to. It takes the number of vehicle barriers up by 100 and gets to the number that was contracted for. It does not change the fencing requirement. It keeps that at 370 miles. It adds 35 towers for the virtual fence, which is what the contract called for.

To represent this is some sort of amendment which therefore fundamentally undermines the core agreement is absurd on its face. The core agreement was, we would put in place, using the Isakson trigger, which was a stroke of genius for resolving this issue, resources on the border which would allow for operational control of the border. This simply calls for those resources to be consistent with what the testimony has been over the last few years as to what is needed in order to accomplish that.

The great irony is less than 6 months ago, we passed the Safe Fence Act. The Safe Fence Act essentially put in place the mechanism which got us to these numbers. The Safe Fence Act called for this action. The Safe Fence Act got 92 votes. It seems to me if 6 months ago we believed these were the numbers that should be used for fencing—and that is one element of it—how can we change 6 months later and say: We are going to step back from that and that is not the number we need in order to have the trigger occur? If this were a dramatic shift, a radical shift, an undermining shift in the exercise of this bill, I would say, fine, oppose it; it is an attempt to kill the bill. But just the opposite is the case. I am one of the few people on my side of the aisle who actually voted for the Kennedy-McCain bill the last time it came through here. I am on record and my commitment is to do immigration reform.

I also know the American people will not be sold on the idea that we are going to do immigration reform until they are confident our border is secure, especially the southwestern border where the vast numbers of people are coming in illegally. The northern border is a whole other issue and a serious one, especially from the view of terrorism. But on the southern border, people want it stopped. They want to know there are in place the resources to allow us to control that border before we take the next step into immigration reform, which next steps are critical and necessary. That is, of course, the genius of the Isakson trigger for which he deserves great credit, and which this language will essentially make more effective because it accomplishes the underlying goal of the trigger mechanism.

How long will this delay over the 18 months, which appears to be the arbitrary number? In fact, a sense of the Senate in this bill says everything has to be done in 18 months. How long will these numbers I have suggested we meet, which aren't my numbers but are numbers that have been around and on which there was consensus before this bill came out of committee or came out of the working group—it never came out of committee, obviously—came out of the working group around which there was so much consensus last year that we had a 92-to-2 vote on the Safe Fence Act, how much will that extend that time period beyond 18 months? Actually, it might not extend it at all.

With proper dollars, Homeland Security could probably do all of these things within the next 18 months. Certainly, they could do the extra hundreds of miles of vehicle barrier. I am told they can do the extra 35 towers without the contractor. We have talked to the contractor. He thinks that is a very doable event. The detention beds are certainly doable because you can actually, if you can't build them—of course, what we should be doing is putting up tent cities, which we are doing, but in any event, you can contract them out, potentially. We are talking another 2,000 beds. The border agents is an issue, but if it is going to be an issue at 18,000, it will be an issue at 20,000. Hiring border agents has become a function of finding the people we know we want to do the job. But it is still very doable within that timeframe.

I am not sure it will delay it at all. I suspect you could still do all this within 18 months, but there should not be a set series of months at the end of which we are going to say: OK, we have operational control of the border, and we can move on to the next things. What we should have, rather, is a set of very determinable benchmarks which will allow us to say that benchmark has been met and there is consensus that that benchmark will accomplish what we say it will. In this instance, that is the issue of operational control of the border.

So I would hope people would not vote to table this amendment. I would note that many Members on the other side of the aisle have voted for these types of resources in the past, when the amendment had been offered by Senator BYRD. So you may want to ask yourself, are you going to be consistent if you vote against this one?

But, more importantly, I think you have to ask yourself, are these changes—an additional 2,000 border agents, an additional 100 miles of vehicle barriers, an additional 2,500 beds—so onerous that they are deal killers? If that is the case, then this bill must be dead because we just passed an amendment to cut the number of temporary workers in half. Now, that is a serious issue. This is taking procedure and putting it over policy when you take that position to the extreme.

So I hope Members will support this amendment. If the Senator from Massachusetts is inclined to move forward at this moment, I have no problem.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will include in the RECORD the Homeland Security proposal that was shared with the members of the committee. We asked what was going to be necessary for secure borders. I have in my hand the proposal of Homeland Security. That is what we have included in this legislation, their recommendations. I am sure we could always do more and more and more, but what we have done is taken what has been the recommendations of Homeland Security in each and every one of these areas.

They have made it very clear that in carrying forward and reaching these recommendations it is going to take a combination of different elements. It is going to take their own kind of manpower to be able to reach this. It is going to take the technology to be able to reach it—over what period of time in terms of the contracting, and all the rest.

But as to what was necessary in terms of securing the border, that was it. We are all for it. This is what they told us. That is what we have accepted. We have gone over the list. I will make it part of the RECORD. It goes over the numbers of hires, going all the way into the Border Patrol agents. They come into the whole issue of border barriers and surveillance, the number of miles each year planned, what they believe is necessary. They review what they believe is the timeline for the catch and return, the number of beds that are going to be necessary. They go through the various milestones, the start-up costs, the actual recurring costs.

They have outlined all of this in very careful detail. That is what we have done. Every Member of the Senate ought to understand, these are Homeland Security's recommendations to secure the border, and that is what we have included in the legislation. It is always possible, I am sure, to be able to do more. We have done what was recommended to secure it, and I think it is a very effective program.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF ENHANCEMENTS FOR BORDER PATROL—GOAL: INCREASE BORDER PATROL AGENTS BY 6,000 BY DECEMBER 31, 2008

Projections	FY07	FY08	FY09	Total
Starting Onboard	12,319	14,819	17,819	18,319
Hires	3,900	4,350	850	9,100
Addition	2,500	3,000	500	6,000
Attrition	1,400	1,350	350	3,100
End of Year Onboard	14,819	17,819	18,319	....

STRONG BORDER BARRIERS AND SURVEILLANCE

[Dollars in millions]

	FY06 actual[1]	FY07 planned	Calendar year 08	Total estimated cost FY06–FY08
Miles of primary fence	75	+70	[1] +225	$998M
Miles of vehicle barriers	57	TBD	200	$176M
Ground-based radar and camera towers (technology)	0	TBD	70	[2] $737M
Unmanned Aerial Systems (UAS) (A&M)	1	+1	[3]+2	$85.6M

[1] Equals 370 miles total.

[2] Reflects the fully loaded costs of the integrated technology solution, including engineering, unattended ground sensors, communications, etc.

[3] Equals 4 total UAS.

KEY ASSUMPTIONS OF TIMELINE

USCIS will publish regulations governing the TWP within 6 months of enactment, pursuant to expedited rulemaking authority.

USCIS will begin accepting and adjudicating applications 6 months after enactment of the legislation.

USCIS will stop accepting applications 18 months after enactment.

A total of 12.5 million unauthorized aliens may be eligible for the immigration benefits associated with the TWP, of which approximately 93% are expected to apply for the program.

Additional temporary sites will be established, equipped, and manned to support processing requirements above the current Application Service Center (ASC) capacity.

Not every applicant will require an adjudication interview (based upon S. 2611 requirements—currently constructing plans for interview of all applicants).

TWP applicants will be screened against all relevant security checks.

USCIS will receive the funding and resources necessary to upgrade systems infrastructure to handle increased processing demand. Funding must be made available to DHS at least 6 months before applications can be accepted.

Mr. KENNEDY. Mr. President, I now move to table the amendment of the Senator from New Hampshire.

Mr. GREGG. Mr. President, I make a point of order a quorum is not present.

Mr. KENNEDY. Mr. President, I would make a motion to table the amendment of the Senator——

Mr. GREGG. Mr. President, I will make a point of order a quorum is not present.

Mr. KENNEDY. From New Hampshire, and I ask for the yeas and nays.

Mr. GREGG. I make a point of order a quorum is not present, Mr. President.

Mr. KENNEDY. Yeas and nays, Mr. President.

The PRESIDING OFFICER (Mr. OBAMA). Is there a sufficient second?

Mr. KENNEDY. Yeas and nays.

Mr. GREGG. Mr. President, a quorum is not present. I make a point of order that a quorum is not present.

Mr. KENNEDY. The yeas and nays, Mr. President.

The PRESIDING OFFICER. There is not a sufficient second.

The clerk will call the roll on the quorum.

The assistant legislative clerk called the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if I could have the attention of the Senator from New Hampshire, we were necessarily absent during the earlier presentation by the Senator from New Hampshire at a meeting with——

The PRESIDING OFFICER. The Senator is advised that a motion to table has been made. It is not debatable.

Mr. KENNEDY. I withdraw the motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I was under the impression we had gone through the debate and discussion. I had indicated I was going to make a motion to table. When the Senator from New Hampshire came to the floor, I was glad to withhold as the Senator remembers. The Senator, as I understood it, had finished his comments, and I made brief comments.

I am more than glad, if the Senator wants to address the amendment. We have just been in the process of trying to move along. I have no intention of cutting him off. We have not attempted to cut anyone off. So if he had that impression, I regret it. I say to the Senator from New Hampshire, we have been longtime friends, and we have been trying to have a process of moving this along. I had not known, at least on our side, we had other people prepared to speak. I had not heard there were others who were prepared to speak on the other side. So that was basically the reason for moving ahead.

But I am glad to withdraw the motion, as I was earlier. I would hope the Senator would understand, and we would hear from the Senator, if he so desires. We want to, at some time, reach some judgment on the amendment, but I am glad to work that out with the Senator, as I have tried to over the years.

Mr. GREGG. Mr. President, I appreciate the courtesy of the Senator from Massachusetts, and I will take 2 minutes to respond to his comment, and then I would be happy to have the Senator renew his motion. That was all the time I wished to use to respond—the issue being I had not been aware the Senator was going to respond to my comment. But I did believe his comments deserved a response, and that is what I was seeking recognition to do at the time I was cut off. However, I do appreciate the Senator's courtesy.

In response to the specifics of the Senator's representations that the Department's position is that these numbers, as contained in the bill, will accomplish operational control of the border, I find that to be entirely inconsistent and unsupportable, first, from the testimony of the Department's lower level individuals—who are in charge of these agencies—before the Appropriations subcommittee which I chaired at the time, specifically, the Director of the Border Patrol, Mr. Bonner, who made it very clear he needed 20,000 border agents; and, secondly, the fact they had let a contract which has in it significantly more numbers in the area of virtual fencing towers than are in this bill. If they did not need those, why did they have a contract which calls for them?

So I think on its face the representation of that proposal may be that is what they can do in 18 months, but it is not what they need to do for operational control.

The proposal I have is the numbers necessary to obtain operational control: 2,000 more border agents than called for in the bill, 2,700 more beds than called for in the bill, 35 more towers for virtual fencing than called for in the bill, and 100 miles more of vehicle fencing.

It is not outrageous, not inconsistent, not inappropriate, and will actually strengthen this bill and make the American people believe we are doing something constructive in the area of border security.

With that, I appreciate the courtesy of the Senator from Massachusetts in allowing us to reopen the debate and ask unanimous consent that further debate on this amendment be ended and that the Senator be allowed to make his motion, which he has a right to do anyway.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Gregg amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we are prepared to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1172) was agreed to.

Mr. KENNEDY. Mr. President, I thank the good Senator from New Hampshire. We continue to make progress. I thank him. I know his strong views on this, and we will continue to work on it as a matter of enormous importance. I know the Senator from Arizona and others feel very strongly. We want to have a secure border. People have differing views, but we will work very closely to try and achieve the objectives, and we will work very closely with him as we go to conference and in conference as well. We all understand this is a work in progress.

Now, for the Members, I know Senator CORNYN wanted to offer an amendment. As I understand it, he is still in the Armed Services Committee. We were ready to go on our side. We had an amendment of the Senator from North Dakota which is going to sunset the temporary worker program. He is giving thought to that. If he would like to—I see Senator CORNYN is here now. We may go out of sync here, but if we wanted to go ahead with that—I see my friend from Arizona.

I yield the floor.

Mr. KYL. Mr. President, in order to take the next 10 minutes or so, my understanding is that Senator CORNYN will be ready in a few minutes, but in the meantime, a couple of people have been waiting patiently to speak for maybe no more than 5 minutes or so. I think the Senator from Tennessee would like to do that.

Mr. CONRAD. Will the bill managers yield for a question?

Mr. KENNEDY. Sure.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, for the information of the body, could the Senators give us some picture on the voting circumstances this evening? Is there a clear picture on whether you might expect additional rollcall votes tonight or would they be debated tonight and held over until the morning? What do the bill managers anticipate?

Mr. KENNEDY. Mr. President, I think we would like to try to at least get another vote, possibly two. I think we will know more clearly in about 15 minutes and we will notify our colleagues. I think we have made some good progress. We had several of our colleagues—as always, these are enormously important—from the Armed Services Committee and others. We will probably have a brief window tomorrow.

The Senator from Arizona, Senator McCAIN, was here earlier and wants to do an amendment on back taxes, and I have indicated I thought we could probably do that in the morning and we will try to work out a time with him. We are trying to follow going back and forth, but if there are people here from a particular party who are prepared to go ahead, we want to try to deal with that.

I think we will have a limited time in the morning. I don't know when we are going to get the supplemental, but I am hopeful we would have at least a window in the morning.

Mr. KYL. Mr. President, if I could interrupt my colleague to give a couple of bits of further information, the next opportunity for an amendment should be from the Democratic side. Senator CORNYN is ready to proceed with an amendment, and also Senator HUTCHISON has an amendment I think that is cleared on both sides that we could do by voice vote, when that is appropriate. But the next amendment should come from the Democratic side.

My suggestion would be, while we are deciding the immediate future ahead of us, that Senator ALEXANDER be allowed to proceed on a matter that is unrelated, and then we could go to the Democratic side.

Mr. KENNEDY. That would be fine. I see the Senator from Iowa here who wanted to make a comment as well.

Mr. KYL. Mr. President, up to 5 minutes for Senator ALEXANDER.

Mr. CONRAD. Mr. President, might I inquire, is there any possibility of having further debate tonight and votes in the morning in lieu of additional votes this evening?

Mr. KENNEDY. That is always possible. We would like to check with the leadership. Senator CORNYN has been extremely patient through this process and has indicated at the start of the day that he would like to be able to address the Senate on an issue. He has now returned. I would like to see if we can't have maybe a short period here and then I could try and make an assessment and let the Senator know. But I would be very hopeful that we would be able to address Senator CORNYN tonight, and then I could talk to the Senator from North Dakota and Senator McCAIN. If we can get those lined up for the morning, maybe we will be able to give an announcement about where we are.

Mr. CORNYN. Mr. President, if the Senator from Massachusetts will yield, I am happy to offer my amendment tonight and wait to vote on it tomorrow, if that suits the schedule of the bill managers. I wanted to offer that. I would like to offer it tonight and have the debate tonight, but if you would like to stack the vote up with others tomorrow, that is fine.

Mr. KENNEDY. If we could proceed with the Senator from Tennessee for 5 minutes and the Senator from Iowa for 10 minutes, and then we will announce what the plan is for the evening and for the morning. I ask unanimous consent to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

INTERNET TAX FREEDOM EXTENSION ACT OF 2007

Mr. ALEXANDER. Mr. President, today, Senator CARPER and I introduced the Internet Tax Freedom Extension Act of 2007. Other cosponsors were Senators FEINSTEIN, VOINOVICH, and ENZI. All of those Senators have been interested in this subject for the last few years.

The bill would, very simply, extend a moratorium on Internet access taxes by State and local governments for another 4 years. This is a commonsense compromise of what can sometimes be a very complicated discussion about continuing the moratorium, without blowing a hole in the budgets of State and local governments.

We all want to be careful about so-called unfunded Federal mandates. We want to respect State and local governments. But at the same time we want to create an environment that encourages technology. We believe this would do that.

The background of all this is, briefly, that originally Congress passed the Internet Tax Freedom Act in 1998, which did an extraordinary thing. It said State and local governments could not tax Internet access for three years. That sounds like a good thing, but we could just as easily pass a bill we might call the food tax freedom act, because that would keep State and local governments from taxing food; or because we are against income taxes, we might say the income tax freedom act and ban Tennessee from having an income tax; or we might say the sales tax freedom act, or the property tax freedom act, or the telecommunications tax freedom act. But instead we created the Internet Tax Freedom Act, meaning, in effect, that States could not tax Internet access. The rationale was that the Internet and electronic commerce is a fledgling industry, and Congress extended that in 2001.

In 2004, after extensive debate, we worked out a compromise extending this moratorium over the next 4 years.

The compromise we worked out in 2004, according to the National Governors Association, may have saved State and local governments up to $12 billion in revenue. All of us want to keep taxes low, but here is where I am coming from. When I was Governor, nothing made me angrier than for Members of Congress coming up with a big idea to pass a law, take credit for it, and send the bill to the Governors, legislators, mayors, and county commissions. That is what we will do if we are not careful about the Internet access tax because, as we saw 4 years ago, telephone calls moved to the Internet. If we banned taxes on telecommunications as part of Internet access, telephone calls over the Internet would be free from taxation.

That sounds good, except States might have to increase college tuition, increase sales tax on food, or some States might have to put in, for the first time, a State income tax.

Mr. President, $12 billion in revenue is a lot of money. The definition of Internet access that is in this new compromise that Senator CARPER and I introduced on the moratorium would, for the next 4 years, protect State and local governments, while continuing the moratorium on Internet access. It is sensible. I think we will debate it more over time. Maybe it will even be accepted by all parties. I wanted to signal on my behalf, Senator CARPER's behalf, and on behalf of the National Governors Association, the National Conference of Mayors, and the National Association of Counties, that we believe it is very important to do no harm to State and local government. If we want to give a tax break to the telecommunications companies or to Internet companies, then we in Congress should pay for that and not send a bill to State and local governments.

This avoids our having to do that because the moratorium carefully defines Internet access to mean States are free to continue to make their own decisions. This doesn't mean States should attempt to tax the Internet; it means States may, if they choose, impose a sales tax on Internet services, just as States may impose a tax on food, or on medicine, or on gasoline, or may impose a tax on income. That is the job of State and local government. That is not the job of the Congress.

I am glad to join with Senators CARPER, FEINSTEIN, VOINOVICH, and ENZI in introducing the Internet Tax Freedom Extension Act of 2007. I am glad to extend a commonsense moratorium on State and local taxation of Internet access, and I look forward to passage of that legislation before long.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

(The remarks of Mr. HARKIN pertaining to the introduction of S. 1469 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HARKIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. SPECTER. Madam President, I believe we are now prepared to turn to the Cornyn amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, is there a pending amendment?

The PRESIDING OFFICER. There is.

AMENDMENT NO. 1184 TO AMENDMENT NO. 1150

(Purpose: Establishing a permanent bar for gang members, terrorists, and other criminals)

Mr. CORNYN. Madam President, I ask unanimous consent to set aside the pending amendment, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. SPECTER. Madam President, if the Senator from Texas will yield for a question.

We are trying to determine what is going to happen on the balance of the evening. Senators, understandably, at 6 o'clock, are asking if there is going to be a vote this evening. I understand from our conversation in the cloakroom that there are two Senators who are considering joining with you and you are not now prepared to enter into a time agreement. But if those Senators would come to the floor and let us know what they intend to do, we will be in a position to see if we can vote. We wish to vote this evening, but we don't want to keep people around here if we are not going to vote.

Mr. CORNYN. Madam President, I agree with the distinguished Senator from Pennsylvania and will certainly try to work to accommodate everybody. It is not my intention to keep people hanging around here if we are not going to vote, but I can't enter into a time agreement specifically yet until we can get some people who are examining the amendment, the cosponsors who might wish to speak on it.

Mr. SPECTER. Maybe I could direct the question to the Senator from Texas. Would it be out of line to identify the Senators we have in mind so we can direct them to the floor to get this resolved?

Mr. CORNYN. I hate to identify them until they have made a decision to cosponsor the amendment or to speak on it, because they may want to study in confidence and then make a decision whether they want to cosponsor it or come to the floor. We are in communication with them, encouraging them.

Mr. SPECTER. Madam President, they know who they are. We would ask them to come to the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 1184 to amendment No. 1150.

Mr. CORNYN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CORNYN. Madam President, I know we are all anxious to proceed. No one is more anxious than I to proceed with the hearing of amendments and debate. I think colleagues will, when they hear what this amendment is about—and I apologize that, due to the legislative counsel being backed up drafting amendments, we have only recently been able to distribute the amendment text, but I think as I describe this amendment, my colleagues will share my concern with two problems that are in the underlying bill.

First, this amendment would do two things: The amendment would provide technical corrections to what I can only assume are drafting oversights in the underlying bill as well as close loopholes in the current law. These technical corrections include closing loopholes that fail to permanently bar from the United States and prohibit awarding of any immigration benefits to the following categories of individuals: No. 1, persons associated with terrorist organizations; No. 2, violent gang members; No. 3, sex offenders; No.

4, alien smugglers who use firearms; and, No. 5, repeat drunk drivers.

The question I put to my colleagues is whether Congress should permanently bar from the United States and from receiving any immigration benefit the persons in the categories I have just described and others who are dangerous to our society. I sincerely hope none of my colleagues would answer this question in the negative.

Let me point out a couple of examples of what I will call the technical fixes that are sorely needed. Current law prohibits U.S. citizens convicted of sex crimes against minors from bringing a relative into the country. This bill, however, does not specifically prohibit aliens who would be removed from the country because they are sex offenders and fail to register as such from entering the United States and getting legal status, such as lawful permanent residence status.

This, as I say, is what I believe to be an oversight. Perhaps in the haste in which the bill was drafted it has been left out, but it needs to be fixed, obviously.

The bill also retains a loophole under current law that would allow an alien who has been repeatedly convicted of driving while intoxicated to remain in the United States and get legal status, such as a Z status or a green card.

The bill also retains the loophole in current law that allows an alien who belongs to a terrorist organization, or perhaps even committed terrorist acts and has not yet been removed from the United States, to get legal status.

Now, lest my colleagues think I am exaggerating, let me provide a real-world example of this loophole. Last year, Mohammed El Shorbagi pleaded guilty to providing material support to Hamas. His act of providing material support to Hamas would not have barred him from establishing good moral character under current law because it is not one of those grounds specifically included in the list of acts that prevent an alien from establishing “good moral character” under our immigration laws.

Now, I would hope these what I would call technical fixes are the kinds of commonsense solutions my colleagues would support. We have to ensure those aliens who have committed crimes, such as failure to register as a sex offender, or alien smuggling while using a firearm, are permanently barred and ineligible for benefits. We must also ensure those aliens who have committed acts or who engage in conduct in association with a terrorist organization, or perhaps have even committed terrorist acts themselves, are rendered permanently ineligible for any legal status and are barred from our country.

Finally—and this is not a technical fix; this, I believe, is a conscious decision on the part of the bill drafters to omit this category of individuals—my amendment would close the loophole in this bill that allows legalization of those illegal aliens who have already had their day in court and violated court-ordered deportations. These are known as absconders and, in fact, have committed a felony, if found guilty of their failure to deport once ordered deported, or if they have been deported and simply reentered the country.

Unlike the first half of my amendment, this is not a technical correction. In other words, the decision to legalize this population of illegal aliens was no drafting oversight.

Mr. LEAHY. Madam President, I ask the Senator from Texas to do me the courtesy of allowing me 1 minute to take care of something that is going to be accepted, and that is going to modify an amendment that is to be accepted.

Mr. CORNYN. Madam President, I yield for that purpose but claim my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

AMENDMENT NO. 1165, AS MODIFIED, TO AMENDMENT NO. 1150

Mr. LEAHY. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1165.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask unanimous consent that Senators CASEY and SCHUMER be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. KOHL, Mr. CASEY, and Mr. SCHUMER, proposes an amendment numbered 1165, as modified, to amendment No. 1150.

Mr. LEAHY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

In section 218E(d) of the Immigration and Nationality Act (as added by section 404(a)), strike paragraphs (2) and (3) and redesignate paragraph (4) as paragraph (3).

At the end of section 218E, add the following:

“(i) SPECIAL RULE FOR ALIENS EMPLOYED AS DAIRY WORKERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker——

“(1) may be admitted for a period of up to 3 years;

“(2) may not be extended beyond 3 years; and

“(3) shall not be subject to the requirements of subsection (h)(4).

In section 218G of the Immigration and Nationality Act (as amended by section 404(a)), strike paragraph (11) and insert the following:

“(11) SEASONAL.—

“(A) IN GENERAL.—The term ‘seasonal’, with respect to the performance of labor, means that the labor—

“(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

“(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

“(B) EXCEPTION.—Labor performed on a dairy farm shall be considered to be seasonal labor.

At the end of section 404, add the following:

(c) CONFORMING AMENDMENT.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting “or work on a dairy farm,” after “seasonal nature,”.

Mr. LEAHY. Madam President, this modification is required by the authors of the bill in order for dairy provisions to be accepted into this bill. I have attempted through this language to ensure as best we can that our Nation's dairy farmers have adequate access to labor in the future. This amendment only deals with prospective immigration and is focused on dairy only.

Dairy is a year-round operation where interruptions to a farmer's labor force can have significant consequences—the H–2A provisions as they exist in the bill now do not adequately address the unique needs of dairy because they permit only 10-month terms of work. This sort of interruption does not work for dairy farmers, who need year-round, dependable employees.

In the AgJOBS legislation that this body passed last year and that we reintroduced this year, I supported a much broader provision to address the unique needs of the dairy industry. That provision had the overwhelming endorsement of America's family dairy operations. Unfortunately, there were objections from the Bush administration and the authors of the bill now pending, so I have worked with the managers of this bill to craft this compromise.

This modification would enable dairy farmers to have multiple avenues to employ legal workers in the future. First, under the H–2A program, dairy farmers would have the ability to hire workers for a 3-year period after which time the workers would return home. Second, this amendment would refine the H–2A program to allow dairy farmers to more easily obtain workers under the normal H–2A time frame of 10-month work periods. In combination with available opportunities under the Y visa program, these changes should provide significant opportunities for America's dairy farmers to obtain future legal workers to meet their needs. I urge support for this modified amendment to ensure that essential changes for dairy farmers become part of this legislation.

Madam President, I thank the Senator from Texas for his courtesy.

Mr. GRAHAM. Madam President, there is no objection on our side to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1165), as modified, was agreed to.

AMENDMENT NO. 1168 TO AMENDMENT NO. 1150

Mr. GRAHAM. Madam President, if I could request the indulgence of Senator CORNYN, on behalf of Senator HUTCHISON, I call up amendment No. 1168 and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for Mrs. HUTCHISON, for herself Mr. BINGAMAN, Mr. DOMENICI, Mr. MCCAIN, Mr. KYL, Mrs. FEINSTEIN, and Mr. CORNYN, proposes an amendment numbered 1168 to amendment No. 1150.

Mr. GRAHAM. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide local officials and the Secretary of Homeland Security greater involvement in decisions regarding the location of border fencing)

On page 6, line 11, strike the second period and insert the following: ";

(C) in paragraph (2), as redesignated—

(i) in the header, by striking "SECURITY FEATURES" and inserting "ADDITIONAL FENCING ALONG SOUTHWEST BORDER"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

"(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

"(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

"(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

"(C) CONSULTATION.—

"(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

"(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

"(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

"(II) affect the eminent domain laws of the United States or of any State.

"(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location."; and

(D) in paragraph (5), as redesignated, by striking "to carry out this subsection not to exceed $12,000,000" and inserting "such sums as may be necessary to carry out this subsection".

Mrs. HUTCHISON. Madam President, I rise today to speak to an amendment and resolve an issue impacting the citizens of our country that live along the U.S.-Mexican border.

I have long stressed the need to secure the borders of the United States—not only our southwest border with Mexico but also our northern border with Canada and our maritime borders, coastlines, and ports of entry.

I have consistently supported and voted in favor of border security efforts—such as the installation of reinforced fencing in strategic areas where high trafficking of narcotics, unlawful border crossings, and other criminal activity exists. I have also supported installing physical barriers, roads, lighting, cameras and sensors where necessary .

The Secure Fence Act of 2006 was passed by Congress and signed into law by the President, and it signaled a major initiative to secure the border with Mexico and Canada.

We must address border security so that we can move forward to address comprehensive immigration reform.

I will continue to champion border security measures and strongly support the efforts of my colleagues to strengthen our southwest border—protecting our citizens from threats of terrorism, narcotic trafficking, and other unlawful entries. However, I am concerned that Congress is making decisions about the location of border fencing without the participation of State and local law enforcement officials working with the Department of Homeland Security. The location of fencing should not be dictated by Members of Congress who have never visited our border.

Our border States have borne a heavy financial burden from illegal immigration, and their local officials are on the front lines. Their knowledge and experience should not be ignored. Texas shares approximately one-half of the land border between the United States of America and the Republic of Mexico. Our State and local officials and those in California, Arizona, New Mexico, and Texas should not be excluded from decisions about how to best protect our borders with their varying topography, population, and geography.

Local officials and property owners in my home State of Texas—particularly in the areas of El Paso, Del Rio to Eagle Pass, and Laredo to Brownsville—cited in the Secure Fence Act, under current statutory law, do not have an opportunity to participate in decisions regarding the exact location of fencing and other physical infrastructure near their communities.

To address this issue, I hosted a meeting in my Washington office, on January 17, 2007, with DHS Secretary Michael Chertoff, my colleague from Texas, Senator JOHN CORNYN, mayors from the border cities in Texas, and representatives of the private sector. That meeting began a dialogue with our local representatives in Texas and the Federal Government. I look forward to helping ensure that this dialogue continues.

The Hutchison-Bingaman Amendment, No. 1168, cosponsored by Senators CORNYN, KYL, MCCAIN, FEINSTEIN, and DOMENICI, addresses these issues and provides local and State officials greater involvement in decisions regarding the location of border fencing.

I urge the adoption of my amendment.

Mr. GRAHAM. Madam President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1168) was agreed to.

The PRESIDING OFFICER. The senator from Texas.

AMENDMENT NO. 1184

Mr. CORNYN. Madam President, I ask unanimous consent that my amendment be reinstated as the pending amendment.

The PRESIDING OFFICER. The amendment is once again pending.

Mr. CORNYN. I thank the Chair.

Madam President, I have discussed what I would call technical corrections or oversights that have been left out of this bill, in haste, perhaps, because I know that following the negotiations that went on for several weeks leading up to the announcement of an agreement by a bipartisan group of Senators on Friday, there was a lot of effort made to try to then turn that agreement into bill text. It wasn't until roughly midnight, I believe on Saturday night, that an original, or I should say a rough draft for discussion purposes was created; and then, if I am not mistaken, it was the night before last, about 9 o'clock, when this original amendment was laid down, this substitute amendment, which actually reflects bill text, that we could then go to legislative counsel to try and craft our amendments to be addressed.

Before I talk a little bit more about the second part of my amendment, which I think was consciously omitted from the bill, I ask unanimous consent that Senator BEN NELSON of Nebraska and Senator DEMINT of South Carolina be added as original cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, the second part of my amendment has, I think it is fair to say, a substantial impact on the underlying bill, but one I hope my colleagues will agree is necessary and important to adopt.

My amendment would close the loophole in this bill that allows legalization of those illegal aliens who have already violated court-ordered deportations. They are sometimes known as absconders because they literally have absconded from the law, but they are, in fact, under section 243 of the Immigration and Naturalization Act felons by virtue of their having absconded either after they have been ordered deported—they have simply gone on the lam and been fugitives from justice—or they have left the country pursuant to their order of deportation and then reentered the country illegally. They are, under section 243 of the Immigration and Naturalization Act, felons if found guilty of those offenses.

Unlike the first half of my amendment, this is not, as I said, a technical correction. In other words, the decision to legalize this population was no drafting oversight. It was a conscious part of the negotiated package that is now represented by the substitute amendment pending before the Members of the Senate. The drafters of this bill have made a conscious decision that Congress will allow exceptions for individuals who are illegally in the United States, in defiance of a court order, as well as those who have previously been deported from the United States pursuant to a court order and have again reentered illegally.

It is important to note that Congress has determined that each of these crimes is a felony. The laws, as I said, are already on the books. These acts of defiance of our legal system are not actions which would signal an individual's likelihood of future compliance with the laws of the land. I don't think Congress should be in the business of allowing exceptions to a class of individuals who can reasonably be dubbed as fugitive aliens.

In fact, it was Secretary of the Department of Homeland Security Michael Chertoff who said during our negotiations that illegal aliens who have defied our court system after having been given full due process of law do not deserve to be rewarded with legalization. Unfortunately, the drafters of this bill, in an effort to accommodate certain advocacy groups, have ignored Secretary Chertoff's commonsense observation, what is being peddled as "discretion" by way of a "waiver."

We can't guarantee the American people that future Presidents will appoint, nor the Senate confirm, Secretaries of Homeland Security with the good sense and judgment of Secretary Chertoff. Thus, I think we need to eliminate any discretion in allowing these individuals to remain in the country and obtain the benefits of this legalization. I submit that discretion is something Congress gives away to a bureaucracy when Members don't have the intestinal fortitude to create a bright-line rule. This bright-line rule would affect roughly 700,000 absconders who are still in the United States. The underlying bill would allow them a path to legal status and perhaps even to citizenship. My amendment would say these people have had their opportunity to have their day in court and do not deserve the benefits that this underlying bill would give to other persons who have not similarly defied our U.S. legal system and, indeed, have committed, perhaps, felonies.

I ask my colleagues this. What is the message we send about the rule of law in America when Congress would not even categorically prohibit rewarding those illegal aliens who have defied lawful orders? What is the message we are sending to immigrants who are lawfully waiting outside the country when we reward those who have not simply violated our laws by entering illegally but who have also thumbed their noses at our legal system, after having been ordered or actually been removed?

I urge my colleagues to reject the policy in this bill that would reward felony conduct with legal status. I hope my colleagues will support me in that effort.

I yield the floor.

Mr. DORGAN. Madam President, the Senator from Texas asked a question. I think the answer is probably fairly obvious. What is the message we send to people around the world who applied for status to come to this country through the immigration quota process? There is a process that is our legal immigration process. What is the message to those folks who, perhaps 3 years ago, 5 years ago, 9 years ago, filed a petition only to discover that if they had walked across the border on December 31 of last year, they would, with this legislation, be deemed to have been here legally? That is the message. It is sort of a Byzantine message as far as I am concerned.

Yesterday something happened that was quite interesting. I attempted to eliminate the so-called guest worker program or the temporary worker program by which millions of additional people who do not now live in this country would be invited in to take American jobs. I attempted to eliminate that. I failed to do that. I will next offer an amendment at some point, perhaps tomorrow morning, that will sunset the temporary worker program. If we cannot eliminate it, at least let's put an end to it—put a sunset on it.

During the debate yesterday, something fascinating happened. We are told repeatedly on the floor of the Senate that this bill is a piece of legislation that provides border security because most of us know that when you start dealing with immigration, the first step, the first baby step is to provide border security. If you do not do that, all you do is set up, another 10 or 15 years from now, exactly the same debate and provide amnesty for another 10 or 15 million people.

We have done that before, in 1986. We have heard exactly the same arguments: We are going to have border security, we are going to have employer sanctions, we are going to shut down illegal immigration, and we are going to have nirvana. The fact is, none of that worked. We have done this before.

What happened yesterday was fascinating to me. In an attempt to shut down the temporary worker provision, I was told by the people who constructed this proposal that if you shut down the temporary worker provision by which we will bring people into this country who are not now here to take American jobs—if you shut down the temporary worker provisions, what will happen, they said, is people will come across illegally anyway.

I said: I don't understand your point. First, you said you have written a bill that provides border security and stops illegal immigration. Now you are saying if we get rid of the temporary worker provision, what will happen is we will have illegal immigration anyway. You can't have it both ways. Either this bill does what is advertised and provides real border security or it doesn't.

Those who put the bill together told us yesterday it doesn't have that border security because they believe they have to designate those who are coming across as legal, therefore, temporary workers, because if they did not do that, they would come across and we would call them illegal. That is the most unbelievable thing I ever heard.

They cobbled together this proposal. I said yesterday it reminds me of the old saying that a camel is a horse produced by a committee. They have cobbled together this camel of policy here with several different pieces, saying, first, because I believe they understand the politics of it that requires them to say this, we have provided for border security when, in fact, they have not. That is not the case. All they have done is created the same promises I heard 21 years ago.

Then they say, but we must, even as we decide to say to this 12 million who are here, including those who came across the last week of December last year: By the way, you are now legal and given a work permit—we must, in addition to that, allow millions more to come in.

Yes, you get millions more when you do 400,000 a year for 2 years, have them go back for a year, come back 2 more years, have them go back a year, and have 2 more years and accumulate that, and you have at the very least, without even counting families, 12 million workers in a few years. They say we have to do that—invite others to come in to take American jobs—because if we don't, they will come across the border anyway. That is a serious admission of failure, in my judgment, in the bill that is brought to the floor of the Senate.

I didn't intend to come here to say anything, but I heard my colleague from Texas ask, What is the message? The message is a Byzantine message to those who believed there was a legal way to try to come to this country, a legal process by which we have immigration quotas from various countries and they, thinking it was all on the level, actually made application to say I would like to come to the United States of America and I am willing to wait. I waited 5 years or 7 years, they say, only to discover that as of today, if this bill passes, we say you should have come across on December 28 or so into this country. You could have gotten on a plane on a visitor's visa with a full intention of never going back, or walked across the border someplace, and this Congress with this legislation would say to you: We have a great surprise for you. You came across illegally and we now desire to say to you: You are legal, you have legal status and a work permit.

What kind of message? We know the answer to that. It is a Byzantine message that makes no sense at all.

Is immigration an issue? Yes, it is. But this bill will not solve it. I intend to offer an amendment in the morning that will establish a sunset on the provision called the temporary worker provision. But even that will not solve the problems of this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, I rise today to, first of all, thank our leadership for allowing a true debate to take place on this issue. I know at one time it was discussed that we would pass this huge piece of legislation, that affects so many people, in 3 days. Because of the acquiescence of the bill managers and leadership, we are truly going to have 3 weeks of debate.

You heard the Senator from Texas offer an amendment to make this legislation better; and the Senator from North Dakota, to offer his views. I think this whole process has been very healthy.

One of the things we are trying to address in this bill is a situation where our immigration has been broken, the system has been broken for many years. In 1986, legislation was offered to try to solve this problem. What has happened is it has gotten even worse, so there has been, obviously, more thought put into this bill.

I appreciate again the many amendments and the discussion that has taken place. Many of the things we have talked about have addressed the legalities, have addressed some of the technicalities in our immigration system. It seems to me, one of the things we have not addressed—while we have tried to address fairness to businesses, we tried to address fairness to immigrants, we tried to address fairness to families—one of the things I think we have not addressed is a sense of fairness to the American citizen.

What I mean by that is this. There is a sense of fairness that we see many times on the floor that is not addressed by the fact that we have about 12 million people in this country today illegally. People see this bill as straight amnesty, where all of a sudden we are going to make it legal that if you have been here working, for however long, you become legal in this country by virtue of being here.

In many cases, people have talked about some of the draconian measures that require people to actually return home to their countries. Yet this bill, in some cases, does that. Certainly, to become a green card holder, somebody has to return home to their country before coming in. That is something Americans think is fair.

If you want to be a temporary worker in this country, according to this bill, what you would do is work here for 2 years, as the Senator from North Dakota responded, then you would leave and go back for a year, and then you would come back into our country. Yet that is not perceived to be draconian and I do not think it is at all. But the one provision that seems to me to hit at the essence of the American frustration that is not in this bill, is the fact that we have some triggers that are going to cause our borders to be secure and make us be able to track people in an appropriate way—the administration said this can take place over the next 18 months—but what we are not doing is asking the people who are here in our country illegally to actually return home and come back through legal channels.

It is that point, I think, that has divided the American people, the fact that this bill does not address the inequity of allowing those people to remain here. These are people who came here, obviously, to support their families, and we understand what the motivation is for many people to be here, but this bill does not address that inequity.

What I propose tonight and I am working with other Senators to hopefully make happen after we come back from recess, is to actually have a provision in this bill that treats people who are here illegally like those who wish to have a green card, like those who would be temporary workers in this bill. I would ask that other Senators work with me and others to create an amendment to this bill that actually would cause, over a reasonable amount of time, people who are working in this country to return to their home country and then come back through legal channels. I think that strikes at the very core of what so many Americans believe is so inappropriate about having illegal immigrants, illegal workers, automatically made legal.

I think that is a central fallacy in this bill as it has been offered today. After many of these technical amendments are agreed to over the course of the next few days, and as we come back from recess, I look forward to working with other Senators to try to ensure that if this immigration bill passes, it passes in a way that meets the sense of fairness the American public believes this bill ought to have; that it addresses that inequity of people who jumped in front of the line and came here, being here illegally and yet being able to benefit without, during a reasonable period of time, returning home and coming back through legal channels, once we have the mechanisms in place to allow people to do that. I hope to have the opportunity to work with others in this body to make that happen.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, I wish to rise briefly to speak to the amendment of the Senator from Texas. I think I caught him describing it as a "technical one." At first blush, having just seen it for the first time, looked at it and having seen the intersection of what he seeks to do throughout title II of the bill, it is far from technical; it is very substantive. I appreciate that he has very substantive positions that might be different from mine, but they are very substantive, they are not technical. They go, in some cases, to the heart of due process for individuals, and they go to the heart of undoing what some cases in the appellate division and beyond have decided is the appropriate law of the land.

I just wish to start off by saying that I certainly hope this amendment will not come to a vote tonight because I think all of us need to understand the nature, the scope, the breadth, the width of what, in fact, is being offered here, which I truly believe is far more than technical. So I just wanted to, so to speak, wave my saber early for the distinguished Senator from Texas and say that I am sure he is going to get a vote, but I will have to object if there is any intention to seek a vote tonight. You have to take all of the 12 pages that were just presented, intersect them, and see how they affect different sections of the underlying statute, and those have real meaningful consequences at the end of the day. I might agree with some; I might strongly disagree with others. So I just wanted to make it clear to the body that, from my perspective, it is a little bit more than technical.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I appreciate the concerns of my distinguished colleague. It is a fair point; this is more than a technical amendment. He may not have heard my entire earlier statement. I indicated that some aspects of my amendment were what I thought were technical, but there was a second part that was far from technical, it was very substantive, and I knew it would be controversial because we discussed it during the course of the negotiations in which the distinguished Senator from New Jersey participated, as did I, and it was, the best I can tell, consciously omitted from the draft. So my effort here is to insert it by way of amendment. I do believe it deserves full and fair consideration. People need to understand what the impact of it will be.

Indeed, this whole subject matter has a lot of ramifications and a lot of moving parts, and that is the reason I am so glad we have not only this week but also a second week after the recess which the majority leader has scheduled to conclude the debate and vote on the bill.

I certainly understand the Senator's concerns, and I would welcome the debate that will ensue, but I can understand why he would object to a vote tonight. We have actually talked with the bill managers and suggested that perhaps, if unanimous consent can be obtained, this amendment would be set aside temporarily and perhaps other amendments can be laid down and even voted on tonight but that we can wait until tomorrow, perhaps, to schedule a vote on this after everyone has had a chance to digest it and consider its ramifications.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I appreciate the offer from the distinguished Senator from Texas, and I certainly hope we will take his offer because I would have to object if we were to try to proceed tonight to a vote on his amendment. I think his amendment is important. I think it has real consequences. There are real consequences of substantive law, there are real consequences of due process, and there are real consequences of equal protection. So these are major legal issues which affect potentially millions of people.

I appreciate the spirit in which he has offered it. I appreciate him saying he is more than willing to give time. I hope the bill managers would pursue that course of action and make sure that a vote on this does not take place until sometime tomorrow so that we can digest all of this and have the appropriate debate because legal protections are very important in the context of what we are doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I wish to spend, if I can, just a few moments—I see my colleague from New Jersey is still on the floor, and he will be joining me at an appropriate time in offering an amendment dealing with parents of U.S. citizens. The Senator from New Jersey speaks eloquently about this issue on a very personal level. I am proud to be the author of an amendment with him and others to try to improve this legislation.

This amendment would unite parents with their families in the United States by increasing the cap on green cards issued to them, extending the duration of the newly created parent visa, and ensuring that penalties imposed on people overstaying this visa are not unfairly applied to others, as they would be in this legislation.

Under current law, parents of U.S. citizens are defined as immediate relatives, along with spouses and minor children, and are exempt from green card caps. Under the proposed legislation, S. 1348, parents would be removed from this category and subject to an annual cap of 40,000 green cards. This amendment increases the cap on green cards in this bill to 90,000. That is about the average annual number of green cards issued to parents of U.S. citizens.

Second, we are trying to extend the duration of the newly created parent visitor visa to 180 days. Under this bill, the amount of time a parent could stay here under a parent visitor visa is limited to 30 days per year. On the other hand, a tourist visa is valid for 180 days per year. The idea that your parent can only come here for 30 days is something that is offensive to a lot of Americans who believe in the value and importance of children and parents being together.

This amendment would also ensure that penalties imposed on overstays are not unfairly applied to others, as they would be in this legislation. If the number of overstays exceeds 7 percent, individuals from disproportionately high-risk countries could be barred from coming to the United States on this visa program or the entire program could be terminated.

I hardly think it necessary to make the case about the value of parents and children being united for a period of time and what it means, if you are parents yourselves, to be able to have grandparents spend some time with their grandchildren.

We take great pride in that. We extol the value of family. One would be hard pressed to hear a speech given by someone in public office today, regardless of the subject matter, that doesn't at some point or the other talk about how important it is to value families, to do everything we can to keep families together, the importance of intergenerational communication, grandparents and grandchildren, parents and children, the value of that to a nuclear family. Certainly, we all recognize we have serious issues of security that need to be dealt with at our borders, doing what we can to provide for the legal status of those who are seeking to come here through traditional means. It is a major step backwards for a country that prides itself on allowing for families to be together, understanding the importance of it, that we would be talking about legislation that cuts by more than half the average annual number of green cards needed for parents to visit their children, dealing with them in a separate category, and providing actually a longer visa for tourists than for parents.

No one knows who gets excluded when you go from no cap down to 40,000. Obviously, a lot of parents would be excluded in any given year. As evidenced over the years, once parents do come for a limited amount of time, that usually completes the family unit. They are not likely to sponsor other relatives. U.S. citizens with parents abroad should not be treated differently than those with parents here, to provide that opportunity in time for them to be together.

This amendment would increase the green card cap to 90,000 so we are meeting the average annual need and not creating an insurmountable backlog. It would make sure that sufficient numbers of green cards are available to parents who come to the United States. We extend the parent visa to 180 days and make it renewable and valid for 3 years. Those are already accepted time frames for the validity of visas. 180 days is the length of a tourist visa. H-1B visas are valid for 3 years.

This legislation limits parents to an annual stay of 30 days. It does not specify any long-term validity. This is far too short a time allotment, I think most would agree, particularly for parents who come for health reasons or to help their children during and after childbirth.

Lastly, this amendment would make penalties for parent visa overstays applicable only to them. Under the legislation before us, if the overstay rate among visa holders exceeds 7 percent for 2 years, all nationals of countries with high overstay rates can be barred from this program or the program can be terminated. Sponsors of overstays are also barred from sponsoring other aliens on this visa. This amendment strikes that language that unfairly collectively punishes those who have not violated the law, allowing law-abiding parents to continue to unite with their children.

The amendment is comprehensive and touches on all three points of family reunification: parents with their children, grandparents with their grandchildren. Again, it hardly needs a lengthy explanation of the value. I regret deeply that my children don't have the benefit of their grandparents. They passed away too many years ago. How many times on a daily basis I think of what a value it would be to my children to know their grandparents, not to mention what it would have meant to my wife when she gave birth to be able to have her mother around during that period of time or the weeks thereafter to have her come and spend a couple of months. To be with the family as they are getting on their feet, I don't know of a single American who doesn't understand this basic concept.

At the appropriate time, I will offer this amendment. I am pleased my lead cosponsor on this amendment is my colleague and friend from New Jersey. I thank him for his support. He told me the story of his family. I think maybe more than anything else I heard over the last several weeks, thinking about what it would have meant for his family coming from Cuba and not being able to come here moved me to the point where I thought this was something we ought to offer on this legislation.

At the appropriate time I will offer the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I thank and applaud the distinguished Senator from Connecticut for soon offering this amendment. I am proud to join him in this effort. I want to build upon a couple of things he said as to why this amendment should be accepted, not voted but accepted.

First, I have listened to a new definition of what a nuclear family is. It is amazing. I have heard so many speeches over my 15 years in the Congress about family. All of a sudden, the nuclear family doesn't involve mothers and fathers. All of a sudden it doesn't involve children, just because they happen to be over the age of 21. All of a sudden brothers and sisters are not part of a nuclear family.

What is a nuclear family? Certainly as people travel throughout the country making speeches about nuclear families—about families period—they certainly mean their parents, people who gave life to them; certainly they mean their children, individuals to whom they gave life; certainly, they mean their brothers and sisters. I have been amazed at some of the comments I have heard on the floor of the Senate about what is not nuclear family.

What else is this about? This is about the right of a U.S. citizen to apply for their mother and father. That is what the amendment of the Senator from Connecticut is all about, the right of a U.S. citizen already to apply. Do everything right. Pay your taxes, serve your community, serve your country, you want to have a right, which you have under the law today, to simply bring your father and mother, or either one depending if they are not both alive, the opportunity to be reunited with you, a nuclear family, be reunited with you because you need them, be reunited, as the Senator from Connecticut says, because you have a child and now there is the opportunity to have the love and care a grandparent can offer, to create a sense of family, which is the essence of stability in our communities. Of any faith, it is the very core.

What we see in the underlying bill is an elimination for the most part, a significant right of U.S. citizens dramatically reduced. The Senator's amendment actually will allow not for everybody. It still will have a certain degree of limitation because last year we gave 120,000 visas to parents. The Senator—which I think is reasonable—has looked at the historic average, and this says this is the amount that at least generally has taken place in family reunification of a U.S. citizen claiming their parents.

When I hear chain migration, how dehumanizing. Chain migration, it makes me think of a bunch of paper clips hanging together. Chain migration, is that what we have come to? Parents are part of a little chain? There is this concern that they will be able to claim someone else. Who can they claim if they are being claimed by their son or daughter? That's it. You can't claim anybody else. Chain migration. How easy it is to try to take something that has so much significance in our lives and dehumanize it. Chain migration? No, this is about family reunification. It is the core of what our society is all about. It is what we hear speeches about all the time in terms of strengthening families. Families will be strengthened when they are together, not torn apart.

In the universe of visas, this is very small, but it has a big consequence. Therefore, I salute the Senator from Connecticut for offering the amendment. I am proud to join with him when he offers it at the appropriate time. I hope we are not going to now say that parents are not part of the nuclear family.

I yield the floor.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COLEMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1158 TO AMENDMENT NO. 1150

Mr. COLEMAN. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1158.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN], for himself and Mr. BOND, proposes an amendment numbered 1158 to amendment No. 1150.

Mr. COLEMAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to facilitate information sharing between Federal and local law enforcement officials related to an individual's immigration status)

At the appropriate place, insert the following:

SEC. ___. INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

Subsection (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended by adding at the end the following new paragraph:

"(4) Acquiring such information, if the person seeking such information has probable cause to believe that the individual is not lawfully present in the United States.".

Mr. COLEMAN. Madam President, following the attacks of 9/11, we made a promise to the American people to make this country safer. We identified on all levels cracks in our system. Most alarming, we found that intelligence agencies were not talking to one another. We found that when the left arm doesn't know what the right arm is doing, the consequences can be disastrous. The gathering of intelligence is not an abstract concept that only happens on the streets of Afghanistan or Iraq. It happens every day on the streets of Duluth or St. Paul, MN. Our local law enforcement agencies are on the front lines of our communities and often know exactly what is happening on our streets.

Sadly, in what is reminiscent of pre-9/11 days, municipalities have identified a loophole in the law—or in many ways I don't even call it a loophole, they have simply circumvented Federal law and have banned the practice of officers inquiring about a suspect's immigration status, allowing cities throughout the country to become what are called sanctuaries for illegal immigrants.

My amendment seeks to end the practice of sanctuary cities. These are cities that seek to evade their obligations under section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. That law expressly prohibits any Federal, State, or local government entity from preventing a law enforcement officer from sharing information with the Federal Government regarding the immigration status of a person with whom they come in contact.

The law is very clear. Section 642, subsection (b) states:

> no person or agency may prohibit, or in any way restrict—

In any way restrict—

> a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

It goes on to say, you cannot restrict "sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service." You cannot restrict, in any way, "maintaining such information." You cannot, in any way, restrict "exchanging such information with any other Federal, State, or local government entity."

So that is what the law states.

Several cities have passed ordinances or issued executive orders forbidding local law enforcement from even asking the question as to whether a person is in the United States lawfully, and thereby evading their legal responsibility to report their suspicions to the Federal Government.

In other cases, police department policies forbid or severely restrict their officers from asking a person about immigration status.

Essentially, the philosophy is "don't ask, don't tell"—don't ask suspects about their immigration status, so then you don't have to follow the dictates of the Federal law. These cities have decided the rule of law does not apply to them.

Scores of law enforcement officers have chafed at the gag order. I had a meeting last week with law enforcement officers from Minnesota in my office, and they mentioned this. They mentioned the frustration they have with what they think is their responsibility to report if they think somebody is not here legally, that—who knows?—this person could be somebody who had been deported before, and that is a felony. They are absolutely prohibited from even asking the question or having the conversation.

Many say they routinely come in contact with dangerous persons they know have been deported already—they know it—yet their local sanctuary policy is to prevent them from being able to do anything about it.

Supporters say sanctuary policies are intended to be humanitarian because they allow illegal immigrants to cooperate with the police without fear of deportation. But the consequences of these policies are anything but for the law-abiding members of these communities: in some cases, dangerous criminal aliens remaining on the streets, muzzled law enforcement officers, and scarce local resources being wasted on noncitizens who should be turned over to the Federal authorities.

Opening the channels of communication between local and Federal law enforcement will help prevent crimes against other members of the communities. Consider some recent examples.

Two young women who were killed in an accident near Virginia Beach earlier this year were struck by a drunk driver who had three previous alcohol-related convictions and an identity theft conviction, but because he had never been sent to prison, there had never been an examination of his immigration status. Reportedly, many area police officers knew the individual was in the United States illegally. Yet they never reported it to Federal immigration authorities.

In April 2005, a Denver police officer was shot and killed by an illegal immigrant who had been stopped three times for traffic violations and even appeared in court just 3 weeks before committing the murder. Strict rules in the police manual deterred officers from inquiring about his immigration status, so Federal immigration authorities were never notified.

In June 2003, a 9-year-old girl was kidnapped in San Jose, CA, by an illegal immigrant who had been arrested previously for auto theft. Because the San Jose Police Department's policy manual forbids officers from initiating police action intended to determine a person's immigration status, Federal authorities were never contacted.

In December 2002, a 42-year-old mother of two was raped in Queens by a group of men. Four of them were illegal immigrants, and three had previously been arrested for such crimes as assault, attempted robbery in the second degree, criminal trespass, illegal gun possession, and drug offenses, but were later released.

In May 2002, three women in Houston, TX, were raped and murdered by Walter Alexander Sorto, an illegal immigrant who had been ticketed several times for traffic violations.

This is not to suggest all aliens are violent criminals or that all violent criminals are illegal aliens. We caught Al Capone on tax evasion. We can protect our communities by allowing police officers to find out whether a person has broken our immigration laws.

Sanctuary city policies do not just leave their own citizens at risk. Mohammed Atta, the leader of the 9-11 hijackers, was stopped and ticketed for driving without a license in Broward County, FL, in early 2001. His visa was expired. Under these policies, no one would ever know that.

Just this month, we saw a terror plot unfold in Fort Dix that might have been prevented sooner had the local officials, who pulled the suspects over on numerous traffic violations, inquired about their immigration status. Make no mistake, this is a national security issue.

To address this problem, I am offering a simple amendment to make it clear a police officer has the right to ask immigration-related questions of a suspect, and to report his or her suspicions to Federal authorities. My amendment restores the original intent of the 1996 law, which I read before, by stating that Federal, State, and local governments may not prohibit law enforcement from acquiring information about immigration status where there is probable cause. That is what the 1996 law says, and yet cities have been able to circumvent this. Let us, then, go back to the original intent of that law.

My amendment does not require local law enforcement to use their scarce resources enforcing immigration laws. It does not enable local law enforcement to conduct immigration raids or act as Federal agents, or even determine a person's immigration status. Instead, my amendment simply gives law enforcement officers the ability to pursue a person's immigration status as part of their routine work, and thus to report any suspicions to the appropriate Federal authorities through already established channels, such as through the Law Enforcement Support Center at ICE, or ICE's Criminal Alien Program.

In essence, sanctuary cities are thumbing their noses at Federal law. The Justice Department has concluded that States have the inherent sovereign right to make arrests for both criminal and civil immigration violations. Section 642 of the 1996 immigration reform bill expressly states local law enforcement officers must communicate with Federal authorities. Yet their leadership or their local government or their city council is actually preventing them from doing so. In this day and age, we cannot allow for such law enforcement-free zones.

Finally, and perhaps most importantly, the bill before us today takes away the strongest argument that sanctuary city supporters have; namely, that illegal immigrants will be so frightened about being deported that they will never go to the police.

As currently written, this bill will give a legal status to these aliens. Any alien participating in the program should not fear an encounter with a police officer. The only aliens who would fear contact with the police are those who have committed some crime.

Sanctuary cities take away the ability of a police officer to use his or her own judgment in the course of their routine police work to inquire about a person's immigration status and share their concerns with the Federal Government for followup action.

The reality is law enforcement officers ask a wide range of questions of suspects every day that touch upon many aspects of the person's behavior. But in sanctuary cities, they cannot ask about immigration. The artificial wall relative to immigration status is illogical—and I would suggest perhaps even unconstitutional—and in this day and age harmful to our national security. We ought to give this tool back to our local law enforcement.

Finally, one other point. One of the challenges we have with the bill before us—by the way, a bill where I would like to see us deal with the immigration issue. The system is broken. It needs to be changed. Clearly, we know that. We all know that.

We have had a group of Senators on both sides of the aisle, from a broad political spectrum, come together to try to find some common ground, to try to deal with the issue of strengthened border security, which we must deal with—to do those things—to ensure greater employer responsibility, and then to figure out some way to deal with the 11 million who are here, to know who they are, have them learning English, have them pay taxes, and not to provide amnesty but to provide fines and a series of sanctions and a path before one can even consider proceeding to something like citizenship.

But one of the problems we are having—I am having it now. I have gotten thousands of calls on this issue, most against this bill, even though people have not even read the bill yet. I think it is, in part, because folks do not trust us, do not trust the Federal Government to do what we say we are going to do. They do not trust us to absolutely uphold the rule of law. They do not believe when we say we are going to secure our borders that we are actually going to do it.

In many ways, this issue I raise today is a rule of law issue. If we tell people across America that in sanctuary cities the rule of law does not apply when it comes to immigration, how are we going to get the American public to believe we are serious about border security—when we then try to figure out a way to do a guest worker program, to deal with the 11 million who should come out of the shadows into the sunlight?

I suggest by supporting this amendment what you are doing is supporting respect for the rule of law. We need to do more of that to gain the trust and the confidence of the American people.

I urge my colleagues to support this amendment.

Mr. President, with that I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a resolution honoring the life of Rachel Carson, a scientist, writer, and pioneer in the environmental movement, on the occasion of the centennial of her birth, which was introduced early today by Senators CARDIN, SPECTER, and others; that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements thereon be printed in the RECORD.

Mr. COLEMAN. Mr. President, I object on behalf of another Senator, another Republican.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I appreciate the obligation my friend from Minnesota has. But I am going to continue offering this unanimous consent request. To think that we would not honor Rachel Carson on the anniversary of her 100th birthday—a woman who did as much for the environmental movement in this country as any human being who has ever existed.

Somebody has objected to this? I have heard the reason for the objection is she relied on flawed science to come to her conclusions. I do not know anything about flawed science, but I do know this woman turned the minds of young people to the environment, turned the minds of the academic world to the environment. As a result of her work—as a result of her work—we became conscious of our need to make sure we do things to protect the environment.

So, Mr. President, I am going to continue to move on this. I will tell you, I feel strongly about this, as do Senators—both Democrats and Republicans—that we will have a couple more objections, and then I am going to have a vote to invoke cloture on a motion to proceed to this piece of legislation.

I think it is too bad, first, that the person who objected to this would not have the—I should not say courage, but that person who objects to this should come and do it on their own behalf, not have some other Senator object.

Rachel Carson was a scientist, a writer, and a pioneer in the environmental movement to make this world a better place. This is a simple resolution. It does not cost a penny. All it does is give recognition to someone who certainly deserves that. So I am terribly disappointed that there is an objection to this, but we will do it again at another time.

YUCCA MOUNTAIN

Mr. President, for 25 years, there has been an effort made to do something that is degrading to the environment and that would jeopardize the health and safety of millions of Americans. It is a project to bury nuclear waste in the deserts of Nevada.

Originally, when this project started, there was a program that would have had three sites that would be selected for places to characterize; that is, to prepare them for the taking of nuclear waste. One was in Washington, one was in Nevada, and one was in Texas. There was a time that came in the 1980s where, because of political maneuvering, Washington and Texas were eliminated, and they thought because Nevada was a place that set off atomic bombs and did other things, it was a big desert wasteland and it didn't matter. But it has mattered. The DOE has done a terribly bad job. They have botched what has taken place out there. The scientific community basically recognizes now it is a very bad idea to try to bury nuclear waste in Nevada.

One reason for that is not only is the science bad, but since 9/11, think of trying to haul 70,000 tons of the most dangerous substance known to man across our highways, our railways, past schools, homes, and businesses. This would be a field day for terrorists. Seventy thousand tons of the most dangerous substance known to man—plutonium—hauled from more than 100 nuclear generating facilities across this country, some more than 3,000 miles to Nevada. It hasn't happened and it will never happen. It will never happen.

So I rise today because some of my colleagues have introduced legislation to salvage this dying project, a project that threatens the health and safety of Americans everywhere. The proposed Yucca Mountain nuclear waste dump is not a solution for our nuclear waste problems. The science behind Yucca is corrupted with politics, and it doesn't take into consideration the problem with the transportation of this poison.

The administration and the sponsors of this bill know that Yucca is a flawed and dangerous project and that it cannot move forward without passing legislation designed to circumvent existing laws. Many of the laws are environmental laws. If Yucca was truly scientifically sound and safe, this administration would not need to gut laws that protect our environment, public health, transportation, and security. This legislation exempts the Department of Energy from longstanding Federal laws designed to make Americans safer. This is unacceptable to the Senate. It is unacceptable to our country. It is unacceptable to the Senate.

Senator ENSIGN and I have worked together on this project for many years. That is why we introduced the Federal Accountability for Nuclear

Waste Storage Act earlier this year. Under our proposal, the Department of Energy will take ownership of nuclear waste and store it safely at nuclear power plants where it is produced, as is happening as we speak. Calvert Hills, a short distance from here, is a nuclear generating facility, and they store nuclear waste as Senator ENSIGN and I say they should store it.

So I challenge all my colleagues who have concerns about this to sit down with Senator ENSIGN or with me or with both of us, as many have already done, to begin discussing a scientifically sound solution to our nuclear waste problems. Let's take the focus away from this dead-end project and find real solutions for our energy future.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see my friend and colleague from Hawaii who has an amendment which I hope we will be able to consider and accept. I have talked briefly to the Senator from Arizona and others. I ask unanimous consent that the Senator's amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

AMENDMENT NO. 1186 TO AMENDMENT NO. 1150

Mr. AKAKA. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send my amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. BOXER, Mrs. MURRAY, and Ms. CANTWELL, proposes an amendment numbered 1186 to amendment No. 1150.

Mr. AKAKA. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1186

(Purpose: To exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas)

At the appropriate place, insert the following:

SEC. ___. EXEMPTION FROM IMMIGRANT VISA LIMIT.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by inserting after subparagraph (G), as added by section 503 of this Act, the following:

"(H) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and who have a parent who was naturalized pursuant to section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note).".

Mr. AKAKA. Mr. President, my amendment seeks to address and resolve an immigration issue that, while rooted in a set of historical circumstances more than seven decades old, remains unresolved to this day. I am happy to say I am joined by Senator REID, Senator DURBIN, Senator INOUYE, Senator BOXER, Senator MURRAY, and Senator CANTWELL. It is an issue of great concern to all American veterans and citizens with an interest in justice and fairness.

In 1941, on the basis of 1934 legislation enacted prior to Philippine independence, President Franklin D. Roosevelt issued an Executive order through which the President invoked his authority to:

> Call and order into the service of the Armed Forces of the United States all of the organized military forces of the Government of the Commonwealth of the Philippines.

This order drafted more than 200,000 Filipino citizens into the U.S. military, and under the command of General Douglas MacArthur, Filipino soldiers fought alongside American soldiers in the defense of our country.

The enactment of the First Supplemental Surplus Appropriations Rescission Act of 1946 included a rider that conditioned an appropriation of $200 million on a provision that deemed that service in the Commonwealth Army should not be considered service in the Armed Forces of the United States. The individuals impacted were those members of the organized military forces of the Commonwealth of the Philippines called into the service of the U.S. Armed Forces in the Far East by President Roosevelt's 1941 Executive order.

The enactment of the Second Supplemental Surplus Appropriations Rescissions Act included language that deemed that service in the New Philippines Scouts had not been service in the U.S. military. The individuals impacted were those Filipinos who had served with the U.S. Armed Forces from October 6, 1945 to June 30, 1947.

Of the 200,000 Filipinos who served in the U.S. Armed Forces during World War II, either as members of the Commonwealth's Army or New Philippines Scouts, only 20,000 survive today—13,000 in the Philippines and 7,000 in the United States.

In 1990, the World War II service of Filipino veterans was finally recognized by the U.S. Government through the enactment of the Immigration Act of 1990, which offered Filipino veterans the opportunity to obtain U.S. citizenship. There are currently 7,000 naturalized Filipino World War II veterans residing in the United States. The opportunity to obtain U.S. citizenship was not extended to the veterans' sons and daughters, approximately 20,000 of whom have been waiting for their visas for years.

While the Border Security and Immigration Reform Act of 2007 raises the worldwide ceiling for family-based visas to 567,000 per year until the backlog in the family preference visa categories is eliminated, the fact remains that many of the naturalized Filipino World War II veterans residing in the United States are in their eighties and nineties. My amendment stresses the need to expedite the issuance of visas to these veterans' children.

Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I thank the Senator from Hawaii for offering this amendment. He offered this amendment in the last immigration bill. We accepted it at that time. I am confident that will be the case on this time, but given the hour of the evening, we are unable to get this cleared.

Basically, as he has expressed so well, he is talking about the immediate family members of those who served with American forces in World War II. Under the broad scope of the underlying legislation, they would be included to be able to come to the United States. Under the bill, it would take an 8-year period. What the Senator from Hawaii is saying is these are older men and women who would otherwise be able to come here. They are the brothers and sisters of those who fought with American forces in World War II, and we want to move them up and have them come more quickly, given the fact of their age. It is a very decent thing to do. We would be entitled to do it under the underlying framework of the bill. It doesn't change the underlying framework of the bill.

It is a humanitarian gesture. It is a noble gesture. It is typical of the Senator from Hawaii to be thoughtful about this, always being concerned not only about individuals but members of the Armed Forces. He continues to be a champion on the Veterans' Committee. I speak for the veterans of my State as well as in this case the veterans of World War II for their immediate family, and I am very hopeful we can get this cleared at an early time tomorrow. I wish to commend him for this amendment. He had indicated to us early on that this was a matter of high importance to him, and it is, I think, and should be a high priority here.

So we would ask the Senator if we may move along, and I will try to get the clearance for that amendment on tomorrow, and we will notify him when that happens. We thank him again for bringing this to the attention of the Senate and for being thoughtful about these extraordinary family members of those who served so nobly, courageously, and heroically in World War II. So I thank the Senator. He can be assured of my support and help and assistance and hopefully we will have good news for him tomorrow on this amendment.

Mr. President, I think we have probably reached about as far as we are going to go this evening. We are examining in some detail Senator COLEMAN's amendment, and we would like to try and see if we can't work that out through the evening. There is one aspect of it I would like to understand more completely in terms of whether it deals with emergency services and others. So I think we probably, for all intents and purposes, have gone about as far as we can go tonight.

We have a number of amendments. We are very much aware that we have the supplemental that will be here. We have been told so by the majority leader. But we will have a good opportunity in the morning through noontime and into perhaps the early afternoon to continue our progress. We have made good progress today. I thank all the Members for their cooperation. We have several amendments which are lined up. We will probably start with Senator DORGAN's amendment tomorrow. We have a number of amendments, including Senator CORNYN's amendment which he offered this evening, and there will probably be side-by-side consideration sometime in the late morning. There are a number of other amendments that have been brought to our attention. We are in the process of prioritizing those and notifying their sponsors to make sure they can be here in a timely way so we will have a productive time and as few quorum calls as possible.

As I mentioned, we will continue on the Cornyn amendment and the Dorgan amendment. There is a Feingold amendment on the study of refugees; a Sanders amendment, scholarship for Americans in connection with the H-1B program. There are some of the family amendments which Members have talked with us about and the McCain amendment as well. So we have talked to most of these Members, and we will do as much as we possibly can to move these along.

They are all important matters. I think, as far as today is concerned, we are very grateful for the cooperation we have had from all Members. I think we have made some important progress. We look forward to making further progress in the morning.

I see my colleague here who would like to address the Senate on other matters. We look forward to further consideration of the underlying legislation tomorrow.

Mr. DODD. Mr. President, I regret that I could not join last night's debate on amendments to the comprehensive immigration reform bill. Had I been present, I would have supported the amendment offered by Senators DORGAN and BOXER, which was designed to eliminate the bill's guest worker provision. Though it was not adopted, I salute its principles and hope that they will find their way, once again, into our national debate on immigration.

The immigration bill was set to allow 400,000 foreign guest workers into America each year, eligible for two-year stays, alternating with a year in their home countries. In their eloquent remarks last evening, Senators DORGAN and BOXER rightly identified this provision's shortcomings.

First, as Senator BOXER observed, "We are setting up a system of exploitation." I am concerned that the immigration bill offers insufficient protection to guest workers, leaving them open to victimization by low wages, long hours, and dangerous conditions. It threatens to import into America a permanent underclass, rootless in our communities and ignorant of our language, valued for nothing more than its muscle power. A labor system like that is suited to an empire, not to a republic of opportunity and not to the principles of immigration we have long honored in America.

No one denies that much of America's economy depends on immigrant labor. But if we want to do more than exploit that labor—if we want to sew it into our social contract, if we want to treat immigrants with justice and dignity—a path to citizenship is a necessity. That brings me to the guest worker provision's second shortcoming: It lacks such a path. If we are willing to offer the opportunity of citizenship even to those who entered our country illegally, it is inconsistent to deny it to those who come with our sanction.

Third and finally, the guest worker provision harms American workers. Threatened by outsourcing and globalization, their expenses for healthcare and education skyrocketing even as their incomes fail to keep pace, American workers now face 400,000 competitors, each year, in their own country, willing and able to do their jobs for lower wages. Last night, Senator DORGAN told us a moving story of furniture-makers in Pennsylvania whose jobs were eliminated and shipped to China. As their plant shut down, each one of those craftsmen signed the bottom of the last piece of furniture their company would make in America. As we import wage pressures onto our own shores, we will be hearing hundreds of similar stories in the years to come. The guest worker provision threatens to eat away at our middle class.

It has the potential to harm guest workers and American workers alike. Who, then, does it benefit? I don't think I need to tell my colleagues the answer. But unless we reform our standards for guest workers, we will be putting the demand for cheap labor above the dignity of immigrants and Americans alike.

I voted to strip the guest worker provision from last year's immigration bill; and I supported stripping it this year. And while the amendment offered by Senators DORGAN and BOXER did not pass, I am heartened that we adopted Senator BINGAMAN's amendment to limit the program to 200,000 guest workers per year. And as we move forward in this debate, I hope that we will also have chance to strengthen protections for guest workers and reduce wage pressure on Americans.

MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that we have a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak longer than 10 minutes. I don't intend to speak for more than 25 minutes and maybe not that long. I would at least like to have the freedom of going beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. GRASSLEY. Mr. President, I am going to talk about an energy issue. I am sure people listening, and my colleagues, might think I am talking about an energy issue because gasoline is at the highest price it has ever been in the history of the country. I assure you I would be giving these remarks even if the price of gasoline was only $1 a barrel, because it involves, in an overview, testimony that was given by oil company executives before the Judiciary Committee some time ago. What is being reported are policies of oil companies. I have become aware of an article in the Wall Street Journal. So I am going to be referring, during my remarks, to evidence I got from the Wall Street Journal, letters that I have sent to the CEOs of major oil companies, and testimony that was given before the Judiciary Committee of the Senate—I might say that it was sworn testimony—and what I consider to be some inconsistencies. I will be referring to that testimony from the record.

I will be referring to the letters I have sent to the CEOs. As an overview, I am going to be pointing out inconsistencies between sworn testimony and what oil company executives say are their company policies regarding ethanol, and particularly the 85-percent ethanol that we call E85; and then, of course, letters I sent to the oil companies, raising questions that were raised because of this article, to have the oil companies give me their story, in case this article was wrong.

Across the country, American families and businesses are suffering from the economic impact of rising gasoline prices. As many families begin to plan their summer vacations, they are being forced to dig deeper into their pockets to fill up the family car.

The rising cost of gasoline is a result of many factors. Global demand for crude oil and refined products is way up constantly, as a result, driving up the price. The Organization of Petroleum Exporting Companies—what the people of this country know as OPEC—has curtailed some production. Refineries are offline for maintenance or have experienced outages. As a result, these refineries are operating at 5 to 10 percent below normal.

Once again, refinery outages have, coincidentally, occurred just as the summer driving demand kicks into gear, and this has led to an average price of over $3.15 a gallon as a national average. In my State of Iowa, I think it is $3.33 today.

The impact of these increased prices is being felt across the country by working families, farmers, businesses, and industry. The increased cost for energy has the potential to jeopardize our economic security, our economic vitality.

Because we are dependent upon foreign countries for over 60 percent of our crude oil, our dependence on them is a threat to our national security.

In recent years, many Members of the Senate have touted the value of increasing our domestic energy resources. I have been one of those—particularly for ethanol and particularly for biodiesel. In Iowa, I am the father of the wind energy tax credit. Iowa is the third leading State in the production of electricity from wind energy.

Increasing domestic resources, whether it is ethanol, biodiesel, wind, biomass, you name it—all of these are from alternative sources that are good for our economy and particularly good for our national security. Diversity of supply can go a long way toward reducing the impact of price spikes and volatility. That is why I have been such an ardent supporter of the development of these domestic renewable fuels. Each gallon of homegrown, renewable ethanol or biodiesel is 1 gallon of fuel that we are not importing from countries such as Iran, or Venezuela, which are very unpredictable—or Nigeria, where we get 10 percent of our oil, which might be unpredictable because of revolutionaries there kidnapping American workers, such as they did 2 weeks ago, or German workers over the period of the last year. It is a very nervous environment we are in.

The supply from the Saudi oil wells to our gas tank is maybe a 17-day inventory. So any little thing happening, according to the business pages of the newspaper, causes the price to spike. So I have been an ardent supporter of these domestic renewable fuels.

In the past few years, domestic ethanol production has grown tremendously. Right now, we are consuming about 5 billion gallons of ethanol annually. With all of the new ethanol biorefineries under construction, we will be producing as much as 11 billion gallons annually by 2009.

Ethanol's contribution is a significant net increase to our Nation's fuel supply. But as the industry grows, it is imperative that higher ethanol blends be available to consumers. When I say higher ethanol blends, I mean beyond the 10 percent mixture that we have right now. We even have cars right now that can burn up to 85 percent ethanol. That is why we refer to it as E85. That is what we are talking about, increasing the 10 percent as cars are manufactured, to be able to consume it without hurting the engine. That is where the automobile companies are headed. That is where the ethanol industry is headed to back it up. But the point I will make in a minute is that the distribution for E85 is a problem, and it looks to me like big oil is a major part of that problem. That is what I am going to point out.

We are quickly approaching a time when ethanol will be produced in a quantity greater than that needed for the blend market as we continue down the road that has been pioneered by Brazil—and that is the best example—to use cars that will, in fact, burn 100 percent ethanol. For sure, we must continue on this path of reducing foreign oil dependence and greater renewable fuel use.

To do that, then, it is critical that we develop the infrastructure and the demand for E85, an alternative fuel comprised of 85 percent ethanol, 15 percent gasoline.

Our domestic auto manufacturers are leading the effort to expand what we call the flex-fuel—meaning flexible fuel—market. Our domestic manufacturers of automobiles are doing this. Our domestic automakers have produced approximately 6 million flex-fuel vehicles over the past decade. In fact, you might be driving a flex-fuel vehicle and don't even know it, burning 100 percent gasoline, or the 90/10 percent mixture of gasoline and ethanol. Look at your book. If you can burn E85, do it—if you can buy it. I am going to point out how that is a problem—the distribution—and the oil companies' involvement in it.

In a visit to the White House in March of this year, the chief executive officers of Ford, General Motors, and DaimlerChrysler committed to double their production of E85 vehicles by 2010. By 2012, they committed to have 50 percent of their production of vehicles E85 capable. Listen, there is a big price difference here—$2.85 for E85 a gallon versus $3.33 for gasoline today. So when they get 50 percent of their production E85 capable, this is then, as they say, a highly achievable goal with very little impact on consumers because you can buy these cars for as little as $200 in additional cost. So you can burn the E85 as well as 100 percent gasoline. If you would rather pay more and buy the 100 percent gasoline, you can still burn it in the same car. This is very inexpensive for the money that can be saved.

However, a very important component of the alternative fuel market is ensuring that the fuel is available to the consumers. The ethanol industry is working hard to increase production of ethanol, and they are on target to have 11 billion gallons in a little while.

The automobile makers are ramping up production of their vehicles. So everybody seems to be doing their part.

But where is the oil industry? I thought a year ago, when they appeared before the Judiciary Committee, they were on the road to cooperating with the distribution of E85, but I read in the Wall Street Journal quite a different story. So I think I can legitimately ask, if we got the car manufacturers producing E85 cars that can burn that and the ethanol industry producing it, where is the oil industry? Because that is the distribution of this. There is not an independent distribution of E85. You have to go to your filling station, where you can buy 100 percent gasoline and have the alternative of filling up with E85.

What have they done to ensure a robust growth of the alternative fuels market? Well, Mr. President, it appears they have been less than helpful. I have referred to this article in the Wall Street Journal. It details many of the obstacles the major oil companies use to block service stations from selling E85.

Now, imagine my surprise when I read this story, because just over a year ago, I questioned many of the CEOs of the major oil companies on this very issue when they appeared before the Senate Judiciary Committee about whether there was any sort of violation of antitrust laws, any sort of collusion. There was a whole range of questions that were being asked by the members of the Judiciary Committee, wanting to know if the marketplace is working, because if the marketplace is working, you cannot have any complaints. But if it is not working, we have to do something about it. The CEOs of ExxonMobil, British Petroleum, Chevron, ConocoPhillips, and others testified before this Senate Judiciary Committee under oath. The bottom part of this picture depicts the CEOs I named from ExxonMobil, British Petroleum, Chevron, ConocoPhillips—I will not name them all, the major oil companies testifying, taking their oath, as they swore to tell the truth in the Judiciary Committee.

I remind my colleagues of another very famous group of CEOs on the top of this picture back in 1994 taking the oath to tell the truth to a House committee. Those are the CEOs of the major tobacco companies. At that hearing, our great colleague from Oregon, Senator WYDEN, who was then a Member of the other body, went down the line of these CEOs and asked each of them whether they believed nicotine or cigarettes were addictive. We all know how that hearing went, with each of the CEOs testifying that nicotine was not addictive when, in fact, it is. There is the photo of those CEOs who got themselves in trouble a little bit later when there was plenty of evidence brought out that they knew what the situation was with tobacco being addictive and what they did to make it addictive. Of course, the second photo is from March 2006, before the Senate Judiciary Committee, of the chairmen of the major oil companies taking an oath to tell the truth as well.

Much like my colleague, Senator WYDEN, when he was a Member of the House of Representatives asking the tobacco company executives about tobacco being addictive, I questioned the oil company executives, in the bottom picture, at the time of this hearing, about their policies regarding alternative fuels, meaning mostly ethanol. I was leading up to E85. I asked the CEOs quite clearly if they would commit to allowing independent owners of branded stations to sell E85 or biodiesel, B20, which is a 20-percent mixture with petroleum diesel. Remember, as I was asking them questions, these folks were under oath.

I also asked them if they would allow those station owners to purchase the alternative fuel from any outlet because if they didn't sell it and oil companies are not selling ethanol but people who produce it can, will they let their stations buy it from an independent outlet. Each of these CEOs, when I asked that question, testified that they were perfectly willing to allow the sale of alternative fuels at their stations. ExxonMobil CEO Rex Tillerson stated:

> We've denied no request from any of our dealers who have asked for permission to sell unbranded E85. We've granted every request by our dealers who wanted to install separate pump facilities under their canopy for E85.

Mr. David O'Reilly, the CEO of Chevron—I am referring to people who took an oath to tell the truth, and we can see their picture here—Mr. David O'Reilly, CEO of Chevron, responded, similarly stating that E85 was already available at Chevron stations and that it was available under the canopy. He offered with pride that Chevron was probably the largest seller of ethanol. According to the CEO for British Petroleum, all of BP's 8,900 independently owned stations are free to deploy E85. Finally, the CEO of ConocoPhillips simply associated himself with the comments of the other witnesses.

Mr. President, I ask unanimous consent that the relevant pages of the March 14, 2006, Senate Judiciary Committee transcript be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSOLIDATION IN THE OIL AND GAS INDUSTRY: RAISING PRICES?

Senator GRASSLEY. I want to ask a question of any of you, and this is in regard to alternative energy. And most of you know I am a big promoter of ethanol. I have heard stores after stories about independent owners of franchised or branded stations who are prohibited from selling alternative or renewable fuels, so I would like to hear from some of you—will you commit to allowing independent owners of branded stations who choose to sell E-85 or B-20 to do so? Would you allow independent owners to produce alternative fuels from any outlet so that they can puchase a fuel at the lowest cost?

Mr. TILLERSON. Senator, we have denied no request from any of our dealers who have asked for permission to sell unbranded E–85 at their sites. We have asked that they make it clear that it is not an ExxonMobil product, that we do not manufacture it, therefore we can't stand behind the quality. But we have granted every request by our dealers who wanted to install separate pump facilities under their canopy for E–85.

Senator GRASSLEY. I would like to hear from other companies, maybe not all of you, but at least——

Mr. O'REILLY. Senator, I would be willing to say that we have already asked for. It is already out there. It can be under the canopy. Same quality issue. I would also add that we are probably the largest, certainly one of the largest sellers of ethanol today already.

Mr. HOFMEISTER. Senator, we are in the same position as has been described. You may be aware that we are currently launching a pilot in Chicago, in conjunction with one of the automobile manufacturers, to test E–85. And I think that is an important point. E–85 needs to be tested in the marketplace before we go full-scale into E–85 supply. The reason for that is we don't fully understand or know the implications of E–85, and as a major brand, of course, the provider of that fuel will often be considered liable for such fuel. And until we understand it, I think we need to really work at what are the conditions under which this would be sold.

Senator GRASSLEY. Most of the people I hear complaints from will assume liability. You don't have to have that liability.

Other companies? Are you willing to cooperate with E–85?

Mr. KLESSE. Senator, I would agree with what has been said.

Mr. PILLARI. Senator, of our 9,300 stations, 8,900 of them are independently operated and they are free to deploy E–85. We are also running a test program on E–85 in California to test its efficacy and its air pollution impacts, because California restricts how much ethanol can be used in gasoline today.

Mr. MULVA. Senator, we have the same comments that you have heard from the responses from the others already.

Senator GRASSLEY. My time is up, but this business of you having to test something when you have the president of—I think it is the CEO of Ford on television all the time saying how they are promoting their E–85 cars, it seems to me if you have the president of a major corporation like that, that is all the test you need. Leave it up to the consumer to make the decision.

Chairman SPECTER. Thank you, Senator Grassley.

Mr. GRASSLEY. So the CEOs of the major integrated oil companies testified under oath before the Judiciary Committee stating their willingness to allow independent stations to offer E85. But the Wall Street Journal told a much different story. It highlighted tactics used by the big oil companies to block alternative fuel. The obstacles included contracts restricting the purchase by the station owners of alternative fuel. They also required the installation of completely separate pumps, sometimes far away from the main canopy, and in many cases station owners are prohibited from advertising the product or even posting the price of that fuel, E85. British Petroleum goes so far as to prohibit station owners from placing signs that include E85 on gasoline dispensers, perimeter signs, or light poles. These tactics don't sound consistent with a company—meaning British Petroleum—with a marketing slogan "beyond petroleum."

The big oil companies on many occasions cited "customer confusion" as the rationale for their policies or that they don't want to "deceive their customers" about the product. I happen to believe that it has more to do with limiting the availability of a product that they don't control and the sale of alternative fuels much more than it is customer deception.

After I read the Wall Street Journal article, which is so contrary to what I remember them telling me 1 year, 13 months before, I wrote letters to the CEOs who testified. Their picture is here. I pointed out the contradictions in their testimony before the Senate Judiciary Committee and the allegations that were made in the Wall Street Journal.

I wish to refer to these letters so my colleagues will know what I asked them based on this article.

I have a letter to Mr. Rex Tillerson of ExxonMobil. I am not going to read the whole letter, but I am going to read what I am after here:

> In fact, Exxon Mobil's standard contract bars Exxon stations from buying fuel from anybody but Exxon—a fact you chose not to disclose to our committee. It also appears that even in cases where exceptions are made, Exxon requires those station owners to install entirely separate dispensers. . . .

I refer to a letter I sent to Mr. Robert Malone, chairman of British Petroleum:

> The Wall Street Journal article indicated that BP prohibits branded stations from including E–85 on gasoline dispensers, perimeter signs or light poles. Another obstacle employed by your company is the prohibition of using pay-at-the-pump credit card machines for E–85 purchases. . . .

That seems to be very contrary to what they told us, that they were allowing the sale of E85 at their stations.

Mr. James J. Mulva, ConocoPhillips:

> The Wall Street Journal article indicated that Conoco Phillips does not allow E–85 sales on primary islands under the canopy. This policy directly contradicts the statement to which you associated yourself during the March 2006 hearings.

And lastly, Mr. David J. O'Reilly, Chevron:

> . . . Chevron's agreement with franchisees discourages selling E–85 under the main canopy and includes policies that are claimed to prevent franchisees from deceiving customers as to the source of the product. The Wall Street Journal article indicated that Chevron recommends that E–85 pumps be outside the canopy and that Chevron prohibits branded stations from including E85 on signs listing fuel prices.

I ask unanimous consent that these letters to ExxonMobil, British Petroleum, ConocoPhillips, and Chevron be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 3, 2007.

Mr. REX TILLERSON,
Chairman and Chief Executive Officer, Exxon Mobil Corporation, Irving, Texas.

DEAR MR. TILLERSON: For many years, I've been supporting and promoting ethanol and biodiesel fuels as a way to reduce our dependence on foreign and traditional energy sources, and increase our national security and rural economies. Our nation is now consuming five billion gallons of ethanol annually, and is estimated to produce as much as eleven billion gallons annually by 2009.

In an effort to further reduce America's oil dependence, it's imperative that higher ethanol blends be available to consumers. While our domestic auto manufacturers are leading the effort to expand the flex-fuel vehicle market, more must be done to expand the fuel's availability. Of the 170,000 stations nationwide, only 1,100 currently offer E–85. This represents less than one percent of fuel stations.

As you may recall, on March 14, 2006, you testified under oath before the Senate Judiciary Committee. At the hearing, I asked if you would commit to allow independent owners of branded stations to sell E–85 or B–20, and if you would allow those station owners to purchase the alternative fuel from any outlet. For your benefit, I've enclosed a copy of the hearing transcript.

In your response to me, you stated that Exxon Mobil has denied no request from any dealers who sought permission to sell unbranded E–85. In addition, you stated that every request to sell the fuel under the canopy has been granted. Your testimony before the committee clearly stated that Exxon Mobil was perfectly willing to allow the sale of alternative fuels at Exxon Mobil stations. However, a recent Wall Street Journal article, which I've enclosed, detailed many of the obstacles your company and other major integrated oil companies apparently use to effectively prohibit or strongly discourage the sale of alternative fuels.

In fact, Exxon Mobil's standard contract bars Exxon stations from buying fuel from anybody but Exxon—a fact you chose not to disclose to the committee. It also appears that even in cases where exceptions are made, Exxon requires those station owners to install entirely separate dispensers, for the purpose of "minimizing customer confusion," according to an Exxon spokeswoman. It seems this policy has much more to do with limiting the availability of alternative fuels than customer confusion.

I would appreciate hearing your explanation as to why you led me, the Judiciary Committee and the American people to believe that Exxon Mobil supports making E–85 available to your customers, yet your company is described by the Wall Street Journal as a key obstacle to expanding the availability of alternative fuels. I would appreciate knowing exactly what Exxon Mobil is doing to grow the E–85 market, and why you believe your tactics aren't simply obstacles, as claimed by the Wall Street Journal.

I look forward to receiving your response not later than May 25, 2007.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senate.

U.S. SENATE,
Washington, DC, May 3, 2007.

Mr. ROBERT A. MALONE,
Chairman and President, British Petroleum America, Inc., Houston, Texas.

DEAR MR. MALONE: For many years, I've been supporting and promoting ethanol and biodiesel fuels as a way to reduce our dependence on foreign and traditional energy sources, and increase our national security and rural economies. Our nation is now consuming five billion gallons of ethanol annually, and is estimated to produce as much as eleven billion gallons annually by 2009.

In an effort to further reduce America's oil dependence, it's imperative that higher ethanol blends be available to consumers. While our domestic auto manufacturers are leading the effort to expand the flex-fuel vehicle market, more must be done to expand the fuel's availability. Of the 170,000 stations nationwide, only 1,100 currently offer E–85. This represents less than one percent of fuel stations.

On March 14, 2006, Mr. Ross Pillari, former Chairman of BP America, testified under oath before the Senate Judiciary Committee. At the hearing, I asked Mr. Pillari if BP would commit to allow independent owners of branded stations to sell E–85 or B–20, and if BP would allow those station owners to purchase the alternative fuel from any outlet. For your benefit, I've enclosed a copy of the hearing transcript.

In his response to me, Mr. Pillari stated that British Petroleum was already allowing independently owned stations to freely deploy E–85. His testimony before the committee clearly stated that British Petroleum was perfectly willing to allow the sale of alternative fuels at BP stations. However, a recent Wall Street Journal article, which I've enclosed, detailed many of the obstacles your company and other major integrated oil companies apparently use to effectively prohibit or strongly discourage the sale of alternative fuels.

The Wall Street Journal article indicated that BP prohibits branded stations from including E–85 on gasoline dispensers, perimeter signs or light poles. Another obstacle employed by your company is the prohibition on using pay-at-the-pump credit card machines for E–85 purchases. It seems these policies are in place simply to limit the availability and sale of alternative fuels, rather than prevent customer confusion.

I would appreciate hearing your explanation as to why Mr. Pillari led me, the Judiciary Committee and the American people to believe that British Petroleum supports making E–85 available to your customers, yet your company is described by the Wall Street Journal as a key obstacle to expanding the availability of alternative fuels. I would appreciate knowing exactly what BP is doing to grow the E–85 market, and why you believe your tactics aren't simply obstacles, as claimed by the Wall Street Journal.

I look forward to receiving your response not later than May 25, 2007.

Sincerely,

CHARLES E. GRASSLEY,
United States Senator.

U.S. SENATE,
Washington, DC, May 3, 2007.

Mr. JAMES J. MULVA,
Chairman and Chief Executive Officer, Conoco Phillips Company, Houston, Texas.

DEAR MR. MULVA: For many years, I've been supporting and promoting ethanol and biodiesel fuels as a way to reduce our dependence on foreign and traditional energy sources, and increase our national security and rural economies. Our nation is now consuming five billion gallons of ethanol annually, and is estimated to produce as much as eleven billion gallons annually by 2009.

In an effort to further reduce America's oil dependence, it's imperative that higher ethanol blends be available to consumers. While our domestic auto manufacturers are leading the effort to expand the flex-fuel vehicle market, more must be done to expand the fuel's availability. Of the 170,000 stations nationwide, only 1,100 currently offer E–85. This represents less than one percent of fuel stations.

As you may recall, on March 14,2006, you testified under oath before the Senate Judiciary Committee. At the hearing, I asked if you would commit to allow independent owners of branded stations to sell E–85 or B–20, and if you would allow those station owners to purchase the alternative fuel from any outlet. For your benefit, I've enclosed a copy of the hearing transcript.

In your response to me, you simply associated yourself with the statements made by the other witnesses. That association led me to believe that Conoco Phillips was already allowing independently owned stations to freely deploy E–85 under the canopy. Your testimony before the committee clearly indicated that Conoco Phillips was perfectly willing to allow the sale of alternative fuels at branded stations. However, a recent Wall Street Journal article, which I've enclosed, detailed many of the obstacles your company and other major integrated oil companies apparently use to effectively prohibit or strongly discourage the sale of alternative fuels.

The Wall Street Journal article indicated that Conoco Phillips does not allow E–85 sales on the primary island under the canopy. This policy directly contradicts the statements to which you associated yourself during the March 2006 hearing.

I would appreciate hearing your explanation as to why you led me, the Judiciary Committee and the American people to believe that Conoco Phillips supports making E–85 available to your customers, yet your company is described by the Wall Street Journal as a key obstacle to expanding the availability of alternative fuels. I would appreciate knowing exactly what Conoco Phillips is doing to grow the E–85 market, and why you believe your tactics aren't simply obstacles, as claimed by the Wall Street Journal.

I look forward to receiving your response not later than May 25, 2007.

Sincerely,

CHARLES E. GRASSLEY,
United States Senator.

U.S. SENATE,
Washington, DC, May 3, 2007.
Mr. DAVID J. O'REILLY,
Chairman and Chief Executive Officer, Chevron Corporation, San Ramon, CA.

DEAR MR. O'REILLY: For many years, I've been supporting and promoting ethanol and biodiesel fuels as a way to reduce our dependence on foreign and traditional energy sources, and increase our national security and rural economies. Our nation is now consuming five billion gallons of ethanol annually, and is estimated to produce as much as eleven billion gallons annually by 2009.

In an effort to further reduce America's oil dependence, it's imperative that higher ethanol blends be available to consumers. While our domestic auto manufacturers are leading the effort to expand the flex-fuel vehicle market, more must be done to expand the fuel's availability. Of the 170,000 stations nationwide, only 1,100 currently offer E-85. This represents less than one percent of fuel stations.

As you may recall, on March 14, 2006, you testified under oath before the Senate Judiciary Committee. At the hearing, I asked if you would commit to allow independent owners of branded stations to sell E-85 or B-20, and if you would allow those station owners to purchase the alternative fuel from any outlet. For your benefit, I've enclosed a copy of the hearing transcript.

In your response to me, you stated that Chevron was already allowing station owners to sell E-85, and that it was available and under the canopy. Your testimony before the committee clearly stated that Chevron was perfectly willing to allow the sale of alternative fuels at Chevron stations. You proudly stated that Chevron is one of the largest sellers of ethanol. However, a recent Wall Street Journal article, which I've enclosed, detailed many of the obstacles your company and other major integrated oil companies apparently use to effectively prohibit or strongly discourage the sale of alternative fuels.

In fact, Chevron's agreement with franchisees discourages selling E-85 under the main canopy and includes policies that are claimed to prevent franchisees from deceiving customers as to the source of the product. The Wall Street Journal article indicated that Chevron recommends that E-85 pumps be outside the canopy, and that Chevron prohibits branded stations from including E-85 on signs listing fuel prices. It seems these policies are in place simply to limit the availability and sale of alternative fuels, rather than prevent customer deception.

I would appreciate hearing your explanation as to why you led me, the Judiciary Committee and the American people to believe that Chevron supports making E-85 available to your customers, yet your company is described by the Wall Street Journal as a key obstacle to expanding the availability of alternative fuels. I would appreciate knowing exactly what Chevron is doing to grow the E-85 market, and why you believe your tactics aren't simply obstacles, as claimed by the Wall Street Journal.

I look forward to receiving your response not later than May 25, 2007.

Sincerely,
CHARLES E. GRASSLEY,
United States Senator.

Mr. GRASSLEY. Mr. President, in my letters, I ask for an explanation of their policies that are seemingly used to block alternative fuels. I hope to get a thorough explanation as to why these CEOs led me, led the Senate Judiciary Committee members, and the American people to believe they support making E85 available to their customers when there is plenty of evidence that they do not practice what they preach, that they do not practice what they told our committee under oath.

What I am afraid of is that these companies are not serious about expanding the availability and use of alternative fuels. I say this for a couple reasons. First, if one takes a close look at the E85 stations in my home State of Iowa, it is rather telling. I have a map. What might look like missiles are ears of corn because ethanol comes from corn. We have 65 stations in Iowa selling E85 today. Only one of those 65 stations selling is a major branded station, and it is down where the yellow arrow is—only one of 65.

A second reason I am skeptical of big oil's claims comes straight from the words of their chief lobbyist, the head of the American Petroleum Institute. Red Cavaney recently stated that there is not enough ethanol or flex-fuel vehicles available to economically justify widespread installation of E85 pumps.

For argument's sake, let's assume that is an accurate statement. Why, then, would big oil undertake such an effort to block independent station owners from deciding for themselves whether to invest in the infrastructure? Let the station owners make that decision. Let's not have, as this article in the Wall Street Journal implies, all these obstacles, particularly since we were led to believe when they testified under oath before our committee that they were fully cooperating with allowing the installation of E85 pumps. If big oil sees no competitive threat from E85 pumps, why not just let the independent-minded station owner decide if there is a demand for the product? The market will make that decision. Why erect all these discriminatory tactics if you believe there is no threat from alternative fuels?

When I get answers to my letters—and I am going to wait until I get all the answers back before I draw any conclusions—maybe they will say the Wall Street Journal article is wrong. I hope that is what I find out and that they did not mislead us under oath when they testified before the committee.

All I can say is, as I conclude, if our Nation is serious about reducing our dependency on fossil fuels and imported crude oil, more must be done to expand the infrastructure for ethanol and particularly E85. America's farmers are demonstrating daily their desire to reduce our dependence on foreign oil by producing more corn in the United States. More acres of corn were planted this year than any time since 1944. And our ethanol industry has invested to make sure we can be less dependent on imported crude oil.

So I look forward to hearing from big oil companies on what they are doing to help. I hope I get answers that are contrary to what the Wall Street Journal said.

Mr. President, I yield the floor.

NOMINATION OF MICHAEL BAROODY

Mr. NELSON of Florida. Mr. President, the White House has just announced the President has withdrawn the nomination of Michael Baroody to be the Chairman of the Consumer Product Safety Commission. I think this is a wise move on the part of the White House because of the perceived conflict of interest of Mr. Baroody—an employee of the National Association of Manufacturers being nominated to be the Chairman of the very regulatory agency that governs the regulation and the safety of the very products of the industry from which he comes.

It would be like, in my former life as the elected insurance commissioner, if in a State where the Governor appointed the insurance commissioner, a regulator, the Governor would pick an executive of an insurance company to regulate the very industry he came from as the insurance commissioner.

By the way, that happens with tremendous frequency in the 50 States, that they appoint the insurance commissioner, and they are usually there for less than a year. Then the revolving door turns again, and they go right back into the very industry from which they came and of which they had just been the regulator.

Putting someone from the National Association of Manufacturers at the head of the Consumer Product Safety Commission is a similar kind of potential conflict of interest.

I will give you another example. My former colleague and friend in the House, Billy Tauzin—a distinguished public servant, Congressman formerly from Louisiana—now is the head of Pharmaceutical Research and Manufacturers of America. This would be like the White House appointing Billy Tauzin—the very head of an association in the industry—to regulate that industry by making him head of the Food and Drug Administration, the regulatory body that would regulate the pharmaceutical industry.

Of course, I do not think the White House would even think of doing such a thing.

Well, a similar kind of conflict of interest arose. But a more serious note even arose than the potential conflict when it became apparent there was a severance package that had been created for Mr. Baroody while he was still in the employ of the National Association of Manufacturers that was for $150,000; and subsequently we learned of an additional amendment to that severance package, after it was announced he was nominated to be Chairman of the Consumer Product Safety Commission.

Mr. Baroody came in and we had a discussion about this issue. He had his own explanation. I do not take anything from that explanation. So, naturally, the next request that I made was that I think the Commerce Committee ought to see the documents of the $150,000 severance package and its amendments, its subsequent modification.

Mr. Baroody said he would consider that request. Of course, the clock was ticking because there was going to be a hearing in front of the Commerce Committee tomorrow on his nomination. But, in the meantime, the White House has just announced it is having the President withdraw the nomination.

I will conclude by saying we have a saying down in the South in regard to avoiding a conflict of interest. It is like putting a fox in charge of the hen house, the very hen house with the hens you want to protect. It is an apparent conflict of interest. I think the White House was well served to withdraw the nomination.

TRIBUTE TO SENATOR TED STEVENS

Mr. SPECTER. Mr. President, I seek recognition to congratulate my friend Senator TED STEVENS on becoming the longest serving United States Republican Senator in the history of the Senate. He has had a long and distinguished career in public service representing the State of Alaska in the Senate for over 39 years, casting over 14,000 votes, and never receiving less than 67 percent of the vote in any election.

My recollections of TED STEVENS, during the 27 years we have served together in the Senate, focus on his chairmanship of the Defense Appropriations Subcommittee, where he has done so much to promote our national security. For example, his management of the $87 billion supplemental appropriations bill for fiscal year 2003 earned him high praise by President Bush during the signing ceremony.

TED's temper is generally misunderstood except by those who know him well. He doesn't lose it, but he does use it—and very effectively. However, it is true that on occasion he makes Vesuvius look mild. I recollect one all-night session during Senator Howard Baker's tenure as majority leader when TED expressed himself in an unusually emphatic way. As I recall it, the debate arose over Senator Proxmire's comments about submitting vouchers for travel expense in Wisconsin on his contention that Washington, DC, was his home base. That prompted a reaction from TED, who was aghast at the thought of Washington, DC, being any Senator's home when he had the majestic Alaska to claim as his home.

Some thought that the middle-of-the-night incident might have cost him a couple votes, which could have been decisive, on his election for majority leader in November of 1984, when the count was 28 to 25 in favor of Senator Dole, but it was reliably reported that his loss occurred because of the significant slippage in votes caused by the tobacco interests.

In any event, Senator STEVENS has had a profound effect on the Senate and the Nation in his roles as chairman of the Defense Appropriations Subcommittee, chairman of the full Appropriations Committee, and as President pro tempore.

It is also important to note that Senator STEVENS' career in public service began even before he arrived in the U.S. Senate. He is a distinguished veteran of the U.S. Army Air Corps, having flown support missions for the Flying Tigers of the 14th Air Force during World War II, for which he was awarded numerous medals, including the Distinguished Flying Cross. He had a strong academic career, graduating from UCLA and Harvard Law School. In the 1950s, he practiced law in Alaska before moving to Washington, DC, to work in President Eisenhower's administration. He subsequently returned to Alaska and was elected to the Alaska House of Representatives in 1964 and soon became majority leader. Finally, in 1968, he was appointed U.S. Senator from Alaska and has represented his State ever since with pride and devotion.

His recognition as "Alaskan of the Century" is a real tribute, and I have no doubt that when the passage of time calls for the designation of "Alaskan of the Millennium," it will be Senator TED STEVENS.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JEFFREY AVERY

Mr. SALAZAR. Mr. President, I rise to remember a Coloradan lost to us in Iraq.

Army PFC Jeffrey A. Avery was just 19 years old when he was lost to this life late last month in Muqudadiyah, Iraq.

Jeffrey attended Coronado High School in 2005 and went on to attend Pikes Peak Community College, where he was studying criminal justice with the hopes of becoming a police officer. He enjoyed the outdoors and would spend his summers in California with his grandparents.

But instead of these pursuits, Jeffrey decided to answer his Nation's call.

In Iraq, Specialist Avery served as a military police officer, training for his future. At the time he was killed, he was manning a checkpoint, helping to keep others safe from harm.

President John F. Kennedy once said, "Every area of trouble gives out a ray of hope, and the one unchangeable certainty is that nothing is certain or unchangeable."

Private First Class Avery embodied this hope with his service to our Nation. He chose to put himself into the area of trouble and to assume the responsibility of hope for millions of Iraqis and Americans.

He will be missed by all those around him, and he and his family will remain in our prayers.

CORPORAL CHRISTOPHER DEGIOVINE

Mr. President, I wish to take a moment to remember a fallen Marine Cpl Christopher Degiovine of Lone Tree, CO. Corporal Degiovine lost his life late last month in Fallujah, Iraq. He was just 25 years old.

Christopher Degiovine was a native of Essex Junction, VT, and had made Colorado his home for only a few months. He majored in criminal justice at Champlain College, where he graduated in 2005, and was looking to pursue a career in law enforcement.

After moving to Colorado, Christopher Degiovine answered his Nation's call and joined the Marine Corps in December 2005. He was excited about the opportunity, and proud to be serving his Nation. He was promoted to corporal a year later, and had only just been sent to Iraq when he was killed.

Christopher Degoivine's life was one of extraordinary promise cut far too short. His patriotism compelled him to a higher calling, and for that every American is humbled and grateful. His service to each of us and his sacrifice on behalf of all us is a debt we can never repay.

Matthew 5:9 reminds us: "Blessed are the peacemakers: for they shall be called the children of God." Corporal Degiovine was one of these very peacemakers, and his place will always be reserved in our hearts. He and his family will remain in my prayers, and those of the Nation, tonight and always.

CORPORAL WADE OGLESBY

Mr. President, I rise to reflect on the memory of Army Cpl Wade Oglesby, of Grand Junction, CO. Corporal Oglesby was killed late last month in Taji, Iraq. He was only 28 years old and was looking forward to returning home and joining the Mesa County Sheriff's Office.

Wade Oglesby's life was not an easy one. He was a young man who had to grow up far too soon. His father left his family when Wade was just 5, and his mother relocated the family from Denver to the city Grand Junction, on the other side of the Great Divide.

As a sophomore in high school, Wade Oglesby's mother Linda fell terribly ill, and Wade left high school to care for his dying mother. After she passed on, Wade stayed with his younger sister Samantha until she became an adult.

August 2004 was a turning point for Corporal Oglesby he found his "true calling in life," as his family said. He joined the Army and found a place that he belonged. Wade's brother Richard observed that Wade "was a soldier long before joining the Army."

In the Army, Corporal Oglesby found his mission. He was proud of his service to his Nation. It makes perfect sense that serving his country fit so naturally to Corporal Oglesby's character: he had spent his whole life in selfless service to those around him whom he loved. Helping and protecting others came naturally to him, and the Army carried him on his way.

One newspaper in my home State reported that Wade Ogelsby's motto in life was "float on." Even as his life became heavy as a young man, Corporal Oglesby found a way to "float on" and to continue moving forward.

To his sister Samantha and brother Richard: As you mourn the loss of your brother, know that our Nation mourns with you the loss of another exemplary soldier and American. He will live on our memories for his courage, service, and sacrifice.

SPECIALIST DAVID W. BEHRLE

Mr. GRASSLEY. Mr. President, it is with great sadness that I announce to the Senate today that SPC David W. Behrle has lost his life in Iraq. David Behrle died in the service of his country, and it is absolutely appropriate that we take this opportunity to salute his patriotism and his sacrifice.

Specialist Behrle died Saturday night, May 19, 2007, after his patrol vehicle was hit by a roadside bomb south of Baghdad. My thoughts, prayers, and sincere condolences go out to his mother, Dixie Pelzer of Tipton, IA, and his father, John Behrle of Columbus, NE, as well as the Tipton community that is now dealing with the loss of their second native son in Iraq. While we try to prepare ourselves for the loss of life that comes with war, it is impossible to prepare for the very personal experience of losing a young life so close to home. David is best described by a former classmate as "not only our class president, he's now our class hero." He served his country with vigor and enthusiasm, and his presence will be missed in both Tipton and our Armed Forces.

TRIBUTE TO VERMONT FALLEN

Mr. LEAHY. Mr. President, words and numbers are often used on this floor to describe the ongoing war in Iraq. In recent weeks, we have found ourselves debating the policy decisions that created the current climate in Iraq, the current strategy in Baghdad, and the policy shifts that need to occur to bring our men and women home. We frequently cite the fast-rising numbers of military fatalities and injuries and the growing number of innocent civilian deaths.

A central element of this picture and of this discussion should always be the sacrifices and the suffering of the families at home. Vermont, small State that we are, bears the burden of the highest fatality rate in the country, with more deaths per capita in Iraq than any other State. These losses have left dozens of families searching for comfort as they mourn their loved ones.

But in the darkest and saddest of times, a new Vermont family has emerged, brought together by the efforts of students at Norwich University, the Nation's oldest military college, which calls Northfield, VT, its home. "Vermont Fallen," developed and produced by students at Norwich for a media course, profiles the journeys of families from across our State as they grieve the loss of their sons, fathers, husbands, and friends. Many of these families, brought together by community screenings of the documentary, now are able to turn to each other for comfort.

With this remarkable project, these students from Norwich University—many of whom have friends, family, and colleagues serving on the front lines of the wars in Iraq and Afghanistan—have given a great gift to these families and to us all. They have honored in this special way those from Vermont who have fallen and they have offered a glimpse into the searing and highly personal grief and mourning that have touched thousands of American families and scores of American communities, across Vermont and across the country. They have produced a tribute that speaks directly to each human heart.

NBC's "Today" recently aired a segment about "Vermont Fallen." I ask unanimous consent that the transcript be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

NBC'S TODAY—MAY 9, 2007

Class project by students at Norwich University pays tribute to Vermont soldiers lost in Iraq and Afghanistan

ANCHORS: DAVID GREGORY

REPORTERS: DAWN FRATANGELO

DAVID GREGORY, co-host:

Vermont has lost more soldiers per capita in Iraq than any other state. Now students at Vermont's Norwich University, the nation's oldest military academy, are paying tribute in a unique way. Here's NBC's Dawn Fratangelo.

(Beginning of clip of "Vermont Fallen")

Unidentified Woman #1: I screamed and said, 'No, not Eric. My only boy.'

Unidentified Woman #2: Colonel Williams told me immediately that Mark didn't make it.

(End of clip)

DAWN FRATANGELO reporting:

Three of them were named Mark. There were also three Chrises. Half of them were under the age of 24. They are the Vermont fallen, 25 men from this small state killed in Iraq and Afghanistan. Now, subjects of a powerful documentary told through the shattered families left behind.

Unidentified Man: (From "Vermont Fallen") You're upset with everybody when your son dies, and you don't think rationally. I don't know if I'll ever think rationally again.

FRATANGELO: There was something more here than just the raw pain and tears you see on screen. It's about those behind the camera, and the incredible bond that it formed.

So as young filmmakers, were you intimidated at all about approaching these families?

Ms. AMANDA BENSON: Yes. Absolutely.

FRATANGELO: Amanda Benson and Steve Robitaille, along with Craig McGrath, are the senior producers of the film. They're students—college students at Norwich University in Northfield, Vermont, the nation's oldest military school. The film was their media project. But Amanda knew from that first interview, this was more than just school work.

Ms. BENSON: So walking into it, I really didn't think too much of it. But after about maybe 25 minutes, you know, sitting right across from Marion, she started crying, and then I would start crying.

Unidentified Woman #3: (From "Vermont Fallen") My last words to him . . .

Ms. BENSON: No way did we think we'd be so emotionally involved in the interview.

FRATANGELO: Word spread, and eventually the students, guided by Professor Bill Estill . . .

Professor BILL ESTILL: Go frame by frame.

FRATANGELO: . . . had 50 hours worth of interviews with families all over Vermont. Every interview is heartbreaking.

Mr. CRAIG McGRATH: This is Patty Holmes, whose son Jeffrey was a lance corporal in the Marines, was killed in Iraq.

Ms. PATTY HOLMES: (From "Vermont Fallen") When he had been home in April, I said, 'Jeff, I have to ask you something.' And he goes 'What?' 'I have to ask you for your forgiveness.' And he said 'Why?' And I said, 'Because I wasn't the mother I wanted to be.' All he did was hug me, and he told me he loved me.

FRATANGELO: Patty Holmes, and her husband Scott would have never guessed that simply taking part in this project would help them heal.

Ms. HOLMES: I just felt that nobody knew how I felt, and nobody could possibly understand. And meeting these other families, they understand.

FRATANGELO: Because of a documentary, all the families get together now for dinners, a trip to Washington, mostly for support.

It's as though this—being involved in this gave you permission to sort of let . . .

Mr. SCOTT HOLMES: Let your heart out. Let your heart—let the world know how you feel.

FRATANGELO: And people are listening. The film is being shown at the same high schools the fallen servicemen attended.

While the students at Norwich were documenting the pain of the Vermont families, they themselves were not immune to it. Four of their classmates have been killed in Iraq.

Ms. BENSON: Thank you to both—for I guess, is the second family for some of us.

FRATANGELO: All this talk about loss has made the young filmmakers reflect on their own lives. Steve will join the military after graduation. Amanda's sister is about to be deployed.

Have you had these conversations with your sister?

Ms. BENSON: Not yet.

FRATANGELO: Will you?

Ms. BENSON: Yeah, I think so. But I really, I just—I can't imagine.

FRATANGELO: No one imagined the lessons of this class project.

Mr. STEVE ROBITAILLE: Just unbelievable feeling knowing that you didn't just make a documentary, you know, you changed people's lives, and they changed ours.

FRATANGELO: Changed lives. Twenty-five families sat before cameras to talk about lost loved ones, and a new family emerged. For TODAY, Dawn Fratangelo, NBC News, Northfield, Vermont.

VISIT OF VICE PREMIER WU YI

Mr. OBAMA. Mr. President, I wish to comment on the visit of Chinese Vice Premier Wu Yi to Washington. This visit comes at an important time for the U.S.-China relationship and highlights the enormous stakes involved.

As I have said in the past, China's rise offers great opportunity but also poses serious challenges. It is critical the U.S. do all it can to ensure that China's rise is peaceful and its trade practices fair, and under those conditions, the United States should welcome China's continuing emergence and prosperity.

At the same time, we must remain prepared to respond should China's rise take a problematic turn. This means maintaining our military presence in the Asia-Pacific region, strengthening our alliances, and making clear to both Beijing and Taipei that a unilateral change in the status quo in the Taiwan Strait is unacceptable. Also, though today China's military spending is one-tenth of ours, we must monitor closely China's strategic capabilities while also pushing for greater transparency of its defense activities.

Although we must remain vigilant in monitoring these potential developments, our two nations also should strive to build a relationship that broadens areas of cooperation where we share mutual interests, as we have done to respond to the nonproliferation challenge posed by North Korea. And we should strengthen our ability to manage our differences effectively. While we must never hesitate to be clear and consistent with China where we disagree—whether on protection of intellectual property rights, the manipulation of its currency, human rights, or the right stance on Sudan and Iran—these differences, as a general rule, should not prevent progress in areas where our interests intersect.

Trade and economic issues, the subject of the upcoming Strategic Economic Dialogue, are one crucial example of the significant opportunities and challenges China's rise presents.

China is now the third largest economy in the world and is an increasingly formidable commercial competitor. But China also is our fastest growing overseas market, fueling over $50 billion in U.S. exports that help support thousands of export-related jobs. Many Americans also benefit from inexpensive Chinese products that keep down our cost of living, and China is an important link in the global supply chain that benefits U.S. commercial interests.

But none of that constitutes a reason to turn a blind eye to those ares of the economic relationship that are troubling. China ran a trade surplus with the United States of over $200 billion last year—the largest ever between any two countries—accounting for nearly a third of our total global trade deficit. Neither America nor the world can accept such imbalances, and if they remain, it is inevitable that there will be demands for protection in America and elsewhere.

I believe that the answer to the Chinese economic challenge is not to build walls of protection but to knock down barriers, demand fair treatment for our products and services, and increase our own competitiveness.

Much of the hard work to be done lies at home. We must implement policies to reduce our budget deficits and increase national savings—in order to reduce our dependence on borrowing to finance our deficits. We must ensure that our companies and workers have the tools they need to compete in the global economy. Among other things, this means stepping up our investments in education, training, and science and technology. We must make sure those Americans whose livelihoods are threatened by our changing economic relationship with China have access to the resources and support they need.

But China must bear a substantial share of the responsibility for restoring greater balance in its economic relations with the United States and the rest of the world. Just as the United States cannot unilaterally restore balance to China's economic relations, the United States alone cannot mute protectionist demands. China must itself act to bring greater balance in its global trade, so that all countries benefit from its growth.

I commend Treasury Secretary Paulson for pursuing a strategic economic dialogue with China, but it must produce meaningful and lasting results. Even as we develop a better understanding of how Chinese leaders view their own economic priorities, we need to confirm that these same leaders understand how the policies they pursue affect the United States and the global economy.

As a principal beneficiary of globalization, China needs to support and strengthen the international economic system as well. For example, it can and should take steps to increase consumption—drawing in more imports and reducing dependence on exports for growth. China needs a modem financial system to achieve this. American companies can help develop such a system but not if the playing field is unfairly tilted toward Chinese companies.

China can and should contribute to bolstering the world's economic system by allowing its currency, the renminbi, to be determined by market forces. Today, Beijing amasses as much as $20 billion a month in foreign currency, with the effects of keeping the renminbi substantially undervalued and giving China an undue advantage in trade. The recent move to widen the currency trading band is useful, but China must move more quickly toward a market-based currency.

China can and should contribute to the success of globalization by providing stronger protection of intellectual property rights. The fact that 80 percent of the pirated goods seized by U.S. Customs come from China is unacceptable. It suggests just how much work needs to be done in this area.

China can and should contribute to the world's economic health by altering its energy policies—addressing the needs of its people at home while not exacerbating problems abroad. Domestically, China's priority should be to increase energy efficiency. A system that requires twice as much energy as the United States to produce each dollar of economic growth is problematic.

At the same time, China needs to find cleaner sources of energy. Sixteen of the twenty cities with the worst air in the world are in China, and China is poised to overtake the United States in greenhouse gas emissions in 2 to 3 years. Just this week, a new report found that worldwide carbon dioxide levels have accelerated rapidly since 2000, in part because of China's reliance on coal.

China should rely on international energy markets to provide its oil and gas imports and work with the United States and others to develop common approaches to energy supplies and security. To continue seeking privileged arrangements with countries such as Sudan and Iran—states that commit gross human rights violations and that threaten to develop weapons of mass destruction—is to dramatically complicate efforts of the international community to address these questions and, in effect, to ratify these deeply troubling practices.

I hope Treasury Secretary Paulson can persuade the Chinese to change their practices. We will all be better off with a China whose emergence strengthens the international system rather than disrupts it.

China's economic growth is a good thing for China's 1.3 billion people, and can be a good thing for the United States. China is increasingly a constructive participant in the international system, and that trend should be supported and encouraged. But China cannot expect the United States and its overseas partners to tolerate unfair practices and glaring imbalances triggered by its rise. China needs to take steps that not only benefit its people but sustain the international system from which China itself benefits so greatly.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

Mr. INOUYE. Mr. President, when the Congress passed Public Law 106–50 in 1999, it was impossible to imagine the positive impact it would have on all veterans and, in particular, all those young men and women now returning from active duty in Afghanistan and Iraq. The Veterans Corporation, TVC, is a not-for-profit organization that amplifies business opportunities and the tools our veterans need to start and grow their businesses. Through unparalleled public and private sector business, and strategic partnerships with the U.S. Department of Defense, the Veterans Affairs Administration, the Small Business Administration, and the U.S. Department of Labor, veterans have the three main ingredients for success: access to capital; access to bonding, and the important educational, mentorship and program case work followup.

Today, more than ever, our Nation's veterans present an opportunity for entrepreneurship. Entrepreneurship based on the skills and practiced discipline they embraced as part of their service to our Nation. Membership in TVC remains free to our veterans because the Congress invested wisely in this organization.

In partnership with the Surety and Fidelity Association of America, SFAA, we have a 50-State surety bonding program that includes a comprehensive education curriculum and a three-step process for veterans to secure the bonding they need on government contracts. Bonding is critical to service-disabled veteran entrepreneurs and to the Federal Government if the 3-percent goal, mandated by the President's Executive Order, is to be achieved. TVC's partnership with SFAA provides a complete solution to the mandate by fulfilling the needs for identification and qualification of service-disabled veteran-owned small businesses, along with casework followup as veteran entrepreneurs experience growth in their businesses.

Access to capital for both business start-up and infusion growth remains the number one need of veteran entrepreneurs. To address this issue, TVC has formed a strategic partnership with the National Economic Opportunity Fund, NEOF. Through this partnership, TVC is able to assist veterans in obtaining micro-loans of $500 to $25,000 through ACCION USA. PNC Bank has also begun accepting referrals from TVC and has already funded one veteran-owned business. In addition, TVC is in the process of finalizing partnerships with several banking institutions to provide veterans with larger loan programs for their increasing business needs.

TVC's leadership has made extraordinary progress in addressing the broad scope of issues facing veteran entrepreneurs. While embracing the existing community networks of the Small Business Development Centers, the Department of Labor's One Stop Centers, and the Procurement Technical Assistance Centers, PTAC, TVC has been able to develop programs that complement and enhance the resources already available to current and aspiring business owners. By doing so, TVC is now providing the programs and services most needed by the veteran community, including access to capital and bonding, and is more effectively meeting the real needs of veteran entrepreneurs.

TVC's strength is in its ability to bring together the best in public and private entities to leverage scarce federal dollars in effectively and efficiently assisting veterans, service-disabled veterans, and members of the National Guard and Reserves, who want to start or promote growth in small businesses. By benefiting from the strong resources already available from national business networks, and by eliminating duplication of efforts through strategic partnerships, TVC has the programming and the capacity to serve the needs of all veterans in 50 States.

TVC is working for our Nation's veterans and we have an obligation to continue funding programs that respond to all business entrepreneurial needs. We must build a solid transition from active military service to veterans' entrepreneurship. I am confident TVC is that investment.

ADDITIONAL STATEMENTS

WE THE PEOPLE HONORABLE MENTION

● Mr. LUGAR. Mr. President, I wish to congratulate Hamilton Southeastern High School's We the People class on receiving an Honorable Mention at the We the People: The Citizen and the Constitution national competition held April 28 to 30 in Washington, DC. I am pleased that the members of the Hamilton Southeastern High School We the People class were among the 1,200 students from across the country who participated in this important event specifically designed to educate young people about the U.S. Constitution and Bill of Rights.

I join family, friends, and the entire Hamilton Southeastern High School community in recognizing the hard work and dedication of the following members of the Hamilton Southeastern High School We the People class: Ben Anderson, Lauren Bowser, Austin Brady, Kristin Buckingham, Jesse Hawkins, Kirk Higgins, Chris Hill, Tiernan Kane, Nika Kim, Ryan Landry, Julie Lux, Rachel Morris, Jeff Neufer, David Ostendorf, Ryan Puckett, Taylor Schueth, Matt Stein, Amy Thomas, Aleks Vitolins, and Edward Wolenty. I also wish to commend Jill Baisinger, the teacher of the class, who committed her time and talent to prepare the students for the national competition.

The success of the Indiana We the People program is also attributed to the hard work of Stan Harris, the State coordinator, and Lisa Hayes, the district coordinator, who are among those responsible for implementing this program in our state.

The We the People national competition is a 3-day academic competition that simulates a congressional hearing in which the students "testify" before a panel of judges on constitutional topics. Students are able to demonstrate their knowledge and understanding of constitutional principles as they evaluate and defend positions on relevant historical and contemporary issues.

The We the People: The Citizen and the Constitution program is administered by the Center for Civic Education and funded by the U.S. Department of Education through congressional appropriations. I am proud to note that between 2003 and 2006, Indiana had 176,653 students participate in the programs offered through the Center for Civic Education, with 8,439,873 participating nationally.●

CONGRATULATING CAITLIN SNARING

● Mrs. MURRAY. Mr. President, I congratulate Caitlin Snaring, a bright young woman from my home State of Washington. Today, she won the National Geographic Bee, a competition that starts with nearly 5 million students each year. Caitlin is from Redmond, WA, and this was her second time representing our State in the national competition held in Washington, DC.

On Monday, Caitlin and I sat near each other on the plane flight from Seattle to Washington, DC. While everyone else was reading magazines or watching a movie, Caitlin was studying her notebooks and preparing for the competition. I had a chance to talk with her, and I could see that she was really determined and focused. I remember thinking to myself, "She's going places."

After her victory today, I called her and said: "Caitlin, I can tell that when you decide what you're going to be and what you want to do, you are going to achieve any dream you have." And I really believe that.

Caitlin won a $25,000 college scholarship. I understand that she is the second girl to win the geographic bee since the competition started in 1989 and the fifth winner from Washington State. In fact, Washington has produced more national winners than any other State.

I want to congratulate Caitlin, her family, and friends on this great achievement and on the wonderful example she has set for young people in Washington State and around the country.●

HONORING OAK ISLAND SEAFOOD, INC.

● Ms. SNOWE. Mr. President, I wish today to recognize for the week of May 20 an outstanding small business from my home State of Maine that will on May 31 receive the Maine Exporter of the Year Award for 2007 from the Maine International Trade Center. Oak Island Seafood, Inc., of Rockland, MA is a scallop processing company. In addition to providing quality seafood products to U.S. retailers, Oak Island Seafood has expanded to include Europe and Asia in its distribution network. Incredibly, 70 percent of its finished product is exported to other countries, most notably to nations within the European Union. Clearly, Oak Island Seafood is a Maine company that has wide, international reach.

Oak Island Seafood, founded in 1995, has expanded to serve many corners of the globe over the past 12 years, while simultaneously maintaining its status as a unique small business. The company employs roughly 30 year-round employees in Rockland, an historic seaport community in Maine's well-known midcoast region where Penobscot Bay converges with the Atlantic Ocean. Their use of state-of-the-art equipment to deliver Maine seafood to the rest of the world exemplifies the innovation that small businesses can use to do exceptional things.

With Maine's 5,500 miles of coastline, its fishing and seafood industries are clearly vital to the State's economy. And while everyone knows Maine for its lobster—which I would argue is the best—Maine's fruitful portion of the Atlantic Ocean and our many waterways provide a variety of delicious and often healthy fish and shellfish, including salmon, shrimp, and scallops. Oak Island Seafood's commitment to providing Maine seafood to not only the region but also to the rest of the world is remarkable. As fish and other fresh and frozen seafood products comprise Maine's No. 4 export industry, it is crucial that we find ways to continue augmenting the work that Oak Island Seafood and other companies do in seeking foreign markets to showcase Maine seafood. Equally necessary, we need to do all that we can to protect and preserve our seafaring families and the crucial work they undertake.

The Maine International Trade Center, which is presenting the Maine Exporter of the Year award to Oak Island Seafood, is Maine's small business link to the rest of the world. It is a public-private partnership between the State of Maine and its businesses. The center's goal is to increase international trade in Maine and in particular to assist Maine's businesses in exporting goods and services. Clearly it sees in Oak Island Seafood the entrepreneurial spirit and innovation that make Maine's small businesses so unique and successful.

I again congratulate Oak Island Seafood on being recognized Maine Exporter of the Year and wish them well. The award, which will be presented to them on Thursday, May 31, at the 27th annual Maine International Trade Day, is truly something of which we can and should all be proud.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1525. An act to amend title 18, United States Code, to discourage spyware, and for other purposes.

H.R. 1615. An act to amend title 18, United States Code, to provide penalties for aiming laser pointer at airplanes, and for other purposes.

H.R. 1722. An act to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard W. Herman Post Office".

H.R. 2264. An act to amend the Sherman Act to make oil-producing and exporting cartels illegal.

H.R. 2399. An act to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 128. Concurrent resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Gerald Rudolph Ford.

The message further announced that the House has passed the following bill, without amendment:

S. 214. An act to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1104. An act to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants.

At 4:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. Hinchey of New York, Mr. Hall of New York, Mr. McHugh of New York, and Mr. Tiahrt of Kansas.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1525. An act to amend title 18, United States Code, to discourage spyware, and for other purposes; to the Committee on the Judiciary.

H.R. 1615. An act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

H.R. 1722. An act to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard W. Herman Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2399. An act to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2264. An act to amend the Sherman Act to make oil-producing and exporting cartels illegal.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2031. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-2032. A communication from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Department's progress in improving homeless data collection and preparing a homeless assessment report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2033. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-2034. A communication from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Affordable Housing Needs 2005"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2035. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense services associated with the Ballistic Missile Defense Expansion Project and sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-2036. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of defense articles abroad, including J79 engine parts, in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-2037. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, including CH-47F Chinook helicopters, in the amount of $100,000,000 or more to the Netherlands; to the Committee on Foreign Relations.

EC-2038. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment of the International Traffic in Arms Regulations: Policy with Respect to Somalia" (22 CFR Part 126) received on May 21, 2007; to the Committee on Foreign Relations.

EC-2039. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on efforts taken by the agencies and departments of the U.S. Government relating to the prevention of nuclear proliferation from January 1, 2006, to December 31, 2006; to the Committee on Foreign Relations.

EC-2040. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-44, "School Modernization Funds Submission Requirements Waiver Temporary Amendment Act of 2007" received on May 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2041. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-43, "Closing of a Public Alley in Squares 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes Clarification Temporary Amendment Act of 2007" received on May 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2042. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-45, "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Freedom of Information Temporary Amendment Act of 2007" received on May 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2043. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-46, "Vacancy Conversion Fee Exemption Reinstatement Temporary Amendment Act of 2007" received on May 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2044. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-42, "Solid Waste Disposal Fee Temporary Amendment Act of 2007" received on May 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2045. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Department of Justice Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" (RIN1121-AA73) received on May 22, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 495. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information (Rept. No. 110-70).

By Mr. KOHL, from the Special Committee on Aging:

Special Report entitled "Economic Developments in Aging" (Rept. No. 110-71).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 231. A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Brigadier General Michael D. Dubie, 9845, to be Major General.

Air Force nomination of Maj. Gen. Kevin J. Sullivan, 2930, to be Lieutenant General.

Army nomination of Maj. Gen. Charles H. Jacoby, Jr., 3627, to be Lieutenant General.

Army nomination of Col. Charles W. Hooper, 8888, to be Brigadier General.

Army nomination of Col. Loree K. Sutton, 4636, to be Brigadier General.

Army nomination of Brig. Gen. Douglas L. Carver, 8279, to be Major General.

Army nomination of Col. Juan A. Ruiz, 8943, to be Brigadier General.

Army nomination of Lt. Gen. Ronald L. Burgess, Jr., 2986, to be Lieutenant General.

Army nomination of Maj. Gen. Michael A. Vane, 9890, to be Lieutenant General.

Army nomination of Maj. Gen. David P. Fridovich, 6568, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John G. Castellaw, 2524, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Richard C. Zilmer, 9990, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Joseph F. Weber, 1316, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Michael J. Lyden, 0018, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Christine S. Hunter and ending with Rear Adm. (lh) Adam M. Robinson, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2007.

Navy nomination of Capt. Richard C. Vinci, 3013, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. William M. Roberts and ending with Capt. Alton L. Stocks, which nominations were received by the Senate and appeared in the Congressional RECORD on April 11, 2007.

Navy nominations beginning with Capt. Robert J. Bianchi and ending with Capt. Thomas C. Traaen, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Navy nominations beginning with Rear Adm. (lh) Gerald R. Beaman and ending with Rear Adm. (lh) Richard B. Wren, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007. (minus 1 nominee: Rear Adm. (lh) Victor G. Guillory).

Navy nominations beginning with Captain Joseph P. Aucoin and ending with Captain Nora W. Tyson, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Jennifer S. Aaron and ending with Robert S. Zauner, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nomination of Anil P. Rajadhyax, 5749, to be Major.

Air Force nominations beginning with Daren S. Danielson and ending with Colleen M. Fitzpatrick, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Air Force nominations beginning with Bret R. Boyle and ending with Chad A. Weddell, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Air Force nominations beginning with Lillian C. Conner and ending with Jonathan L. Rones, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Air Force nominations beginning with Nancy J. S. Althouse and ending with Phick H. Ng, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Army nomination of Timothy E. Trainor, 5890, to be Colonel.

Army nomination of Glen L. Dorner, 1672, to be Major.

Army nominations beginning with Shirley S. Miresepassi and ending with Scott L. Diering, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nomination of George N. Thompson, 0485, to be Captain.

Navy nomination of Dea Brueggemeyer, 3523, to be Lieutenant Commander.

Navy nominations beginning with Neal P. Ridge and ending with Ralph L. Raya, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife.

*Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2012.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself and Mr. NELSON of Nebraska):

S. 36. A bill to amend the Farm Security and Rural Investment Act to establish a biofuels promotion program to promote sustainable production of biofuels and biomass, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BURR, Mr. CRAPO, Mr. DEMINT, Mr. GRAHAM, Mr. HAGEL, Mr. THOMAS, Ms. MURKOWSKI, Mr. BUNNING, and Mr. MARTINEZ):

S. 37. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. OBAMA):

S. 38. A bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARPER (for himself, Mr. ALEXANDER, Mrs. FEINSTEIN, Mr. VOINOVICH, and Mr. ENZI):

S. 1453. A bill to extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI:

S. 1454. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHOUSE:

S. 1455. A bill to provide for the establishment of a health information technology and privacy system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself and Mr. VOINOVICH):

S. 1456. A bill to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in Federal employee health benefits plans under chapter 89 of title 5, United States Code, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself, Mr. CASEY, Mr. BINGAMAN, Mrs. MURRAY, and Mr. LEAHY):

S. 1457. A bill to provide for the protection of mail delivery on certain postal routes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1458. A bill to amend the Food Security Act of 1985 to provide incentives for improved agricultural air quality; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1459. A bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. BAUCUS, and Mr. BROWN):

S. 1460. A bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER:

S. 1461. A bill to prohibit the Secretary of Health and Human Services from imposing penalties against a State under the Temporary Assistance for Needy Families program for failure to satisfy minimum work participation rates or comply with work participation verification procedures with respect to months beginning after September 2006 and before the end of the 12-month period that begins on the date the Secretary approves the State's work verification plan; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1462. A bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. COCHRAN, Mr. CRAIG, Mr. ROBERTS, Mr. SCHUMER, and Mr. CHAMBLISS):

S. 1463. A bill to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. VOINOVICH, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. COCHRAN):

S. 1464. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

By Mr. CONRAD (for himself, Mr. ENZI, and Mr. REID):

S. 1465. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices; to the Committee on Finance.

By Mr. DODD (for himself and Mr. SMITH):

S. 1466. A bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding; to the Committee on Finance.

By Mr. BIDEN:

S. 1467. A bill to establish an Early Federal Pell Grant Commitment Demonstration Program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI:

S. 1468. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARKIN:

S. 1469. A bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes; to the Committee on Armed Services.

By Mr. NELSON of Florida (for himself and Mr. DURBIN):

S. 1470. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. GREGG, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 15, a bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process.

S. 22

At the request of Mr. WEBB, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 60

At the request of Mr. INOUYE, the names of the Senator from Utah (Mr. HATCH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 82

At the request of Mr. AKAKA, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 82, a bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes.

S. 156

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 223

At the request of Mr. COCHRAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

At the request of Mr. VITTER, his name was added as a cosponsor of S. 231, supra.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 331

At the request of Mr. THUNE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 331, a bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels.

S. 392

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 392, a bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 661

At the request of Mrs. CLINTON, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 675

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 700

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Virginia (Mr. WARNER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 921

At the request of Mr. THOMAS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 994

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1019

At the request of Mr. COBURN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1019, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1155

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1155, a bill to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 1172

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1172, a bill to reduce hunger in the United States.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1339

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1339, a bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes.

S. 1370

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1370, a bill to amend the Internal Revenue Code of 1986 to ensure more investment and innovation in clean energy technologies.

S. 1389

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1389, a bill to authorize the National Science Foundation to establish a Climate Change Education Program.

S. 1410

At the request of Mr. COLEMAN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. RES. 203

At the request of Mr. MENENDEZ, the names of the Senator from North Carolina (Mr. BURR), the Senator from Nebraska (Mr. HAGEL), the Senator from Florida (Mr. NELSON) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

AMENDMENT NO. 1146

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Washington (Ms. CANTWELL) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of amendment No. 1146 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1151

At the request of Mr. INHOFE, the names of the Senator from Tennessee (Mr. CORKER), the Senator from North Carolina (Mrs. DOLE), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), the Senator from Alabama (Mr. SHELBY) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of amendment No. 1151 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1157

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 1157 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1158

At the request of Mr. COLEMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 1158 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1159

At the request of Mr. COLEMAN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of amendment No. 1159 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1161

At the request of Mr. ALEXANDER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1161 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1165

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 1165 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BURR, Mr. CRAPO, Mr. DEMINT, Mr. GRAHAM, Mr. HAGEL, Mr. THOMAS, Ms. MURKOWSKI, Mr. BUNNING, and Mr. MARTINEZ):

S. 37. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, today I am introducing legislation that I believe will place the Department of Energy's nuclear waste program back on track. I am joined by Senator CRAIG and others to introduce the Nuclear Waste Access to Yucca Bill, or Nu-Way Bill, which I believe will help to resolve the issue of nuclear waste once and for all.

As we all know, the history of the Yucca Mountain project has been rocky at best. The Yucca Mountain project has a very long pedigree, starting back to the late 1950s when the National Academy of Sciences, NAS, reported to the Atomic Energy Commission that burying radioactive high-level waste in geologic formations should receive consideration. NAS stated that "radioactive waste can be disposed of safely in a variety of ways and at a large number of sites in the United States."

In 1982, Congress passed the Nuclear Waste Policy Act after a solid consensus had been reached around the major elements of the approach broadly outlined by President Carter. When President Reagan signed it into law the following January, he called the Act "a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue."

The Congress was quite optimistic then, so optimistic that we told the Department of Energy, DOE, to enter into contracts with utilities to begin taking nuclear waste off their hands by 1998 in return for the payment of fees. Well, obviously that didn't happen, but the United States government continues to collect the fee at 1mil/KWH electricity generated by nuclear plants. What did happen was that the utilities began to sue DOE for failing to meet its contractual obligation to remove spent nuclear fuel from storage at commercial reactor sites. DOE has been negotiating with various reactor owners since 1999 over the missed deadline for settlement agreements. The first agreement was reached in July 2000 which allowed DOE to pay PECO Energy Co. up to $80 million in nuclear waste fee revenues during the subsequent 10 years. However, other utilities sued DOE to block the settlement, contending that nuclear waste fees may be used only for the DOE Waste Program and not as compensation for missing the disposal deadline. The U.S. Court of Appeals for the 11th Circuit agreed that any compensation would have to come from general revenue or other sources than the waste fund.

Today, commercial spent nuclear fuel continues to be stored at plant sites, and DOE is facing more than $6 billion in judgments for failure to dispose the spent nuclear fuel. As for the nuclear waste fund, we now have more than $19 billion of the ratepayer's money in principal and interest.

In addition to civilian spent nuclear fuel, the Department of Energy stores about 2,500 metric tons of defense waste, which includes unreprocessed spent nuclear fuel from its plutonium production reactors, naval propulsion reactors, and research reactors at Hanford, Savannah River, and the Idaho National Laboratory.

While moving more slowly than planned, DOE's nuclear waste program has made progress toward making the goal of a permanent geologic repository for nuclear waste a reality. Originally, the Nuclear Waste Policy Act required DOE to characterize more than one site for two repositories. As the most promising site considered, the Yucca Mountain site was selected by DOE to be the first site to be characterized. In 1987, the act was amended and the Congress directed DOE to focus its siting effort on Yucca Mountain alone and terminated the second repository program.

On February 14, 2002, after carrying out the required "appropriate site characterization activities" at Yucca Mountain to determine its suitability, the President recommended Yucca Mountain to Congress as being "qualified for application for a construction authorization for a repository."

The Nuclear Waste Policy Act provided the Governor of Nevada the opportunity to object to the site selection and to submit to Congress the reasons. On April 8, 2002, the Governor of Nevada exercised this authority and submitted his notice of disapproval and statement of reasons. Under the terms of the Act, the Governor's notice had the effect of terminating further consideration of the Yucca Mountain site until both Houses of Congress passed and the President signed into law a joint resolution approving the site.

The State veto provisions of the act accomplished their intent, which was to afford Congress another opportunity to review and determine if the objection was sufficient to terminate the program. Based on expert opinion, both Houses concluded that the objection was not sufficient, and that the Yucca Mountain site is geologically suitable for development of the repository. In the national interest, Congress approved the Yucca Mountain site, and instructed DOE to file a license application for the repository with the Nuclear Regulatory Commission, NRC. The decision has been made. All the scientific work performed to date supports the decision.

With the siting decision made, it will now be up to the EPA to issue general standards and for the Nuclear Regulatory Commission to license the facility by evaluating the scientific data and determining whether the repository will permanently, and safely, isolate nuclear waste.

Yucca Mountain is the cornerstone of our national comprehensive spent nuclear fuel management strategy for this country. Let me be clear: We need Yucca Mountain. We must make this program work. I believe the bill introduced today will do that.

This bill will remove unintended legal barriers that will allow DOE to meet its obligation to accept and store spent nuclear fuel as soon as possible, without prejudging the outcome of the NRC's repository licensing decision.

The bill I am introducing today authorizes DOE to permanently withdraw 147,000 acres of Federal land from public use currently controlled by the Bureau of Land Management, the Air Force, and the Nevada Test Site, to satisfy a license condition of the NRC.

This legislation will repeal the arbitrary 70,000 metric ton statutory limit on emplacement of radioactive material at Yucca Mountain. The cap was imposed when Congress was considering two rounds of repositories. I believe that the capacity of the mountain should be determined by scientific and technical analysis, and not by political compromises.

Today, the major facility at the Yucca Mountain site is an "exploratory studies facility" with a 25-foot-diameter, 5-mile long, tunnel with ramps leading to the surface. This legislation will allow the DOE to begin construction of needed infrastructure for the repository and surface storage facilities as soon as they complete an environmental impact statement that evaluates these activities.

The "Nu-Way" bill also begins to consolidate the defense nuclear waste and spent nuclear fuel from defense activities at the Yucca Mountain site. The bill requires DOE to file for a permit to build a surface receipt and storage facility at the Nevada Test Site at the same time it files its license application for a repository at Yucca Mountain.

As soon as the department receives the permit for the surface receipt and storage facility from the NRC, it may begin moving defense fuel and waste to the Nevada Test Site. We are not giving DOE any new authority to move spent fuel. DOE currently has authority to transport and consolidate defense waste at DOE facilities, with the sole exception of Yucca Mountain site. The spent nuclear fuel from our Navy and defense activities that kept us safe during the Cold War should be consolidated and stored securely at the Nevada Test Site. The defense waste is currently stored temporarily in Hanford, Idaho and Savannah River sites.

This legislation further provides that only after the NRC issues a construction permit for Yucca Mountain, may the Department of Energy begin moving civilian spent fuel to the Nevada Test Site. This legislation also lays the foundation to integrate Yucca Mountain Repository Program and Global Nuclear Energy Partnership, GNEP, by providing that before civilian spent nuclear fuel is shipped to Yucca Mountain, the Secretary of Energy must determine if it can be recycled within a reasonable time. I might add that the current plans for GNEP do not include recycling all 55,000 metric tons of civilian spent fuel that has already been generated. This proposal will would avoid moving waste to Yucca Mountain Site that should be shipped instead to a GNEP facility.

In the long run, this measure provides DOE with the authorities needed to execute the Yucca Mountain project for long term emplacement and for the GNEP program to reduce the volume and toxicity of the material to be placed in the repository, thereby eliminating the need for a second waste repository.

This bill will also withdraw land for a rail route Yucca, a vital transportation component. There is also a provision that provides that appropriations from the nuclear waste fund will not count against the allocations for discretionary spending. DOE will have access to the full funds in the nuclear waste fund, moneys collected from electricity rate payers, our constituents, specifically for developing and constructing the waste repository.

To address the liability problem created by Congress when DOE could not remove spent nuclear fuel from the reactor sites, this legislation will authorize DOE to revise the standard contract to accept waste from new nuclear reactors at a more reasonable schedule. By doing all of these things, this bill will establish a comprehensive program that will provide confidence that our Nation's nuclear waste will be managed safely both for current and future reactors.

The issue of Yucca Mountain has been addressed repeatedly by Congress and Presidents. The legislation I am introducing today will not circumvent any environmental standards or regulations, nor will it preempt any State or local government rights.

Despite the great advances that we have made in this Nation on nuclear energy, we are still faced with challenges. EIA estimates that even with a projected increase in nuclear capacity and generation in large, the nuclear share of total electricity is estimated to fall from 19 percent in 2005 to 15 percent in 2030. This is because our energy needs will be great over the next 25 years. For energy security reasons, economic reasons and environmental reasons, we must make nuclear energy a larger part of our mix. To meet the challenge of reducing carbon emissions in order to address climate change, we need nuclear energy. And, if we need nuclear energy, we need Yucca Mountain.

Solving nuclear waste is in the national interest. We can solve this problem and I hope we can move forward together in a new way.

By Mr. DOMENICI (for himself and Mr. OBAMA):

S. 38. A bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DOMENICI. Mr. President, I rise today with my colleague Senator OBAMA to introduce the Veterans' Mental Health Outreach and Access Act. This bill will require the Secretary of Veteran's Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, with a particular emphasis on those soldiers who served in the National Guard and Reserves.

Operation Enduring Freedom, OEF, and Operation Iraqi Freedom, OIF, are unique in their extensive use of National Guard and Reserve troops and their reliance on repetitive deployments. More than 1,500 National Guard and Reservists from New Mexico have been deployed in support of OIF and OEF. Several hundred of these soldiers have been deployed multiple times. This is a new era for our National Guard and for the Reserve. The role of these organizations in defending our national security has significantly increased. Guard and Reserve members are seeing significant combat action and we know that a number of these soldiers will return with mental and physical wounds suffered in these wars, including post traumatic stress disorder, depression, brain injuries and other traumatic illnesses.

Virtually all returning veterans and their families will face readjustment problems. These soldiers and their families deserve the best care and treatment possible, but where do our National Guard and Reserve soldiers fit into the military and veterans' systems of care? These "citizen-soldiers" are not returning to military bases, but rather to communities that are frequently remote from VA medical centers and clinics.

We're quick to urge that VA provide veterans needed treatment for service-related mental health problems, but we also need to do more to remove the barriers such as travel and distance that oftentimes will prevent a veteran from seeking and continuing treatment. The Domenici-Obama bill calls on the Secretary of Veterans Affairs to develop a national program to reach vets who can't or won't seek VA care. It requires the Secretary to mount a national program to train a cadre of returning servicemembers for positions as peer outreach workers and peer-support specialists. In any remote area of the country in which the VA determines there is inadequate access to a VA medical center, the bill directs the Secretary of the VA to contract with community mental health centers and other qualified entities to provide peer outreach and support services, readjustment counseling and mental health services. However, any resulting contracts would require centers to first train and adhere to the VA's expertise and standards of care in mental health. It also will require any contract-provider to hire a trained peer specialist as well as have its clinicians participate in a training program to be certain they'll provide "culturally competent" services.

This bill also gives needed attention to the toll these military operations have on the mental health needs of our veterans' families. These deployments are causing great stress for the spouses and children of these soldiers. Yet despite the recognition of the mental health needs of the family members of the returning veterans, current law limits the ability of the VA to work with these family members. This bill will expand access to mental health services for the immediate family of the veteran so that they may help the veteran recover in the case of injury or illness incurred during deployment. It will also help expand access to services so that the family can better help the veteran adjust back to civilian life, and also help the readjustment of the family to the return of the veteran.

Lastly, this bill will extend the eligibility for health care services from the Department of Veterans Affairs for veterans who served in combat from 2 years to 5 years. Two years is often insufficient time for symptoms related to PTSD and other mental illness to manifest. In many cases, it takes years for symptoms to present themselves, and the difficulty is often compounded by the fact that many servicemembers do not immediately seek the care that they need. Five years provides a more adequate window to address these risks.

Outreach and access to treatment are essential to prevent readjustment problems for our returning veterans and their families. Left untreated, mental disorders like PTSD and depression can become chronic and debilitating. We need systems in place to ensure that OEF/OIF veterans who are returning to their homes have access to the services they need. It is my hope that this legislation will help close the gaps we currently have in our service delivery systems and provide help to those who have experienced mental health problems as a result of their service to their country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 38

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Mental Health Outreach and Access Act of 2007".

SEC. 2. PROGRAM ON PROVISION OF READJUSTMENT AND MENTAL HEALTH CARE SERVICES TO VETERANS WHO SERVED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to provide—

(1) to veterans of Operation Iraqi Freedom and Operation Enduring Freedom, particularly veterans who served in such operations while in the National Guard and the Reserves—

(A) peer outreach services;

(B) peer support services;

(C) readjustment counseling and services described in section 1712A of title 38, United States Code; and

(D) mental health services; and

(2) to members of the immediate family of such a veteran, during the three-year period beginning on the date of the return of such veteran from deployment in Operation Iraqi Freedom and Operation Enduring Freedom, education, support, counseling, and mental health services to assist in—

(A) the readjustment of such veteran to civilian life;

(B) in the case such veteran has an injury or illness incurred during such deployment, the recovery of such veteran; and

(C) the readjustment of the family following the return of such veteran.

(b) CONTRACTS WITH COMMUNITY MENTAL HEALTH CENTERS AND QUALIFIED ENTITIES FOR PROVISION OF SERVICES.—In carrying out the program required by subsection (a), the Secretary shall contract with community mental health centers and other qualified entities to provide the services required by such subsection in areas the Secretary determines are not adequately served by other health care facilities of the Department of Veterans Affairs. Such contracts shall require each contracting community health center or entity—

(1) to the extent practicable, to employ veterans trained under subsection (c);

(2) to the extent practicable, to use telehealth services for the delivery of services required by subsection (a);

(3) to participate in the training program conducted in accordance with subsection (d);

(4) to comply with applicable protocols of the Department of Veterans Affairs before incurring any liability on behalf of the Department for the provision of the services required by subsection (a);

(5) to submit annual reports to the Secretary containing, with respect to the program required by subsection (a) and for the last full calendar year ending before the submission of such report—

(A) the number of the veterans served, veterans diagnosed, and courses of treatment provided to veterans as part of the program required by subsection (a); and

(B) demographic information for such services, diagnoses, and courses of treatment;

(6) for each veteran for whom a community mental health center or other qualified entity provides mental health services under such contract, to provide the Department of Veterans Affairs with such clinical summary information as the Secretary shall require; and

(7) to meet such other requirements as the Secretary shall require.

(c) TRAINING OF VETERANS FOR THE PROVISION OF PEER-OUTREACH AND PEER-SUPPORT SERVICES.—In carrying out the program required by subsection (a), the Secretary shall contract with a national not-for-profit mental health organization to carry out a national program of training for veterans described in subsection (a) to provide the services described in subparagraphs (A) and (B) of paragraph (1) of such subsection.

(d) TRAINING OF CLINICIANS FOR PROVISION OF SERVICES.—The Secretary shall conduct a training program for clinicians of community mental health centers or entities that have contracts with the Secretary under subsection (b) to ensure that such clinicians can provide the services required by subsection (a) in a manner that—

(1) recognizes factors that are unique to the experience of veterans who served on active duty in Operation Iraqi Freedom or Operation Enduring Freedom (including their combat and military training experiences); and

(2) utilizes best practices and technologies.

(e) REPORTS REQUIRED.—

(1) INITIAL REPORT ON PLAN FOR IMPLEMENTATION.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the plans of the Secretary to implement the program required by subsection (a).

(2) STATUS REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the program. Such report shall include the following:

(A) Information on the number of veterans who received services as part of the program and the type of services received during the last full calendar year completed before the submission of such report.

(B) An evaluation of the provision of services under paragraph (2) of subsection (a) and a recommendation as to whether the period described in such paragraph should be extended to a five-year period.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out this section.

SEC. 3. EXTENSION OF ELIGIBILITY FOR HEALTH CARE SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS FOR VETERANS OF SERVICE IN COMBAT THEATER.

Section 1710(e)(3)(C) of title 38, United States Code, is amended by striking "2 years" and inserting "5 years".

By Mr. HARKIN (for himself, Mr. CASEY, Mr. BINGAMAN, Mrs. MURRAY, and Mr. LEAHY):

S. 1457. A bill to provide for the protection of mail delivery on certain postal routes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. HARKIN. Mr. President, since it was created the U.S. Postal Service has provided trusted, reliable delivery to tens of millions of households throughout the country. Today, the USPS stands as the second largest employer in the country with over 700,000 employees and is the most efficient postal service in the world. Last year, the Postal Accountability and Enhancement Act was passed and signed into law, ensuring the sustainability of the USPS for years to come.

However, recent decisions by the Postal Service have put the success and reliability of mail delivery in jeopardy. Postal delivery managers are now being encouraged to contract out delivery services for all new deliveries, of which there are approximately 1.8 million per year.

Outsourcing the mailman bypasses the process that ensures that only qualified people handle America's mail, leaving open the possibility that convicted felons, identity thieves, or other undesirable workers could have access to the mail stream.

Furthermore, it limits the ability of the Postal Service to prevent, investigate, and prosecute mail theft, mail fraud, and other illegal uses of the mail.

The USPS employs dedicated postal employees who earn solid middle-class wages and have health benefits and pension plans. The quality of service and reliability that the USPS has been known for is threatened if our mail carriers are replaced by low-paid, short-term workers.

This is why I am introducing the Mail Delivery Protection Act of 2007. This bill would prevent the USPS from contracting out the delivery of mail to postal patrons to private individuals and firms.

Each day millions of sensitive materials, including financial statements, credit cards, Social Security checks, passports, and ballots, pass through the mail stream. We cannot afford to allow the safe delivery of these personal, private documents to be granted to the lowest bidder.

In 2006, 379 Members of the House of Representatives voted against a pilot program testing the feasibility of contracted delivery.

However, postal management has increasingly chosen to contract out the delivery of mail, therefore outsourcing their core service function. A fancy restaurant would not contract out its chefs to a cheap fast-food chain to save money. Why should the Post Office outsource its delivery?

We must remember that this is the U.S. Postal Service. This bill will ensure that the safety and reliability we have all come to know from our local mail carriers will continue.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAIL DELIVERY PROTECTION.

(a) SHORT TITLE.—This Act may be cited as the "Mail Delivery Protection Act of 2007".

(b) MAIL DELIVERY PROTECTION.—Section 5212 of title 39, United States Code, is amended—

(1) by inserting "(a)" before "The Postal Service may"; and

(2) by adding at the end the following:

"(b)(1) Except as provided under paragraph (2), the Postal Service may not enter into any contract under this section with any motor carrier or other person for the delivery of mail on any route with 1 or more families per mile.

"(2) Notwithstanding paragraph (1)—

"(A) any contract described under that paragraph in effect on the date of enactment of the Mail Delivery Protection Act of 2007—

"(i) shall remain in effect until terminated under the terms of such contract or as otherwise provided by law; and

"(ii) may be renewed 1 or more times; and

"(B) service on a rural route may be converted to contract delivery service when such route no longer serves a minimum of 1 family per mile.".

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1459. A bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act of 2007. According to the National Institutes of Health, as many as 7.5 million Americans are affected by psoriasis, a chronic, inflammatory, painful, disfiguring and disabling disease for which there are limited treatments and no cure. In my State of New Jersey, the National Psoriasis Foundation estimates that 219,000 people have psoriasis.

Ten to thirty percent of people with psoriasis also develop psoriatic arthritis, which causes pain, stiffness, and swelling in and around the joints. Moreover, of further concern is that people with psoriasis are at elevated risk for a myriad other comorbidities, including but not limited to heart disease, diabetes, obesity, and mental health conditions. Despite the serious adverse effects that psoriasis and psoriatic arthritis have on individuals, families and society, psoriasis and psoriatic arthritis are underrecognized and underfunded by our Nation's research institutions and public health agencies. At the historical and current rate of psoriasis funding, NIH funding is not keeping pace with research needs. For that reason, I am introducing legislation to boost psoriasis and psoriatic arthritis research, improve and expand psoriasis and psoriatic arthritis data collection, increase access to care and treatment for these diseases, and help debunk the myths associated with psoriasis.

I know that this legislation will go a long way in achieving these important public policy goals. The bill calls on the Secretary of Health and Human Services, HHS, to convene a summit of researchers, public health professionals, representatives of patient advocacy organizations and policymakers to review current efforts in psoriasis and psoriatic arthritis research, treatment, and quality-of-life being conducted by Federal agencies whose work involves psoriasis and psoriatic arthritis and psoriasis and psoriatic arthritis related comorbidities. The legislation also calls on the Secretary of HHS to commission a study from the Institutes of Medicine, IOM, to evaluate and make recommendations to address health insurance and prescription drug coverage as they relate to medications and treatments for psoriasis and psoriatic arthritis. Lastly, the bill directs the Centers for Disease Control and Prevention to develop a patient registry to collect much-needed longitudinal data on psoriasis and psoriatic arthritis so we can begin to understand the long-term impact of these conditions and evaluate the effects of various therapies.

I would like to thank the National Psoriasis Foundation for all of its efforts and leadership over the last four decades and am grateful to the Foundation and its members and staff for their ongoing commitment to improving quality of life for people with psoriasis and psoriatic arthritis. Again, I urge my colleagues to join me in supporting the Psoriasis and Psoriatic Arthritis Research Cure, and Care Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act of 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Expansion of biomedical research.
Sec. 5. National patient registry.
Sec. 6. National summit.
Sec. 7. Study and report by the Institute of Medicine.

SEC. 3. FINDINGS.

The Congress finds as follows:

(1) Psoriasis and psoriatic arthritis are autoimmune-mediated, chronic, inflammatory, painful, disfiguring, and life-altering diseases that require life-long sophisticated medical intervention and care and have no cure.

(2) Psoriasis and psoriatic arthritis affect as many as 7.5 million men, women, and children of all ages and have an adverse impact on the quality of life for virtually all affected.

(3) Psoriasis often is overlooked or dismissed because it does not cause death. Psoriasis is commonly and incorrectly considered by insurers, employers, policymakers, and the public as a mere annoyance, a superficial problem, mistakenly thought to be contagious and due to poor hygiene. Treatment for psoriasis often is categorized, wrongly, as "life-style" and not "medically necessary".

(4) Psoriasis goes hand-in-hand with a myriad of co-morbidities such as Crohn's disease, diabetes, metabolic syndrome, obesity, hypertension, heart attack, cardiovascular disease, liver disease, and psoriatic arthritis, which occurs in 10 to 30 percent of people with psoriasis.

(5) The National Institute of Mental Health funded a study that found that psoriasis may cause as much physical and mental disability as other major diseases, including cancer, arthritis, hypertension, heart disease, diabetes, and depression.

(6) Psoriasis is associated with elevated rates of depression and suicidal ideation.

(7) Each year the people of the United States lose approximately 56 million hours of work and spend $2 billion to $3 billion to treat psoriasis.

(8) Early diagnosis and treatment of psoriatic arthritis may help prevent irreversible joint damage.

(9) Treating psoriasis and psoriatic arthritis presents a challenge for patients and their health care providers because no one treatment works for everyone, some treatments lose effectiveness over time, many treatments are used in combination with other treatments, and all treatments may cause a unique set of side effects.

(10) Although new and more effective treatments finally are becoming available, too many people do not yet have access to the types of therapies that may make a significant difference in the quality of their lives.

(11) Psoriasis and psoriatic arthritis constitute a significant national health issue that deserves a comprehensive and coordinated response by State and Federal governments with involvement of the health care provider, patient, and public health communities.

SEC. 4. EXPANSION OF BIOMEDICAL RESEARCH.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this Act referred to as the "Secretary"), acting through the Director of the National Institutes of Health, shall expand and intensify research and related activities of the Institutes with respect to psoriasis and psoriatic arthritis.

(b) RESEARCH BY NIAMS.—

(1) IN GENERAL.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall conduct or support research to expand understanding of the causes of, and to find a cure for, psoriasis and psoriatic arthritis. Such research shall include the following:

(A) Basic research to discover the pathogenesis and pathophysiology of the disease.

(B) Expansion of molecular genetics and immunology studies, including additional animal models.

(C) Global association mapping with single nucleotide polymorphisms.

(D) Identification of environmental triggers and autoantigens in psoriasis.

(E) Elucidation of specific immune receptor cells and their products involved.

(F) Pharmcogenetic studies to understand the molecular basis for varying patient response to treatment.

(G) Identification of genetic markers of psoriatic arthritis susceptibility.

(H) Research to increase understanding of joint inflammation and destruction in psoriatic arthritis.

(I) Clinical research for the development and evaluation of new treatments, including new biological agents.

(J) Research to develop improved diagnostic tests.

(K) Research to increase understanding of co-morbidities and psoriasis, including shared molecular pathways.

(2) COORDINATION WITH OTHER INSTITUTES.—In carrying out paragraph (1), the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall coordinate the activities of the Institute with the activities of other national research institutes and other agencies and offices of the National Institutes of Health relating to psoriasis or psoriatic arthritis.

SEC. 5. NATIONAL PATIENT REGISTRY.

(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with an eligible national organization, shall establish a national psoriasis and psoriatic arthritis patient registry.

(b) COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary shall enter into cooperative agreements with an eligible national organization and appropriate academic health institutions to develop, implement, and manage a system for psoriasis and psoriatic arthritis patient data collection and analysis, including the creation and use of a common data entry and management system.

(c) LONGITUDINAL DATA.—In carrying out subsection (a), the Secretary shall ensure the collection and analysis of longitudinal data related to individuals of all ages with psoriasis and psoriatic arthritis, including infants, young children, adolescents, and adults of all ages including older Americans.

(d) ELIGIBLE NATIONAL ORGANIZATION.—In this section, the term "eligible national organization" means a national organization that—

(1) has expertise in the epidemiology of psoriasis and psoriatic arthritis; and

(2) maintains an established patient registry or biobank.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $1,000,000 for fiscal year 2008 and $500,000 for each of fiscal years 2009 through 2012.

SEC. 6. NATIONAL SUMMIT.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall convene a summit on the current activities of the Federal Government to conduct or support research, treatment, education, and quality-of-life activities with respect to psoriasis and psoriatic arthritis, including psoriasis and psoriatic arthritis related co-morbidities. The summit shall include researchers, public health professionals, representatives of voluntary health agencies and patient advocacy organizations, representatives of academic institutions, and Federal and State policymakers.

(b) FOCUS.—The summit convened under this section shall focus on—

(1) a broad range of research activities relating to biomedical, epidemiological, psychosocial, and rehabilitative issues;

(2) clinical research for the development and evaluation of new treatments, including new biological agents;

(3) translational research;

(4) information and education programs for health care professionals and the public;

(5) priorities among the programs and activities of the various Federal agencies involved in psoriasis and psoriatic arthritis and psoriasis and psoriatic arthritis related co-morbidities; and

(6) challenges and opportunities for scientists, clinicians, patients, and voluntary organizations.

(c) REPORT TO CONGRESS.—Not later than 180 days after the first day of the summit convened under this section, the Secretary shall submit to Congress and make publicly available a report that includes a description of—

(1) the proceedings at the summit; and

(2) the research, treatment, education, and quality-of-life activities conducted or supported by the Federal Government with respect to psoriasis and psoriatic arthritis, including psoriasis and psoriatic arthritis related co-morbidities.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized such sums as may be necessary for each of fiscal years 2008 through 2010.

SEC. 7. STUDY AND REPORT BY THE INSTITUTE OF MEDICINE.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the Institute of Medicine to conduct a study on the following:

(1) The extent to which public and private insurers cover prescription medications and other treatments for psoriasis and psoriatic arthritis.

(2) The payment structures, such as deductibles and co-payments, and the amounts and duration of coverage under health plans and their adequacy to cover the costs of providing ongoing care to patients with psoriasis and psoriatic arthritis.

(3) Health plan and insurer coverage policies and practices and their impact on the access of such patients to the best regimen and most appropriate care for their particular disease state.

(b) REPORT.—The agreement entered into under subsection (a) shall provide for the Institute of Medicine to submit to the Secretary and Congress, not later than 18 months after the date of the enactment of this Act, a report containing a description of the results of the study conducted under this section and the conclusions and recommendations of the Institutes of Medicine regarding each of the issues described in paragraphs (1) through (3) of subsection (a).

By Mr. ROCKEFELLER:

S. 1461. A bill to prohibit the Secretary of Health and Human Services from imposing penalties against a State under the Temporary Assistance for Needy Families program for failure to satisfy minimum work participation rates or comply with work participation verification procedures with respect to months beginning after September 2006 and before the end of the 12-month period that begins on the date the Secretary approves the State's work verification plan; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing a simple bill to try and provide some fairness to States as they struggle to try and implement the new, stringent standards of the welfare reform reauthorization imposed as part of the Deficit Reduction Act on 2007. As a former member of the West Virginia State Legislature and as a Governor, I know that implementation of such mandates can take time.

Let me share the timeline that States face in coping with the new rules on welfare reform, or Temporary Assistance to Needy Families, TANF. Most of the pending legislation on TANF, including President Bush's plan had a multiyear phase in proposals for tougher work requirements.

But the legislation that passed was a stark change with no time for States to develop new policy and no time for State legislature to react to new policy. Additionally States could be penalized for their policy even before they get guidance from officials at the Department of Health and Human Services, HHS, that their work verification plan is approved. This is just not fair.

Here is the history. In October of 2005, the House Workforce Committee passed legislation to phase-in higher work standards.

In November of 2005, the Senate approved a budget reconciliation bill without new work requirements. Later that month, the House approved a reconciliation bill that phased-in higher work requirements.

On December 19, 2005, the conference agreement on the Deficit Reduction Act imposed tougher work standard that will take effect on October 1, 2007. States will also face penalties if they do not meet new, unpublished work verification requirements.

The President signed the bill into law in February 2006.

The Department of Health and Human Services did not issue regulations to define work activities and outlining the requirements for work verification plans until June 29, 2006.

States had just 3 months to develop their work verification plans based on the new regulations, and the plans are due on September 30, 2006.

On October 1, 2006, the tougher work standards as measured by work verification took effect.

Today, May 22, 2006, no State has received approval of their work verification plans submitted over 7 months ago. But States could be penalized for failing participation standards today before they have gotten guidance from HHS that their work verification plans are approved, and they know what is expected of them.

This is just not fair. States need to know what the rules are for work, and what they can count for work before any penalties should be assessed, even if they are not due until a future date. Some of the potential penalties are harsh, including a 5 percent cut in the State's block grant in the first year, and a requirement to increase State matching funds. Such cuts could be imposed when the value of TANF block grant has shrunk by more than 20 percent since 1996.

My bill is simple fairness. It states that no financial penalties can be imposed on a State until 12 months after a State gets official approval by HHS of its work verification plans. This allows each State a year to come into compliance. States are trying, but they do not yet know what officially counts as work so they should not face any penalties until after the rules are clear.

Welfare reform is not supposed to be about penalties and pushing families off the caseload. Welfare reform is supposed to be about promoting responsibility and self-sufficiency. States, and the families, on the program deserve to know with certainty what it takes to "play by the rules."

By Mr. ROCKEFELLER:

S. 1462. A bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Adoption Equality Act of 2007. This legislation is an issue of fairness. It clearly states that every special needs child who needs adoption assistance in order to gain a safe, permanent home deserves it.

Throughout my career in the Senate, I have sought to strengthen and improve policies for the most vulnerable children, children who are at-risk of abuse and neglect in their own homes. While foster care is able to provide for the basic needs of these children, we must ultimately be able to provide them with a safe permanent home.

Congress demonstrated their dedication to this when they passed the 1997 Adoption and Safe Families Act, which led to the number of nationwide adoptions nearly doubling. But even with these significant gains we cannot forget over 100,000 children in foster care are waiting for adoption. In West Virginia, there are 94 children waiting for adoption. For some of these children, described as having "special needs," placement in a safe permanent home is especially difficult. Special needs children face increased obstacles in adoption due to factors such as their age, disability, or status as part of a group of siblings needing to be placed together.

In an effort to offer additional support to those in foster care who have the most difficulty finding a safe and permanent home, adoption subsidies are provided to encourage the adoption of "special needs" children. These subsidy payments provide essential income support to help families finance the daily basic costs of raising these children, as well as support for special services like therapy, tutoring, or special equipment for disabled children.

Yet, the current law does not make these Federal subsidies available to all families adopting "special needs" children. Under this law, only a fraction of the children waiting to be adopted would qualify for support. Federal subsidies are only given to families who adopt special needs children whose biological family would have qualified for welfare benefits. This is, simply, wrong. A child's eligibility for these important benefits should not be dependent on the income of his or her biological parents, these are the parents whose legal rights to the child have been terminated, the parents who have abused or neglected the child.

It is time to create a Federal policy that levels the playing field and gives all children with special needs an equal and fair chance at being adopted. The Adoption Equality Act of 2007 will do this by removing the requirement that an income eligibility determination be made in regard to the child's biological parents, thereby making all children who meet the definition of "special needs" eligible for Federal adoption subsidies. The bill would also give States an incentive to make additional improvements to their welfare systems by requiring that States reinvest the moneys they save as a result of this bill back into their State child abuse and neglect programs.

The lack of modest financial resources to support these adoptions is often the only barrier that stands between an abused child and a safe, loving home. This bill is a wise investment if we want to truly help our most vulnerable children find a permanent home.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. VOINOVICH, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. COCHRAN):

S. 1464. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the Global Service Fellowship Program Act. This important bill would provide more Americans the opportunity to volunteer overseas and strengthen our existing Federal international education and exchange system. I believe the U.S. government needs to be taking a greater leadership role in providing opportunities for U.S. citizens to volunteer overseas and my bill will enhance U.S. efforts to be a global leader in people-to-people engagement.

People-to-people engagement is one of the United States' most effective public diplomacy tools and, today more than ever, we need to be investing in every opportunity to improve the perception of the U.S. overseas. Bad policy decisions by this administration have led to an alarming increase in negative opinions of the United States and we have not done enough to reverse this trend.

Studies have shown that, in areas where U.S. citizens have volunteered their time, money, and services, opinions of the United States have improved. A 2006 Terror Free Tomorrow poll found that, "In Indonesia, almost two years after the tsunami, American aid to tsunami victims continues to be the single biggest factor resulting in favorable opinion towards the United States. Almost 60 percent of Indonesians surveyed nationwide in August 2006 said that American assistance made them favorable to the United States. This number has remained solid following tsunami relief, despite a growing number of Indonesians who oppose American-led efforts to fight terrorism."

Greater investment in volunteer opportunities has significant potential to improve the image of the U.S. overseas and while we have important programs already in place, the Peace Corps and programs administered through the Department of State's Bureau of Education and Cultural Affairs, we can and should be doing more.

My bill would not only provide more opportunities for people-to-people engagement, but it reduces barriers that the average citizen faces when trying to volunteer internationally. First of all, my bill would reduce financial barriers by awarding fellowship awards designed to defray some of the costs associated with volunteering. The fellowship awards can be applied towards airfare, housing, or program costs, to name a few examples. By providing financial assistance, the Global Service Fellowship program opens the door for every American to be a participant, not just those with the resources to pay for it.

Secondly, my bill reduces volunteering barriers by offering flexibility in the length of the volunteer opportunity. I often hear from constituents that they do not seek opportunities to participate in Federal volunteer programs because they cannot leave their jobs or family for years at a time. The Global Service Fellowship Programs offers volunteers the opportunity to volunteer on a schedule that works for them, a month up to a year. My bill provides a commonsense approach to the time limitations of the average American.

Not only does this bill open the door for any U.S. citizen to apply for fellowship consideration, it calls on Congress to be part of the decision-making process. The Global Service Fellowship Program integrates members of Congress by calling on them to nominate volunteer applicants to the Department of State for consideration. Through this process, Congress will see firsthand the benefit international volunteering brings to their communities and the nation.

My bill would cost $150 million, which is more than offset by a provision that would require the IRS to deposit all of its fee receipts in the Treasury as miscellaneous receipts. CBO has estimated that this offset will save $559 million over 5 years for net deficit reduction of approximately $409 million.

I am pleased that my colleagues, Senators COLEMAN, VOINOVICH, CASEY, MENENDEZ, and LAUTENBERG have joined me in introducing this bill. This program would be a valuable addition to our public diplomacy and humanitarian efforts overseas and I encourage my colleagues to support the bill.

By Mr. BIDEN:

S. 1467. A bill to establish an Early Federal Pell Grant Commitment Demonstration Program; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, I rise today to introduce the Early Federal Pell Grant Commitment Demonstration Program Act of 2007.

This legislation addresses some of the disparities in our current system with an innovative way to clear the hurdles that lack of information and high costs often form to prevent low-income students from planning for a college education. A recent report by the Urban-Brookings Tax Policy Center concluded that grant programs "that are well targeted and have more predictable and larger awards tend to have larger impacts on college-going rates." This bill, I am pleased to say, establishes such a program.

Right now, students do not find out if they are eligible for Federal aid until their senior year, much less how much they will receive. If you have ever put kids through college, like I have, you know that this time frame doesn't allow much leeway for planning ahead. An earlier promise of Federal aid will begin the conversation about college early and continue it through high school. That way, students and their families can visualize college in their future, and this goal can sustain them through the moment they open their letter of acceptance. This promise can be especially important in changing the expectations of low-income students whose future plans often don't include college.

My bill would provide funding for a demonstration in four states, each of which would work with two cohorts of up to 10,000 eighth grade students; one in school year 2007–2008, and one in school year 2008–2009. By using the same eligibility criteria as the National School Lunch Program, students would be identified based on need in the eighth grade. Eligible students would qualify for the Automatic Zero Expected Family Contribution on the Free Application for Federal Student Aid, FAFSA, guaranteeing them a maximum Pell Grant. Local educational agencies with a National School Lunch Program participation rate above 50 percent would be eligible for the program.

The Early Federal Pell Grant Commitment Demonstration Program would also provide funding for states, in conjunction with the participating local educational agencies, to conduct targeted information campaigns beginning in the eighth grade and continuing through students' senior year. These campaigns would inform students and their families of the program and provide information about the cost of a college education, State and Federal financial assistance, and the average amount of aid awards. A targeted information campaign, along with a guarantee of a maximum Pell grant, would allow families and students to plan ahead for college and develop an expectation that the future includes higher education.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

Subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) is amended by adding at the end the following:

"SEC. 401B. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

"(a) DEMONSTRATION PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

"(A) the Secretary awards grants to 4 State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

"(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section.

"(2) GRANTS.—

"(A) IN GENERAL.—From amounts appropriated under subsection (g) for a fiscal year, the Secretary is authorized to award grants to 4 State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in a demonstration program under which students in 8th grade who are eligible for a free or reduced price meal receive a commitment to receive a Federal Pell Grant early in their academic careers.

"(B) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts to each of the 4 participating State educational agencies.

"(b) DEMONSTRATION PROJECT REQUIREMENTS.—Each of the 4 demonstration projects assisted under this section shall meet the following requirements:

"(1) PARTICIPANTS.—

"(A) IN GENERAL.—The State educational agency shall make participation in the demonstration project available to 2 cohorts of students, which shall consist of—

"(i) 1 cohort of 8th grade students who begin the participation in academic year 2007–2008; and

"(ii) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009.

"(B) STUDENTS IN EACH COHORT.—Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966.

"(2) STUDENT DATA.—The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project.

"(3) FEDERAL PELL GRANT COMMITMENT.—Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that student is in attendance at an institution of higher education as an undergraduate, if the student applies for Federal financial aid (via the FAFSA) during the student's senior year of secondary school and during succeeding years.

"(4) APPLICABILITY OF FEDERAL PELL GRANT REQUIREMENTS.—The requirements of section 401 shall apply to Federal Pell Grants awarded pursuant to this section, except that the amount of each participating student's Federal Pell Grant only shall be calculated by deeming such student to have an expected family contribution equal to zero.

"(5) APPLICATION PROCESS.—The Secretary shall establish an application process to select State educational agencies to participate in the demonstration program and State educational agencies shall establish an application process to select local educational agencies within the State to participate in the demonstration project.

"(6) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutritional Act of 1966, shall be eligible to participate in the demonstration project.

"(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

"(1) IN GENERAL.—Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) CONTENTS.—Each application shall include—

"(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

“(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

“(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

“(D) such other information as the Secretary may require.

“(d) SELECTION CONSIDERATIONS.—

“(1) SELECTION OF STATE EDUCATIONAL AGENCIES.—In selecting State educational agencies to participate in the demonstration program, the Secretary shall consider—

“(A) the number and quality of State educational agency applications received;

“(B) the Department's capacity to oversee and monitor each State educational agency's participation in the demonstration program;

“(C) a State educational agency's—

“(i) financial responsibility;

“(ii) administrative capability;

“(iii) commitment to focusing State resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

“(iv) the ability and plans of a State educational agency to run an effective and thorough targeted information campaign for students served by local educational agencies eligible to participate in the demonstration project; and

“(v) ensuring the participation in the demonstration program of a diverse group of students with respect to ethnicity and gender.

“(2) LOCAL EDUCATIONAL AGENCY.—In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

“(A) the number and quality of local educational agency applications received;

“(B) the State educational agency's capacity to oversee and monitor each local educational agency's participation in the demonstration project;

“(C) a local educational agency's—

“(i) financial responsibility;

“(ii) administrative capability;

“(iii) commitment to focusing local resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

“(iv) the ability and plans of a local educational agency to run an effective and thorough targeted information campaign for students served by the local educational agency; and

“(v) ensuring the participation in the demonstration project of a diverse group of students with respect to ethnicity and gender.

“(e) EVALUATION.—

“(1) IN GENERAL.—From amounts appropriated under section (g) for a fiscal year, the Secretary shall reserve not more than $1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

“(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

“(3) MATTERS EVALUATED.—The evaluation described in this subsection shall—

“(A) determine the number of individuals who were encouraged by the demonstration program to pursue higher education;

“(B) identify the barriers to the effectiveness of the demonstration program;

“(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

“(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

“(E) identify intermediate outcomes (relative to postsecondary education attendance), such as whether participants—

“(i) were more likely to take a college-prep curriculum while in secondary school;

“(ii) submitted any college applications; and

“(iii) took the PSAT, SAT, or ACT;

“(F) identify the number of individuals participating in the demonstration program who pursued an associate's degree or a bachelor's degree, as well as other forms of postsecondary education;

“(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

“(H) identify the impact on the parents of students eligible to participate in the demonstration program.

“(4) DISSEMINATION.—The findings of the evaluation shall be widely disseminated to the public by the organization conducting the evaluation as well as by the Secretary.

“(f) TARGETED INFORMATION CAMPAIGN.—

“(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration program assisted under this section.

“(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for their proposed targeted information campaign. The plan shall include the following:

“(A) OUTREACH.—Outreach to students and their families, at a minimum, at the beginning and end of each academic year of the demonstration project.

“(B) DISTRIBUTION.—How the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

“(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the demonstration program of information regarding—

“(i) the estimated statewide average higher education institution cost data for each academic year, which cost data shall be disaggregated by—

“(I) type of institution, including—

“(aa) 2-year public colleges;

“(bb) 4-year public colleges; and

“(cc) 4-year private colleges;

“(II) by component, including—

“(aa) tuition and fees; and

“(bb) room and board;

“(ii) Federal Pell Grants, including—

“(I) the maximum Federal Pell Grant for each academic year;

“(II) when and how to apply for a Federal Pell Grant; and

“(III) what the application process for a Federal Pell Grant requires;

“(iii) State-specific college savings programs;

“(iv) State-based merit aid;

“(v) State-based financial aid; and

“(vi) Federal financial aid available to students, including eligibility criteria for the Federal financial aid and an explanation of the Federal financial aid programs.

“(3) COHORTS.—The information described in paragraph (2)(C) shall be provided to 2 cohorts of students annually for the duration of the students' participation in the demonstration program. The 2 cohorts shall consist of—

“(A) 1 cohort of 8th grade students who begin the participation in academic year 2007–2008; and

“(B) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009.

“(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve $200,000 of the grant funds received each fiscal year for each of the 2 cohorts of students (for a total reservation of $400,000 each fiscal year) served by the State to carry out their targeted information campaign described in this subsection.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) $1,300,000 for fiscal year 2008, of which—

“(A) $500,000 shall be available to carry out subsection (e); and

“(B) $800,000 shall be available to carry out subsection (f)(2)(C);

“(2) $1,600,000 for fiscal year 2009, of which $1,600,000 shall be available to carry out subsection (f)(2)(C);

“(3) $1,600,000 for fiscal year 2010, of which $1,600,000 shall be available to carry out subsection (f)(2)(C);

“(4) $2,100,000 for fiscal year 2011, of which—

“(A) $500,000 shall be available to carry out subsection (e); and

“(B) $1,600,000 shall be available to carry out subsection (f)(2)(C);

“(5) $1,600,000 for fiscal year 2012, of which $1,600,000 shall be available to carry out subsection (f)(2)(C);

“(6) $14,600,000 for fiscal year 2013, of which—

“(A) $800,000 shall be available to carry out subsection (f)(2)(C); and

“(B) $13,800,000 shall be available for Federal Pell Grants provided in accordance with this section; and

“(7) $13,800,000 for fiscal year 2014, of which $13,800,000 shall be available for Federal Pell Grants provided in accordance with this section.”.

By Ms. MIKULSKI:

S. 1468. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Ms. MIKULSKI. Mr. President, I rise to introduce the Veterans Burial Benefits Improvement Act.

We must honor our U.S. soldiers who died in the name of their country. These service men and women are America's true heroes and on this day we pay tribute to their courage and sacrifice. Some have given their lives for our country. All have given their time and dedication to ensure our country remains the land of the free and the home of the brave. We owe a special debt of gratitude to each and every one of them.

Our Nation has a sacred commitment to honor the promises made to soldiers when they signed up to serve our country. As a member of the Senate Appropriations Committee, I fight hard each year to make sure promises made to our service men and women are promises kept. These promises include access to quality, affordable health care and a proper burial for our veterans.

I am deeply concerned that burial benefits for the families of our wounded or disabled veterans have not kept up with inflation and rising funeral costs. We are losing over 1,000 World War II veterans each day, but Congress has failed to increase veterans' burial benefits to keep up with rising costs and inflation. While these benefits were never intended to cover the full costs of burial, they now pay for only a fraction of what they covered in 1973, when the federal government first started paying burial benefits for our veterans.

I want to thank my colleagues on the Veterans' Affairs Committee for working with me in the 107 Congress. Together, we were able to increase modestly the service-connected benefit from $1,500 to $2,000, and the plot allowance from $150 to $300. While I believe these increases are a step in the right direction, they are not a substitute for the amounts included in my bill.

That is why I am again introducing the Veterans Burial Benefits Improvement Act. This bill will increase burial benefits to cover the same percentage of funeral costs as they did in 1973. It will also provide for these benefits to be increased annually to keep up with inflation.

In 1973, the service-connected benefit paid for 72 percent of veterans' funeral costs. Today, this benefit covers just 39 percent of funeral costs. My bill will increase the service-connected benefit from $2,000 to $4,100, bringing it back up to the original 72 percent level.

In 1973, the nonservice connected benefit paid for 22 percent of funeral costs. It has not been increased since 1978, and today it covers just 6 percent of funeral costs. My bill will increase the nonservice connected benefit from $300 to $1,270, bringing it back up to the original 22 percent level.

In 1973, the plot allowance paid for 13 percent of veterans' funeral costs. Yet it now covers just 6 percent of funeral costs. My bill will increase the plot allowance from $300 to $745, bringing it back up to the original 13 percent level.

Finally, the Veterans Burial Benefits Improvement Act will also ensure that these burial benefits are adjusted for inflation annually, so veterans won't have to fight this fight again.

This legislation is just one way to honor our Nation's service men and women. I want to thank the millions of veterans, Marylanders, and people across the Nation for their patriotism, devotion, and commitment to honoring the true meaning of Memorial Day. U.S. soldiers from every generation have shared in the duty of defending America and protecting our freedom. For these sacrifices, America is eternally grateful.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Burial Benefits Improvement Act of 2007".

SEC. 2. INCREASE IN BURIAL AND FUNERAL BENEFITS FOR VETERANS.

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES AND PROVISION FOR ANNUAL COST-OF-LIVING ADJUSTMENT.—

(1) EXPENSES GENERALLY.—Section 2302(a) of title 38, United States Code, is amended by striking "$300" and inserting "$1,270 (as increased from time to time under section 2309 of this title)".

(2) EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(1)(A) of such title is amended by striking "$300" and inserting "$1,270 (as increased from time to time under section 2309 of this title)".

(3) EXPENSES FOR DEATHS FROM SERVICE-CONNECTED DISABILITIES.—Section 2307 of such title is amended by striking "$2,000," and inserting "$4,100 (as increased from time to time under section 2309 of this title),".

(b) PLOT ALLOWANCE.—Section 2303(b) of such title is amended—

(1) by striking "$300" the first place it appears and inserting "$745 (as increased from time to time under section 2309 of this title)"; and

(2) by striking "$300" the second place it appears and inserting "$745 (as so increased)".

(c) ANNUAL ADJUSTMENT.—

(1) IN GENERAL.—Chapter 23 of such title is amended by adding at the end the following new section:

"§ 2309. Annual adjustment of amounts of burial benefits

"With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the burial and funeral expenses under sections 2302(a), 2303(a), and 2307 of this title, and in the plot allowance under section 2303(b) of this title, equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2309. Annual adjustment of amounts of burial benefits.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2008.—No adjustments shall be made under section 2309 of title 38, United States Code, as added by subsection (c), for fiscal year 2008.

By Mr. HARKIN:

S. 1469. A bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes; to the Committee on Armed Services.

Mr. HARKIN. Mr. President, today I am offering legislation to close the U.S. military presence at Guantanamo Bay, Cuba. There is remarkable agreement on the need to find a way to close this prison. Our closest allies have all urged that Guantanamo be closed, as have many leaders from across the political spectrum in the United States.

Last June, after three detainees committed suicide in a single day, President Bush acknowledged that the prison has damaged America's reputation abroad. The President said:

> No question, Guantanamo sends a signal to some of our friends—provides an excuse, for example, to say that the United States is not upholding the values that they're trying to encourage other countries to adhere to.

The President said:

> I'd like to close Guantanamo.

More recently, Secretary of Defense Gates and Secretary of State Rice have urged that the prison be shut down. On March 23, the Washington Post, citing "senior administration officials," reported Secretary Gates had "repeatedly argued that the detention facility at Guantanamo Bay, Cuba, had become so tainted abroad that legal proceedings at Guantanamo would be viewed as illegitimate." According to the Post, Secretary Gates "told President Bush and others that it should be shut down as quickly as possible."

Make no mistake, current detainees at Guantanamo include a number of extremely dangerous terrorists with the determination and the ability—if they are given the opportunity—to inflict grave harm on the United States and its citizens. Among the detainees are 14 senior leaders of al-Qaida, including Khalid Sheikh Mohammed, who has confessed to being one of the masterminds of the September 11 attacks, plus others. We must, and we can, hold these enemy combatants in maximum security confinement elsewhere.

But the critics are right. The 5-year-old prison at Guantanamo is a stain on the honor of this country. By holding people at Guantanamo without charge, without judicial review, without appropriate legal counsel, and—in the past—subjecting many of them to torture, we have forfeited the moral high ground and we stand as hypocrites in the eyes of the world.

Perhaps most seriously, from a pragmatic standpoint, maintaining the prison at Guantanamo is simply counterproductive. It has become a propaganda bonanza and recruitment tool for terrorists. It alienates our friends and allies. It detracts from our ability to regain the moral high ground, and rally the world against the terrorists who threaten us.

The administration has repeatedly described detainees at Guantanamo as "the worst of the worst" or, as former Secretary of Defense Rumsfeld once described them, the "most dangerous, best-trained, vicious killers on the face of the earth." Unquestionably, some of the detainees fit these descriptions. However, an exhaustive study of Guantanamo detainees conducted by the nonpartisan, highly respected National Journal last year came to the following conclusions: A large percentage, perhaps the majority, of the detainees were not captured on any battlefield, let alone on "the battlefield in Afghanistan," as the President once asserted. Fewer than 20 percent of the detainees have ever been al-Qaida members. Many scores, and perhaps hundreds, of the detainees were not even Taliban foot soldiers, let alone al-Qaida members. The majority were not captured by U.S. forces but, rather, handed over by reward-seeking Pakistanis, Afghan warlords, and by villagers of highly dubious reliability. For example, one of the detainees is a man who was conscripted by the Taliban to work as an assistant cook. The U.S. Government's "evidence" against this detainee consists in its entirety of the following:

One, the detainee admits he was a cook's assistant for Taliban forces in Narim, Afghanistan, under the command of Haji Mullah Baki.

Two, the detainee fled from Narim to Kabul during the Northern Alliance attack and surrendered to the Northern Alliance.

This person is still sitting in Guantanamo.

The situation at Guantanamo, I must add, reminds me of an earlier episode in this Senator's life. In July of 1970, I was a staff assistant to a House committee in the House of Representatives. I was working with a congressional delegation on a factfinding trip to Vietnam. I brought back photographs of the so-called tiger cages at Con Son Island, off the coast of Vietnam, where Viet Cong and some North Vietnamese prisoners, as well as civilian opponents of the war, were all being held together, held incommunicado, tortured and killed, with the full knowledge, support, and sanction of the United States Government. We had heard reports about the possible existence of these tiger cages. But our State Department vehemently denied their existence. They dismissed all of these claims as communist propaganda.

Well, I looked into this and believed the reports were credible. I was determined to investigate further to see if they did exist. Thanks to the courage of Congressman William Anderson of Tennessee, Congressman Augustus Hawkins of California, Don Luce, an American working for a nongovernmental organization, and a brave, young Vietnamese man who risked his life and his brother's life, who was still held on Con Son in the tiger cages, who drew us the maps and showed us how to find the tiger cages at these prisons—Nguyen Caoli was the young man's name. He risked it all by trusting us. Thanks to his maps and telling us how to find them, we were able to expose the tiger cages on Con Son Island in July of 1970.

Supporters of the war claimed the tiger cages were not all that bad. But then Life Magazine and other magazines around the world published the pictures I had surreptitiously taken on Con Son, and the world saw the horrific conditions, as I said, with Vietnamese guerrillas, as well as civilian opponents of the war, all crowded together in these cages, in clear violation of the Geneva Conventions, and in violation of the most fundamental principles of human rights.

At the time, the United States Government had been insisting the North Vietnamese abide by the Geneva Conventions in their treatment of United States prisoners in North Vietnam. Yet, here we were condoning, funding, and even supervising the torture of Vietnamese prisoners and civilians, whose only crime was protesting the war, all in clear violation of the Geneva Conventions.

There are disturbing parallels between what transpired on Con Son Island nearly four decades ago and what happened at Guantanamo in recent years. In both cases, prisons were deliberately set up on remote islands, clearly with the intention of limiting scrutiny and restricting access. In both cases, detainees were not classified as prisoners of war, expressly to deny them the protections of the Geneva Conventions. In both cases, detainees were deprived of any right of due process, judicial review, or a fair trial.

They were simply held indefinitely in isolation, in limbo. In both cases, when the mistreatment of detainees was exposed, the United States stood accused of hypocrisy, of betraying its most sacred values, and of violating international law.

So you can see why I have watched what has transpired at Guantanamo, and I have thought back to that episode in my life when all of this came out about the tiger cages and the inhumane treatment of these several hundred prisoners who were there at the time. There was a happy ending to that event. Because of the international outcry, the tiger cages were closed down, the prisoners were released, and people went back to their homes.

Many of them who were in the tiger cages I met later on in life. One became the mayor of Saigon, several became successful businesspeople, and others went on with their lives. But watching what happened at Guantanamo and seeing that many of these people were swept up in a war which some of them—many of them—well, the National Journal says a majority of them were not even engaged.

So it is time to close it down. We need to reverse the damage Guantanamo has done to America's reputation and to our ability to wage an effective fight against the terrorists who attacked us on September 11, and the essential first step must be to close the prison at Guantanamo as expeditiously as possible. The bill I am introducing today offers a practical approach to accomplishing this within 120 days of enactment of the law.

As I said, there are known hardcore terrorists at Guantanamo, such as Khalid Shaikh Mohammed, who must continue to be held in maximum-security conditions. Under my bill, these prisoners will be transferred to the U.S. detention base at Fort Leavenworth, KS. This is a state-of-the-art maximum-security facility just opened in 2002. It has adequate capacity to receive these prisoners from Guantanamo. Under my bill, the remaining prisoners, some 365 in number, would have their legal status resolved. In each case, the administration will determine whether the prisoner planned or committed hostile acts against the United States. Those who did plan or commit hostile acts would be charged and transferred to Fort Leavenworth. Those who did not would be released to the custody of their home country or, where necessary, to a country where they would not face torture.

There is a pending bill, S. 1249, to close the prison at Guantanamo. However, that bill gives the administration too much leeway to maintain the status quo in terms of the detainees' legal status. It allows an enemy combatant to be detained indefinitely without charge—that is what is getting us into trouble in the first place—and it does not require that the administration abide by the Convention Against Torture, nor does it give detainees a forum in which to lodge credible claims of torture or abuse. The bill I am introducing does all of that.

The United States has lost its way, both in Iraq and at Guantanamo. We need to wage a smarter, more focused, and more effective fight against the terrorists who threaten us, and we must do so in ways that do not give credence to their anti-American propaganda and do not rally more recruits to their cause. To that end, we must close the prison at Guantanamo as soon as possible. The legislation I am offering today will accomplish this.

This legislation has the enthusiastic endorsement of Human Rights Watch, Human Rights First, Amnesty International, and the American Civil Liberties Union. I urge my colleagues to support the bill.

Mr. President, I ask unamimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 1469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guantanamo Bay Detention Facility Closure Act of 2007".

SEC. 2. CLOSURE OF GUANTANAMO BAY DETENTION FACILITY AND DISPOSITION OF DETAINEES.

(a) CLOSURE OF FACILITY.—Not later than 120 days after the date of the enactment of this Act, the President shall close the Department of Defense detention facility at Guantanamo Bay Cuba.

(b) RESTRICTION ON USE OF FUNDS.—

(1) RESTRICTION.—Except as provided in paragraph (2), no amounts appropriated or otherwise made available for fiscal year 2007 or fiscal year 2008 may be used for the Guantanamo Bay detention facility or for detention at the Guantanamo Bay detention facility of any foreign national who was detained at such facility on or after Marach 31, 2007.

(2) EXCEPTIONS.—Amounts appropriated or otherwise made available for fiscal year 2007 or fiscal year 2008 may be used for the following purposes related to the detention of foreign nationals who were detained at the Guantanamo Bay detention facility on any date between March 31, 2007 and the date of enactment:

(A) Transfer to the United States Disciplinary Barracks at Fort Leavenworth, Kansas, for purposes of pretrial detention or detention during a trial or while serving a sentence, of any such person who, not later than 120 days after the date of the enactment of this Act, is charged with an offense under chapter 47A of title 10, United States Code, as added by section 3 of the Military Commissions Act of 2006 (Public Law 109-366), or with a felony offense under title 18, United States Code, or chapter 47 of title 10, United States Code (the Uniform Code of Military Justice); or

(B) Continued detention at the Guantanamo Bay detention facility for an additional 120 day period, not to continue more than 240 days after the date of the enactment of this Act, upon written certification by the Secretary of Defense to the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives that additional time is needed to complete the investigation and preparation of charges, including a detailed factual explanation of the specific reasons why the additional time is needed.

(C) Transfer of any such person to another country, provided that—

(i) the transfer complies with the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951, the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, and Federal law; and

(ii) an individual being so transferred who is asserting a well founded fear of torture, abuse, or persecution has an opportunity to have the claim heard by the Executive Office for Immigration Review, subject to the same judicial review provided for in section 242(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(4)).

(c) IMMIGRATION STATUS.—The transfer of an individual under subsection (b)(2)(A) shall not be considered an entry into the United States for purposes of immigration status.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out activities under this Act related to the investigation, prosecution, and defense of cases and claims relating to foreign nationals who were detained at the Guantanamo Bay detention facility on or after March 31, 2007, and the transfer of such persons, including for the reimbursement of costs incurred by local communities.

By Mr. NELSON of Florida (for himself and Mr. DURBIN):

S. 1470. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Health, Education, Labor, and Pensions.

Mr. NELSON of Florida. Mr. President, I rise to introduce the Drug Free Varsity Sports Act of 2007. This bill would provide States with the resources they need to rid our schools of steroids and other performance-enhancing drugs.

I believe steroid use doesn't begin at the professional level. I am very concerned about performance-enhancing drug use among young athletes, specifically high school athletes. Steroid use among high school students is on the rise. It more than doubled among high school students from 1991 to 2003, according to the Centers for Disease Control and Prevention. Furthermore, a study by the University of Michigan shows that the percentage of 12 graders who said they had used steroids some time in their lives rose from 1.9 percent in 1996 to 3.4 percent in 2004. This is unacceptable and a health risk to our children.

In 2004, the Polk County School District became the first in Florida to establish random testing for high school athletes, and the Florida House passed a bill that would have made Florida the first State to require steroid testing for high school athletes. That bill stalled in the Senate, but now Florida and other States are considering a similar law. Currently, less than 4 percent of U.S. high schools test athletes for steroids, and no State requires high schools to test athletes. Schools and States say that cost is usually the reason they don't test.

In response, I am introducing this legislation to help States with the resources they need to curb the use of steroids and other performance-enhancing drugs. My legislation would provide federal grants directly to States so that they can develop and implement performance-enhancing drug testing programs.

The Drug Free Varsity Sports Act of 2007 would authorize $20 million in grants to States to create statewide pilot drug testing programs for performance-enhancing drugs. States that receive the grants would be required to incorporate recovery, counseling, and treatment programs for those students who test positive for performance-enhancing drugs.

Stopping the use of performance-enhancing drugs goes beyond testing. That is why my legislation also would require States that receive grants to allocate no less than 10 percent of the funding to establish statewide policies to discourage steroid use, through educational or other related means.

There is no simple solution to the issue of steroids in sports. Congress can do its part by enacting the Drug Free Varsity Sports Act of 2007. But the sports leagues, their players, coaches, and parents all must play an active role.

Mr. President, I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Free Varsity Sports Act of 2007".

SEC. 2. PILOT DRUG-TESTING PROGRAMS FOR PERFORMANCE-ENHANCING DRUGS.

(a) PURPOSE.—The purpose of this section is to supplement the other student drug-testing programs assisted by the Office of Safe and Drug-Free Schools of the Department of Education by establishing, through the Office, a grant program that will allow State educational agencies to test secondary school students for performance-enhancing drug use.

(b) PROGRAM AUTHORIZED.—The Secretary of Education, acting through the Assistant Deputy Secretary of the Office of Safe and Drug-Free Schools, shall award, on a competitive basis, grants to State educational agencies to enable the State educational agencies to develop and carry out statewide pilot programs that test secondary school students for performance-enhancing drug use.

(c) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In awarding grants under this section, the Secretary of Education shall give priority to State educational agencies that incorporate community organizations in carrying out the recovery, counseling, and treatment programs described in subsection (e)(1)(B).

(e) USE OF FUNDS.—

(1) DRUG-TESTING PROGRAM FOR PERFORMANCE-ENHANCING DRUGS.—A State educational agency that receives a grant under this section shall use not more than 90 percent of the grant funds to carry out the following:

(A) Implement a drug-testing program for performance-enhancing drugs that is limited to testing secondary school students who meet 1 or more of the following criteria:

(i) The student participates in the school's athletic program.

(ii) The student is engaged in a competitive, extracurricular, school-sponsored activity.

(iii) The student and the student's parent or guardian provides written consent for the student to participate in a voluntary random drug-testing program for performance-enhancing drugs.

(B) Provide recovery, counseling, and treatment programs for secondary school students tested in the program who test positive for performance-enhancing drugs.

(2) PREVENTION.—A State educational agency that receives a grant under this section shall use not less than 10 percent of the grant funds to establish statewide policies that discourage the use of performance-enhancing drugs, through educational or other related means.

(f) REPORT.—For each year of the grant period, a State educational agency that receives a grant under this section shall prepare and submit an annual report to the Assistant Deputy Secretary of the Office of Safe and Drug-Free Schools on the impact of the pilot program, which report shall include—

(1) the number and percentage of students who test positive for performance-enhancing drugs;

(2) the cost of the pilot program; and

(3) a description of any barriers to the pilot program, as well as aspects of the pilot program that were successful.

(g) DEFINITIONS.—In this section, the terms "State educational agency" and "secondary school" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2008.

(2) SEPARATION OF FUNDS.—The Secretary of Education shall keep any funds authorized for this section under paragraph (1) separate from any funds available to the Secretary for other student drug-testing programs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1166. Mr. GRASSLEY (for himself, Mr. DEMINT, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes.

SA 1167. Ms. CANTWELL (for herself, Mr. LEVIN, Mrs. MURRAY, Mr. CRAIG, Mr. CRAPO, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1168. Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. DOMENICI, Mr. MCCAIN, Mr. KYL, Mrs. FEINSTEIN, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1169. Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, Mr. OBAMA, Mr. DODD, and Mr. DURBIN) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1170. Mr. McCONNELL (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1171. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1172. Mr. GREGG (for himself, Mr. DEMINT, Mr. CORNYN, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1173. Mr. GRAHAM (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1174. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1175. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1176. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1177. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1178. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1179. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mrs. CLINTON, Mr. DODD, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1180. Mr. HAGEL (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1181. Mr. DORGAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1182. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1183. Mrs. CLINTON (for herself, Mr. HAGEL, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1184. Mr. CORNYN (for himself, Mr. NELSON, of Nebraska, and Mr. DEMINT) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1185. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1186. Mr. AKAKA (for himself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. BOXER, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1187. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1188. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1189. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1166. Mr. GRASSLEY (for himself, Mr. DEMINT, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking "There shall be no means of judicial review" and all that follows and inserting the following: "Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all visas issued before, on, or after such date.

SA 1167. Ms. CANTWELL (for herself, Mr. LEVIN, Mrs. MURRAY, Mr. CRAIG, Mr. CRAPO, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NORTHERN BORDER PROSECUTION REIMBURSEMENT.

(a) SHORT TITLE.—This section may be cited as the "Northern Border Prosecution Initiative Reimbursement Act".

(b) NORTHERN BORDER PROSECUTION INITIATIVE.—

(1) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(2) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(3) Use of funds.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(A) Prosecution and related costs.

(B) Court costs.

(C) Costs of courtroom technology.

(D) Costs of constructing holding spaces.

(E) Costs of administrative staff.

(F) Costs of defense counsel for indigent defendants.

(G) Detention costs, including pre-trial and post-trial detention.

(4) Definitions.—In this section:

(A) The term "eligible northern border entity" means—

(i) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(ii) any unit of local government within a State referred to in claluse (i).

(B) The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(C) The term "federally declined-referred" means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(D) The term "case disposition", for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

SA 1168. Mrs. HUTCHISON (for herself, Mr. Bingaman, Mr. Domenici, Mr. McCain, Mr. Kyl, Mrs. Feinstein, and Mr. Cornyn) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. Reid (for Mr. Kennedy (for himself and Mr. Specter)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 6, line 11, strike the second period and insert the following: ";

(C) in paragraph (2), as redesignated—

(i) in the header, by striking "Security features" and inserting "Additional fencing along southwest border"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) Reinforced fencing.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

"(B) Priority areas.—In carrying out this section, the Secretary of Homeland Security shall—

"(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

"(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

"(C) Consultation.—

"(i) In general.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

"(ii) Savings provision.—Nothing in this subparagraph may be construed to—

"(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

"(II) affect the eminent domain laws of the United States or of any State.

"(D) Limitation on requirements.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location."; and

(D) in paragraph (5), as redesignated, by striking "to carry out this subsection not to exceed $12,000,000" and inserting "such sums as may be necessary to carry out this subsection".

SA 1169. Mr. BINGAMAN (for himself, Mrs. Feinstein, Mr. Obama, Mr. Dodd, and Mr. Durbin) proposed an amendment to amendment SA 1150 proposed by Mr. Reid (for Mr. Kennedy (for himself and Mr. Specter)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike subparagraph (B) of the quoted matter under section 409(1)(B) and insert the following:

"(B) under section 101(a)(15)(Y)(i), may not exceed 200,000 for each fiscal year; or

In paragraph (2) of the quoted matter under section 409(2), strike ", (B)(ii),".

SA 1170. Mr. McCONNELL (for himself and Mr. Bond) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . IDENTIFICATION REQUIREMENT.

(a) New Requirement for Individuals Voting in Person.—

(1) In general.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

"(a) In General.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

"(b) Effective Date.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2008.".

(2) Conforming amendments.—

(A) Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(B) The table of contents of the Help America Vote Act of 2002 is amended by redesignating the items relating to sections 304 and 305 as relating to items 305 and 306, respectively, and by inserting after the item relating to section 303 the following new item:

"Sec. 304. Identification of voters at the polls.".

(b) Funding for Free Photo Identifications.—

(1) In general.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

"PART 7—PHOTO IDENTIFICATION

"SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

"(a) In General.—In addition to any other payments made under this subtitle, the Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

"(b) Eligibility.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

"(1) a statement that the State intends to comply with the requirements of section 304; and

"(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

"(c) Use of Funds.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

"(d) Allocation of Funds.—

"(1) In general.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

"(A) the total amount appropriated for payments under this part for the year under section 298; and

"(B) an amount equal to—

"(i) the voting age population of the State (as reported in the most recent decennial census); divided by

"(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

"(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.".

(2) CONFORMING AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by inserting after the item relating to section 296 the following:

"PART 7—PHOTO IDENTIFICATION

"Sec. 297. Payments for free photo identification.

"Sec. 298. Authorization of appropriations.".

SA 1171. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 26, insert "of which not less than 17,500 shall be trained and deployed to protect the borders of the United States" after "agents".

SA 1172. Mr. GREGG (for himself, Mr. DEMINT, Mr. CORNYN, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike section 1 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) IN GENERAL.—With the exception of the probationary benefits conferred by section 601(h) of this Act, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109-13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

SA 1173. Mr. GRAHAM (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike subsections (a) through (c) of section 276 of the Immigration and Nationality Act, as amended by section 207 of this Act, and insert the following:

"(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 60 days and not more than 2 years.

"(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not less than 1 year and not more than 10 years;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, and imprisoned not less than 2 years and not more than 15 years;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, and imprisoned not less than 5 years and not more than 20 years.

"(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 2 years and not more than 10 years.".

SA 1174. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 1(a), strike "the probationary benefits conferred by Section 601(h), the provisions of Subtitle C of title IV," and insert "the provisions of subtitle C of title IV".

At the end of section 1, add the following:

(d) No probationary benefit established under title VI shall be issued to an alien until this section is implemented.

SA 1175. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 6 and 7, strike "the probationary benefits conferred by Section 601(h),"

SA 1176. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—STUDY OF WARTIME TREATMENT OF CERTAIN PEOPLE

SEC. 01. SHORT TITLE.

This title may be cited as the "Wartime Treatment Study Act".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 03. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term "European Americans" refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term "Italian Americans" refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term "German Americans" refers to United States citizens and resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term "European Latin Americans" refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term "Latin American nation" refers to any nation in Central America, South America, or the Carribean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. ___011. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the "European American Commission").

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 012. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War

II (in this paragraph referred to as "World War II detention facilities");

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) Field Hearings.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) Report.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 011(e).

SEC. 013. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) In General.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) Government Information and Cooperation.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 014. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 015. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 016. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

Subtitle B—Commission on Wartime Treatment of Jewish Refugees

SEC. ___021. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) In General.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this subtitle as the "Jewish Refugee Commission").

(b) Membership.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) Terms.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) Representation.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) Meetings.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) Quorum.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) Chairman.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) Compensation.—

(1) In general.—Members of the Jewish Refugee Commission shall serve without pay.

(2) Reimbursement of expenses.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. ___022. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) In General.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) Scope of Review.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) Field Hearings.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) Report.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 021(e).

SEC. 023. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) In General.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee

Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 024. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 025. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 026. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 1177. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIGIBILITY OF AGRICULTURAL AND FORESTRY WORKERS FOR CERTAIN LEGAL ASSISTANCE.

Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note; Public Law 99–603) is amended—

(1) by striking "section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a))" and inserting "subparagraph (H)(ii)(a) or subparagraph (Y) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15))"; and

(2) by inserting "or forestry" after "agricultural".

SA 1178. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2___. ARREST AND DETENTION OF ALIENS UNLAWFULLY PRESENT.

(a) ARREST PROCEDURES.—Any immigration enforcement operation by the Department for alleged violations under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which is reasonably calculated to apprehend, or results in the apprehension of, at least 50 aliens, shall be carried out according to the following procedures:

(1) STATE NOTIFICATION.—The Department shall provide State officials with sufficient advance notice of the enforcement operation to allow State law enforcement officials to notify the appropriate State social service agencies (referred to in this section as "SSA") of—

(A) the specific area of the State that will be affected;

(B) the languages spoken by employees at the target worksite; and

(C) any special needs of the employees.

(2) NGO NOTIFICATION.—The Department and the applicable SSA shall determine how appropriate nongovernmental organizations will be notified on the day of the enforcement action. At the discretion of the SSA, representatives of the nongovernmental organization who speak the native language of the aliens detained in the enforcement action may be permitted to participate with SSA officials in interviewing such aliens.

(3) DETERMINATION OF RISK TO RELATIVES.—The Department shall provide the applicable SSA with unfettered and confidential access to aliens detained in the enforcement action to assist in the screening and interviews of aliens to determine whether the detainee, the detainee's children, or other vulnerable people, including elderly and disabled individuals, have been placed at risk as a result of the detainee's arrest.

(4) MEDICAL SCREENING.—After SSA officials have met with the alien detainees, qualified medical personnel from the Division of Immigration Health Services of the Department of Health and Human Services shall—

(A) conduct medical screenings of the alien detainees; and

(B) identify and report any medical issues that might necessitate humanitarian release or additional care.

(5) CONSIDERATION OF RECOMMENDATIONS.—The Department shall immediately consider recommendations made by the applicable SSA and the Division of Immigration Health Services about alien detainees who should be released on humanitarian grounds, including alien detainees who—

(A) have a medical condition that requires special attention;

(B) are pregnant women;

(C) are nursing mothers;

(D) are the sole caretakers of their minor children or elderly relatives;

(E) function as the primary contact between the family and those outside the home due to language barriers;

(F) are needed to support their spouses in caring for sick or special needs children;

(G) have spouses who are ill or otherwise unable to be sole caretaker; or

(H) are younger than 18 years of age.

(6) PUBLICITY.—The Department shall provide, and advertise in the mainstream and foreign language media, a toll-free number through which family members of alien detainees may report such relationships to operators who speak English and the majority language of the target population of the enforcement operation and will convey such information to the Department and the applicable SSA.

(b) DETENTION PROCEDURES.—

(1) IN GENERAL.—In order to maximize full and fair visitation by children, immediate family members, and counsel, an alien should be detained, to the extent space is available, in facilities within the physical jurisdiction or catchment area of the local field office of United States Immigration and Customs Enforcement.

(2) RELEASE.—

(A) IN GENERAL.—Not later than 72 hours of an alien's apprehension, the alien shall be released from Department custody, in accordance with subparagraph (B), if the alien—

(i) is not subject to mandatory detention under section 235(1)(B)(iii)(IV), 236(c), or 236A of the Immigration and Nationality Act (8 U.S.C. 1225(1)(B)(iii)(IV), 1226(c), and 1226a);

(ii) does not pose an immediate flight risk; and

(iii) meets any of the criteria set forth in subsection (a)(5).

(B) TYPE OF RELEASE.—An alien shall be released under this paragraph—

(i) on the alien's own recognizance;

(ii) by posting a minimum bond under section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a));

(iii) on parole in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)); or

(iv) through the Intensive Supervision Appearance Program or another comparable alternative to detention program.

(c) LEGAL ORIENTATION PRESENTATIONS.—Any alien arrested in an immigration enforcement operation that is reasonably calculated to apprehend, or results in the apprehension of, at least 50 aliens shall have access to legal orientation presentations provided by independent, nongovernmental agencies through the Legal Orientation Program administered by the Executive Office for Immigration Review.

(d) REGULATIONS CONCERNING THE TREATMENT OF ALIENS IN A VULNERABLE POPULATION IN THE UNITED STATES.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement this section, in accordance with the notice and comment requirements under subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act).

(e) REPORT TO CONGRESS.—The Secretary shall submit an annual report that describes all the actions taken by the Department to implement this section to—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on the Judiciary of the House of Representatives;

(3) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(4) the Committee on Homeland Security of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1179. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mrs. CLINTON, Mr. DODD, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of Title VII, insert the following:

Subtitle ___—Humanitarian Relief

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "September 11 Family Humanitarian Relief and Patriotism Act".

SEC. 2. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply in the administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—In this subtitle, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

SEC. ___3. ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS OF TERRORISM.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The Secretary shall adjust the status of any alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary establishes procedures to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISIONS.—

(A) IN GENERAL.—In the case of an alien described in subsection (b) who is applying for adjustment of status under this section—

(i) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(ii) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) APPLICATION PERMITTED.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—Subject to section ___5, the benefits under subsection (a) shall apply to any alien who—

(1) was lawfully present in the United States as a nonimmigrant alien under the immigration laws of the United States on September 10, 2001;

(2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(A) was lawfully present in the United States as a nonimmigrant under the immigration laws of the United States on such date; and

(B) died as a direct result of a specified terrorist activity; and

(3) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall establish a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), unless the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. ___4. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b)) and section ___5 of this Act, the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(2) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall establish a process to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for cancellation of removal under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this Act and shall extend for a period not to exceed 240 days.

SEC. 5. EXCEPTIONS.

Notwithstanding any other provision of this subtitle, an alien may not be provided relief under this subtitle if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

SEC. ___6. EVIDENCE OF DEATH.

For purposes of this subtitle, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism

(USA PATRIOT Act) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SEC. ___7. AUTHORITY OF THE ATTORNEY GENERAL.

The requirements and authorities under this subtitle pertaining to the Secretary, other than the authority to grant work authorization, shall apply to the Attorney General with respect to cases otherwise within the jurisdiction of the Executive Office for Immigration Review.

SEC. ___8. PROCESS FOR IMPLEMENTATION.

The Secretary and the Attorney General—

(1) shall carry out this subtitle as expeditiously as possible;

(2) are not required to promulgate regulations before implementing this subtitle; and

(3) shall promulgate procedures to implement this subtitle not later than 180 days after the date of the enactment of this subtitle.

SA 1180. Mr. HAGEL (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 616, strike subsection (a) and insert the following:

(a) RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.—

(1) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(2) EFFECTIVE DATE.—The repeal under paragraph (1) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SA 1181. Mr. DORGAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 401, add the following:

(d) SUNSET OF Y–1 VISA PROGRAM.—

(1) SUNSET.—Notwithstanding any other provision of this Act, or any amendment made by this Act, no alien may be issued a new visa as a Y–1 nonimmigrant (as defined in section 218B of the Immigration and Nationality Act, as added by section 403) after the date that is 5 years after the date that the first such visa is issued.

(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed to affect issuance of visas to Y–2B nonimmigrants (as defined in such section 218B), under the AgJOBS Act of 2007, as added by subtitle C, or any visa program other than the Y–1 visa program.

SA 1182. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 101 of the amendment, insert the following:

(c) SHADOW WOLVES APPREHENSION AND TRACKING.—

(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary, acting through the Assistant Secretary of Immigration and Customs Enforcement (referred to in this subsection as the "Secretary"), to establish new units of Customs Patrol Officers (commonly known as "Shadow Wolves") during the 5-year period beginning on the date of enactment of this Act.

(2) ESTABLISHMENT OF NEW UNITS.—

(A) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, the Secretary is authorized to establish within United States Immigration and Customs Enforcement up to 5 additional units of Customs Patrol Officers in accordance with this subsection, as appropriate.

(B) MEMBERSHIP.—Each new unit established pursuant to subparagraph (A) shall consist of up to 15 Customs Patrol Officers.

(3) DUTIES.—The additional Immigration and Customs Enforcement units established pursuant to paragraph (2)(A) shall operate on Indian reservations (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) located on or near (as determined by the Secretary) an international border with Canada or Mexico, and such other Federal land as the Secretary determines to be appropriate, by—

(A) investigating and preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) carrying out such other duties as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2008 through 2013.

SA 1183. Mrs. CLINTON (for herself, Mr. HAGEL, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, line 13, strike "567,000" and insert "480,000".

On page 238, line 19, strike "127,000" and insert "40,000".

On page 247, line 1, insert "or the child or spouse of an alien lawfully admitted for permanent residence" after "United States".

On page 247, line 5, insert "or lawful permanent resident" after "citizen".

On page 247, line 6, insert "or lawful permanent resident" after "citizen".

On page 247, line 6, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 7, insert "or lawful permanent resident" after "citizen".

On page 247, line 8, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 9, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 15, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 24, insert "or lawful permanent resident" after "citizen".

On page 248, strike lines 2 through 11.

On page 248, line 13, strike the first "(3)" and insert "(2)".

On page 249, line 1, strike "(4)" and insert "(3)".

On page 250, between lines 42 and 43, insert the following:

(5) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking "paragraphs (2) and (3)," and inserting "paragraph (2),"; and

(ii) by striking "(b)(2)(A)(i)" and inserting "(b)(2)";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking "(b)(2)(A)" and inserting "(b)(2)".

(6) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "subsections (a)(2)(A) and (d)" and inserting "subsection (d)";

(ii) in subparagraph (A), by striking "becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent)", and inserting "became available for the alien's parent,"; and

(iii) in subparagraph (B), by striking "applicable";

(B) in paragraph (2), by striking "The petition" and all that follows through the period and inserting "The petition described in this paragraph is a petition filed under section 204 for classification of the alien parent under subsection (a) or (b)."; and

(C) in paragraph (3), by striking "subsections (a)(2)(A) and (d)" and inserting "subsection (d)".

(8) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting "or legal permanent resident" after "citizen" each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting "or legal permanent resident" after "citizenship";

(II) in clause (iv)—

(aa) by inserting "or legal permanent resident" after "citizen" each place that term appears; and

(bb) by inserting "or legal permanent resident" after "citizenship";

(III) in clause (v)(I), by inserting "or legal permanent resident" after "citizen"; and

(IV) in clause (vi)—

(aa) by inserting "or legal permanent resident status" after "renunciation of citizenship"; and

(bb) by inserting "or legal permanent resident" after "abuser's citizenship";

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking "subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)" and inserting "clause (iii) or (iv) of subparagraph (A)"; and

(v) in subparagraph (I), as so redesignated—

(I) by striking "or clause (ii) or (iii) of subparagraph (B)"; and

(II) by striking "under subparagraphs (C) and (D)" and inserting "under subparagraphs (B) and (C)";

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking "or a petition filed under subsection (a)(1)(B)(ii)"; and

(D) in subsection (j), by striking "subsection (a)(1)(D)" and inserting "subsection (a)(1)(C)".

SA 1184. Mr. CORNYN (for himself, Mr. Nelson of Nebraska, and Mr. DeMint) proposed an amendment to amendment SA 1150 proposed by Mr. Reid (for Mr. Kennedy (for himself and Mr. Specter)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 47, line 25, insert ", even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements," after "15 years".

On page 47, beginning with line 34, strike all through page 48, line 10, and insert:

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting ",(c)," after "924(b)" and by striking "or" at the end, and

(B) by adding at the end the following new clauses:

"(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

"(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);"; and

(7) by amending subparagraph (F) to read as follows:

"(F) either—

"(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), or

"(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law,

for which the term of imprisonment is at least one year;".

(b) Effective Date.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

In title II, insert after section 203 the following:

SEC. 204. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) Definition of Good Moral Character.—Section 101(f) (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

"(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

"(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

"(B) shall be binding upon any court regardless of the applicable standard of review;".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act, and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after the date of enactment of this Act.

SEC. 204A. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) Inadmissibility On Criminal and Related Grounds; Waivers.—Section 212 (8 U.S.C. 1182) is amended—

(1) by adding at the end of subsection (a)(2) the following new subparagraphs:

"(J) Certain firearm offenses.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

"(K) Aggravated felons.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

"(L) Crimes of domestic violence, stalking, or violation of protection orders; crimes against children.—

"(i) Domestic violence, stalking, and child abuse.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

"(ii) Violators of protection orders.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding."; and

(2) in subsection (h)—

(A) by striking "The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)" and inserting "The Attorney General or the Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), (J), and (L) of subsection (a)(2)";

(B) by striking "if either since the date of such admission the alien has been convicted of an aggravated felony or the alien" in the next to last sentence and inserting "if since the date of such admission the alien"; and

(C) by inserting "or Secretary of Homeland Security" after "the Attorney General" each place it appears.

(b) Deportability for Criminal Offenses Involving Identification.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding after subparagraph (E) the following new subparagraph:

"(F) Criminal offenses involving identification.—An alien shall be considered to be deportable if the alien has been convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification).".

(c) Effective Date.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment, and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(d) Construction.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before the amendments became effective.

On page 48, line 36, insert "including a violation of section 924 (c) or (h) of title 18, United States Code," after "explosives".

On page 49, lines 7 and 8, strike ", which is punishable by a sentence of imprisonment of five years or more".

On page 49, beginning with line 44, through page 50, line 2, strike "Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any" and insert "Any".

On page 50, lines 20 through 22, strike "The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph.".

On page 282, strike lines 32 through 38, and insert:

(A) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a));

On page 284, strike lines 1 through 7, and insert:

(I) is an alien who is described in or subject to section 237(a)(2)(A)(iii), (iv) or (v) of the Act (8 U.S.C. 1227(a)(2)(A)(iii), (iv) or (v)), except if the alien has been granted a full and unconditional pardon by the President of the United States of the Governor of any of the several States, as provided in section 237(a)(2)(A)(vi) of the Act (8 U.S.C. 1227(a)(2)(A)(vi);

(J) is an alien who is described in or subject to section 237(a)(4) of the Act (8 U.S.C. 1227(a)(4); and

(K) is an alien who is described in or subject to section 237(a)(3)(C) of the Act (8 U.S.C. 1227(a)(3)(C)), except if the alien is approved for a waiver as authorized under section 237 (a)(3)(C)(ii) of the Act (8 U.S.C. 1227(a)(3)(C)(ii)).

On page 284, line 21, strike "(9)(C)(i)(I),".

On page 284, line 41, strike "section 212(a)(9)(C)(i)(II)" and insert "section 212(a)(9)(C)".

On page 285, between lines 2 and 3, insert:

(VII) section 212(a)(6)(E) of the Act (8 U.S.C. 1182(a)(6)(E)), except if the alien is approved for a waiver as authorized under section 212(d)(11) of the Act (8 U.S.C. 1182(d)(11)); or

(VIII) section 212(a)(9)(A) of the Act (8 U.S.C. 1182(a)(9)(A)).

On page 286, between lines 6 and 7, insert:

(5) GOOD MORAL CHARACTER.—The alien must establish that he or she is a person of good moral character (within the meaning of section 101(f) of the Act (8 U.S.C. 1101(f)) during the past three years and continue to be a person of such good moral character.

SA 1185. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Section 1(a) is amended by adding at the end the following:

(6) STAFF ENHANCEMENTS FOR THE DEPARTMENT OF LABOR.—The Department of Labor has hired at least 250 compliance investigators and attorneys who are dedicated to the enforcement of labor standards, including those contained in sections 218A, 218B, and 218C of the Immigration and Nationality Act (as added by this Act), the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), in geographic and occupational areas in which a high percentage of workers who are Y nonimmigrants will be working.

In section 1(c), strike "(a)(1)–(5)" and insert "(a)(1)–(6)".

SA 1186. Mr. AKAKA (for himself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. BOXER, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _. EXEMPTION FROM IMMIGRANT VISA LIMIT.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by inserting after subparagraph (G), as added by section 503 of this Act, the following:

"(H) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and who have a parent who was naturalized pursuant to section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note).".

SA 1187. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. 6___. MANDATORY DISCLOSURE.

(a) IN GENERAL.—An alien may not be granted Z nonimmigrant status under this title unless the alien fully discloses to the Secretary all the names and Social Security account numbers that the alien has ever used to obtain employment in the United States.

(b) ENFORCEMENT.—If the Secretary determines that a Z nonimmigrant has not complied with the requirement under subsection (a), the Secretary shall revoke the alien's Z nonimmigrant status.

(c) NOTIFICATION OF RIGHTFUL ASSIGNEES.—The Secretary may disclose information received from aliens pursuant to a disclosure under subsection (a) to any Federal or State agency authorized to collect such information to enable such agency to notify each named individual or rightful assignee of the Social Security account number of the alien's misuse of such name or number to obtain employment.

SA 1188. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INFORMATION REGARDING EMPLOYMENT AUTHORIZATION.

(a) IN GENERAL.—The Secretary shall submit to the Commissioner of Social Security, in a format established by the Commissioner and the Secretary—

(1) the name, Social Security number, and date of birth of each alien who the Secretary authorizes, or renews or extends such authorization, to engage in employment in the United States;

(2) the date such authority, or renewal or extension of authority, is granted;

(3) the name, Social Security number, and date of birth of each alien whose authority to engage in employment in the United States expires without renewal, is revoked by the Secretary, or otherwise ceases to be authorized to engage in employment in the United States, and

(4) the effective date of such expiration, revocation, or other cessation.

(b) TIME OF SUBMISSION.—The information described in subsection (a) shall be submitted to the Commissioner after any review or appeal under procedures established by the Secretary.

(c) ADMINISTRATIVE REVIEW.—The information submitted pursuant to subsection (a) shall be the final determination of the Secretary and is not subsequently reviewable by the Commissioner.

(d) STORAGE OF INFORMATION.—The Commissioner shall electronically store the information received pursuant to subsection (a) in a format that facilitates the calculation adjustment described in subsection (e).

(e) EFFECT ON SOCIAL SECURITY BENEFITS.—In calculating benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.), the Social Security Administration shall not count, as a quarter of coverage (as defined in section 213(a)(2)(A) of such Act (42 U.S.C. 413(a)(2)(A)), any quarter after the effective date of this section during which the individual, if not a citizen or national of the United States, was not identified by the Secretary pursuant to subsection (a) as an alien authorized to engage in employment in the United States.

(f) EFFECTIVE DATE.—This section shall be effective with respect to determinations made by the Secretary with regard to authority to engage in employment in the United States beginning 1 year after the date of the enactment of this Act.

SA 1189. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 203(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(1)(A)), as amended by section 502, in the table in that section, strike the items relating to the Supplemental schedule for Zs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the sessions of the Senate on Wednesday, May 23, 2007 at 2:30 p.m. in closed session to mark up the national defense authorization act for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, May 23, 2007, at 10:00 a.m., in room 253 of the Russell Senate Office Building.

The purpose of the hearing is to address the current moratorium that bars state and local taxes on Internet access.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a business meeting during the session of the Senate on Wednesday, May 23, 2007, at 11:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, May 23, 2007, at 10:00 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Funding Social Security's Administrative Costs: Will the Budget Meet the Mission?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled "Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime" on Wednesday, May 23, 2007 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness list

Ted Kamatchus, President, National Sheriffs Association; Russ Lane, Vice President, International Association of Chiefs of Police; Tom Nee, President, National Association of Police Organizations; Douglas Palmer, Mayor of Trenton, NJ, President, United States Conference of Mayors, Trenton, NJ; James Alan Fox, Criminologist, Northeastern University; Rick Gregory, Chief of Police, New Castle, DE.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled "Ending Taxation without Representation: The Constitutionality of S. 1257" on Wednesday, May 23, 2007 at 1:30 p.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: The Honorable Chris Cannon, United States Representative, R-UT, Washington, DC; The Honorable Eleanor Holmes Norton, United States Representative, D-DC Delegate, Washington, DC.

Panel II: Representative from the Department of Justice, Washington, DC, Richard P. Bress, Partner, Latham & Watkins, LLP, Washington, DC; Charles J. Ogletree, Jesse Climenko Professor of Law, Harvard Law School, Cambridge, MA; Kenneth R. Thomas, Congressional Research Service, Washington, DC; Jonathan Turley, Professor, George Washington University Law School, Washington, DC; The Honorable Patricia Wald, Former Chief Judge, United States Court of Appeals for the District of Columbia Circuit, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to meet during the session of the Senate on Wednesday, May 23, 2007 to hold a hearing on pending health legislation. The hearing will take place in room 562 of the Dirksen Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, "Is Market Concentration in the U.S. Petroleum Industry, Harming Consumers?", in Room 215 of the Hart Senate Office Building, Wednesday, May 23, 2007, from 10 a.m. to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITY AND INTERNATIONAL TRADE AND FINANCE SUBCOMMITTEE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate on May 23, 2007, at 2:30 p.m. to conduct a hearing entitled "U.S. Economic Relations With China: Strategies and Options on Exchange Rates and Market Access."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 23, 2007 at 10:30 a.m. to hold a closed markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGIC FORCES SUBCOMMITTEE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Strategic Forces Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 23, 2007 at 11:30 a.m., in closed session, to mark up the Strategic Forces Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that a staff member in my office, Lauren Weeth, be granted the privileges of the floor during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Amy Meyers and Adam Zimmerman of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO SENATOR STEVENS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the deadline for Senators to submit tributes on Senator STEVENS for the CONGRESSIONAL RECORD be extended until close of business on Monday, June 4, 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 60

Mr. SALAZAR. Mr. President, I ask unanimous consent that S. 60 be star-printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING PRINTING OF COMMEMORATIVE DOCUMENT IN MEMORY OF THE LATE PRESIDENT GERALD RUDOLPH FORD

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 128, just received from the House, and which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 128) authorizing the printing of a commemorative document in memory of the late President of the United States, Gerald Rudolph Ford.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 128) was agreed to.

CALENDAR

Mr. SALAZAR. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: Calendar No. 161, S. 1352; Calendar No. 162, H.R. 414; Calendar No. 163, H.R. 437; Calendar No. 164, H.R. 625; Calendar No. 165, H.R. 988; and Calendar No. 166, H.R. 1402.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc; that the motions to reconsider be laid upon the table en bloc; that the consideration of these items appear separately in the RECORD; and that any statements related to the measures be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. FRANCIS TOWNSEND POST OFFICE BUILDING

The bill (S. 1352) to designate the facility of the United States Postal Service located at 127 East Locust Street in

Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building," was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. FRANCIS TOWNSEND POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, shall be known and designated as the "Dr. Francis Townsend Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Francis Townsend Post Office Building".

MIGUEL ANGEL GARCIA MENDEZ POST OFFICE

The bill (H.R. 414) to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building," was ordered to a third reading, read the third time, and passed.

LINO PEREZ, JR. POST OFFICE

The bill (H.R. 437) to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office," was ordered to a third reading, read the third time, and passed.

ATANACIO HARO-MARIN POST OFFICE

The bill (H.R. 625) to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office," was ordered to a third reading, read the third time, and passed.

LIEUTENANT TODD JASON BRYANT POST OFFICE

The bill (H.R. 988) to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office," was ordered to a third reading, read the third time, and passed.

SERGEANT DENNIS J. FLANAGAN LECANTO POST OFFICE BUILDING

The bill (H.R. 1402) to designate the facility of the United States Postal Service located at 320 South Lecanto way in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building," was ordered to a third reading, read the third time, and passed.

ORDERS FOR THURSDAY, MAY 24, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, May 24; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled, with the Republicans controlling the first half and the majority controlling the final half; that at the close of morning business the Senate resume consideration of S. 1348, the immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. SALAZAR. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned, following the remarks of Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

COMPREHENSIVE IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, I thank Senator SALAZAR for his courtesy. I want to share a few thoughts tonight. In particular, I wish to talk about the Grassley amendment that deals with the granting of visas, which, by error or inadvertence, could in fact involve individuals who are very dangerous, who would get into our country on a valid visa, and then it be determined that they should never have been issued that visa.

That happens quite often. The State Department is concerned about it. The FBI is concerned about it. The Grassley amendment would help fix that in a significant way. In any comprehensive immigration reform, it is my view that should be a part of it.

We have talked about this for a number of years, but somehow we never got around to getting it done. I am glad he has offered it. If we are going to pass immigration reform, it certainly should be a part of it.

I think one of the problems we have had in our thinking throughout this process is an insufficient understanding that we as Senators should place our national interests first, and we should set policy that serves our laws, that serves our financial interests, and should validate those who follow the law properly and have consequences for those who do not follow the law.

In 1986, there was this discussion that led to immigration reform. It was admitted to be amnesty, and it was supposed to be the last amnesty of all time, a one-time amnesty, and we are going to enforce the law in the future. They promised.

Of course, the amnesty took place immediately and the promises of enforcement and funding and enough Border Patrol agents and all the things necessary to have enforcement never occurred for two main reasons. No President of the United States cared to do anything about lawlessness at the border, and the Congress didn't. Congress, every now and then, would rise up and suggest that something should be done, and some Congressman or Senator would talk about it, but nothing ever really got done.

Now we are at a point where we have perhaps 12, maybe 20 million people here illegally, and they desire amnesty. What will happen next? How many years will it be until the next time?

I have a simple view that goes to the core of what this bill fails to do, and that is to affirm the rule of law. My view is that a compassionate and kind and very generous thing to do for persons who came into our country illegally, who have not been forced to stay here but stay here because they choose to stay here—presumably the life and the pay and the benefits they have here are sufficient that they would choose to stay here rather than where they came from—that those persons, as a result of coming here illegally and of their own volition, should not be given every single benefit that we would give to persons who come to America legally. That is just it. We said that in 1986 and this will be a defining moment about whether we mean it.

We could take two positions. One is, this is not amnesty and maybe we can go on and the same thing would be prepared to happen a few years from now, 15 years from now. Or we can say: No, sir, nobody from 1986 and forever hereafter who comes to our country illegally will be given the full panoply of benefits we give to persons who come to our country legally.

I just want to mention two or three things I think about that. One is citizenship. You don't get citizenship if you break into this country illegally. You don't receive some of the benefits we would give, such as the earned-income tax credit. The earned-income tax credit was designed to help people with families, who are poor, but who do work. It was an idea that went back to the Nixon days. The theory was there was not enough distinction between the income you could get staying home on welfare and actually going out and working. So they tried to incentivize and encourage poor people to see the advantage of work and would give them the earned-income tax credit, which a lot of people do not know is $41 billion a year in expenditures, which is a lot of money designed to help poor people.

Conservatives talk about it, others talk about it, but fundamentally it was designed to incentivize work for American working poor, particularly if they had children. The average recipient of the earned-income tax credit in America receives from $1,700 to $2,000 a year. That is designed to help them work.

But if somebody comes to our country illegally, I see no reason they should be rewarded with the earned-income tax credit; nor should they get Social Security benefits if they paid benefits over a false Social Security number, working under a fraudulent name in a business where they were illegal. They should not get those benefits.

One cannot, in America today, go to court and enforce an illegal contract. If a person promises to pay a drug dealer money for dope and that person doesn't pay the drug dealer, the drug dealer can't sue that person in court. It is an illegal contract, a contract for dope.

It is an illegal contract. When a person comes here and pays money using a fake name or fake Social Security number, that person is not entitled to receive any benefits, in addition to the problems we would have in determining who paid what money under what number and where and when. Fraud would be rampant, so we should not do that.

I am worried about this legislation. I think it has some containment of the Social Security, a good bit better than last year, although I am not sure it is real tight. But there is no containment of the earned-income tax credit. Those are some things we need to think about as we analyze the cost of the legislation that is before us today.

With regard to the Grassley amendment, this amendment would revise the current law related to visa revocations for visa holders who are on U.S. soil. Under the current law, visas approved or denied by consular officers in foreign countries are nonreviewable. In other words, if you go into the consular office, as I did with Senator SPECTER last summer in the Dominican Republic, and happened to meet one and talked with him about how his day was and what it was like—they make decisions. The consular officers ask for information. If they think somebody has a scheme to go into the United States with a visa and never to return back to the Dominican Republic, or whichever country is involved, they deny the visa. The alien whose visa was denied doesn't get to sue the consular officers. That alien doesn't get to complain. This is a discretionary act by a designated agent of the United States of America, a sovereign nation. A sovereign nation gets to decide who gets into its country, who does not get into its country, and under what conditions they come into their country. That is fundamental.

You don't get to sue over it, if you were denied by the consular official in Cyprus or Poland or the Dominican Republic. That's just it. OK.

However, if you are approved by a consular official, but that is later revoked and that individual has now landed on American soil already, the consular official's decision to revoke is turned into a big court case. The practice has made visa revocations ineffective, in fact, as an antiterrorism tool.

This amendment, the Grassley amendment, would treat visa revocations similar to visa denials because the right of a person to be in the United States would expire once the visa is revoked, regardless of whether that person is in the United States.

I think that is something the 9/11 Commission has suggested we should do. That is a very important issue that I will talk about in a little bit.

At a judiciary hearing in March of this year the Secretary of Homeland Security, Secretary Chertoff, said this:

> The fact is that we can prevent someone who is coming in as a guest. We can say you can't come in from overseas. But once they come in, if they abuse the terms and conditions of their coming in, we have to go through a very cumbersome process. That strikes me as not particularly sensible. People who are admitted as guests, like guests in my house, if a guest misbehaves, I tell them to leave. They don't go to court over it.

In 2003, the General Accounting Office reported that suspected terrorists could stay in this country after their visas had been revoked because of a legal loophole in the wording of revocation papers. GAO found the FBI and the intelligence community suspected ties of terrorism in hundreds of visa applications but did not always share that information with consular officials properly so that the application could be rejected. So the consular officers granted the visa, not knowing that the applicant may have connections to terrorist organizations. Had the consular officials known that, they would not have granted the visa. Maybe the FBI was tardy in giving it to them; maybe it was a product of sensitive information they were not at liberty to reveal; maybe they did not discover the terrorist connections until the person got into our country. By the time they got the derogatory information, it was often too late; the visa had been issued. Immigration officials could not do a thing about it if the person had already arrived here. We were handicapped from locating the visa holders and deporting them, even if they were terrorists or there were other serious reasons to deny the visa.

Revocation of a visa is not a thing done lightly, although as a matter of law, I cannot think there is any constitutional requirement they have any kind of extended procedure. But we have established strong procedures on revocation decisions. To revoke a visa is not done lightly. If a consular officer wants to revoke a visa, the case is thoroughly vetted. In fact, the final decision cannot be made by the consular official in the Dominican Republic or Cypress or Poland; it must be made by a higher official in Washington.

Revocation cannot be based on suspicion. It must be based on an actual finding that the alien is ineligible for the visa; in other words, they should not have received the visa. They had the power to say no to begin with. Once the alien is in our country, without judicial review, you cannot revoke a visa.

The consular official gives the visa holder an opportunity to explain their case. They may have the visa holder come down to the embassy and defend their position. So when a visa is revoked, it is serious business. It takes a good bit of time. But current law handicaps our enforcement and makes it nearly impossible to deport the alien if they have already made it to the United States. Current law allows aliens to run to the steps of our country's courts to take advantage of the litigation system. There is no reason for special treatment of those whose visas we revoke simply because they happen to be on land here after we figured out that their permission to come should have been denied.

Allowing judicial review of revoked visas, especially on terrorism grounds, jeopardizes classified intelligence that led to the revocation. It can force agencies such as the FBI and CIA to be hesitant to share information.

Current law could be reversing this very process we set up after 9/11 so we could share information more readily among agencies. Our poor visa policies contributed to the events of September 11.

Nineteen hijackers used 364 aliases. Two of the hijackers may have obtained passports from family members working in the Saudi passport mission, in other words, fraudulent passports.

Nineteen hijackers applied for 23 visas and obtained 22 visas. The hijackers lied on their visa applications in detectable ways. The hijackers violated the terms of their visas. They came and went at their convenience. The 9/11 Commission pointed out the obvious by stating that:

> Terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country.

The 9/11 Commission recommended that we intercept terrorists and constrain their mobility. This amendment would do that. Allowing aliens to remain on U.S. soil with a revoked visa or petition is a national security concern. It is something we should do something about.

Think about it. An individual came into America, approved for a visa, and it is now discovered the individual had ties to terrorist organizations, may well be deeply connected in some dangerous way where they could threaten the security of the United States, and all we can do is revoke their visa, eventually ask the person to leave, and they file petitions and object and go to court and turn it into a big process.

It is this kind of thing that has the capacity to overwhelm and flood our courts and to create circumstances such that the immigration laws become unenforceable. It is a realistic concern. We have to go back to the basics of immigration and see what this process is all about.

A person who comes into any sovereign nation, the United States certainly being one, comes at the pleasure of the United States, at the sufferance of the United States. Without a right to stay here, but as a free gift that can be taken away or rejected at any time. An alien is not entitled to stay here. An alien does not have a constitutional right to stay here. An alien has no legal right to stay here if he or she is not in compliance with the rules and regulations of the United States. We have designated officials, agents, and officers with the procedures and plans to make those decisions about visas, and we can't have all of those revoked visas turning into lawsuits. I mean, there are not enough hours in the day. It can subject our Nation to threats in many different and terrible ways.

What I would suggest to my colleagues is, let's think about the basics of what immigration is about. It is not a matter of the right of somebody wants to come here. Nobody has a constitutional right, a legal right, or a moral right, for that matter, to enter the United States. It is a decision we make based on policies that presumably serve the national interests of the United States.

If a person is not in compliance after they get here, if a person did not meet the standards when they were admitted, if the person did not meet the standards when they first applied, they should be rejected without a court hearing or a lawsuit. If they get into this country and we find additional information that would have prohibited them from coming, they can be asked to leave without going through a big trial, because they do not have that property right or legal right that would justify such an action.

This is something I have dealt with for some time. I think we can do better about this area of the law. This was a request from the State Department which deals with this every day. We need to do better to support the State Department.

When I met with the consular official in the Dominican Republic, he talked about the fraud they see, and it is pretty common. Frequently people produce fraudulent marriage licenses. Sometimes people actually pretend to be married. Sometimes they just produce documents; they say they are married when they are not married. That makes people eligible to come.

You know what he said? In all of the time he has been working on it, nobody has ever prosecuted someone for a fake marriage license to get entry into the United States.

When I was U.S. attorney, I prosecuted one or two, anyway. I remember people who created fraudulent marriages to set up to get in the country. For one reason or another it came to our attention and we prosecuted the case. It is a violation of Federal law.

What we have got, our guess is, there are so many that people do not have time to do it. But if a person says they are married and they come here to the country, and you find out they are not married, they should be able to depart without having a big trial. You can try them, as I did, and convict them and send them to jail, or give them a probationary sentence for filing a false claim to the Government or false document to the Government or false claim for entry into the United States. All that would be criminal, but it takes a tremendous amount of time, effort, and money to prosecute a case like that, more than probably we can afford to do today. So the better thing is to give our people the power to make that decision and move people out if they are here on a visa.

Now, if they have legal permanent residence or citizenship, of course, that is not so. If you get a legal permanent resident status, then you have certain rights that go beyond what I described.

Mr. President, I thank Senator GRASSLEY for his leadership and for working on this amendment. I think it would be a critically important aspect of any comprehensive reform. I thank the Chair for his patience late into the evening.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. SALAZAR.) Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:26 p.m., adjourned until Thursday, May 24, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2007:

DEPARTMENT OF JUSTICE

ONDRAY T. HARRIS, OF VIRGINIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS, VICE SHAREE M. FREEMAN.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DOUGLAS E. LUTE, 2691

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL AUGUSTUS L. COLLINS, 1451
BRIGADIER GENERAL JAMES B. GASTON, JR., 0282
BRIGADIER GENERAL JOE L. HARKEY, 5200
BRIGADIER GENERAL JOHN S. HARREL, 1252
BRIGADIER GENERAL EDWARD A. LEACOCK, 6442
BRIGADIER GENERAL JOSE S. MAYORGA, JR., 9411
BRIGADIER GENERAL KING E. SIDWELL, 5791
BRIGADIER GENERAL JON L. TROST, 1542

To be brigadier general

COLONEL ROBERT K. BALSTER, 8953
COLONEL JULIO R. BANEZ, 0862
COLONEL WILLIAM A. BANKHEAD, JR., 3158
COLONEL ROOSEVELT BARFIELD, 2777
COLONEL GREGORY W. BATTS, 5277
COLONEL THOMAS E. BERON, 1014
COLONEL DAVID L. BOWMAN, 2060
COLONEL GEORGE A. BRINEGAR, 1418
COLONEL JEFFERSON S. BURTON, 9812
COLONEL GLENN H. CURTIS, 5080
COLONEL LARRY W. CURTIS, 9891
COLONEL SANDRA W. DITTIG, 1021
COLONEL ALAN S. DOHRMANN, 3072
COLONEL ALEXANDER E. DUCKWORTH, 0859
COLONEL FRANK W. DULFER, 6930
COLONEL ROBERT W. ENZENAUER, 9878
COLONEL LYNN D. FISHER, 0901
COLONEL BURTON K. FRANCISCO, 1289
COLONEL HELEN L. GANT, 0697
COLONEL TERRY M. HASTON, 4535
COLONEL BRYAN J. HULT, 6691
COLONEL GEORGE E. IRVIN, SR., 5367
COLONEL LENWOOD A. LANDRUM, 6758
COLONEL ROGER L. MCCLELLAN, 1876
COLONEL RONALD O. MORROW, 6575
COLONEL JOHN M. NUNN, 4582
COLONEL ISAAC G. OSBORNE, JR., 0288
COLONEL ROBERT J. PRATT, 5450
COLONEL JERRY E. REEVES, 0285
COLONEL TIMOTHY A. REISCH, 9875
COLONEL JAMES M. ROBINSON, 4340
COLONEL MARK D. SCRABA, 1485
COLONEL DONALD P. WALKER, 2260
COLONEL CHARLES F. WALSH, 1152

WITHDRAWALS

Executive Message transmitted by the President to the Senate on May 23, 2007 withdrawing from further Senate consideration the following nominations:

MICHAEL E. BAROODY, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2006, VICE HAROLD D. STRATTON, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 5, 2007.

MICHAEL E. BAROODY, OF VIRGINIA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE HAROLD D. STRATTON, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 5, 2007.

HOUSE OF REPRESENTATIVES—*Wednesday, May 23, 2007*

The House met at 10 a.m.

Chaplain Marc Unger, California State Military Reserve, attached to the 1-184th Infantry, California Army National Guard, Exeter, California, offered the following prayer:

O God, You have been our refuge in every generation. I thank You, Lord, for granting truths self-evident, and endowing us, our Creator, with certain unalienable rights: Life, liberty, and the pursuit of happiness, our freedom.

Help this body, O Lord, to remember that our freedom was bought with a price, the blood of our heroes. And defense of our freedom comes at the same terrible price.

Grant the Members of this body: Wisdom as they legislate; freedom from partisan politics; unity, not division; and remembrance that they serve "of the people, by the people, and for the people" under God.

Help each Representative, Lord, to represent the people, not politics; morality, not mores; sacrifice, not self-interest; right, not flight; defense, not defeat.

Lord, please comfort the families of our fallen. Grant the troops defending our precious freedoms would: Live under the protection of the Most High, be Your servant for good, and be granted overwhelming victory in the global war on terror.

For Yours is the kingdom and the power and the glory forever.

Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. ALTMIRE) come forward and lead the House in the Pledge of Allegiance.

Mr. ALTMIRE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2080. An act to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 33. An act to redesignate the Office for Vocational and Adult Education as the Office of Career, Technical, and Adult Education.

S. 375. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

The message also announced that pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105-275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 20, 2004), the Chair, on behalf of the Majority Leader, announces the appointment of the following Senators to serve as members of the Senate National Security Working Group for the One Hundred Tenth Congress:

The Senator from Michigan (Mr. LEVIN) (Democratic Co-Chairman).

The Senator from Delaware (Mr. BIDEN) (Democratic Co-Chairman).

The Senator from New Jersey (Mr. LAUTENBERG) (Democratic Co-Chairman).

The Senator from Massachusetts (Mr. KENNEDY).

The Senator from North Dakota (Mr. DORGAN).

The Senator from Illinois (Mr. DURBIN).

The Senator from Florida (Mr. NELSON).

The Senator from Connecticut (Mr. LIEBERMAN).

The Senator from West Virginia (Mr. BYRD) (Majority Administrative Co-Chairman).

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

The SPEAKER. Pursuant to 10 U.S.C. 4355(a), the Chair appoints the following Members of the House to the Board of Visitors to the United States Military Academy:

Mr. HINCHEY, New York
Mr. HALL, New York
Mr. MCHUGH, New York
Mr. TIAHRT, Kansas

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

IT'S TIME TO STOP PRICE GOUGING BY BIG OIL

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, while Memorial Day is the traditional beginning of the summer vacation and travel season for all Americans, it's going to be a gloomy day across America. No, I'm not a weather forecaster. It's going to be a gloomy day because of record extortionate and manipulated prices at the pump. Guess what? Crude oil prices are down over a year ago, but somehow gas is up 50 cents a gallon at the pump. How is that? The refineries are making four times, four times their normal margin on refining. Why is that? They said, oh, well, gosh, we couldn't have known people were going to start buying gas around Memorial Day. We had to close down some of the refineries to maintain them and to clean them. Does Exxon translate into Enron? Remember when Enron was doing the same thing in California? High demand, shut down the generating plants. Exxon, high demand, shut down the refineries.

It's time to stop the price gouging by Big Oil. Break them up. They aren't competitive, they're colluding.

LEADERSHIP IS NOT AS IT APPEARS, IT'S AS IT PERFORMS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know, leadership is not as it appears; leadership is as it performs. And what the American people want to see is us performing and solving problems for them, addressing the issues that affect them, not window dressing. And window dressing is a lot of what we've done since the Democrats took control of the Chamber, brought forward their "Six for '06," and by the way, not one single bill has been signed into law.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A few other things. We've named a lot of post offices. Today we are going to have a supposed price-gouging bill. But you know, the harder thing would be to really address production, exploration, distribution, innovation in the oil and energy industry to make certain that we have a sustainable supply.

And by the way, it's been 106 days since the President sent us a request for emergency spending, and finally we are going to get a bill that can be signed into law.

Leadership is not as it appears, it is as it performs. Let's solve problems for the American people.

CHANGING THE WAY CONGRESS DOES BUSINESS

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, Democrats continue to demonstrate that they are changing the way Congress does business. We reach across the aisle to pass bipartisan legislation that puts the American people first. Just last week Republicans and Democrats came together to provide a much-deserved pay increase for our troops serving bravely overseas. We joined together to fight crime by adding 50,000 cops to the street, and we passed an affordable housing bill that keeps the people of the gulf coast on the road to recovering after Hurricane Katrina.

We also accomplished something last week that 3 of the last 5 years Congress was unable to do: come to an agreement on a sensible budget with the Senate. It is a budget that prioritizes our Nation's veterans and achieves balance without raising a penny of taxes.

THE DEMOCRATS' FAILURE TO GOVERN

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, does it not seem ironic that the week in which we are scheduled to vote on a lobbying and ethics reform bill, that I might add is largely a carbon copy of a Republican bill from last year, we are faced with the behavior of a high-ranking Member of the Democrat leadership who made a threatening comment to another Member?

What are the American people supposed to make of the failure of the majority to keep their promises? Instead of delivering real reform, the Democrats march in lockstep behind one of their own, despite this clear violation of House ethics rules. Not only has the majority failed to deliver on their agenda, they have shown they will tolerate behavior in their ranks which is antithetical to their so-called reform efforts. In so doing, they have forfeited their credibility.

IN SUPPORT OF H.R. 1853

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I rise today to urge my colleagues to join me in support of H.R. 1853, the Jose Medina Veterans Affairs Police Training Act.

Mr. Speaker, more than 1.5 million U.S. troops have served in Iraq and Afghanistan, and according to an Army study, 20 percent are showing signs of post-traumatic stress syndrome. But surprisingly, most VA police officers do not receive any training on how to deal with patients suffering from mental illness. That is why we must prepare VA law enforcement officers to deal with the tens of thousands of veterans returning from Iraq that are expected to utilize VA medical centers for mental health services.

H.R. 1853, the Jose Medina Veterans Affairs Police Training Act, will ensure that our veterans are treated with dignity and respect when they seek treatment at VA facilities. Veterans' mental health needs should be one of this Congress' top priorities, and I urge your support.

IT'S STILL AN AMNESTY DEAL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, "amnesty" is a trigger word for most Americans. While we as a people disagree on many issues, most Americans oppose the thought of legalization of illegal conduct; in other words, amnesty.

So the special-interest groups and the profiteers from plantation labor have been careful not to call the new, inclusive immigration proposal amnesty. But that's exactly what it is. It legalizes the illegals that are in America, some 12- to 20 million. All they need to do is a few things, including pay a fee, or as I see it, a government kickback, and they get to stay in America. But supporters of this proposal still refuse to accept the obvious: It's amnesty, or pardon for illegal conduct.

If somebody trespasses on your land, when they are caught they usually have to pay a fine, but they also must get off your property. If they pay the fine and are allowed to continue to stay on your property, it is amnesty. This is similar to what the special-interest groups are trying to repackage and sell to the American public and even illegal immigrants. But it seems to me these groups are selling out America. We shall see what the American public think.

And that's just the way it is.

BUSH THREATENS VETO OF STRONG BIPARTISAN DEFENSE AUTHORIZATION BILL

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, President Bush says he supports our troops, but his actions last week refute those claims, and his actions speak louder than his words.

Last Thursday, this House voted overwhelmingly, by 397–27, to support a defense authorization bill that gives our troops a much-deserved 3.5 percent raise, a lot less than the contractors from Halliburton are getting, contractors that the President has farmed out much of the war in Iraq to, but still a 3.5 percent raise.

□ 1015

Incredibly, the President has threatened to veto the bill. Two of the reasons he gave for his opposition are the pay raise and benefits to survivors. By threatening to veto this bill, how exactly is our President supporting our troops? Well, he is not.

Over the last 5 years, the President has asked much of our military. Extended deployments in Iraq and Afghanistan have strained our Active military and National Guard and their families. This Congress overwhelmingly said we should reward our troops. If the President really wants to support our troops, he will sign the bill.

STOPPING TERRORISM OVERSEAS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, on Sunday, a homicide bomber in Gardez, Afghanistan, mass-murdered 14 civilians and injured 36 others, including five members of the 218th brigade of the South Carolina National Guard. This affects me personally, as I was a member of the 218th for over 20 years. In July 2000, we trained together in the Mojave Desert at Fort Irwin to face this very evil, and now our courageous troops are stopping terrorists overseas.

Chuck Crumbo of The State newspaper reported the suicide bomber followed the Guard convoy and detonated himself in the midst of innocent women and children on a crowded street. This act of cowardice confirms why we must stop the terrorists overseas or they will return to America. In the past 96 hours, there was an attack in Baghdad, terrorists acted in Lebanon, and a shopping mall was blown up in Turkey.

I know my comrades, ably led by General Bob Livingston, are ready to face al Qaeda's boast of Afghanistan and Iraq as the central front in the global war on terrorism. This is how we can best protect American families. I have never been prouder of the Guard's service.

In conclusion, God bless our troops, and we will never forget September 11.

HONORING AND REWARDING OUR TROOPS FOR THEIR VALOR AND SACRIFICE

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, last week the White House recommended a veto of the defense authorization bill and said Congress wants to pay our troops too much for defending America. It is unconscionable to suggest our troops aren't worth a half percent more in pay, while many of their families scrape by on food stamps or pay for their own body armor.

Paying our troops what they deserve should go hand in hand with relieving them of taxes they don't deserve. That is why the gentleman from Virginia (Mr. DAVIS) and I introduced a bill last week to eliminate Federal taxation of student loan reimbursements to military personnel and Federal civilian employees.

Our bill, H.R. 2363, eliminates this tax and creates an incentive to help our Armed Forces compete with private sector recruitment and retention by lowering the soaring debt faced by college graduates.

Mr. Speaker, as we salute our troops and honor our fallen this Memorial Day, let's give them the pay raise they deserve.

EMPHASIZING PREVENTIVE CARE IN MEDICARE PROGRAM

(Mrs. CAPITO asked and was given permission to address the House for 1 minute.)

Mrs. CAPITO. Mr. Speaker, I rise today to highlight the importance of preventive care in the Medicare program.

As we all know, the Medicare Modernization Act of 2003 made many important and much-needed changes to the Medicare program. The creation of the Medicare prescription drug benefit was a critically important modernization of the program and has been especially successful in my home State of West Virginia, with 287,000 beneficiaries.

But the prescription drug benefit is just one component of the overall changes in Medicare. If we can encourage more seniors to actually use the preventive benefits, we can help them prevent more costly procedures and longer stays in the hospital.

That is why the "Welcome to Medicare" screening is so vitally important. Many of the elements that seniors face today can be effectively managed with prescription medicine and regular visits to their physicians. However, disease management is only effective if we catch the disease early.

I would like to encourage my colleagues to educate their constituents about these important modernizations to the Medicare program so we can all better serve our senior citizens.

DEMOCRATS WORKING TO ESTABLISH A NEW, SMART AND FAIR ENERGY POLICY

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, as Americans across the country begin planning their summer vacations, one major constraint they will have to face is the severely high price of gas. We are once again seeing record gas prices this Memorial Day, making the prospect of travel daunting for many families. Why is this trend continuing? For 6 years, President Bush and the Republican Congress failed to enact a comprehensive energy strategy to provide relief from these skyrocketing costs.

This Democratic Congress is ready to act and move our Nation in a new direction on energy. Already we have voted to roll back billions of dollars in subsidies to Big Oil and instead reinvest those funds in renewable energy. And now this week we will take up the issue of price gouging by the oil industry. We have seen the first quarter reports. The oil companies are making record profits, and it is time they were held accountable.

Mr. Speaker, this Democratic Congress will work hard to pass legislation that can establish a new, smart, and fair energy policy for the American people.

HONORING VERA WERNER ON HER 105TH BIRTHDAY

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Mr. Speaker, I rise today to honor a great American and a woman from my district, Mrs. Vera Werner, on the occasion of her 105th birthday. It is a goal to which we all aspire but very few of us ever achieve.

Vera was born in 1902 in Melrose, Minnesota, on May 31, a great day. She is an unassuming Minnesotan, Mr. Speaker. She married, and 2 years later she moved to the big city of St. Cloud, Minnesota. During her time there, she touched many people's lives. Like so many Americans, she had numerous friends. She was on a bowling league for 40 years and she worked in the local department store.

But, Mr. Speaker, Vera Werner accomplished the most important work of any American: She was a mother to four children, she was a grandmother to 21, a great-grandmother to more than 40, and she has so many great-great-grandchildren that people can't keep count. There is no more important function as an American, Mr. Speaker, than to be a good mother or a good father.

Today, Vera, our Nation salutes you, and we wish you happy 105th birthday.

HOW EXACTLY IS PRESIDENT SUPPORTING OUR TROOPS WHEN HE THREATENS A VETO OF DOD PAY INCREASE?

(Mr. COSTA asked and was given permission to address the House for 1 minute.)

Mr. COSTA. Mr. Speaker, this House on a bipartisan basis overwhelmingly supported our troops last week by giving them a 3.5 percent pay raise over the next year. What is our President's response? A threatened veto. In a statement opposing the higher pay raise, the administration noted that the President's proposal, in their opinion, provided a good quality of life for servicemembers and families.

Mr. President, apparently you have not read the 2004 Kaiser Family Foundation report that indicates that over one in five military families rely on food stamps or WIC for Federal aid. This is simply unacceptable.

The best way we can send a message to our troops that we support the grueling work that they do on a daily basis is by showing it, by putting more money in their pockets so they can better provide for their families.

The bottom line is that men and women fighting in Iraq or Afghanistan should not have to supplement their income through living on food stamps or WIC. We encourage the President to reconsider the veto threat and to support the entire pay raise.

FINDING MIDDLE GROUND ON IMMIGRATION REFORM

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, last year, the President of the United States called on Congress to find a rational middle ground between amnesty and mass deportation in the debate over immigration reform. Then, as now, the Senate is moving legislation that would respond to the President's call by simply granting amnesty to millions of illegal immigrants.

But amnesty is not the middle ground. The true middle ground of this national debate would put border security first; reject amnesty and require that all illegal immigrants leave the country and apply outside the United States for the legal right to live and work here; create a new center built on the private sector that could make that an orderly process; temporary workers returning to America would learn English; and employers hiring illegals would face serious penalties.

That is the true rational middle ground, and after the Senate is done with its work, I hope it is the middle ground that we find in this Chamber on behalf of the American people.

MAKING AMERICA LESS DEPENDENT ON FOREIGN OIL

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, for too long our Nation has been dependent on foreign oil. Today all of our constituents and all Americans are feeling that lack of independence at the pump. It is time for this Congress to enact realistic and effective energy legislation that will help America become energy independent.

We must begin to invest in the resources we have right here at home. We must work together to create solutions to rely on our own ingenuity rather than the unreliable sources of foreign energy. Some of these solutions begin right on the farm, like in my own district in northeast Wisconsin. Biodiesel, methane digesters, cellulosic ethanol, all of these measures will help us become independent once again. It begins with a $5 million investment in our own family farms, the energy independent family farm program. This provision will be included in the farm bill, and I urge all my colleagues to support it, along with the other positive measures within it.

By investing and creating energy independence on the farm, we will take the first step in becoming less dependent on foreign sources of energy.

PRESIDENT PROPOSING TOO LITTLE TOO LATE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, for 6 years President Bush and Republican Congresses ignored the record gas prices that seemed to pop up every year just before Memorial Day. Once again this year, American consumers are paying for their inaction.

Finally, last week President Bush announced an executive order addressing this growing problem. Unfortunately, his plan doesn't call for any action until the weeks before he leaves office in 2009, and this is far too little and years too late.

Since taking control of Congress this year, Democrats have already passed measures to reduce the price of gas in this country and invest in renewable energy. We are dedicated to curbing our Nation's addiction to foreign oil and investing in our resources in the Midwest, instead of buying more from the Middle East.

Mr. Speaker, Democrats refuse to stand idly by while gas prices rise across the country. This week we will fight price gouging, something that the past Republican Congresses were unwilling to do.

American consumers need help now, not in 2009, and this new Democratic Congress is going to deliver.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ANDREWS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

FEDERAL PRICE GOUGING PREVENTION ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1252) to protect consumers from price-gouging of gasoline and other fuels, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Price Gouging Prevention Act".

SEC. 2. UNCONSCIONABLE PRICING OF GASOLINE AND OTHER PETROLEUM DISTILLATES DURING EMERGENCIES.

(a) UNCONSCIONABLE PRICING.—

(1) IN GENERAL.—It shall be unlawful for any person to sell, at wholesale or at retail in an area and during a period of an energy emergency, gasoline or any other petroleum distillate covered by a proclamation issued under paragraph (2) at a price that—

(A) is unconscionably excessive; and

(B) indicates the seller is taking unfair advantage of the circumstances related to an energy emergency to increase prices unreasonably.

(2) ENERGY EMERGENCY PROCLAMATION.—

(A) IN GENERAL.—The President may issue an energy emergency proclamation for any area within the jurisdiction of the United States, during which the prohibition in paragraph (1) shall apply. The proclamation shall state the geographic area covered, the gasoline or other petroleum distillate covered, and the time period that such proclamation shall be in effect.

(B) DURATION.—The proclamation—

(i) may not apply for a period of more than 30 consecutive days, but may be renewed for such consecutive periods, each not to exceed 30 days, as the President determines appropriate; and

(ii) may include a period of time not to exceed 1 week preceding a reasonably foreseeable emergency.

(3) FACTORS CONSIDERED.—In determining whether a person has violated paragraph (1), there shall be taken into account, among other factors—

(A) whether the amount charged by such person for the applicable gasoline or other petroleum distillate at a particular location in an area covered by a proclamation issued under paragraph (2) during the period such proclamation is in effect—

(i) grossly exceeds the average price at which the applicable gasoline or other petroleum distillate was offered for sale by that person during the 30 days prior to such proclamation;

(ii) grossly exceeds the price at which the same or similar gasoline or other petroleum distillate was readily obtainable in the same area from other competing sellers during the same period;

(iii) reasonably reflected additional costs, not within the control of that person, that were paid, incurred, or reasonably anticipated by that person, or reflected additional risks taken by that person to produce, distribute, obtain, or sell such product under the circumstances; and

(iv) was substantially attributable to local, regional, national, or international market conditions; and

(B) whether the quantity of gasoline or other petroleum distillate the person produced, distributed, or sold in an area covered by a proclamation issued under paragraph (2) during a 30-day period following the issuance of such proclamation increased over the quantity that that person produced, distributed, or sold during the 30 days prior to such proclamation, taking into account usual seasonal demand variations.

(b) FALSE PRICING INFORMATION.—It shall be unlawful for any person to report to a Federal agency information related to the wholesale price of gasoline or other petroleum distillates with actual knowledge or knowledge fairly implied on the basis of objective circumstances that such information is false or misleading.

(c) DEFINITIONS.—As used in this section—

(1) the term "wholesale", with respect to sales of gasoline or other petroleum distillates, means either truckload or smaller sales of gasoline or petroleum distillates where title transfers at a product terminal or a refinery, and dealer tank wagon sales of gasoline or petroleum distillates priced on a delivered basis to retail outlets; and

(2) the term "retail", with respect to sales of gasoline or other petroleum distillates, includes all sales to end users such as motorists as well as all direct sales to other end users such as agriculture, industry, residential, and commercial consumers.

(d) CONSTRUCTION.—As described in this section, a sale of gasoline or other petroleum distillate does not include a transaction on a futures market.

SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT BY FTC.—A violation of section 2 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. In enforcing section 2(a) of this Act, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of gasoline and other petroleum distillates in excess of $500,000,000 per year.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Notwithstanding the penalties set forth under the Federal Trade Commission Act, any person who violates this Act with actual knowledge or knowledge fairly implied on the basis of objective circumstances shall be subject to the following penalties:

(A) PRICE GOUGING; UNJUST PROFITS.—Any person who violates section 2(a) shall be subject to—

(i) a fine of not more than 3 times the amount of profits gained by such person through such violation; or

(ii) a fine of not more than $3,000,000.

(B) FALSE INFORMATION.—Any person who violates section 2(b) shall be subject to a civil penalty of not more than $1,000,000.

(2) METHOD.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties obtained under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 4. CRIMINAL PENALTIES.

(a) IN GENERAL.—In addition to any penalty applicable under section 3, any person who violates section 2 shall be fined under title 18, United States Code—

(1) if a corporation, not to exceed $150,000,000; and

(2) if an individual not to exceed $2,000,000, or imprisoned for not more than 10 years, or both.

(b) ENFORCEMENT.—The criminal penalty provided by subsection (a) may be imposed only pursuant to a criminal action brought by the Attorney General or other officer of the Department of Justice.

SEC. 5. ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 2(a) of this Act, or to impose the civil penalties authorized by section 3(b)(1)(B), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this Act or a regulation under this Act, involving a retail sale.

(b) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Federal Trade Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Federal Trade Commission or the other agency for any violation of this Act alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 6. LOW INCOME ENERGY ASSISTANCE.

Amounts collected in fines and penalties under section 3 of this Act shall be deposited in a separate fund in the treasury to be known as the Consumer Relief Trust Fund. To the extent provided for in advance in appropriations Acts, the fund shall be used to provide assistance under the Low Income Home Energy Assistance Program administered by the Secretary of Health and Human Services.

SEC. 7. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF FEDERAL TRADE COMMISSION.—Nothing in this Act shall be construed to limit or affect in any way the Federal Trade Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this Act preempts any State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

☐ 1030

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, gasoline prices are now at record highs. The average price of gas is $3.19 nationwide, with my home State of Illinois having higher prices than any other at $3.46 a gallon. Now, rising gas prices are one thing, and I fully recognize the reality of global oil markets, the current state of our refinery capacity, and the basic laws of supply and demand. But the gouging of American consumers is another matter entirely, and the bill on the floor, H.R. 1252, the Federal Price Gouging Protection Act, ensures that American consumers are protected from companies that will prey on them during emergencies when they are most vulnerable.

I want to commend the gentleman from Michigan (Mr. STUPAK) for a fine piece of legislation that is both thoughtful and careful in its scope. On the one hand, the bill is tough and decisive. It gives the Federal Trade Commission the tools to crack down on and punish those companies that would price-gouge American consumers by unscrupulously taking advantage of unique energy shortages and unconscionably raising the price of gasoline on the American consumer.

On the other hand, the bill explicitly takes into account the totality of market forces, both domestic and international. H.R. 1252 preserves the ability of companies to mitigate against legitimate risks and raise prices as necessary. Simply put, the bill is carefully written such that if a company is found liable of price gouging under this act, then they are in fact price gouging. It is very difficult to argue that we are overreaching or too vague in this bill.

As chairman of the Subcommittee on Commerce, Trade, and Consumer Protection, I fully support Mr. STUPAK's bill and its expeditious treatment on the suspension calendar. It is important for the American people to know we are on the ball, and that this ball is moving quickly to address their concerns. I urge Members of the House to pass the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I ask unanimous consent to control the time of the gentleman from Texas.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PENCE. I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, yesterday in my hometown of Appleton, Wisconsin, the price for a gallon of gas hit $3.45. Since President Bush assumed office, the price for gas has nearly doubled. Higher prices for gas punish all

Americans, punish small businesses, students, senior citizens, farmers, and even our local, State and Federal Governments as well.

Everybody is asking, why? Why did the price at the pump go up even when the cost per barrel went down? The most likely answer is price gouging somewhere along the supply line, from the oil company to the refinery to the speculators in the options markets who buy and hold the oil for only a nanosecond.

People everywhere want answers, and here is what we can do. Today the House will consider the Federal Price Gouging Prevention Act. And along with Congressman STUPAK and Congressman RUSH and others, we will put a cop back on the block. What we need is effective and active oversight, not hide-and-seek politics.

Let's take this step together in the right direction. This bill defines what price gouging is. I urge my colleagues to support H.R. 1252.

Mrs. BACHMANN. Mr. Speaker, I ask unanimous consent to claim the time for our side.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Minnesota?

There was no objection.

Mrs. BACHMANN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I urge my colleagues to oppose this bill. Let's make no mistake about this. The last-minute changes don't improve this legislation. The revisions are simply fig-leaf changes to provide cover for oil patch Democratic Members who are being strong-armed into voting for this bill.

No matter how much you dress this up, this bill is still about price controls. We tried price controls in the 1970s, and they didn't work. It resulted in mass rationing, long lines at the pump, and consumer outrage. History is quite clear on this.

George Mason University economist Walter Williams has said: "Politicians of both parties have rushed in to exploit public ignorance and emotion. But there's an important downside to these political attacks on producers.

"What about the next disaster? How much sense does it make for producers to make the extra effort to provide goods and services if they know they risk prosecution for charging what might be seen as 'unconscionable prices'?"

Mr. Williams is right.

The American public deserves better. Congress has the responsibility to pass a balanced, comprehensive energy program that uses innovative technology to explore and expand our domestic energy supply, to move us towards energy independence. The last thing we need to do is to turn back the clock to the failed energy policies of the 1970s. For those reasons, I urge my colleagues to oppose this bill.

Mr. RUSH. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I strongly support passage of the Price Gouging Prevention Act, and I commend Congressman STUPAK for his leadership on this issue.

In eastern Connecticut, where I come from, the price of gas has reached its highest level in history, $3.26 today, up 31 cents from a month ago, and more than $1 since February.

The Government Accountability Office reported on Tuesday that the increasing gasoline prices have cost consumers an extra $20 billion this year, and we are only in May. That is a tax on consumers. It is a tax on small businesses. It has a ripple effect all throughout our economy.

And this is not just about driving over Memorial Day weekend. This is about whether or not energy prices are going to cripple the ability of this economy to grow and thrive and prosper.

It is time to put accountability into the system. The Stupak bill is not price controls, it is a system to make sure that the price is a fair one and is justifiable according to market conditions. Those are the tools that we are giving to the Federal Trade Commission.

Mrs. BACHMANN. Mr. Speaker, I yield 30 seconds to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I just want to respond to that. We are dealing with a world energy market, a world energy market. This bill basically doesn't seem to understand that prices are set on world markets. Clearly what we need to do is understand that aspect of this to craft a meaningful energy policy.

That is why investment in technology to come up with a broad range of alternative energy sources is the appropriate way to approach this. We don't want to go back to the price controls of the 1970s.

Mr. RUSH. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Speaker, setting new records in the United States is generally associated with achievements and innovation.

Unfortunately, this week our Nation hit a new record that most consumers are not celebrating. Gasoline prices were reported to reach nationwide averages of $3.20 or higher.

It is not hard to understand these prices if you look at the Republican-controlled Congress' Energy Policy Act of 2005, which provided billions of dollars to the oil and gas companies while spending only pennies on renewable efforts for fuel that would allow us to get ourselves off the dependency on foreign oil.

As Americans, we do not have a history of shying away from a challenge, and there is no reason to step down from the challenge that is ahead of us because of these Republicans. I think we can do better, and our history as Americans show that we will do better if we have the right leadership.

I urge my colleagues to support the Federal Price Gouging Protection Act because it fulfills America's promise to do what Americans can do if they put their mind to it, and that is to do better and get off this dependency on foreign oil.

Mrs. BACHMANN. Mr. Speaker, I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. STUPAK. Mr. Speaker, if the other side has no more Members available to speak on this legislation, are they not then required under House rules to yield back the balance of their time?

The SPEAKER pro tempore. The gentleman from Illinois will close.

Mr. STUPAK. Mr. Speaker, what I asked was if the other side has no more speakers available, can they continue to reserve time, or do they have to yield back the balance of their time?

The SPEAKER pro tempore. The gentleman from Illinois may continue to reserve his time.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to claim the balance of time on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. May I inquire as to how much time I have?

The SPEAKER pro tempore. The gentleman from Texas has 18 minutes remaining. The gentleman from Illinois has 14½ minutes remaining.

Mr. BARTON of Texas. May I further inquire if I am the last speaker? Is Mr. RUSH prepared to close?

Mr. RUSH. Mr. Speaker, we have additional speakers.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first say that it is appropriate that the House bring this type of legislation in this Congress before the body because gasoline prices are high, and the American public is concerned about those high prices, so it is not inappropriate to consider legislation of this type. We did it twice in the last Congress, passed an anti-price-gouging bill, once as part of a larger energy package and once as a stand-alone piece of legislation. So there is nothing inappropriate about bringing this before the body.

Having said that, I think it is fair to say that it is inappropriate, at least in my opinion, to bring it before the body in the way it has been brought. The bill that is actually before us, I don't know how many Members of the majority saw this bill as it is currently configured, but nobody in the minority saw it until approximately 2:45 p.m. yesterday afternoon.

When I left the Capitol at approximately 6:15, it had still not been noticed that it was going to be on the suspension calendar this morning. It may have been noticed and I just didn't get that notice, but I was told it was up at 10 a.m. this morning, and now it's 10:45. So those of us in the minority have a certain sense of concern that we've not been contacted. We've not been asked for our input.

☐ 1045

We've not been allowed to negotiate, participate in any shape, form or fashion. All we've been allowed to do is come onto the floor, in my case at 10:45, and speak on the bill, and at some point in time, I assume there will be a vote on it.

I did study the bill last evening. I have lots of concerns about this bill. I don't know what "unconscionably excessive" means. It's not defined in statute. As far as I can tell, it's not been defined in any case law. Apparently, it's going to be determined on a case-by-case basis.

I also asked my staff to check around, see if there had been price-gouging lawsuits brought in the various States. Over half of the States of our great Union have price-gouging statutes on the books. We're aware of one State, in the State of Kentucky, the Kentucky Attorney General has either filed a suit or prepared to file a lawsuit in Kentucky. There may be others, but that's the only one that I know of.

There's certainly no systemic outbreak of price-gouging lawsuits being filed around the country, and if we really had pandemic price gouging going on, I think the States that have price-gouging statutes would be using their State statues. They're not doing that.

Why is that? Well, again, I'm not a trained economist, but it seems to me that what we have is a case of the chickens coming home to roost. We have not done much, if any, on the supply side for our oil situation in this country in the last 30 years; haven't built a refinery, brand new, from scratch, in almost 35 years. We've put almost every place that has any potential for new oil development off-limits. Can't drill up in ANWR, Alaska; can't drill off the coast of California; can't drill off the coast of Florida; can't drill off the coast of South Carolina, North Carolina; can't drill off a lot of portions of the eastern Gulf of Mexico.

And funny things happen. As we've kind of sat on our supply haunches and not done anything, demand worldwide and domestically has gone up, and as demand goes up, if you don't have some ability to increase the supply, sooner or later that price is going to go up.

Now, I wasn't here to hear Mr. STUPAK's opening statement, and he may not have said this, but he said yesterday in the oversight hearing the price of crude oil has dipped slightly. He doesn't understand why the price of gasoline has gone up. And all you have to do is look at the housing market in northern Virginia to get the answer to that.

I had supper last evening with my son who is working at the Department of Energy. They are living in a home that's probably 35 years old. I don't know what that home cost brand new when it was built, but a good guess would be $30-, $40,000. That price at the time was based on the cost of construction, the cost of the land, fair profit for the builder and real estate agent. So you could say the cost of that property was $30- or $40,000. Well, the people that own the home have just sold it. It wouldn't be appropriate to tell the exact selling price. My son is renting it, but it's over $700,000.

Now, is that price gouging? No. It's what the market demand for housing in northern Virginia is. It's not related to the cost of the property, it's related to the demand for housing in northern Virginia. So those folks have made a nice profit.

Well, the same thing in the oil industry. Demand for oil is going up in China, demand for oil is going up in Europe, demand for oil is going up in Asia, demand for oil is going up in the United States, and if you don't have more of it, price is going to go up. Is that price gouging? No. It is what the market requires to balance limited supply with increasing demand.

The price of gasoline in the United States 3 years ago doubled. Demand actually increased 1 percent. Now, eventually, last time prices got to about $3 a gallon demand did dip slightly, supply increased a little bit, price went back down. Right before the last election, the price in Texas for gasoline got down to about $1.90 a gallon. Since my friends on the other side have won the election and taken over, the price has gone back up to what we see today. Is it their fault? It is not their fault right now. It's not BOBBY RUSH's fault, it's not BART STUPAK's fault, it's not JOHN DINGELL's fault. It's not ED MARKEY's fault over there in the corner. Although I'm tempted to blame Mr. MARKEY, but it wouldn't be fair.

Demand has gone up and supply has not gone up and the price has gone up, and it's going to keep going up until we do something, both on the demand side and the supply side.

So, is this the worst bill that's ever been on the floor of the House of Representatives? No, it's not. Is it the best bill that's ever been on the floor? No, it's not. You know, I think it is a flawed bill. The definitions are not there. The mitigating factors are not there.

We would be well-served, since it's on the Suspension Calendar, to defeat it, get 140, 150 votes, then go back to committee, have some hearings, try to develop a little bipartisanship, bring a different bill to the floor, and probably pass with an overwhelming margin.

So I'm going to vote against this bill, and I'm going to ask that all my colleagues take a serious look at it, vote against it, so we can figure out the right thing to do. And the next time we bring an energy package, don't just bring something that's symbolic to the floor. Let's bring a bill that helps build new refineries. Let's bring a bill that actually increases the supply. Yes, let's bring a bill that might do something to limit demand. I think the time has come to look at some of those bills seriously.

Let's bring a package that actually might do something, other than rhetorical, to bring gasoline prices in the United States back down to levels that we think are more appropriate.

I don't like to pay 3 dollars or more for gas anymore than our constituents do, but this legislation won't do a single thing to keep market prices down or address the reasons gas prices are rising. What it will do is threaten legitimate businesses with huge fines and hard-working people with long jail terms. Furthermore, the bill could quite possibly lead to price controls and 1970s-style gas lines. I oppose the legislation before us today for substantive reasons, as well as based on the process—or lack of process—that has brought this bill to the Floor.

First, Mr. Speaker, I want the American public to understand how the legislative process has broken down in this case. In light of your unprecedented intent to remove the minority's right to a motion to recommit, it should not surprise anyone in this chamber that the bill before us has bypassed the Committee of jurisdiction—The Energy and Commerce Committee—to come straight to the House Floor. The Committee did not hold a legislative hearing. The Committee did not hold a mark up. The only opportunity my Committee Members had to seek input from the Federal regulators with expertise on legislation was yesterday afternoon during an oversight hearing—a hearing in which the Democratic majority did not even have a witness testify who represents the independent gas stations. It's really too bad their voice was not heard, because the little Mom-and-Pop gas store owner who sells 60 percent of the gas in the U.S. could go to jail for up to 10 years under this bill if they price their gas wrong.

On top of my concern for the absence of certain witnesses at our oversight hearing, a new version of this bill was circulated only yesterday afternoon. That's right: we have had less than 24 hours to review the changes, but we are supposed to vote on it. Mr. Speaker, I thought things were going to be fair in this Congress, but I seem to have been mistaken.

The Administration has issued a Statement of Administration Policy Against this bill. It indicates that it will lead to gas shortages and do nothing to help consumers.

On the substance of this legislation, I have serious concerns that this won't have the intended effect. The Federal Trade Commission is the expert on competition policy and has conducted several studies and investigations of the oil and gas markets markets. In its most recent investigation, the FTC studied each segment of the industry after Hurricane Katrina. Guess what they found? No evidence of price manipulation at the refining level. To the contrary, they found a competitive market. Transportation sector? No evidence of manipulation. Inventory levels? Again, no evidence of manipulation. Gasoline futures? You guessed it, Mr. Speaker, no evidence of manipulation.

What the FTC found was a competitive market that responded to the Katrina crisis by changing their priorities and shipping products to the areas that needed it. The FTC has studied the issue repeatedly, and has not found any evidence of price increases that were not a result of a change in market conditions or other factors that may affect the price.

It may surprise Members that the FTC is opposed to a Federal price gouging law. Why? Because they're concerned that it could do more harm to consumers than good. The Secretary of the Department of Energy opposes it, as well as the National Association of Convenience Stores, the U.S. Chamber of Commerce, the Society of Independent Gas Marketers of America, the American Petroleum Institute, and just about every economist who knows that price controls harm consumers when they cause shortages. What is better, higher-priced gas, or no gas at all?

Mr. Speaker, I agree with the sponsor of this bill that people who take unfair advantage of others should be punished. But we already have laws on the books to address those issues at the Federal and state level. Now we are going to add a Federal standard to the patchwork of state laws for gouging—a term which has no legal or economic meaning. I believe it is unnecessary and fear it will return us to the 1970s gas shortages. No retailer will want to supply the market at a higher price and risk being fined millions and going to jail for years. And what wholesaler will risk $150 million in fines and possible jail time if they raise their price more than a competitor?

Mr. Speaker, I know many here would like to go home to their constituents over Memorial Day recess with a gas price gouging bill rather than address substantive Federal Energy Policy that might actually address the factors causing gasoline prices to rise. Republicans were able to pass many energy-related bills when we were in the Majority, though Democrats in the House and Senate voted against almost every piece of legislation that would have increased our domestic energy supply.

I can understand a visitor to California might suspect they are being gouged at the pump when they fill up in San Francisco for upwards of $4 a gallon, but that is just a result of the Federal, State and Local taxes and other state fuel requirements. If something is broken, Mr. Speaker, it is not the free market. This Congress must act to increase domestic supply of gasoline, not enact feel-good legislation that is ill-conceived and ineffective.

Mr. Speaker, I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, I want to remind my friend from Texas that he should take a closer look at the bill. The bill explicitly takes into account market conditions, both domestic and international. The bill has two pages of mitigating factors. If the costs go up, and they are going up, this bill allows companies to capture the costs.

And I would have to just conclude, Mr. Speaker, that my friend from Texas needs to take a closer look at this bill because his arguments are just not true.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank Mr. RUSH for yielding me time. I'd like to respond to the gentleman from Texas and some of the claims he made.

First of all, Democrats have only been in the majority for 4 months, and we are looking for ways to end this pain that motorists are feeling every day when they fill up their car at the gas pump, and that is, to bring forth the price-gouging legislation you see before us.

Now, Mr. BARTON says we should not pass this for this reason or that reason. These are just excuses. He complains about the process. With all due respect, we learned the process from Mr. BARTON.

Last year, they brought forth a gas price bill, was introduced on Tuesday, May 2, 2006. Wednesday, May 3, 2006, we voted on it. We never saw it. This bill has been around for over a year. So let's stop the excuses. American people don't want arguments about what process. They want relief at the pump, and that's what we're doing.

Lookit, today Members of the House have a very simple choice. Vote to stand up with consumers, your constituents, who are paying record gasoline prices, nationwide average, record prices, or vote to protect big oil companies' enormous profits.

My bill, H.R. 1252, which has over 120 bipartisan cosponsors, would give the Federal Trade Commission the explicit authority to investigate and punish those who artificially inflate the price of energy. The bill would provide a clear, enforceable definition of price gouging; focus enforcement on the worst offenders, especially companies that sell more than a half billion dollars a year of gasoline. We strengthen penalties, both criminal and civil, with up to triple damage for those who would price-gouge us; and direct the penalties collected to go into the Low Income Home Energy Assistance Program.

Congress must pass without any more excuses this legislation. Today's legislation is truly a first step in addressing the outrageous prices we're seeing at the gas pump.

We'll be working to protect consumers from high natural gas prices. We've introduced the Prevent Unfair Manipulation of Prices legislation to improve the oversight of energy trading in this country, and I hope we can move this legislation later this year.

Last year, the House of Representatives actually voted on a weaker bill, on May 3 as I indicated, brought forth by Republicans on price gouging. We passed that bill under suspension, like we are today, 389-34. The Senate didn't do anything with it.

I'm proud to announce that since the Democrats are in charge, the Senate bill, very similar to my bill, has already made it out of committee, and we expect a vote on it next month. So we can actually bring relief to consumers now that the Democrats are in charge.

Today, every Member has a choice. Side with big oil or side with the consumers who are being ripped off at the gas pump.

I'd like to thank Speaker PELOSI for her work and leadership in bringing this legislation to the floor, also Chairman DINGELL of the full Energy and Commerce Committee, and his staff for their help in putting forth a very fine piece of legislation that is much broader in scope than what we voted on last year, has stronger penalties and will truly give the American people relief at the pump.

Before Members leave for the Memorial Day recess, vote to provide your constituents with some relief at the gas pump. Vote for H.R. 1252.

Mr. BARTON of Texas. Mr. Speaker, how much time do we have on this side?

The SPEAKER pro tempore. The gentleman from Texas has 9 minutes remaining, and the gentleman from Illinois has 11 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), a member of the committee.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding and I rise in opposition to this legislation, but I compliment my colleague, the gentleman from Michigan (Mr. STUPAK). He has, in fact, worked diligently on this issue, and I join him in my concern about prices that are charged to the American people. Indeed, he just indicated he would very much like to see relief at the pump, and so would I. I happen to drive a Ford F-250, which does not get good gas mileage, and I, along with others, would like to see relief at the pump. I certainly commend all those who are cosponsors of this legislation as having good intentions.

My concern, however, is that it will not achieve that result. The reality is we do have very high gas prices, and we have prices that have gone up dramatically in just the recent few months. We all want to know the answer for that, and I've spent some time trying to look at it.

Unfortunately, I don't see evidence that there is price gouging and that high gas prices are a result of price gouging. What I see is that they are the result of policies of this government, and it seems to me that we ought to be looking at the policies of this government.

For example, we as a Nation, this Congress, have imposed a tariff on imported ethanol. We could bring in ethanol produced in other countries at a dramatically lower price than the ethanol we're producing in this country today, but instead, we tax that ethanol and make it even higher priced. Last year, when the prices went up, I voted against price-gouging legislation, but I dropped my own bill to suspend that tariff so that we could take advantage of lower-priced ethanol. Unfortunately, the Congress didn't move in that direction.

Two years ago, I went to the commodities market in New York, and they told me the problem with gasoline prices is refineries. We do have a lack of refineries in this country, and I've dropped legislation to encourage the construction of more refineries. I think there is concern that the refinery industry is holding the capacity of those refineries right at the edge so the prices can be the highest possible.

But one of the issues you hear is that part of the reason gasoline prices are so high right now is because of the conversion from winter gas to summer gas. That conversion is compelled by government regulations which drive up the cost and by government regulations which spell out precisely how it must be done and that they must draw down supplies.

It seems to me, before we start tampering with the free market, which has served us so well, and before we start passing very wide ranging legislation of this type, we have to make a decision. Do we want the government to regulate prices? Do we want a huge new bureaucracy in there looking at a poor mom-and-pop gas station to see if they raise prices? Or do we want to look at the policies of this government which have held down supply and which have not met demand?

It seems to me this is simple and straightforward. I understand the urge to do it, but the problem is, if we empower a massive new government bureaucracy, we will not get relief at the pump which Mr. STUPAK wants and which I'd like to see. We will indeed just create a large bureaucracy.

□ 1100

In my home State of Arizona, we have tried this. We have had attorney general after attorney general, even in my tenure, when I was in the attorney general's office, we investigated price gouging and could not find evidence of it. Let's look at the market forces that are causing these high prices. I urge my colleagues to oppose the bill.

Mr. RUSH. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from Illinois, and for his leadership on this bill, and the gentleman from Michigan. The bill before us today would give the Federal Trade Commission the authority to investigate and punish wholesale or retail sale of gasoline or other petroleum distillates at prices that are unconscionably excessive or take unfair advantage of consumers during any presidentially declared national or regional energy emergency.

Now, we hear from the Republicans, don't interfere in the free market. Don't touch the free market. Don't have the Federal Government getting in on the side of the consumers. It's just a matter of supply and demand. That's what the Republicans are arguing. Don't interfere with the free market, even if it goes up to $3.20 a gallon for gasoline, $3.80 a gallon for gasoline, $4 a gallon for gasoline. Don't let the Federal Government help out the consumer.

You know what? The Republicans are right. It is a matter of supply and demand. Consumers are forced to supply whatever money the oil companies demand from the consumers. The oil companies have the consumer over a barrel, a barrel of oil that the oil companies control and that they price. They price it wherever they want to put it.

They tip the consumer upside down, the oil companies do, and they shake money out of the pockets of consumers at the pump. The Christians had a better chance against the lions than the consumer has against the oil companies at the pumps in the United States today.

All we are saying is let's give the Federal Government a sword to get into the battle in the arena on behalf of the consumers in America. And the Republicans are saying, we don't want to arm the Federal Trade Commission so they can help the consumers so that they are not tipped upside down. It is clear that high gas prices are hitting families hard, but they are also causing our economy to stall and to sputter like a jalopy.

The bill before us today addresses one potential cause of high prices: price gouging by the oil companies. It sends a signal to oil companies that there will now be a regulator out there that has been empowered to take action when unconscionably high prices are being charged.

The free market, I don't think so. I think that when we look at this oil market, we understand that the consumer is at the whim of the oil companies.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to a member of the committee, Mrs. BLACKBURN of Tennessee.

Mrs. BLACKBURN. I thank the gentleman from Texas.

Mr. Speaker, I do rise today in opposition to this legislation, because I certainly feel that it is going to increase the cost of gasoline to the American people. H.R. 1252 does purport to crack down on price gouging and marketplace manipulation by integrated large oil companies. Yet that is not what this legislation is going to do.

We had a hearing in committee about it yesterday, and I wish, indeed, that we were going to have the bill before us for a markup. What I find in this piece of legislation is that it will put a target on the back of every small business owner who runs and operates a neighborhood convenience store, a filling station or a truck stop. As I said in our hearing yesterday, there are so many of these that are the local gathering spot. These are not people that are going to gouge their neighbors.

You know, I know it is tempting to react to constituents' frustration with high gas prices. We are all frustrated with that. But the way to do it is not passing a hastily drafted price-control legislation. We should be focused on the real problem and work for real results on this issue. That is what our constituents want.

H.R. 1252 is not going to give us the real results. What we are going to see is a turn-back to energy policy, back to the Jimmy Carter era. It is a clumsy attempt, I think, to punish bad actors who take advantage of the public. But the bill adopts some vague language, employs some heavy-handed criminal penalties, some unenforceable civil penalties that no small business owner could afford.

I do think it's a little bit of legislative overkill, and some people would call it unconscionably excessive. They are entitled to that point. It was my hope that Congress would go through regular order, would address some of the issues pertaining to this Nation's energy policy, and look for some real solutions to the root problem.

Mr. RUSH. Mr. Speaker, I yield 10 seconds to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. In response to the last speaker, this bill does not target mom-and-pop grocery stores. You have to sell half a billion dollars of gasoline products.

Secondly, the record high prices of oil that we are seeing was not under Jimmy Carter. It was under Ronald Reagan in 1981.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to Congressman MURPHY of Pennsylvania, a member of the committee.

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman.

One of the things that's important to keep in mind is why are gasoline prices what they are, and it is not the retailer. When we look at what has happened to prices over all, let's keep in mind that we have become more and more dependent upon other nations. When we look at what's contributed to costs, look at this: Crude oil costs are 56 percent of the price; taxes are 18 percent of the price; refining nearly 17 percent of the price; distribution and marketing, nearly 9 percent of the price.

What has happened with regard to crude oil prices, they have doubled since 2004, they have tripled since 2001, and they have gone up over 600 percent since the 1980s.

But what has happened, as the cost of a barrel of oil has gone from $11 a barrel to over $70 a barrel, is Congress has continually stood in the way of trying to come up with more sources. We have abundant supplies. We have the Atlantic coast, the gulf coast, the Pacific coast, the western States and Alaska. Whenever those come up for a vote, Congress shuts it down. Over 90 percent of Federal lands are off-limits to exploring for the vast supplies of oil we have there.

We have shut off some of our other sources, and some are still trying to do that with regard to using coal as another energy source. We have not funded fully the things we need to do for hydrogen fuel cell. We have not gone far enough with conservation, with our automobiles, with reducing homeowner uses.

So between these issues of exploration, conservation, diversification, we have not taken the steps we need to do to truly reduce energy costs. It concerns me greatly that we are moving forward to blaming the retailer when we ought to be looking to blame ourselves. After all, if we have supplies of oil in the gulf coast, which we set off-limits to ourselves, and, yet, we let Cuba explore for them, something is terribly wrong.

I hope that what this Congress does is work more towards energy independence and recognize that it's changing the way we explore for oil and making sure that we do much more for diversification of our sources and conserving our huge energy waste in this country. That is what is going to lower the prices of gasoline.

Until we make this commitment as a Nation, and until we make this commitment as a Congress, we will not see these prices go down.

Mr. RUSH. Mr. Speaker, may I inquire how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Illinois has 7¾ minutes remaining.

Mr. RUSH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman for the time and thank you for the opportunity to speak to this very important issue.

Mr. Speaker, the rising cost of gasoline is causing huge problems for families throughout south Florida, which I represent, and certainly throughout the whole country. In south Florida a gallon of gasoline is well over $3.25 and rising. In fact, there is gas even at $3.59 per gallon in my local area.

What is the excuse this time? Is it disruptions of oil in the Middle East? Not that I am aware of. I haven't heard. Hurricane damage to refineries? No, again. How about the summer driving season? Seems to me this is May. So, again, no excuses, no excuses, but we just hear more and more excuses from oil companies that it's the drivers, it's this or that.

Yes, there are a lot of answers here, but let's focus on where the market manipulation is going on.

In my area, tourism drives the economy. When gas prices go up, the first thing families do is they stay within their budget and cut back on their vacations, vacations that many times are planned to Florida. When gas prices go up, families and businesses feel it, and it negatively impacts every part of our economy.

That's why I am here today to show my strong support for the Federal Price Gouging Prevention Act. This bill, authored by my friend Mr. STUPAK and others, would give the Federal Trade Commission the authority to crack down on the people who price gouge. This bill is an excellent step in the short term because it protects consumers and gives the government the teeth it needs to go after market manipulators.

In the long term, we are only going to solve this problem by moving towards energy independence. American families can no longer afford to rely exclusively on oil for their energy needs. We all know that investing in alternative fuel sources is vital to our national security and to our economy.

Being energy-independent is a goal that many of us have been talking about and working on for many years. That goal has never been more important than it is right now. But today is the time we need to make changes that will reduce gas prices for American consumers now, and in the future let's work towards energy independence.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to a member of the committee, Congressman BURGESS of Texas.

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Speaker, I have grave concerns about the bill before us today, specifically the lack of clarity in defining "unconscionable." I believe this term to be ambiguous, and, in fact, could lead to severe supply shortages in times of national emergency.

Under this proposal, a gasoline station owner could receive civil and criminal penalties totaling $5 million and 10 years in prison for charging "unconscionable" prices. Yet there is no clear definition for what is unconscionable.

To add insult to injury, if a station owner were to charge less than the market price, he could also be subject to charges of undercutting the market. Were I a gasoline station owner in a time of crisis, I likely would shut down my pumps and sell Snickers bars and Coca-Colas and try to make money that way.

I am not defending those who would charge unfairly. I firmly believe, and, in fact, in my home State of Texas, we have a strong antigouging price statute already on the books. If it is determined that illegal pricing has occurred, the individuals should be prosecuted to the fullest extent of the law.

But let's be sure we do not create a climate which causes business owners to stop selling gasoline at a time in crisis when we so clearly will need those resources.

Mr. RUSH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, yesterday we had a hearing on gas price gouging, and the Commissioner of the Federal Trade Commission actually came and testified. On page 12 of his testimony, footnote number 24, I would like to quote the following: The statute mandating post-Katrina price investigation effectively defined price gouging as an average price of gasoline available for sale to the public that exceeded its average price in the area for the month before the event, unless the increase was substantially attributable to additional costs in connection with production, transportation, delivery and sale of gasoline in that area, or to national or international markets.

When questioned yesterday, Commissioner Kovacic said, We've used it. We have the definition.

My legislation makes it clear to take these factors into consideration when you determine whether price gouging is going on: How much did it cost delivered at transportation? What was the bill of sale from the supplier. These are factors in the legislation.

The FTC clearly understands it. Members of the House should be able to understand it. Vote "yes" on H.R. 1252.

Mr. BARTON of Texas. Mr. Speaker, we have two speakers. I think we have 2 minutes.

The SPEAKER pro tempore. The gentleman from Texas has 1 minute remaining.

Mr. BARTON of Texas. One minute remaining. Then we have one speaker left.

I yield the balance of the time on the minority side to the distinguished minority whip, who is a member of the committee, on leave, Mr. BLUNT of Missouri.

□ 1115

Mr. BLUNT. I thank the gentleman for yielding and for his hard work on these issues, and I also appreciate my colleagues from the committee. But I am here to say to my friends that, as we look at this bill, I don't know what this bill does because the bill is so unclear. It didn't go through our committee. Like the other legislation we passed in this Congress, it is not likely to become law. I believe we have put around 21 bills on the President's desk so far this year, a dozen of them to name post offices. And the reason for that is all of the bills we passed in the House don't create a result, they don't create law.

Let me just refer to one thing. It says you can't sell fuel in an emergency situation at a price that is, (a), "unconscionably excessive." Of course you shouldn't do that. We shouldn't allow that. But we should define what that means.

One of the supporters of the bill has told me, well, every court will decide what that means. I have got to tell you, the mom-and-pop grocery and gasoline station owner can't wonder what every court is going to decide.

This bill is unclear. It needs work. It puts an undue hardship on people that are trying to make a living running a service station, and I urge my colleagues to oppose it.

Mr. RUSH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the opponents of this bill, my friends on the other side of the aisle, are asking for this Congress to wait until a more perfect time, a more perfect time to help the American consumer out.

Mr. Speaker, I want to remind my friends on the other side of the aisle that the American people are suffering right now, and they are demanding this Congress to take action right now.

There can never be a more perfect time for this Congress to take action. Now is the time to take action. Now is the time, Mr. Speaker.

Mr. Speaker, I just want to just inform my colleagues that scare tactics will not work this time. If they will look at this bill, they will see that scare tactics are nowhere in this bill. This bill is a scalpel, it is not a meat axe. This bill carefully speaks to the issues that the American people face. This bill is carefully crafted to take into account market conditions, explicitly listing those mitigating factors that will spur the FTC into action.

Any company that gouges should be sought out, should be identified, should be brought before justice, should be brought before the American people in the form of the Federal Trade Commission. A company will be found guilty of price gouging under this bill only, and I repeat, only if they engage in unconscionable pricing. We do not suspend free markets nor do we suspend the laws of supply and demand.

Mr. Speaker, again, the American consumers need us to act, they want us to act, they demand that we do act. Now is the time. Now is the time for us to act. I ask Members of this Congress to vote in favor of this bill.

Mr. DINGELL. Mr. Speaker, H.R. 1252 is intended to stop and punish unscrupulous gasoline price gougers. The bill empowers the Federal Trade Commission to go after gougers at all levels of the gasoline distribution chain and to impose stiff penalties on violators. It also provides authority for the States to go after retail price gougers under Federal law.

The bill is not, however, intended to prohibit all increases in price—only those increases that grossly exceed the supplier's earlier prices and competitors' prices and that do not reflect reasonable responses to an emergency situation.

This bill would not prohibit a seller from raising prices to compensate for extra risks, such as staying open while a hurricane is bearing down, traveling outside an affected area to secure additional supplies and transport them to people in need, or postponing regular maintenance to increase output during an emergency. These are all efforts that ameliorate a dire situation and the bill is not intended to discourage them.

Finally, the bill would permit suppliers to reasonably factor in other local, regional, national, and international market developments in the quickly-changing and uncertain market conditions characteristic of energy emergency situations.

In sum, Mr. Speaker, this bill is intended to prohibit grossly excessive, pernicious, and predatory increases in the price of gasoline during emergencies—but not to prevent or discourage fair and reasonable responses to unusual market conditions.

Mr. LEVIN. Mr. Speaker, as a cosponsor of H.R. 1252, I rise in support of the Federal Price Gouging Prevention Act, and urge its passage by the House.

Gasoline prices are now at record highs. In my home state of Michigan, the average price of regular gas is $3.47 a gallon—a full 66 cents a gallon higher than it was at this time last year. According to the General Accounting Office, the rise in gasoline prices this year has drained consumers of an extra $20 billion. The six largest oil companies announced $30 billion in profits over the first three months of 2007 alone. This is on top of the $125 billion in profits they racked up last year.

The other side says that we should do nothing. They say that it's a world market for oil, and therefore something we cannot control. How then do they explain that the cost of gasoline has been rising even in the face of falling world oil prices? We must face the fact that there is something wrong in the distribution chain, especially during times of energy emergencies such as when Hurricane Katrina hit the Gulf Coast. As a first step in attacking the problem, we need to give the Federal Trade Commission the explicit authority to investigate and punish those who artificially inflate the price of gasoline.

The oil companies oppose this bill. The White House also has indicated that the President may veto the bill. With all due resect, we work for our constituents, not the oil companies and not the White House. I urge the House to stand with consumers and vote for this needed legislation.

Mr. HARE Mr. Speaker, I rise today in strong support of H.R 1252, the Federal Price Gouging Prevention Act. I am proud to be an original cosponsor of this important piece of legislation.

Oil prices are continuing to skyrocket, increasing the burden on American families, small businesses, and individuals who rely on their vehicles for their livelihood. Every day I hear from troubled constituents who are paying over $3.00 per gallon at the pump. Constituents like Richard Benefiel, a small business owner who called me yesterday out of desperation explaining he would have to shut down his shipping operation in less than 30 days unless relief was provided. On the other hand, Exxon-Mobil raked in $9.3 billion between January and March—its best first quarter in history. This is unacceptable.

The bill before us today is a much needed step toward addressing market manipulation by Big Oil and the egregious impact it has on the American consumer. The Federal Price Gouging Prevention Act provides the Federal Trade Commission with new authority to investigate and prosecute energy companies who engage in predatory pricing, market manipulation, and other unfair practices, with an emphasis on those who profit most, thereby providing immediate and much needed relief to consumers.

Yet, this is only the first step in bringing down energy costs. Last year, our Nation hit its highest dependence on foreign oil, importing 771,000 barrels daily from Saudi Arabia and other Organization of Petroleum Exporting Countries, OPEC. This served as a wake-up call for the United States to begin taking measures to decrease our dependence on foreign oil. I refuse to continue to allow OPEC, which accounts for 65 percent of internationally traded oil, to continue to dictate our Nation's gas prices. Antitrust laws must be put into action and greedy oil exporters need to be held accountable.

I am pleased that we voted yesterday to pass H.R. 2264, which authorizes the Justice Department to take legal action against OPEC state-controlled entities who conspire to limit supply or fix the price of oil.

I also believe that building a diverse energy portfolio which focuses on renewable, homegrown energy sources like ethanol, biodiesel, as well as wind, solar, hydro-power and clean-coal technologies is a critical step toward energy independence, which will bring down prices, and clean up our environment.

The Federal Price Gouging Prevention Act is a critical first step in addressing skyrocketing energy costs and I urge all my colleagues to support the bill.

Mr. WELDON of Florida. Mr. Speaker, I rise in opposition to price gouging.

The good news for Florida consumers is that the state of Florida already has the ability to protect consumers from price gouging.

Florida law finds that gouging has occurred when a commodity's price represents a "gross disparity" from the average price of that commodity during the 30 days immediately prior to the declared emergency. This applies unless the increase is attributable to additional costs incurred by the seller or to national or international market trends. In fact, Florida law enforcement fully investigated over 58 cases of alleged gouging after Tropical Storm Rita.

Violators of Florida's anti-gouging law are subject to civil penalties of $1,000 per violation. In 2005, the State of Florida enacted criminal penalties for those who engage in price gouging.

In addition to the protections that Florida consumers already have in place through State law enforcement, the Federal Trade Commission has the authority to investigate and bring charges against those that engage in price gouging.

In a significant departure from previous legislation addressing this issue, Floridians who are gouged would not receive a rebate. Instead, H.R. 1252 would direct any fines collected from gougers to a program that largely benefits the Northeast and the Midwest. Previous legislation on this matter directed that any fines collected from price gouging be returned to the State where the gouging occurred so that the consumers could be reimbursed. H.R. 1252, however, directs that all of these funds instead be placed in the Low Income Home Energy Assistance, LIHEAP, fund. Unfortunately for the residents of Florida, this is a fund that they get little benefit from. The primary beneficiaries LIHEAP grants are those living in the Northeast and Midwest. While New York and Florida have populations that are nearly equal, New York received 10 times the amount of LIHEAP money that Florida received ($247 million for New York vs. $26 million for Florida). Other large beneficiaries include: New York, Michigan, New Jersey, Pennsylvania, Ohio, Wisconsin, and Illinois. In fact, on a per capita basis, no state does worse than Florida when it comes to LIHEAP. The bottom line is that if Florida consumers get gouged, those living in the Northeast and the Midwest get the rebate.

This bill is more about show than about substance. Even the comprehensive investigation by the Federal Trade Commission, FTC, in the aftermath of hurricane's Katrina and Rita found no gouging or anti-trust violations.

The real driver of price for gas is the growing global demand for energy. The rapid growth in the worldwide demand for crude oil is being driven primarily by economic growth in China, India and the United States.

Ironically, during a Congressional hearing on this bill, the proponents of the bill offered some bizarre testimony. When asked if the oil companies were engaging in collusion—which is already illegal—a proponent of the bill offered that what was being engaged in is "conscious parallelism." He then offered that you cannot prove "conscious parallelism" in court, so this bill does virtually nothing to address that. Another advocate for the price-gouging bill testified before the committee that "drilling [for oil] will do nothing to lower the price of oil." I am concerned that these individuals are so dedicated to an ideology that they defy common sense.

The most important thing we can do to lower the price of gas for American consumers and to ensure our energy independence is to expand domestic energy production, expand refining capacity in the U.S. by reducing excessive burdens, encouraging more nuclear power, fostering the development of renewable energy, and encouraging conservation. Unfortunately, it took us 12 years to end the Democrat filibuster that kept America from developing more oil and gas off the Outer Continental Shelf, OCS. Last year we were successful in opening a small portion of the OCS to oil and gas recovery, and I hope that we can build on that success. Also, last year we secured passage of legislation that allows for greater production of oil and gas from Federal lands. Unfortunately, Democrat leaders have introduced legislation and are holding hearings to close off those sources of domestic energy production. We streamlined regulations for nuclear power plants, yet Democrats are considering injecting new regulations into the process. I was also pleased that we were able to secure passage of renewable energy tax credits. I have cosponsored legislation to extend these tax cuts for renewable energy and conservation so they are not allowed to expire.

The Democrats expression of "outrage" over gas prices is a bit ironic given that they are the ones who have consistently proposed higher gas taxes, higher energy taxes like the proposed BTU tax, and who are presently moving forward with "cap and trade" global warming legislation along the lines of what has been adopted in Europe. As the Washington Post pointed out last month, this cap and trade system has led German consumers to pay 25 percent more for electricity than they did two years ago, while German utilities are making record profits. This higher cost for electricity has made it difficult for some European countries to compete with cheaper foreign imports, resulting in European workers losing their jobs.

The rhetoric simply does not match the policies being advocated by the Democrat majority.

Mr. SPACE. Mr. Speaker, I rise today in support of H.R. 1252, the Federal Price Gouging Prevention Act.

My district is currently experiencing some of the highest gas prices in its history. In several towns in my district, my constituents are paying prices as high as $3.49 per gallon to fill their tanks.

The price of gas is a crippling figure for the people of Southeastern Ohio who depend on their cars and trucks for transportation. Working families frequently commute long distances to reach their places of employment. For these families, the rise in gas prices is essentially an undeserved pay cut.

The farmers in my district also face the challenge of fueling their equipment on which they depend to make their modest profits.

I fear most for the fate of my district's retired and elderly populations. Most of these individuals are on a fixed income that already limits their ability to pay for the prescription drugs and medical visits they need. The rising price of gas places them only further into a bind and forces them to make decisions that no American should ever face.

I co-sponsored H.R. 1252 because I believe it is time for Congress to intervene on behalf of working Americans. This common-sense legislation simply ensures that oil companies play by the rules and offer consumers a fair price for gas, not one that takes advantage of circumstances.

I am a firm believer in the power of the marketplace to deliver the best possible services to American consumers. Free markets drive our economy and make it the most powerful in the world. However, when companies don't play by the rules, they must be punished because it is the consumer that ultimately suffers.

I believe that passage of this legislation offers important protections to the people of my district in their daily battle with the price of gas. I encourage my colleagues to lend their support as well.

Ms. HIRONO. Mr. Speaker, I rise in support of H.R. 1252, the Federal Price Gouging Prevention Act.

I am a proud cosponsor of this bill, which makes it illegal for any company to sell gasoline at excessive prices or to take advantage of market conditions by increasing prices during an energy crisis. It allows the Federal Trade Commission and the States' Attorneys General to bring lawsuits against corporations that charge excessive prices for gasoline. The bill also permits investigations of companies suspected of price gouging and requires honest and accurate reporting of pricing practices.

In the first month of the 110th Congress, the House took away $14 billion in taxpayer subsidies from the oil companies. This money will be reinvested in alternative, renewable energy sources.

Yesterday the House passed a bill by a bipartisan 345–72 vote, a bill that authorizes the Justice Department to take legal action against OPEC state-controlled entities and governments that conspire to limit the supply or fix the price of oil.

Hawaii's consumers pay some of the highest gasoline prices in the Nation. In 1998, the State of Hawaii filed a lawsuit against the major oil companies operating in our state. The lawsuit revealed that 22 percent of an oil company's nationwide dealer profits came from Hawaii, a state that represented only 3 percent of the market. Clearly, Hawaii's consumers were contributing an excessive share of the company's profits in relation to market share.

Since President Bush took office, gas prices have more than doubled, and previous Congresses have failed to protect consumers from price increases. For the first time in years, Congress has begun exercising its oversight responsibilities. This is important given that the six largest oil companies made $30 billion in profits for the first quarter of 2007, on top of the $125 billion in record profits for 2006.

I urge my colleagues to vote for this bill, which aims to reduce the burden of high energy costs on American families and businesses, build on efforts to increase energy efficiency, lessen our dependence on foreign oil, and cut greenhouse gas emissions in the longer term.

Mr. TIAHRT. Mr. Speaker, I rise today in opposition to fuel shortages, waiting in long lines to purchase gas, price controls and H.R. 1252. I rise in support of lowering fuel prices for consumers, creating more jobs for Americans, opening new sources of energy and encouraging investment in innovative energy technologies.

Today the House will be voting on H.R. 1252, a bill that would impose price controls on free-market energy products and would create hardship on Americans during a national emergency. Guised as a price gouging bill to protect American consumers, H.R. 1252 would actually create hardship for Americans.

I do not support price gouging. Taking unfair advantage of consumers, especially during an emergency situation, is wrong. Those who engage in this type of behavior should be prosecuted to the full extent of the law. Kansans are already protected by state law that prohibits price gouging during a time of disaster.

In a free market economy, when supplies become limited or scarce, prices rise to curb demand and help ensure product remains available. When artificial fuel prices are set by the government, demand remains high and supply will not be able to keep pace. Consumers will be faced with gas rationing and standing in long lines. Consumers who need fuel could be faced with gas stations running out of gasoline.

There is no question my constituents in Kansas are angered by high fuel prices. We all feel the pain in our wallets. High energy costs effect everyone from families to small businesses to large corporations. However, voting to authorize the Federal Trade Commission to enforce price controls on a free-market energy produce like gasoline will not provide relief at the pump. If anything, it could restrict consumers from purchasing fuel during times when it is needed the most.

Returning to a 1970s era where consumers are forced to wait hours in line just to purchase fuel is not a solution. H.R. 1252 does not help lower the cost of fuel for Americans today or long-term. It is not an effective solution to high gas prices.

Congress should instead offer real solutions like encouraging more investment in innovative energy technologies, supporting clean and safe access to petroleum resources off our Nation's shores and on public lands, spurring investment in renewable sources of energy, and expanding domestic refining capacity. These are solutions that would help lower energy costs and create American jobs.

This week I introduced The Refinery Streamlined Permitting Act of 2007, a bill to help increase America's refining capacity and lower gas prices. My bill streamlines the federal permitting process for new or expanding domestic refineries. It creates a framework for all parties involved to understand what actions need to be carried out for an expeditious permit approval to be granted. And it requires that such actions be completed within one year.

My bill will require agencies to give high priority to refinery applications that would result in greater capacity, a cleaner-burning fuel, or a reduction in a refinery's pollution output. And it will require Federal agencies to more carefully examine the impact a proposed rule would have on energy supplies and provide that information to the public.

Instead of bringing an artificial price-control bill to the House floor that could lead to gas rationing and long lines, Democrat leaders should instead offer real solutions.

I urge my colleagues to vote against H.R. 1252 and in support of policies that will lower the cost of gasoline for the American people.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1252, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROVIDING EXCEPTION TO LIMIT ON MEDICARE RECIPROCAL BILLING ARRANGEMENTS

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2429) to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION TO 60-DAY LIMIT ON MEDICARE RECIPROCAL BILLING ARRANGEMENTS IN CASE OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

(a) IN GENERAL.—Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)) is amended by inserting after "of more than 60 days" the following: "or are provided (before January 1, 2008) over a longer continuous period during all of which the first physician has been called or ordered to active duty as a member of a reserve component of the Armed Forces".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation. I thank my good friend from California (Mr. THOMPSON) for sponsoring it. This legislation is necessary to ensure that our Nation's doctors, who are brave enough to serve their country in a time of war, have a medical practice to serve in when they come home.

Currently, Medicare allows for a physician who is ordered to active duty as a member of a reserve component of the Armed Forces to enter into a 60-day billing arrangement with another physician. These arrangements allow for physicians to maintain their practices while they go off to take care of our soldiers in combat.

Unfortunately, what we are finding is that they are often away longer than 60 days, which puts them at odds with the current Medicare antifraud rules. This legislation fixes that problem by lifting the 60-day limit currently in place, and allowing a physician who is called to active duty to find a substitute physician to watch over his patients for as long as he or she is deployed.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill on substance and in adamant opposition of the process.

Now, there is absolutely nothing wrong with the substance of this bill. It has two distinguished cosponsors, one in the majority party, one in the minority party. The underlying substance is eminently fair, and we are not going to ask for a rollcall vote. If it passes on a voice vote, so be it.

But having said that, I want to say in the strongest possible terms how extremely disappointed, and I mean extremely disappointed, that we have a bill that is in two committees of jurisdiction, the Ways and Means Committee and the Energy and Commerce Committee, and the bill had not even been introduced, had not even been introduced until this morning. There was no bill number.

Now, when you put a bill on the Suspension Calendar, theoretically the majority party, the chairman or chairmen or chairwomen ask the ranking member of the minority party if there is any problem with the bill. If there is not, then they approve it. Then the Speaker of the House or the majority leader of the House calls the minority leader of the House and says, "We want to put this bill on the Suspension Calendar." And you do it.

Now, we have a bill before us that was not even introduced until the House convened this morning. There has been no hearing, there is no record, there has been no phone call. Chairman DINGELL did not call me yesterday, he did not call me this morning. I don't know if Chairman RANGEL called Ranking Member McCRERY. I do know that NANCY PELOSI or STENY HOYER did not call JOHN BOEHNER.

So we are now in a situation, we have a little extra time, let's introduce a bill and pass it in the next 30 minutes. We did not do that when we were in the majority.

Now, this is a good bill. Mr. THOMPSON and Mr. JOHNSON deserve accolades for seeing a flaw in the current Social Security law, the Medicare law, and rectifying it. That is not the issue.

The new majority campaigned on a platform of fairness and openness. Is this fair? Is this open?

This happens to be a good bill. What if it weren't? What if it weren't?

The only two Members that really know anything about it are the two cosponsors, and thankfully they are both decent, honorable men, and we have read the substance of the bill and it is okay. But this is not the way the House of Representatives should be run. It is just wrong, W-R-O-N-G, wrong.

So I support the substance of the bill, but I am adamantly opposed to the process. I hope this thing goes on a voice vote. If it is a rollcall vote, I am going to vote "present" and express, when I see Mr. DINGELL, in the strongest possible terms how upset I am about the process.

Mr. SAM JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. SAM JOHNSON of Texas. Let me just correct one thing. The staff tells me Mr. RANGEL did call our committee yesterday at 10 o'clock in the morning on this bill. So the Ways and Means Committee was informed.

Mr. BARTON of Texas. Did he call Mr. MCCRERY?

Mr. SAM JOHNSON of Texas. Yes.

Mr. BARTON of Texas. Then I stand corrected.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Just in response, I understand where Mr. BARTON is coming from. But I just want to point out that we do have bipartisan support in the House on the bill. And it is only a temporary measure that lasts for 1 year and provides immediate relief to these physicians that are going overseas and fighting for the country. It is a very special circumstance, which I don't think provides any real precedent here, because we do have these physicians who are going to serve their country in Iraq and we just don't want them to have a situation where they come back and they don't have any medical practice. I just don't think that is fair.

I would mention to the ranking member that if we wanted to make a permanent change in this, we would be sure to spend more time and work with our Republican colleagues in accomplishing that goal. This is a temporary measure, and it is just because of the circumstances.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMPSON) such time as he may consume.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker and Members, this is a very important bill. There are almost 3,000 physicians that are serving our country in the Reserves and the National Guard. And, as has been pointed out, when these folks are deployed and they leave, just like every other person in the Guard and Reserves that is deployed, they leave their families, they leave their businesses at home, and they go over and they serve their country. But there is just one thing different with these doctors; when they are deployed, they also leave behind their patients. And these are patients who depend upon the medical care they get from that great American who is now serving his or her country, and these patients can't go without a doctor.

The way the rules are now, the physician has to line up someone to take their patients in their absence, and they can only do this for 60 days. This doesn't work. It is bad for the doctors and it is bad for the patients. What we are trying to do is to waive that 60-day requirement so the physicians can line up one doctor to take their Medicare patients while they are serving our country in Afghanistan or in Iraq.

□ 1130

And it's a temporary measure. It's only good through this year. So we can, in fact, establish a permanent fix. And this bill has been vetted all through the different committees, and the Ways and Means Committee, both the chairman and the ranking member are very aware of this bill. And my good friend and committee colleague and war hero SAM JOHNSON has signed up on this as a coauthor, recognizing the plight of both the physicians who are serving, and their patients and their practices at home. And it's important that we fix this now and then continue to work on the permanent fix so we can make sure that no doctors and no patients who are caught in this vise go without medical care, or doctors, while serving their country, lose their practices.

And I just want to say a special thank you to Dr. Bradley Clair of Lakeport, California, my constituent, who brought this to my attention. And he's ready to be deployed on his third tour. He'll be going to Iraq. So we need to fix it for him, for the other doctors, and patients who are exposed because of this problem. We need to fix it permanently. And this is the first step in doing so.

SAM, thank you for your help and your friendship on this and other important issues.

Mr. BARTON of Texas. Mr. Speaker, I yield such time as he may consume to the minority sponsor of this piece of legislation, the Honorable SAM JOHNSON of Plano, Texas.

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, it's not every day the House gets to consider a bipartisan, commonsense bill that's affordable. This doesn't cost anything and supports our service men and women overseas. However, I'm happy to say this is one of those days.

Right now the law prevents a Medicare physician from leaving his practice for more than 60 days at a time. And the regulation was created to prevent fraud, but it had the unintended effect of making life more difficult for someone that's called up to serve his country. And this bill eliminates the red tape by allowing our reservists to have one substitute doctor for their entire deployment.

Not only will the bill help our reservists, it'll prevent Medicare beneficiaries from experiencing a gap in service or losing access to care altogether.

And I want to thank my colleague from California for bringing this problem to my attention, I'm surprised we hadn't had it brought to our attention before, and for all the work you and your staff have done to get the bill to the floor today.

Those who serve our country and their communities need and want our assistance, and it's time we helped our weekend warriors who happen to be doctors to keep their patients and keep their practice. This is a great bill, and I appreciate the time. I thank Mr. KUCINICH for providing us the opportunity.

Mr. PALLONE. Mr. Speaker, I have no further requests for time. I was going to inquire whether my colleague on the other side does.

Mr. BARTON of Texas. No, Mr. Speaker. I yield myself such time as I may consume briefly.

We support the underlying concept of the bill, and, as I said, if it passes on a voice vote, we won't ask for a roll call vote.

I do stand by what I said, though, in terms of the committee process. We've got two bills on the suspension calendar from the Energy and Commerce Committee. Neither bill had a legislative hearing. Neither bill had a markup at subcommittee or full committee. Neither bill was introduced in its current form as of 2:45 yesterday afternoon. Both bills are on the floor today on the suspension calendar. That does call into question whether we even need an Energy and Commerce Committee, given that everything apparently comes to the floor without going through the committee process.

But we support the underlying principles of this bill, and we certainly support the patriotism and courage of the two sponsors.

Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I would just say again, this is a temporary measure. We have these brave men and women who are leaving to care for our troops in Iraq, we're in a time of war, and I think it's just a very special circumstance right now. So I would urge my colleagues on both sides of the aisle to support passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2429.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

QUESTION OF PERSONAL PRIVILEGE

Mr. KUCINICH. Mr. Speaker, I rise to a question of personal privilege under article IX, clause 1.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentleman from Ohio is recognized for 1 hour.

Mr. KUCINICH. Mr. Speaker, there is an issue of critical importance facing this Congress, and that issue relates to whether or not this Congress should pass legislation to continue to fund the war in Iraq.

The legislation contains a particular provision that would lead to the privatization of Iraq's oil, a provision that I'm quite concerned about, because I think that if we take that position, it will make it very difficult for us to ever be able to end the war.

So today I'm going to lay out the case as to why this provision that's in the bill would advance privatization and as to what the options are for this Congress..

As many know, the administration has set forth several benchmarks for the Iraqi Government, including the passage of a hydrocarbon law by the Iraqi Parliament. The administration has emphasized only a small part of this law, what they call the "fair distribution," that's in quotes, of oil revenues.

I want this House to consider the fact that this Iraqi hydrocarbon law contains a mere three sentences that generally discusses the so-called fair distribution of oil. Except for three scant lines, the entire 33-page hydrocarbon law is about creating a complex legal structure to facilitate the privatization of Iraqi oil. As such, it is imperative that Members of Congress read the Iraqi Parliament's bill, because passage of any legislation that includes insisting that the Iraq Government push the passage of a hydrocarbon act puts this Congress on record to promote privatizing Iraq's oil.

Now, I have maintained from the beginning that the war has been about oil. We must not be a party to any attempt to set the stage for multinational oil companies to take over Iraq's oil resources.

There have been several benchmarks set by the administration for the Iraqi Government, including passage of a so-called hydrocarbon law by the Iraqi Parliament. Many inside the Beltway are contemplating linking funding for the war in Iraq to the completion of these benchmarks, including passage of the hydrocarbon law by the Parliament.

This administration has led Congress into thinking that this bill is about fair distribution of oil revenues. In fact, as I mentioned earlier, except for three scant lines, the entire 33-page hydrocarbon law creates a structure to facilitate the privatization of Iraq oil.

Now, the war in Iraq is a stain on American history. Let us not further besmirch our Nation by participating in an outrageous exploitation of a nation which is in shambles due to the U.S. intervention.

Let me provide this House with an analysis of the underlying bill in the Iraqi Legislature, which this administration is trying to get Congress to pass to pressure the Iraqi Government to accept privatization. And this analysis that I'm offering at this moment is a version that passed the Iraqi Cabinet and was referred to the Iraqi Parliament.

The legislation contains only three sentences in regards to the fair distribution of oil, but does not resolve any of the issues facing this challenge. The legislation simply requires that future legislation be submitted for approval; thus this legislation does not even meet the benchmark of the administration.

The legislation ensures that "chief executives of important related petroleum companies," follow that now, "chief executives of important related petroleum companies" are represented on a Federal Oil and Gas Council, which approves oil and gas contracts. This is akin to foreign oil companies approving their own contracts.

This legislation ensures that the Iraqi National Oil Company, which is the oil company of the people of Iraq, has no exclusive rights for the exploration, development, production, transportation and marketing. The Iraq National Oil Company must compete against foreign oil companies with rules that benefit the foreign oil companies. This is for their own oil.

The legislation gives the Iraqi National Oil Company some control of developed oil fields and rights to participate in undeveloped oil fields in the Annex I and II of the legislation, but these annexes have never been made public, so we don't know for sure.

The legislation gives the Iraq National Oil Company temporary control of the oil pipelines and export terminals, but then it directs the Federal Oil and Gas Council, which is run by chief executives of oil companies, it directs them to turn these assets over to any entity with no further instructions. The opportunity for a foreign oil company to have control over the Iraqi oil pipeline and export terminals would give that company enormous control of the Iraqi oil market.

The legislation demands that contracts, and this is a quote, "must guarantee the best level of coordination" with the Oil Ministry, Iraqi National Oil Company, the regions and oil companies. The legislation mandates that undeveloped oil fields be developed quickly, and oil companies are given explicit authority to collaborate.

The legislation does not require contracts to be published for public review for up to 2 months after approval. The legislation provides for up to 35 years of exclusive control over oil fields for foreign oil companies. The legislation provides for a preference to Iraqis for jobs and services, but only if these benefits do not place extra costs or inconveniences on the foreign oil companies. The legislation states that disputes between the State of Iraq and any foreign investors shall be submitted for arbitration to an international court and will not be decided upon by an Iraqi court.

This legislation has four appendices whose contents remain secret. Annex I, which is secret, regards to present producing fields allocated to the Iraqi National Oil Company; Annex II, discovered or undeveloped fields allocated to the National Iraqi Oil Company; Annex III, discovered undeveloped fields outside the operations of the Iraqi National Oil Company; and Annex IV, exploration areas. These appendices will effectively make clear which old fields will be controlled by the Iraq National Oil Company and which are open to foreign control of oil companies.

And I might add that when you look at this, out of about 98 oil fields, Iraq will have control of approximately 80, 81 of those oil fields. Excuse me. The foreign oil companies will have control of about 80, 81 of those oil fields, or over 80 percent of Iraqi oil under this agreement will be controlled by foreign oil interests. This is an analysis that I'm offering based on facts that are ascertainable.

Now, what are others saying about this draft Iraqi oil law and what it will do? Here's a quote from the Christian Science Monitor of May 18, 2007, in an article entitled "How Will Iraq Share the Oil?" In the U.S., the demand that Iraq pass an oil law is a benchmark that is becoming a flash point. Here's the quote.

□ 1145

"'The actual law has nothing to do with sharing oil revenue,' says former Iraqi Oil Minister, Issam Al Chalabi, in a phone interview from Amman, Jordan. The law aims to set a framework for investment by outside oil companies, including favorable production sharing agreements that are typically used to reward companies for taking on risk, he says.

"'We know the oil is there. Geological studies have been made for decades on these oil fields; so why would we let them,'" that is, the international oil companies, "'have a share of the oil?' he adds. 'Iraqis will say this is solid proof that Americans have staged the war . . . because of this law.'"

The next quote comes from the Dow Jones Newswires of March 4, 2007, the headline: "Iraq Oil Law Details Untouched Fields, Blocks—Document." And the text says:

"Iraq's draft hydrocarbon law, the centerpiece in the development of the country's shaky oil industry, details dozens of untouched oil fields loaded with proven reserves and scores of exploration blocks that may prove a magnet to international oil companies, according to a document seen by Dow Jones Newswires."

In an article from the Dow Jones Newswires again, on March 10, 2007, the headline: "Some Iraqi Politicians Urge Rejection of Draft Oil Law." Here's the text:

"The law, if passed, is expected to open the country's billions of barrels of proven oil reserves, the world's third largest, to foreign investors."

From an article from the American Lawyer, April 25, 2007, "Our Man in Iraq." Here is the text:

"Under the new law, the Iraq National Oil Company would have exclusive control of only about 17 of Iraq's approximately 80 known oil fields." So that number, then, is 17 of Iraq's approximately 80 known oil fields. "The law would also allow the government to negotiate different kinds of exploration and production contracts with foreign oil companies, including production sharing agreements, or PSAs. Energy lawyers favor these because they allow oil companies to secure long-term deals and book oil reserves as assets on their company balance sheets. Under the proposed law, foreign companies would not have to invest their earnings in Iraq, hire Iraqi workers, or partner with Iraqi companies."

Next, from the U.S. Morning Star Online, January 28, 2007, headline: "Iraqi Officials Insist Oil Law Won't Favor U.S."

"The proposal would provide for production sharing agreements that would give international firms 70 percent of the oil revenues to recover their initial investments and subsequently allow 20 percent of the profits without any tax or restrictions on transferring the funds abroad."

This from CommonDreams.org, April 18, 2007, entitled "Time to Do the Math in Iraq":

"The most notable feature of the law is a revival of exploitive type of contact widely used prior to the rise of Arab nationalism in the 1960s, known as a production sharing agreement. Although the Oil Law uses an alternative term, 'exploration and production contract,' the effect is identical. The new arrangement would allow the bulk of Iraq's reserves to be controlled by outside oil companies, privatizing what until now has been a nationalized resource under the auspices of the Iraq National Oil Company. It specifies the royalty that will be paid to Iraq: '12.5 percent of gross production, measured at the entry flange to the main pipeline.' And as if the rest of the law were not already explicit enough, article 35(A) reiterates: 'Holders of exploration and production rights may transfer any net profits from petroleum operations to outside Iraq after paying taxes and fees owed.'"

This, from a publication called PLATFORM in 2005, entitled "Crude Designs: The Rip-Off of Iraq's Oil Wealth," by Greg Muttitt:

"At an oil price of $40 per barrel," and keep in mind that the price of oil is about $65 a barrel right now, heading towards $70 a barrel, but at a "price of $40 a barrel, Iraq stands to lose between $74 billion and $194 billion over the lifetime of the proposed contracts.

"Under the likely terms of the contracts, oil company rates of returns from investing in Iraq would range from 42 to 162 percent, far in excess of the usual industry minimum target of around 12 percent return on investments."

Next, on March 13, 2007, Antonia Juhasz, an oil industry analyst in an op-ed contribution, asks: "Whose Oil is it, Anyway?" Here is what Antonia Juhasz writes:

"Today more than three-quarters of the world's oil is owned and controlled by governments. It wasn't always this way. Until about 35 years ago, the world's oil was largely in the hands of seven corporations based in the United States and Europe. Those seven have since merged into four: ExxonMobil, Chevron, Shell, and BP. They are among the world's largest and most powerful financial empires. But ever since they lost their exclusive control of the oil to the governments, the companies have been trying to get it back. Iraq's oil reserves, thought to be the second largest in the world, have always been high on the corporate wish list. In 1998 Kenneth Derr, then chief executive of Chevron, told a San Francisco audience, 'Iraq possesses huge reserves of oil and gas, reserves I'd love Chevron to have access to.'

"A new oil law set to go before the Iraqi Parliament this month would, if passed, go a long way toward helping the oil companies achieve their goal. The Iraq hydrocarbon law would take the majority of Iraq's oil out of the exclusive hands of the Iraqi Government and open it to international oil companies for a generation or more.

"In March, 2001," continuing to quote from this article, "the National Energy Policy Development Group, better known as Vice President DICK CHENEY's energy task force, which included executives of America's largest energy companies, recommended that the United States Government support initiatives by Middle Eastern countries 'to open up areas of their energy sectors to foreign investment.' One invasion and a great deal of political engineering. . ." later, this is exactly what the Iraq oil law would achieve. It does so to the benefit of oil companies but to the great detriment of Iraq's economy, democracy, and sovereignty.

"Since the invasion of Iraq, the administration has been aggressive in shepherding the oil law toward passage. It is one of the administration's benchmarks for the government of Prime Minister Nuri Kamal al-Maliki, a fact that" the administration officials "are publicly emphasizing with increasing urgency." And, that is that these are the benchmarks of the administration.

"The administration has highlighted the law's revenue sharing plan, under which the central government would distribute oil revenues throughout the nation on a per capita basis. But the benefits of this excellent proposal are radically undercut by the law's many other provisions. These allow much, if not most, of Iraq's oil revenues to flow out of the country and into the pockets of international oil companies."

Continuing quoting from the article:

"The law would transform Iraq's oil industry from a nationalized model closed to American oil companies, except for limited although highly lucrative marketing contracts, into a commercial industry."

So, again, the nationalized model is now closed to American companies except for limited marketing contracts. It would transform that into a commercial industry, all but privatized, that is fully open to international companies.

"The Iraq National Oil Company would have exclusive control of 17 of Iraq's 80 known oil fields, leaving two-thirds of known and as of yet undiscovered oil fields open to foreign control.

"The foreign companies would not have to invest their earnings in the

Iraqi economy, partner with Iraqi companies, hire Iraqi workers, or share new technologies. They could even ride out Iraq's current 'instability' by signing contracts now, while the Iraqi Government is at its weakest, and then wait at least 2 years before even setting foot in the country. The vast majority of Iraq's oil would then be left underground for at least 2 years rather than being used for the country's economic development.

"The international oil companies could also be offered some of the most corporate-friendly contracts in the world, including what are called production sharing agreements. These agreements are the oil industry's preferred model but are roundly rejected by all the top oil producing countries in the Middle East because they grant long-term contracts, 20 to 35 years in the case of Iraq's draft law, and greater control, ownership, and profits to the companies than other models. In fact," this kind of contract is "used for only approximately 12 percent of the world's oil.

"Iraq's neighbors Iran, Kuwait, and Saudi Arabia maintain nationalized oil systems and have outlawed foreign control over oil development. They all hire international oil companies as contractors to provide specific services, as needed, for a limited duration and without giving the foreign company any direct interest in the oil produced.

"Iraqis may very well choose to use the expertise and experience of international oil companies. They are most likely to do so in a manner that best serves their needs if they are freed from the tremendous external pressure being exercised by the administration, the oil corporations, and the presence of 140,000 members of the American military.

"Iraq's five trade union federations, representing hundreds of thousands of workers, released a statement opposing the law and rejecting 'the handing of control over oil to foreign companies, which would undermine the sovereignty of the state and the dignity of the Iraqi people.' They ask for more time, less pressure, and a chance at the democracy they have been promised."

Let me share with this House some basic facts about Iraqi oil because, over the past several months, we have had many different news agencies citing diverse reports about how much oil Iraq has.

From the Petroleum Economist Magazine, they estimate that Iraq has 200 billion barrels of oil. The Federation of American Scientists' estimate is 215 billion barrels of oil. The Council on Foreign Relations estimates Iraq has 220 billion barrels of oil. And the Center for Global Energy Studies estimates 300 billion barrels of oil. These figures, by the way, from a report from the Brookings Institution dated May 12, 2003.

Now, for the sake of discussion, let's take this figure of 300 billion barrels of oil so we can see how much money we are talking about here. As I mentioned earlier, the price of oil, somewhere around $65 a barrel right now and moving up quickly, as American consumers are finding out. It is not unusual to predict at this moment that the price of oil could go to $70 a barrel. Now, if it does go to $70 a barrel, we are looking here at a potential value of Iraqi oil at being about $21 trillion. Now, if the foreign oil companies have control over 80 percent or more, you start to get an idea of the kind of money that is at stake here and why there is such pressure being put on the Iraqi Government to privatize their oil.

Now, I would like to turn to a quote further talking about the Iraq oil, a basic fact. This from the Global Policy Forum called "Oil in Iraq: the Heart of the Crisis," December, 2002:

"According to the Oil and Gas Journal, Western oil companies estimate that they can produce a barrel of Iraqi oil for less than a $1.50 and possibly as little as $1, including all exploration, oil field development and production costs and including a 15 percent return.

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This is similar to production costs in Saudi Arabia, and lower than virtually any country. So again, the desirability of a private corporation having Iraq's oil is that their production costs would be very low.

A word about the history of oil exploitation in Iraq. Following World War I, the British assumed control of Iraq from the Ottoman Empire. In 1925, a 75-year concession contract was granted to American, French and British oil companies. By 1930, the consortium was in complete control of all Iraqi oil. The oil companies controlled the oil fields and reaped almost all the profits. It was not until the overthrow of the British-installed monarchy in 1958 that the foreign control of oil was challenged. In 1961, the consortium's rights were limited to current production. And beginning in 1972, Iraq oil resources were nationalized, a process that was finalized in 1975.

Now, here is a statement issued by the Iraqi Labor Union Leadership at a seminar held in December of 2006 to discuss this draft Iraqi oil law: "Iraq is rich in national wealth, foremost among which is its oil wealth, the essence of the economic life for Iraq and the world, which has been a focus of attention of the large, industrialized countries in particular.

"The British and American oil companies were the first to obtain concessions to extract and invest in Iraqi oil nearly 80 years ago. After Iraq got rid of this octopus network, these foreign oil companies had again attempted to dominate this important oil wealth under numerous pretexts and invalid excuses."

Indeed, Iraqi oil unions have objected to the Hydrocarbon Act. In an open letter to the U.S. Congress dated May 13, 2007, just a little more than a week ago, here are some excerpts:

"Peace be unto you and greetings to all.

"We wish to clarify certain matters relating to events in Iraq for our friends among the Members of the U.S. Congress. It is common knowledge that the occupation spared neither the young nor the old, and that Iraq is passing through the most difficult of times because all and sundry are hounding it and covet a share of its riches. We see no good reason for linking the passing of the feeble Iraq oil law to the withdrawal of the occupation troops from Iraq.

"Everyone knows that the oil law does not serve the Iraqi people, and that it serves the administration, its supporters and the foreign oil companies at the expense of the Iraqi people, who have been wronged and deprived of their right to their oil, despite enduring all difficulties.

"We ask our friends not to link withdrawal with the oil law, especially since the USA claimed that it came to Iraq as a liberator and not in order to control Iraq's resources.

"The general public in Iraq is totally convinced that the administration wants to rush the promulgation of the oil law so as to be leaving Iraq with a victory of sorts.

"We wish to see you take a true stance for the children of Iraq. And we always say that history will remember those who advance peace over war.

"With my regards, Hassan Jum'a Awwad, Head of the Iraqi Federation of Oil Unions."

This now from the Oil union leader's speech on oil law. This is a speech of the head of the Federation of Oil Unions in Basra on Tuesday, February 6, 2007:

"Recently, the Constitution of Iraq, on which the Iraq people voted in the most dire and difficult of conditions, notes in clause 111 that oil and gas are the property of the Iraqi people. But, alas, this clause in the Constitution will remain but ink on paper if the oil law and oil investment law being presented to the Parliament are ratified, laws which permit production-sharing agreements, laws without parallel in many oil producers, especially the neighboring countries. Why should Iraqis want to introduce such contracts in Iraq, given that applying such laws will rob the Iraqi Government of the most important thing it owns?"

"We send a message to all of the members of the Iraqi Parliament, when debating the oil and investment law, to bear the Iraqis in mind, to protect the national wealth, and to look at the neighboring countries. Have they introduced such laws even when their relations with foreign companies are closer than in Iraq?"

Now, there is a question that's being raised. Are these oil companies just trying to help Iraq gain its wealth? What if Iraq doesn't have the ability or the money to be able to get its own oil industry on its feet? Does Iraq have to privatize in order to tap its oil wealth? Well, the fact of the matter is that Iraq has options beyond privatization to develop its own oil capacity.

According to the Middle East Economic Survey, volume 49, number 2, dated March 19, 2007, entitled "Iraq Open Letter from Iraqi Oil Experts to Parliament":

"We anticipate that the motive behind the issuance of this law is based on the increase of production capacity through the attraction of foreign investments. In this regard, we feel and recommend to plan the increase of the capacity gradually, starting with the rehabilitation of currently producing fields by national effort, Iraqi National Oil Company, followed by the development of the giant discovered, but not developed or partially developed, fields, and to schedule the priority of their development according to their capacities and development costs, irrespective of their geographical locations." And it goes on to say that there ought to be an avoidance of long-term contracts with foreign companies at the present time.

This is a statement issued by the Iraqi Union Leadership in a seminar. And another statement in a seminar in December 2006 in Amman, Jordan:

"Whereas oil and gas are greatly important for the Iraqi economy and whereas the building of the state and its institutions are dependent on it as the main source of national income, it is therefore the right of the Iraqi people to read the draft oil law under consideration. The Iraqi people refuse to allow the future of their oil to be decided behind closed doors."

In an article by Michael Schwartz called "The Prize of Iraqi Oil," "None of these conditions apply in Iraq. Huge reservoirs of easily accessible oil are already proven to exist, with more equally accessible fields likely to be discovered at little expense. That's why none of Iraq's neighbors emphasize production-sharing agreements. Saudi Arabia, Kuwait, Iran and the United Arab Emirates all pay the multinationals a fixed rate to explore and develop their fields, and all the profits become state revenues."

Christian Science Monitor, May 18, 2007: "How Will Iraq Share the Oil?" "In New York, oil industry analyst, Fidel Geit of Oppenheimer Company, Incorporated, has reviewed both the official Arabic version of the draft law and the unofficial English translation and say they are ambiguous and seem to be written in haste." Quote, "Why shouldn't Iraq use Iraqi nationals to decide how contracts will be awarded? They have oil engineers. Use the best brains in the country and hopefully they will do what is in the best interest of the country," he says, "otherwise there is an impression that American companies are telling Iraqis what to do."

Now, I have stated many times on this floor that I believe that the war against Iraq was about oil. Now let me provide you with some quotes that may reflect on my thinking on this.

Mr. DICK CHENEY, CEO of Halliburton, in a speech at the Institute of Petroleum in 1999, said, "By 2010, we will need on the order of an additional 50 million barrels a day. So where is the oil going to come from? Governments and national oil companies are obviously controlling about 90 percent of the assets. Oil remains fundamentally a government business. While many regions of the world offer great oil opportunities, the Middle East, with two-thirds of the world's oil and lowest cost, is still where the prize ultimately lies. Even though companies are anxious for greater access there, progress continues to be slow."

In an article from Platform, November 2005, called "Crude Designs: The Rip-Off of Iraq's Oil Wealth." Chapter four, "Planning Iraq's Oil Future. Preinvasion Planning." And when you listen to this, it's pretty astonishing to see how all these facts have been available for people to be able to gain, and perhaps only now people are reflecting on the real meaning of this.

This is what Greg Muttitt writes: "Prior to the 2003 invasion, the principal vehicle for planning the new postwar Iraq was the U.S. State Department's Future of Iraq project. This initiative, commencing as early as April 2002, involved meetings in Washington and London of 17 working groups, each composed of 10 to 20 Iraqi exiles and international experts selected by the State Department.

"The 'Oil and Energy' working group met four times between December 2002 and April 2003. Although full membership of the group has never been revealed, it is known that Ibrahim Bahr al-Uloum, the current Iraqi Oil Minister, was a member. The 15-strong oil working group concluded that Iraq, quote, 'should be opened to international oil companies as quickly as possible after the war,' and that, quote, 'the country should establish a conducive business environment to attract investment of oil and gas resources.'

"The subgroup went on to recommend production-sharing agreements as their favorite model for attracting foreign investment. Comments by the hand-picked participants revealed that 'many of the group favored production-sharing agreements with oil companies.' Another representative commented, 'Everybody keeps coming back to production-sharing agreements.'

"The reasons for this choice were explained in the formal policy recommendations of the working group, published in April 2003," and I quote from this article from Platform:

"Key attractions of production-sharing agreements to private oil companies are that, although the reserves are owned by the state, accounting procedures permit the companies to book the reserves in their accounts, but, other things being equal, the important feature from the perspective of private oil companies is that the government intake is defined in terms of the production-sharing agreement, and the oil companies are therefore protected under a production-sharing agreement from future adverse legislation," which means it would be very tough to be able to have a government, once it gives up its oil wealth, to be able to get it back.

"The group also made it clear that in order to maximize investments, the specific terms of the production-sharing agreements should be favorable to foreign investors: 'PSAs can induce many billions of dollars of direct foreign investment in Iraq, but only with the right terms, conditions, regulatory framework laws, oil industry structure and perceived attitude toward foreign participation.'

"Recognizing the importance of this announcement, The Financial Times noted: 'Production-sharing deals allow oil companies a favorable profit margin and, unlike royalty schemes, insulates them from losses incurred when the oil price drops. For years, big oil companies have been fighting for such agreements without success in countries such as Kuwait and Saudi Arabia.'

"The article concluded that: 'The move could spell a windfall for big oil companies such as ExxonMobil, Royal Dutch/Shell, BP and TotalFinaElf.'"

Now, this article goes on to talk about what has been done to try to shape the new Iraq with respect to oil.

"The U.S. and the U.K. have worked hard to ensure that the future path for oil development chosen by the first elected Iraqi Government will closely match their interests. So far it appears they have been highly successful. Production-sharing agreements, which were first proposed by the U.S. State Department group, have emerged as the model of oil development favored by the postinvasion phases of Iraqi Government.

"Phase one: Coalition Provisional Authority and Iraqi Governing Council. During the first 14 months following the invasion, occupation forces had direct control of Iraq through the Coalition Provisional Authority. Stopping short of privatizing oil itself, this Coalition Provisional Authority began setting up a framework for a longer-term oil policy.

"The Coalition Provisional Authority appointed former senior executives from oil companies to begin this process. The first advisers were appointed in January 2003, before the invasion even started, and they were stationed in Kuwait, ready to move in. First, there were Phillip Carroll, formerly of Shell, and Gary Vogler of ExxonMobil, backed up by three employees of the U.S. Department of Energy and one of the Australian Government. Carroll described his role as not only to address short-term fuel needs and the initial repair of production facilities, but also," point, "'begin planning for the restructuring of the Ministry of Oil to improve its efficiency and effectiveness.'" Another point: "'Begin thinking through Iraq's strategy options for significantly increasing its production capacity.'

"In October 2003, Carroll and Vogler were replaced by Mob McKee of ConocoPhillips and Terry Adams of BP, and finally in 2004, by Mike Stinson of ConocoPhillips and Bob Morgan of BP. The 147,000 pound cost of two British advisers, Adams and Morgan, was met by the U.K. Government. Following the handover to the Iraq Interim Government in June 2004, Stinson became an adviser to the U.S. Embassy in Baghdad."

Again, from Platform, On the 13th of July, 2003, "In the first move towards Iraqi self-government, the Coalition Provisional Authority's Administrator Paul Bremer appointed the quasi-autonomous, but virtually powerless, Iraqi Governing Council. On the same day Mr. Bremer appointed Ibrahim Bahr al-Uloum, who had been a member of the U.S. State Department oil working group, as Minister for Oil."

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Within months of his appointment, Bahr al-Uloum announced he was preparing plans for the privatization of Iraq's oil sector, but that no decision would be taken until after the election scheduled for 2005. Speaking to the Financial Times, Bahr al-Uloum, a U.S.-trained petroleum engineer, said the Iraqi oil sector needs privatization, but it is a cultural issue, noting the difficulty of persuading the Iraqi people of any such policy. He then proceeded to announce that he personally supported production sharing agreements for upstream development, giving priority to U.S. oil companies and European companies, probably.

The second phase, the Iraq interim government. In June 2004, the Coalition Provisional Authority handed over Iraq's sovereignty to an interim government headed by Prime Minister Allawi. The position of Minister of Oil, was handed to Thamir al-Ghadban, a U.K.-trained petroleum engineer and former senior adviser to Bahr al-Uloum. In an interview in Shell Oil Company's in-house magazine, al-Ghadban announced that 2005 would be the "year of dialogue" with multinational oil companies.

"About 3 months after taking power, Allawi issued a set of guidelines to the Supreme Council for Oil Policy from which the Council was to develop a full petroleum policy. Preempting both the Iraqi elections and drafting of a new constitution, Allawi's guidelines specified that while Iraq's currently producing fields should be developed by the Iraq National Oil Company, all other fields should be developed by private companies, through the contractual mechanism of production sharing agreements.

"Iraq has about 80 known oil fields, only 17 of which are currently in production. Thus the Allawi guidelines would grant the other 63 to private oil companies."

The third phase, the transitional government and writing the constitution: "The interim government was replaced in 2005 by the election of Iraq's new National Assembly, which led to the formation of the new government with Ibrahim al-Ja'afari as Prime Minister. In a move which no doubt assisted policy continuity from the period of U.S. control, Ibrihim Bahr al-Uloum was reappointed to the position of Minister for Oil.

"Meanwhile, Ahmad Chalabi, the Pentagon's former favorite to run Iraq, was appointed chair of the Energy Council, which replaced the Supreme Council for Oil Policy as the key overseer of energy and oil policy. Back in 2002, Chalabi had famously promised that 'U.S. companies will have a big shot at Iraqi oil.'

"By June 2005, government sources reported that a Petroleum Law had been drafted, ready to be enacted after the December elections. According to sources, although some details are still being debated, the draft of the Law specifies that while Iraq's currently producing fields should be developed by Iraqi National Oil Company, new fields should be developed by private companies."

Now, this again comes from an article, Foreign Policy in Focus. The title, "When It Comes to Oil, the U.S. Administration is Bypassing Democracy in Iraq," an article "Oil Pressure" by Greg Muttitt, August 28, 2006. It goes on to say: Since the new Iraqi Government was formed in 2006, the U.S. Government has dramatically scaled up its efforts to provide "advice." Last month, the administration and major oil companies reviewed and commented on the new law governing Iraq's crucial oil sector before it had even been seen by the Iraqi Parliament.

"Violating the very notions of freedom and democracy" the administration invokes in nearly every speech, "the U.S. Government has actively intervened in the restructuring of Iraq's oil industry since at least 2002.

In December 2002, the State Department established a working group on oil and energy as part of its "Future of Iraq" project. The project brought together influential exiled Iraqis with U.S. Government officials and international consultants. Later, some members of the group became part of the Iraqi Government. The result of the project's work was a draft framework for Iraq's oil policy. Despite Iraq being rich in oil and technical expertise, the group recommended a major role for foreign companies through long-term contracts, an approach that would set Iraq at odds with the rest of the Middle East where major oil producers keep their oil in the public sector.

"In March 2003, the wheels started to turn as the Coalition Provisional Authority appointed the former head of Shell USA as a senior oil adviser, in direct contact with the Iraq Ministry of Oil. He was joined by an executive from ExxonMobil, and after 6 months, the post was rotated to former managers of ConocoPhillips and BP.

"In December 2003, the framework was set out in more detail when USAID commissioned a report by the privatization specialists BearingPoint," is the name of the company, entitled 'Options for Developing a Sustainable Long-Term Iraqi Oil Industry.' The report reinforced the 'Future of Iraq's' report, recommending long-term contracts with foreign companies.

"Pointing to the success, as they call it, of this model, BearingPoint used Azerbaijan's privatization model as an example. The report commented approvingly that Azerbaijan's high corruption and lack of democracy had not impeded investment; the government had simply given away a higher share of revenues in order to attract companies. The implication was that Iraq, which has a nascent democracy and chronic corruption, might follow the same approach.

"After the handover to the interim government in June 2004, senior oil advisers, now based within the Iraq Reconstruction Management Office in the U.S. Embassy worked closely with the Iraq Oil Ministry in shaping policy. Post holders included executives from ChevronTexaco and Unocal.

"In 2006, these efforts intensified. In February, the Iraq Reconstruction Management Office advisers accompanied eight senior officials from the Oil Ministry on a trip to the U.S., sponsored by the U.S. Trade and Development Agency. On the trip, they met oil company representatives to discuss the future structure of the Iraq oil industry.

"The same month, at the request of the State Department, USAID provided an adviser to the Oil Ministry, again from BearingPoint," the privatization specialist, "to work directly on a new oil law providing 'legal and regulatory advice and drafting the framework of petroleum and other energy-related legislation, including foreign investment.'"

"The U.S. campaign on the fledgling Iraqi Government has been successful.

Following his appointment in May, new Oil Minister Husayn al-Shahristani announced that one of his top priorities would be writing of an oil law to allow Iraq to sign contracts with 'the largest companies.'"

"This would be the first time in more than 30 years that foreign companies would receive a major stake in Iraq's oil. Oil was brought into public ownership and control in Iraq in 1975.

"With the ink not yet on the paper, the U.S. has maintained its pressure. On his visit to Baghdad in 2006," the U.S. Energy Secretary "insisted that the Iraqi government must 'pass a hydrocarbon law under which foreign companies can invest.' But the work to make this case had already been done: 'We got every indication they were willing and also felt a necessity to open up this sector,' he commented after a meeting with the Oil Minister and Iraqi officials.

The Energy Secretary did not stop at reviewing the draft law himself in Baghdad. He also arranged for Dr. Al-Shahristani, the new Oil Minister, to meet with nine major oil companies, including Shell, BP, ExxonMobil, ChevronTexaco and ConocoPhillips, for them to comment on the draft as well, during the Minister's trip to Washington, D.C. the following week.

"Given the pressures involved, perhaps the Minister felt he did not have much choice. His promise to pass the law through Parliament by the end of 2006 was set in Iraq's agreement with the International Monetary Fund last December. According to that agreement, IMF officials would also review and comment on a draft in September.

"And still, the draft law had not been seen by the Iraqi Parliament. Meanwhile, an official from the Oil Ministry had stated that Iraqi civil society and the general public will not be consulted at all.

"These issues could hardly be more important for Iraq. Oil accounts for more than 90 percent of government revenue, is the main driver of Iraq's economy. And decisions made in the coming months will not be reversible—once contracts are signed, they will have a major bearing on Iraq's economy and politics for decades to come."

There is much that has been written, an article in the Associated Press on March 13, 2007, about how Iraqi leaders fear ouster over oil money. Continued White House support for Iraq depended on positive action and all the benchmarks, especially the oil law and sectarian reconciliation, by the close of this parliamentary session. June 30.

In an article in the Los Angeles Times, May 13, 2007, Iraqis resist U.S. pressure to enact oil law. Foreign investment and Shiite control are primary concerns. Here is a quote. "I did make it clear that we believe it is very important to move on the issues before us in a timely fashion and any undue delay would be difficult to explain." That is a quote from Vice President CHENEY, who recently visited Iraq to urge the passage of the Hydrocarbon Act, among other matters.

"The U.S. Energy Secretary calls on Iraq to open up its oil sector to foreign investment." This is an article from the 21st of July, 2006, saying that U.S. Energy Secretary Samuel Bodman has urged Iraq to establish a legal framework that would be instrumental in attracting foreign investment.

Other articles. From a Department of Energy press release, July 26, 2006: Secretary Bodman hosts Iraqi Ministers of Oil and Electricity. Energy leaders sign memorandum of understanding to further promote electricity cooperation.

From Agence France-Presse, U.S. wants new Iraq oil law so foreign firms can take part. July 18, 2006. The United States on Tuesday urged Iraq to adopt a new hydrocarbon law that would enable U.S. and other foreign companies to invest in the war-torn country's oil sector.

We all know that the Iraq Study Group, in one of its major recommendations, Recommendation 63, said the United States should encourage investment in Iraq's oil sector by the international community and international energy companies; that the United States should assist Iraqi leaders to reorganize the national oil industry as a commercial enterprise; that the United States should ensure the World Bank's efforts to assure that best practices are used in contracting.

Mr. Speaker, the last 50 minutes that I have spent talking about the effort to try to privatize Iraq's oil, if you go to one of the search engines, you can find perhaps 1 million different citations relating to this. So it is impossible to cover this kind of a subject, even in a period of an hour. But it needs to be said that this administration has pushed the Congress to put language in funding bills for Iraq that would set the stage for the privatization of Iraq's oil.

I am going to quote from the first war supplemental, that the President shall make and transmit to Congress a determination, No. 2, whether the Government of Iraq is making substantial progress in meeting its commitment to pursue reconciliation initiatives, including enactment of a hydrocarbon law. Then under subsection (b), it says if the President fails to make this determination, the Secretary of Defense shall commence the redeployment of our Armed Forces from Iraq.

In other words, privatize your oil, or we are leaving you without having a security and peacekeeping force to replace the United States Army.

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In the second supplemental, the administration language promoted the President transmitting to Congress a report in classified and unclassified form, article 2, whether the Government of Iraq has enacted a broadly accepted hydrocarbon law that equitably shares revenues among all Iraqis.

Now again, they don't talk about what the real purpose of the Hydrocarbon Act has been. It is not about sharing revenues equitably; it is about a complex restructuring of Iraq's oil industry for the purpose of turning Iraq's oil over to private oil companies.

Finally, in the third supplemental that is before this Congress this week, there is an article from the Senate side that relates to Iraq oil, and I quote: "The United States strategy in Iraq shall hereafter be conditioned on the Iraqi Government meeting certain benchmarks." And one such benchmark, "enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq." And it goes on to pay homage to the issues of equity and ethnicity.

Madam Speaker, it is clear that the people of Iraq are under enormous pressure to give up control of their oil. When you consider that there was no cause to go to war against Iraq, that Iraq did not have weapons of mass destruction, that Iraq had nothing to do with 9/11, that Iraq had nothing to do with al Qaeda's role in 9/11, that the administration kept changing the reason why we went into Iraq, and here we are, years later, we are still in Iraq, and enormous pressure is being put on the Iraqi Government to privatize their oil.

I am here to say that there is another path that can be taken, and that path is part of H.R. 1234, a bill that I have written that would enable the war to end by Congress determining that no more money will go for this war, telling the administration that it must open up diplomatic relations with Syria and Iran, and moving in a direction where we put together an international peacekeeping and security force that would move in as our troops leave. And then we set the stage for real reconciliation that cannot come with the U.S. serving as an occupying army.

We have a moral responsibility to the Iraqi people whose country we have ravaged with war to the tune of hundreds of billions of dollars of damage, whose people may have experienced the loss of perhaps as many as a million Iraqis during this conflict, innocent people, whose social bonds have been torn asunder. We have a moral responsibility to work to bring about a program of reconciliation between the Sunnis, Shiites and the Kurds which can only come when we end the occupation. We have a moral responsibility to bring about an honest reconstruction program, absent the U.S. contractors who have been gouging the Iraqi people, and gouging the American taxpayers as well, but we have to make sure that the Iraqi people have control of their oil.

I would like to believe that this war has not been about oil. I would like to believe that there was some kind of a righteous cause connected to what we did; but I know better, and the proof is in this Hydrocarbon Act.

This Congress has an opportunity to finally take a stand and reject this Hydrocarbon Act. We can strip out this provision forcing Iraq to privatize its oil. We can strip that out of the legislation. Or we can simply defeat the legislation because that is in there, and then go back to the boards and tell the President, look, Mr. President, we are not going to give you any more money for this war, which is what I believe we should do. Tell the President, this war is over, Mr. President, and use the money that is in the pipeline to bring the troops home. Let's go and reach out to the international community. With the end of the occupation and the closing of bases, we will have people who will start listening to us internationally, and we will have some credibility.

But the morality which this country rests on, our heart and soul of who we are as Americans, is not reflected by this obscene attempt to steal the oil resources of Iraq. That is why I have chosen to take this time to come before the Congress, to lay these facts out for Members of Congress and for the American people so that you can see without question the relationship between war and this oil and the relationship between the pressure that is being put on the Iraq Government right now and privatization and the continuation of the war.

Let's end this war. Let's end the attempt to control Iraq's oil. Let's challenge the oil companies in this country as this House has done this morning. Let's take a stand for truth and justice. Let's take a stand for what is right. Let us not be seduced by this idea that somehow we have the military might, and we can, therefore, grab other people's resources. That is not what America is about.

America has a higher calling in the world. It is time we began a process of truth and reconciliation in our own country, in reaching out and creating the healing of America. But we must first begin with the truth, and the truth is what I have told this Congress today.

Madam Speaker, thank you.

Members of Congress, thank you.

PROVIDING FOR CONSIDERATION OF H.R. 1100, CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY REVISION ACT OF 2007

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 429 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 429

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1100) to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolutiuon. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1100 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 429.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Madam Speaker, House Resolution 429 provides for consideration of H.R. 1100, the Carl Sandburg Home National Historic Site Boundary Revision Act of 2007, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Natural Resources and makes in order the substitute reported by the Committee on Natural Resources. The rule also allows for consideration of all three amendments that were submitted to the Rules Committee on H.R. 1100.

Madam Speaker, let me begin by congratulating my good friend and freshman class colleague Mr. SHULER for working this thoughtful legislation through the legislative process. H.R. 1100 will further preserve the legacy and communicate the stories of internationally recognized author, Pulitzer Prize-winner, and great American historian, Carl Sandburg.

Located in the pristine wilderness of North Carolina is the 248-acre Carl Sandburg Home National Historic Site. Each year, over 150,000 people visit for the purpose of learning about Carl Sandburg's positive influences on writing, or to hike and just enjoy the splendor of this beautiful, pristine site.

In recent years it was determined by interested parties at all levels, local, State and Federal, including the National Park Service, that increasing the size would be desirable to carry out the purposes of this historic site.

H.R. 1100 addresses the need for more space by authorizing the Secretary of the Interior to acquire up to 115 acres of land from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

Now, for some unknown reason, some of my colleagues have labeled this legislation an "egregious example of landgrabbing" by the Federal Government. Nothing could be further from the truth. The key point to this legislation is that the land would have to be acquired from "willing sellers."

Of the 115 acres, 5 acres would be used to construct a new visitor center and parking lot, and the remaining 110 acres would be used to enhance the overall experience when visiting the site. Visitors will now have an opportunity to sit on the same ridge Carl Sandburg sat to pen some of his greatest works and explore the same beautiful mountainside Carl Sandburg would frequent with his family for picnics.

Madam Speaker, H.R. 1100 has strong bipartisan support here in the House, and bicameral support from North

Carolina's two Senators, who have introduced companion legislation.

Further, H.R. 1100 has the support of the administration, as well as the State of North Carolina and Henderson County, where the site is located.

All of that said, with such broad support, one might ask why are we here debating a rule for consideration of this legislation? The reason is that during a subcommittee and later full committee markup, it was discovered that there are a few Members of this body who object to the legislation in its current form. Those Members made several attempts to alter the existing legislation by amendment during the committee process. In addition, those same Members submitted amendments to the Rules Committee which we will consider later today, again seeking to alter this legislation.

While one might argue that our debate today is unnecessary, I contend it is yet another example of the majority's efforts to provide our colleagues with opportunities to offer their amendments, voice their views, and make their objections known here in the House Chamber. I look forward to a fruitful discussion of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, House Resolution 429 allows for consideration of H.R. 1100, the Carl Sandburg Home National Historic Site Boundary Revision Act, which would increase our Federal inventory of land by up to 115 acres. Rarely does the Rules Committee consider rules for bills making changes to historic sites because they are typically brought to the floor under suspension of the rules.

Mr. Speaker, coming from an area in central Washington that is 40 percent federally owned land mass, I believe we ought to be encouraging land exchanges where possible rather than more land purchases. The Federal land management agencies simply have too much land to manage effectively with their current level of funding. We all know there is a serious backlog of road, trail and facility maintenance on Federal lands. In many cases, Federal land agencies are struggling to manage invasive species, plant pests, and unnaturally high fuel loads that lead to catastrophic wildfires. Yet, year after year, we are spending precious tax dollars to buy up more private property and take it off the local tax rolls.

We need to make land exchanges and the orderly restructuring of Federal land holdings easier. The Federal Government owns and must maintain many small, isolated parcels of land that have no special resource value. We should make it easier for the Federal agencies to dispose of these properties and retain the proceeds to acquire lands that are high in resource value.

□ 1245

This is a practical solution that allows us to protect special places without having to spend limited tax dollars.

I would also add that there are many other issues, in my view more pressing matters, affecting public lands management that we could be considering today. For example, the extension of payments to forested counties for rural schools and roads. As many of my colleagues are aware, the Congress long ago promised rural communities that they would get a fair share of the revenue produced from Federal forestlands as compensation for the tax-exempt status of Federal forestlands.

However, unfortunately, special interest groups successfully used litigation under the Endangered Species Act to bring harvest to a standstill in many places like the Pacific Northwest. This left many counties struggling to pay for basic services while saddled with large areas of nontaxable Federal land. Although the House has passed legislation providing for a 1-year fix on this issue, we need a longer-term solution, and we need to get this legislation to the President's desk as soon as possible.

So, Mr. Speaker, I hope that the House will soon have an opportunity to consider these and other issues impacting Federal land management.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would like to respond by saying that it's important to note on this bill that all this bill really does is to create an environment for people to donate the land or for funds to be donated to actually purchase the land, and we're not talking about a vast tract of land. We're talking about a very small amount of land, 115 acres, 22 acres of which have already been pledged, and basically are waiting for this legislation to be passed so that the conservatory could be created so that the acreage can be donated to it.

So I would say in response to my good friend and colleague from Washington that this is not any type of huge land grab. This is really just a very small amount of acreage that is being set up and being donated just to enhance the whole, again, experience of the Carl Sandburg site.

So I think it is a very good bill. It is a good rule, and I would urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

I just point out that this is an increase of 44 percent over the current land value, and I know we're talking about acres and we're not talking about square miles. But to paraphrase former Senator Edward Dirksen, in another sense, you know, a billion here, a billion there, pretty soon you're talking about real dollars. Well, we're talking about Federal land ownership, and I'm very sensitive to that because I come from the western part of the United States.

As I mentioned in my opening remarks, 40 percent of my district is owned by the Federal Government, and I have some counties in which 75 percent of the counties' land mass is owned by the Federal Government.

Mr. Speaker, at this time I'm pleased to yield 5 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I rise in opposition to this rule today and it goes back to the experience we had on the floor and in committee.

Mr. BISHOP had offered an amendment in the National Parks Subcommittee that would have improved this bill, in my opinion, because his amendment would have reduced the number of acres that are being added to this so-called park. This was not Carl Sandburg's original home. The acreage being added or sought to be added is not even available for view from the Sandburg home. It was not part of the original home. So it made sense that an amendment like this ought to have a vote and it did.

When it came time for a recorded vote, the subcommittee chairman promised to hold the vote open for 15 minutes. About 8 to 9 minutes later, though, for some time the vote on the amendment was passing, once there was one more vote "nay" than in the affirmative, between 8 and 9 minutes later, the chairman closed the vote, even though he said he would leave it open for 15 minutes. He closed it as I walked into the door and others alerted him, and actually he never said that the vote was closed. He simply asked the clerk for a count at that point, and when it was pointed out to him that the vote had not been closed but simply a count asked for, and that I was there when he did that, he still refused to allow my vote, and my vote as reflected would have been "aye." That would have tied the vote. We all know there were others on the way, though we knew not how they would vote. But I was promised that my vote would also be counted in the record but it, in fact, did not.

And we went through a series of parliamentary inquiries to make sure that the chairman had every opportunity to do the right thing, and so that it was not quite as clear as it became, that there was only one reason that vote was held open, and that was to foreclose the opportunity to pass this amendment.

Now, the House rules say that a record vote shall not be held open on the floor for the purpose of changing the outcome of a vote. Clearly, that's what happened here. Clearly, it would have changed the outcome of the vote, at least as I came in, to a tie with other people coming if the vote had been held open as long as the chairman said he was going to.

But the promises of bipartisanship in this Chamber, as we saw it yesterday, as we saw in this subcommittee hearing, are about as hollow as some of the other things around this floor.

Now, as far as the rule, it should have been open to this amendment. The amendment should have been part of the original bill, but through this procedural folly, it was not. And so I object to the rule. I rise in opposition to the rule, and I would encourage our colleagues across the aisle to remember their promises.

I know it's been clear back to November and all those campaign promises leading up to November, and that's a long time, even though the Attorney General is being condemned for forgetting things further back than that. Nonetheless, we won't get into questions of hypocrisy. I just ask you to remember your promises about bipartisanship and open government, because this rule forecloses the openness that we were promised we would have, especially when it pertains to a good amendment that deserves consideration before this floor.

Mr. ARCURI. Mr. Speaker, I must say I'm a bit confused because the gentleman from Texas is opposing the rule, the rule which is allowing the amendment that he is speaking of. So the Rules Committee has put the amendment in, the Bishop amendment, that he's talking about. It will entitle a full and fair debate on it this afternoon, and we are giving the gentleman everything that he has asked for. And he stands up here and talks about some type of hypocrisy, and frankly, I just don't understand why he is mentioning that, why he is talking about that when, in fact, we are giving the rule that allows for debate on that particular amendment.

So we are, in fact, giving the gentleman exactly what he is asking for, and he is opposing the rule. So I guess I just don't understand what his point is, but I would say that we are supporting the rule that, in fact, does allow for full and fair debate on this particular amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I appreciate the gentleman yielding. There were three amendments made in order on this bill, and what I have a problem with is the process and how ridiculously partisan it was there, and there should have been more made in order here, but I do appreciate what has been made in order.

Mr. ARCURI. Mr. Speaker, we have no further speakers, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of time.

I just simply want to say that the gentleman from Texas, a member of the committee, was apparently told something by the subcommittee chairman and that wasn't carried out, and I think that's the point that he made. I am pleased that the committee has made these three amendments in order. They were debated, and I think the full House deserves that consideration.

I think the rule could have been, obviously, better if it were an open rule on a bill here that certainly is not that controversial.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, H.R. 1100 will further preserve the legacy and communicate the stories of internationally recognized author, Pulitzer Prize winner and great American historian, Carl Sandburg.

Again, I congratulate my good friend and freshman class colleague, the gentleman from North Carolina (Mr. SHULER) for his efforts to bring this thoughtful legislation to the floor.

I urge my colleagues on both sides of the aisle to join me in voting "yes" on the previous question and on the rule so that future generations can also enjoy the beauty and splendor of the Carl Sandburg Home National Historic Site.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PASTOR). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the resolution will be followed by 5-minute votes on motions to suspend the rules and pass H.R. 1252 and H.R. 2429.

The vote was taken by electronic device, and there were—yeas 228, nays 198, not voting 6, as follows:

[Roll No. 403]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger

Hobson
Hoekstra
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

DeGette
Hulshof
Hunter
Jones (OH)
McMorris Rodgers
Shays

☐ 1319

Mrs. MILLER of Michigan changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL PRICE GOUGING PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1252, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1252, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 284, nays 141, not voting 7, as follows:

[Roll No. 404]

YEAS—284

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—141

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Granger
Hastert
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—7

DeGette
Hulshof
Hunter
Jones (OH)
McCrery
McMorris Rodgers
Shays

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1330

Messrs. BACHUS, EVERETT, ROGERS of Alabama, MILLER of Florida, and HOBSON changed their vote from "yea" to "nay."

Mr. GOODLATTE changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING EXCEPTION TO LIMIT ON MEDICARE RECIPROCAL BILLING ARRANGEMENTS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2429, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2429.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, answered "present" 1, not voting 9, as follows:

[Roll No. 405]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Barton (TX)

NOT VOTING—9

DeGette
Hulshof
Hunter
Johnson (GA)
Jones (OH)
McMorris Rodgers
Sali
Shays
Thompson (MS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1339

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1100.

The SPEAKER pro tempore (Ms. CLARKE). Is there objection to the request of the gentleman from Arizona?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Madam Speaker, I wish to reserve a point of order on H.R. 1100, and would ask the Chair at what time would be the appropriate time to reserve that point of order.

The SPEAKER pro tempore. Now would be the appropriate time to make the point of order.

POINT OF ORDER

Mr. PRICE of Georgia. Then, Madam Speaker, I rise to reserve a point of order against consideration of H.R. 1100 because I believe that the bill itself fits the definition of an earmark. And I would ask the author of the bill if he might, by way of making my point of order, I would quote rule XXI, clause 9(d), which states the definition for a congressional earmark, and it states, Means a provision or report language included primarily at the request of a Member providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority, or other expenditure, or targeted to a specific State, locality or congressional district, other than through a statutory or administrative formula driven or competitive award process.

And I would be pleased to yield to the author of the bill as to why this bill doesn't fit that definition of an earmark.

The SPEAKER pro tempore. The gentleman may make his point of order, but may not yield.

Mr. PRICE of Georgia. I reserve a point of order then. I make my point of order against the consideration of H.R. 1100.

The SPEAKER pro tempore. The point of order may not be reserved.

Mr. PRICE of Georgia. I make a point of order against consideration of H.R. 1100.

Madam Speaker, I believe I have made my point that this bill indeed fits the definition of a congressional earmark under rule XXI, clause 9(d) and, therefore, violates the rules of the House and, therefore, should not be considered.

The SPEAKER pro tempore. The Chair finds that the entry on page 6 of the report of the Committee on Natural Resources constitutes compliance with clause 9(a) of rule XXI. The point of order is overruled.

CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY REVISION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 429 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1100.

☐ 1344

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1100) to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, H.R. 1100 authorizes a boundary expansion of 115 acres at the Carl Sandburg Home National Historic Site, a unit of the National Park System in western North Carolina. The bill was introduced by my colleague on the Natural Resources Committee, Representative HEATH SHULER, in whose district the Sandburg National Historic Site is located. Representative SHULER has been a strong advocate for the bill, and I commend him for his enthusiasm and the dedication to this important piece of legislation.

The 264-acre Carl Sandburg Home National Historic Site preserves the farm where the two-time Pulitzer Prize-winning author and his family lived for the last 22 years of his life. Carl Sandburg was one of America's most versatile and recognized writers whose stories, histories, and poems captured and recorded America's traditions, struggles, and dreams.

H.R. 1100 authorizes a 115-acre boundary adjustment that is recommended in the historic site's 2003 General Management Plan, a plan developed through a 4-year process that involved extensive public input. The boundary adjustment is necessary to allow construction of a visitor center and a parking lot as well as to protect the pastoral views from the Sandburg estate.

H.R. 1100 authorizes the Secretary of Interior to acquire land from willing sellers only, and I would note that all of the affected landowners have agreed to have their parcels included in the proposal to expand the historic site.

H.R. 1100 is important for the continued protection and operation of this historic site, and it has bipartisan support. At a hearing on the bill last month, the administration testified in support of the legislation, as did a local county commissioner. In the Senate, companion legislation has been sponsored by Senator DOLE and Senator BURR.

During the markup of this bill, the Subcommittee on National Parks, Forests and Public Lands adopted an amendment that made several technical changes and standardized the bill's language. The amended bill was forwarded to the full committee by voice vote. The bill, as amended, was ordered favorably reported to the House by the Natural Resources Committee by voice vote.

Mr. Chairman, H.R. 1100 is a result of a lengthy public planning process. It has extensive and enthusiastic community support, including the support of the landowners involved. It also has the backing of the Bush administration and North Carolina's Republican Senators. Given all this, we have to wonder why there are those who would try to make this, a straightforward bill, controversial.

Mr. Chairman, I would again commend Representative SHULER for his hard work on behalf of this important and worthy legislation, and I strongly urge the passage of H.R. 1100, as amended.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the headlines in the papers could probably read "Scramble the Eggs Because We're Bringing Home the Bacon."

We are going to be leaving for Memorial Day weekend. We will have the ability of standing in front of our constituents, looking them straight in the eye, and saying that one of the last things we did before we went back home was to cast a vote for something that can be described as one of the biggest pieces of pork legislation we have. A contingency from North Carolina, both congressional and senatorial side, come to Washington and they brought something back home. Even though this particular bill does not meet the definition of general welfare as was intended in the Constitution, does not meet a critical need, does not enhance the purpose of a specific park that we have, it does spend money upfront and will yearly require this country to have a larger financial obligation. And it does also tell us that enough votes can deliver anything regardless of the merits.

We intend to show to all those who may be listening that this bill fails on the size, the cost, and the logic of it. We intend to introduce three amendments eventually within this process. One that will say that 5 acres included in this recommendation has logic to it, that we admit that is truly there. There is a need for safe public parking and a visitor center, which is the 5 acres they requested.

We will also present an amendment which will say the first thing we need to do is make sure that we are dealing with the backlog of resource needs that we have. This particular park, according to the National Park Service, has $600,000 worth of construction needs in the regular park itself, which we should be doing before we try any kind of expansion.

We will also be introducing, by Mr. HELLER of Nevada, an amendment that says if this land wishes to be donated, we will accept it.

Had any of these three amendments been adopted in the committee, the committee of jurisdiction, this bill would probably be here as a suspension bill. But when the attitude is it's all or nothing, rejecting any kind of minority input, we will probably object for the logic in this bill. This bill can be jammed through by the numbers but certainly not by the logic.

Mr. Chairman, I realize the chief sponsor is here, and I think it would be only fair to allow him to have the opportunity to speak now in defense of his bill before I go on.

Mr. Chairman, with that, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield such time as he may consume to the chairman of the Natural Resources Committee, Mr. RAHALL.

Mr. RAHALL. Mr. Chairman, I certainly want to commend the distinguished chairman of the subcommittee, Mr. GRIJALVA, the respected chairman of the Subcommittee on Parks, Forests and Public Lands, for his efforts in managing the bill on the floor today and bringing this legislation before us.

I, of course, do rise in support of H.R. 1100, introduced by one of our newest colleagues on the Natural Resources Committee, a very respected member of our committee, Representative HEATH SHULER. I commend Mr. SHULER for his work on this legislation as well as his dedication to his constituents, who stand firmly behind this bill to protect and interpret a local resource that has national importance. Some may call it pork. Whatever you want. But the last time I checked, we are the people's House of Representatives. We represent the people that sent us here. And perhaps because Mr. SHULER is doing such an effective job of that, it raises the ire of some in this body. But he has worked diligently to guide this bill through the legislative process. I applaud him for those efforts.

Carl Sandburg was an American poet, a biographer, novelist, and songwriter. Today the farm he owned is preserved as the Carl Sandburg Home National Historic Site, managed by the National Park Service for all Americans to visit and learn about the life and works of one of America's most beloved authors.

During the 22 years Sandburg spent at the farm until his death in 1967, he published more than ten volumes of poetry and prose, including a novel and an autobiography. And it was this farm he returned to after winning his second Pulitzer Prize in 1951.

The pending measure is important to the future protection and interpretation of the Sandburg farm. The 115-acre boundary adjustment will allow for the construction of a much-needed visitor center and parking lot. As important, the boundary adjustment will provide the opportunity to protect the views from the Sandburg estate that the author and his family cherished and that today's visitors so richly enjoy.

The State of North Carolina's Department of Cultural Resources has recognized the importance of protecting the views from Sandburg's estate by purchasing 22 acres within the proposed boundary expansion area. They intend to donate these acres to the National Park Service upon authorization of the boundary adjustment. All of the other affected landowners have agreed to have their properties included within the proposed boundary adjustment.

This is a straightforward bill, as the chairman of the subcommittee has said. It enjoys bipartisan support, and I urge that it be approved by all of our colleagues on the House floor.

Mr. BISHOP of Utah. Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield such time as he may consume to the author and sponsor of the legislation, Congressman SHULER.

Mr. SHULER. Mr. Chairman, Carl Sandburg was a national treasure who spent 20 years of his life in the mountains of western North Carolina. While he was not a native son, we in North Carolina are certainly proud to claim him as one of our own.

His farm is now a National Historic Site visited by thousands of families around the world. This site is important both for its history and its beauty.

H.R. 1100 would revise the boundary of the historic site to add 115 acres. The addition would serve two purposes. The first purpose is to protect the scenic views and open spaces the Sandburg family enjoyed from their home. The second purpose is to allow the site to build a much-needed visitor center and parking area. These additions are part of the site's General Management Plan which was adopted in 2003, after a full public process.

This bill has wide bipartisan support. The administration has testified in support of this bill. North Carolina Senators RICHARD BURR and ELIZABETH DOLE are pushing companion legislation in the Senate. And this is strongly supported by local county government.

I thank Chairman GRIJALVA, Chairman RAHALL, and members of the committee for their support.

Mr. BISHOP of Utah. Mr. Chairman, it is my pleasure to yield 4 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I want to thank my friend from Utah for yielding.

It's quite interesting. I was listening to the rule debate, and the gentleman from New York said that the reason this was being brought up under a rule is to make sure that the process was open and that there were people who had amendments, and I just thought that was quite comical and more of the smoke-and-mirror thing that this majority has put forth.

Mr. Chairman, I rise today in opposition of H.R. 1100. This is a great opportunity for us to realize what an earmark is, whether it is recognized by the Chair as an earmark or not, what real pork is, and what a Federal land grab is.

This is designed to increase the National Park Service's land inventory. This is ironic considering that the National Park Service currently has an overall maintenance backlog for lands it currently owns. In fact, this very site, the Carl Sandburg National Historic Site, already has $600,000 in deferred maintenance cost itself.

The author of the bill said that this was a mission to allow the site. If my understanding is correct, you cannot even see the additional 115 acres from the home site itself. And I don't know if this is going to involve any landscaping or cutting down trees or grading costs or whatever, and maybe Mr. Sandburg did see this, but it must have been on a walk and not from his home.

This was not an original part of the Sandburg estate. And if you read the intent of the legislation when it was done, it was to preserve the farm, not to buy up all the surrounding land.

Mr. Chairman, I hope that my colleagues will understand exactly what this bill is, that they will oppose it and join me in protecting the taxpayers' dollar.

Mr. GRIJALVA. Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

This bill authorizes the purchase of 115 acres. I have already said 5 acres is legitimate. There is a need for safe parking and a visitor center, and that is the amount of space that they need. It is the other 110 acres which, unfortunately, fits the title of "pork."

This park is about Carl Sandburg. It is supposed to venerate his life and his literary legacy. Unfortunately, the extra 110 acres has absolutely nothing to do with his life or literary legacy.

The National Park System said, and some that sit here on the floor, that this land would protect the viewshed. The logical question is what viewshed? The ridge is the natural boundary of this park. The land to be adopted is over the ridge, which means you stand anywhere in that extra 100 acres and you can't see the house from that acreage. You stand at the house and you can't see the acreage unless we give you some complimentary periscopes. Simply, there is no view to deal with.

The county came up here and said, well, this park has evolved, kind of like Jurassic Park, and now we are trying to protect some of the historic pasturelands.

☐ 1400

Historic pasturelands? This is about Carl Sandburg. He wrote about Abraham Lincoln. He did not invent Arby's.

They also said during the committee that this is to protect the resources. The resources of this park is the house. You could be on that 100 acres they want to add, and the house could burn to the ground, and you wouldn't know about it until the fire trucks from the town came running by the road to get there. This has nothing to do with preserving and protecting the vast purpose of this particular park. I've got four problems with this bill, this is the first one.

The second one deals with the cost. When we had the hearing in the markup, it was said that this bill would cost between 2 and $3 million. CBO has now scored it at $7 million. They have also said it will incur to the Federal Government an ongoing expense of a half million dollars a year. This park already costs about $1.2 million to run. They bring in about $100,000 to $200,000 worth of revenue a year, so it is a $1 million drag on the Federal Treasury at first. This will add to that, making it a $1.5 million net deficit every year the existence of this park is there.

Now, some people will say, look, it's only 100 acres. We're only talking about $7 million. In the scope of what we do here in the Nation, that's not much. But if you actually spend $7 million here, 2 or $3 million there, pretty soon you realize that we are in a situation where we have squandered all our money, and we don't have anything for those deserving projects that actually are before us.

The National Park Service said this park itself needs $600,000 in maintenance work. It is galling that a park system that is always talking about the need would in any way recommend or that we as a body would adopt that recommendation to try and expand into areas that we are not necessarily dealing with.

I show you this picture right now because it is Dinosaur National Monument. It straddles the border between Utah and Colorado. This is the visitors center. I used to go there. This is exciting. The entire mountain has been scaled back, and you can see the fossil remains of dinosaurs. Unfortunately, this is condemned. No school kid can ever go into this building or see the fossil remains. No Park Service employee can go in there because this is on the backlog of stuff that needs to be done.

Before we buy extraneous territory that adds to something that has nothing to do with the mission of the park, we should solve these types of problems first, because the money we use to buy this land in North Carolina is money that will not be used in real parks, for real needs, for real issues anywhere else in the Nation, in California, in Arizona, in New Mexico, in Maine. None of those will receive that. It is simply a misplaced sense of priority.

Now, this area was represented in the past by a gentleman who used to chair the appropriations subcommittee that dealt with public lands. He could have easily added this kind of money to an appropriations prospect. But having the ability of seeing the overall needs that we have in our forest system, our parks system, our public lands system, he flat out didn't. He did take, instead of a parochial view, a very patriotic view of the needs of this country, and I am hopeful that we will do that as well.

There is a third area of concern I have, and that deals with community. To be honest, we are dealing with a community that overtaxed its citizens by $5 million last year. They brought in $5 million more than they spent. They have a general reserve fund of $21 million. If this is definitely needed as open space, because it doesn't really fit the park, but any kind of open space, they could easily do that. Or they could do what cash-strapped cities in the West do, which is simply bond for that kind of an approach. Even the idea that 20 acres was given to the State, and that the State will now dedicate that, still presents another problem because that means that forevermore this county will have additional PILT land, and additional PILT money will be going to that, which, once again, cuts into the amount which is a finite supply for all of us that are left.

The fourth reason I have a problem with this bill is simply it's not pork. If this was a significant addition to giving the message of Carl Sandburg, I would not object to it. If this was the 5 acres that is a significant addition for parking, safety and for a visitors center, I would not object to it. But this is simply land that doesn't protect a viewshed, that doesn't have any historical connection with the family. It is land that is simply being gobbled up and will forevermore be subsidized through PILT payments by this body to this county. And when we have these other needs, the question is simply, for what? There is no logic for that.

This is a hard place, I know, to deal with logic; but this is one of those bills that simply defies logic. Mr. Chairman, for that reason I have to oppose this particular bill.

Mr. Chairman, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, as we go into the discussion and the debate on the amendments, let me just remind my colleagues that H.R. 1100 is supported by the Bush administration, State and local governments, citizens, and North Carolina's Republican Senators. I would also note that the 115-acre addition was developed through a 4-year planning process.

And, yes, Carl Sandburg is beloved in North Carolina, but his significance is of national importance. That is why our cosponsors from east coast to west coast are part of this bipartisan legislation.

Mr. Chairman, I would say that the preservation of the Carl Sandburg Home National Historic Site and the enhancement of that site is a national responsibility, and that is why this legislation is important, to extend that national responsibility.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ROSS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carl Sandburg Home National Historic Site Boundary Revision Act of 2007".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) MAP.—The term "map" means the map entitled "Sandburg Center Alternative" numbered 445/80,017 and dated April 2007.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) HISTORIC SITE.—The term "Historic Site" means Carl Sandburg Home National Historic Site.

SEC. 3. CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT.

(a) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange not more than 110 acres of land, water, or interests in land and water, within the area depicted on the map, to be added to the Historic Site.

(b) VISITOR CENTER.—To preserve the historic character and landscape of the site, the Secretary may also acquire up to five acres for the development of a visitor center and visitor parking area adjacent to or in the general vicinity of the Historic Site.

(c) BOUNDARY REVISION.—Upon acquisition of any land or interest in land under this section, the Secretary shall revise the boundary of the Historic Site to reflect the acquisition.

(d) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(e) ADMINISTRATION.—Land added to the Historic Site by this section shall be administered as part of the Historic Site in accordance with applicable laws and regulations.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–165. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–165.

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BISHOP of Utah:

Page 2, line 20, after the period insert the following: "The authority to acquire property under this subsection may not be exercised until all maintenance for the Historic Site deferred as of the day before the date of the enactment of this Act has been completed.".

The Acting CHAIRMAN. Pursuant to House Resolution 429, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, as I said in the opening remarks, we are going to try to present some amendments that can actually make this into a better bill.

This is the first one in which I want to do which simply deals with the backlog we are talking about.

This amendment requires the Park Service to eliminate its maintenance backlog at this particular national historic site, the Carl Sandburg site, prior to the purchasing of land.

As I said already, there is a $600,000 backlog that the Park Service has said exists already at Carl Sandburg's historic site. According to the Congressional Budget Office, this bill costs $7 million to implement. Those funds must be prioritized on an "existing needs" list, which means the Park Service has the discretion to use the $7 million to buy new land before they actually fix the existing buildings that happen to be there.

Overall, the Park Service has a maintenance backlog that's anywhere from $5- to $10 billion. This is not the time to buy more land until we fix the existing problems. Any addition to this park simply exacerbates the problem. And this bill, not only in the overall cost, but also add an additional $500,000 a year on operating costs of this particular park.

So once again, Mr. Chairman, this is the purpose of this particular amendment, to say, fine. What we will do, though, is make sure that what we own and what we are operating and what we are using, which is actually the house. it's about Carl Sandburg, should be properly maintained first before the Park System uses any of this money that may be appropriated or any of their dedicated funds that they may have for that kind of appropriation to expand the park. Fix what we have first.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, this amendment is clearly intended to stop the boundary expansion at the Carl Sandburg home historical site from ever happening. It imposes excessive, ill-defined requirements on this historic site, standards that we have never imposed on any other national park or government agency, and that I suspect most of us would never impose on ourselves. Could you, as a homeowner, certify that all maintenance on your home is ever complete? Isn't there always a light bulb to be changed, a wall to be painted? Would we expect the Department of Defense to certify that maintenance on every piece of equipment in their inventory is complete before allowing them to purchase new equipment? Of course not. So why is the Carl Sandburg Home Historic Site expected to meet that standard?

The minority has had 12 years to do something about the National Park Service maintenance backlog and failed to act, but that failure should not be allowed to hinder the continuing needs of the National Park System.

The new majority in Congress is committed to addressing the past budget shortfalls, while managing and growing the National Park Service responsibly. We can do both, and we must do both.

Further, Mr. BISHOP's amendment requires an unspecified person to determine that all deferred maintenance at Carl Sandburg has been completed, but fails to define not only who makes the determination, but also what the definition of "deferred maintenance" is. Therefore, I don't see how a determination can ever be made. Even the Director of the National Park Service herself has testified before the Subcommittee on National Parks, Forests and Public Lands that deferred maintenance is an ongoing process, just like it is for every other Federal agency or a homeowner.

The North Carolina Department of Cultural Resources has already purchased 22 of the 110 acres proposed to be added. They would like to donate these lands to the National Park Service, but Congress must authorize this boundary adjustment first. This amendment would require the State to continue to hold the land indefinitely, something they should not have to do.

Mr. Chairman, this amendment will have no impact on whether the backlog of maintenance on the national parks is managed effectively. Rather, it was simply introduced to kill this boundary addition. I urge defeat of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I think it is one of those things that it's a simple question: Do we expand what we have, buy more stuff to take care of, or do we take care of what we have first? And I have to admit that under Republican leadership we have had huge increases in these budgets; however, the need is still significantly there.

I appreciate the comments that were made by my colleague, the gentleman from Arizona, as to what those deferred maintenance needs may or may not be. Actually, the Park Service has already done that. They have listed out exactly what needs to be done there. In fact, I said $600,000. I was wrong. It's $599,673 worth of specific maintenance that has to be done on this site first. And it just makes sense that we take care of this first before we do any kind of other expansions; otherwise, we are simply not dealing properly with what should be before us.

I appreciate, also, the fact that North Carolina bought the 22 acres, but I would remind you also that they bought it from a group that virtually had the land so it could be kept in open space in the first place, and that as soon as we federalize these acres as well as the other 110 acres, this automatically becomes PILT money available for North Carolina. This is the gift that keeps on giving and the cost that keeps on costing the rest of this Nation.

Mr. Chairman, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield 2 minutes to my colleague from North Carolina, sponsor of the legislation (Mr. SHULER).

Mr. SHULER. Mr. Chairman, this amendment unfairly targets H.R. 1100.

The gentleman from Utah did not offer this amendment to two similar Republican bills. Had he required H.R. 1080, Mrs. CUBIN's legislation dealing with the Grand Teton National Park, to delay land acquisition until deferred maintenance was completed, it would have cost them $57 million. That is 115 times more in deferred maintenance costs than the Carl Sandburg home.

None of these groups or agencies is required to complete backlog maintenances. That is because the maintenance is never fully completed, and it is an ongoing process.

This amendment fails to define the deferred maintenance, what it is, who will complete it, or in what time frame it is to be completed. It is a weak attempt to stop legislation.

I urge my colleagues to vote "no" on this amendment.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BISHOP of Utah. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

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AMENDMENT NO. 2 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–165.

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BISHOP of Utah:

Page 2, line 18, strike "110" and insert "five".

Page 2, line 18, strike the comma at the end.

Page 2, strike "within the area depicted on the map,".

Page 2, line 22, strike "also" and all that follows through "acres" on line 23 and insert the following: "use the land, water, or interests in land and water acquired under subsection (a)".

The Acting CHAIRMAN. Pursuant to House Resolution 429, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, this is the amendment that does what I originally said ought to have been done. There has been compelling evidence that there is a need for 5 additional acres to provide for safe parking enhancement and to provide for a visitors center. In addition, in the testimony we had at the hearing, they asked that this acreage not be made mandatory as contiguous to the park itself to leave them the flexibility as far as the planning process.

So what I am asking for this to do is make in order those 5 acres, which I admit is a legitimate request, and it would not include the extra 110 acres that are supposedly for a viewshed protection that no one can see or for a resource that is not related in any way to the purpose of this particular park.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, the Bishop amendment arbitrarily slashes the boundary adjustment at the Carl Sandburg Home National Historic Site by 95 percent. This reduction is based on no science, no studies, and would substitute the judgment of a few for those of the many.

The National Park Service has invested 4 years and tens of thousands of dollars in a public planning process to determine the future of this very important historic site. With extensive analysis and public input, a 115-acre boundary adjustment was determined to be necessary to protect park resources and provide for the enjoyment of the public. Mr. BISHOP's amendment simply ignores this, undermining good public policy.

The amendment flies in the face of the wishes of the local community, including the village council and the local county commissioners. It defies the many State and Federal agencies that participated in and supported the outcome of the multiyear planning process. It contradicts the wishes of the Bush administration, who testified in support of this legislation at a hearing just last month. And it goes against the desires of two Senators from North Carolina, both Republicans, I might add, who have sponsored companion legislation in the Senate.

Mr. Chairman, this amendment also flies in the face of the desires of landowners in question who have agreed to have their properties included in the proposed boundary expansion. It virtually guarantees these lands will be developed. The owners would like the opportunity at some future date to sell their property or an easement on their property to the historic site for conservation purposes. If and when these landowners are ready to sell their land, this amendment assures that the Federal Government would not be at the table, but a developer surely will.

Mr. Chairman, the Natural Resources Committee has moved this year Republican-sponsored park expansion bills that have added more than 3,000 acres at a cost of millions of dollars with no amendment of this type offered. Money and expanding parking are clearly not the real issue here. The Bishop amendment has no science, no studies, no local support, and it should be defeated.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. Mr. Chairman, this amendment violates the wishes of the residents of Henderson County, their Republican county commissioners, the State of North Carolina, Republican Senators ELIZABETH DOLE and RICHARD BURR and the administration.

Additionally, this amendment flies in the face of the 2003 general management plan that was conducted publicly with wide support. This general management plan included all 115 acres that are in this bill. This amendment would eliminate the ability of the Carl Sandburg Home to protect their viewshed and thus undermine the purpose of this bill.

My bill is not seeking any appropriation or requiring the government to purchase anything. I oppose this amendment, and I urge my colleagues to do the same.

Mr. BISHOP of Utah. Mr. Chairman, I take some umbrage at the claim that this is an arbitrary number that is taken out. In our hearing testimony, it was very clear from both the park as well as the county that 5 acres was what was needed for the parking and the visitors center. That is not a number pulled out of the air. It was specifically for 5 acres. That is why I have continuously used that particular number.

Things have changed, I admit, since the hearing. When we had the hearing, it was said this would totally cost somewhere between $2 million and $3 million. CBO has said today this will cost $7 million and a continuing ongoing fee of $500,000 every year.

I would not be necessarily as opposed to this if indeed donation was the goal. It is unfair to the gentlelady from Wyoming, as well as the bill that deals with a donation of land to the Grand Teton National Park, to compare this with that. That was simply a donation. The total cost is zero. The total expansion of that park is expanding the Grand Teton Park by six ten-thousandths of a percent. This particular bill expands this park 44 percent, and if you divide $7 million by the number of acres, that is something around $64,000 an acre.

That would be a cost that would be there. There is an ongoing cost and an ongoing decision that the United States needs to go into if we are going to make these kinds of decisions.

Like I said, the amendment is straightforward. There is a need for parking. There is a need for the visitors center; 5 acres meets that need. The rest of it is simply not a need, it is not necessary, and we should reject this kind of pork.

Mr. Chairman, I yield back the balance of my time.

Mr. GRIJALVA. Just in closing, on the issue of cost, CBO scored this bill as costing $7 million because they included the cost of the future visitors center that was estimated at $3.5 million. Just for the record, I note that both Mr. BISHOP's amendment and Mr. HELLER's amendment allow the $3.5 million to be spent on the visitors center.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was rejected.

AMENDMENT NO. 3 OFFERED BY MR. HELLER OF NEVADA

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–165.

Mr. HELLER of Nevada. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HELLER of Nevada:

Page 2, strike lines 15 through 20 and insert the following:

(a) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated funds, or exchange not more than 110 acres of land, water, or interests in land and water, within the area depicted on the map, to be added to the Historic Site.".

The Acting CHAIRMAN. Pursuant to House Resolution 429, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER of Nevada. Mr. Chairman, in the spirit of my colleague from Utah, I rise today to offer an amendment to H.R. 1100 that will allow for the expansion of the Carl Sandburg Home National Historic Site, provided that it is acquired from willing sellers by donation, purchased with donated funds, or exchange.

As those of us from public land States know all too well, public funding for lands management is insufficient to adequately manage the current Federal estate. Nearly 85 percent of my home State of Nevada is controlled by the Federal Government. In Nevada, we have vast management needs. We need funding for important priorities like the management of wild horses and burros, wildfire mitigation and management, endangered species, and rangeland and habitat restoration, to just name a few. And I know this is the case across much of the West.

We need to be cognizant of the fact that every time we add to the Federal estate, it spreads our already limited resources even thinner. As a result, Mr. Chairman, any additions to the Federal estate must be carefully debated and have demonstrable necessities of Federal protection.

This bill was reported out of committee, Mr. Chairman, with an estimated price tag of $2.25 million. Since that time, as mentioned by my colleague from Utah, the Congressional Budget Office has scored this legislation and determined that the actual price tag is $7 million.

That is no small chunk of change; $7 million can provide energy assistance to over 44,000 North Carolina households living below poverty.

Mr. Chairman, $7 million can go a long way to protect veterans in the Asheville veterans hospital, which has been plagued by shortages of nurses and doctors.

Mr. Chairman, $7 million would buy flu shots for all of the children living below the poverty level in North Carolina's 11th District for 11 years.

And in the context of this debate, that $7 million is desperately needed to manage and maintain the land currently owned by the Federal Government. In fact, some of that money is needed to address the $600,000 in deferred maintenance currently existing at the very site that is proposed for expansion.

Additionally, it is unclear to me why this particular piece of property is vital to the Carl Sandburg story for which the park was created and in dire need of Federal protection.

Mr. Chairman, during subcommittee proceedings we learned that this expansion enjoys support from the community and local governments. I understand the importance of communities and Federal land management agencies working together, and it is in that spirit that I am offering this amendment.

This amendment strikes a balance that will allow for the expansion of the park, but will not take away from the already overburdened budget for public lands management.

Henderson County, which is the home of the Carl Sandburg Home National Historic Site, has determined that they would like to protect the viewshed area. If this is the priority for them, this compromise amendment will give the community the opportunity to show their support by making a financial commitment to purchase this property, with the Federal Government ultimately responsible for management. I believe that local support can make this compromise I am proposing a reality.

Mr. Chairman, my amendment allows for my colleague's constituents to achieve their goal while protecting the budgets of our Federal land management agencies, who have a difficult time managing the lands they already own.

I urge my colleagues to support this amendment and its wise use of Federal resources.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, this amendment is inconsistent and unfair. As I stated earlier, the enhancement and preservation of this site is a national responsibility. This amendment abdicates that responsibility by prohibiting the use of Federal funds to fulfill this role. Strangely, it allows Federal funds to be used for development but requires State and local landowners to shoulder the costs of protecting the historic viewshed.

Philanthropy has and will continue to play an important role in the care of our national parks and is something that we are all thankful and grateful for. A perfect example is the State of North Carolina. Recognizing the importance of protecting the historic viewshed, it has purchased 22 of the 110 acres identified as needing protection and would like to donate them to the National Park Service. The National Park Service will, of course, continue to welcome any donation of land or money to help protect the remainder of this land.

However, it is irresponsible to expect the State to shoulder the total responsibility of purchasing all 110 acres, nor should small landowners have the responsibility to donate their property to the National Park Service. We need to maintain the option to purchase the land from willing sellers, so that when it is on the sale block, the Federal Government's hands are not tied.

The amendment is not about the availability of Federal funds. This is a funding source specifically set aside for Federal acquisitions of land identified as important for conservation. The Land and Water Conservation Fund has a current balance of $16 billion. I would say that is sufficient to allow the possibility of using appropriated funds for this 110-acre addition.

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This amendment is also inconsistent. It allows the use of Federal funds to purchase 5 acres for construction of a visitor center, yet does not allow the use of Federal funds to purchase 110 acres of land or easements to protect the historic viewshed.

Finally, this amendment is unfair. Committee Republicans raised no objections nor offered any amendments when the Natural Resources Committee favorably reported a Republican bill that would add more than 3,000 acres to the Jean Lafitte National Historic Park. That bill allows appropriated funds to be used, and the CBO estimate put the cost at up to $5 million. Why should appropriated funds be available for that bill but specifically protected in this bill?

Mr. Chairman, land protection at a national historic site is a national responsibility, as recognized by my Republican colleagues in the Jean Lafitte legislation. The Heller amendment is inconsistent and unfair. I believe Mr. SHULER's predecessor did not recognize the importance of enhancing and protecting this valuable viewshed. We should not penalize the author of this legislation for recognizing it.

Mr. Chairman, I yield 2 minutes to Mr. SHULER for his comments.

Mr. SHULER. Mr. Chairman, while my preference is for as much land to be donated or purchased privately, this amendment would tie the hands of the government if it ever decided to step in and protect the Carl Sandburg home's viewshed.

Mr. HELLER did not offer this amendment to Mrs. CUBIN's bill or Mr. JINDAL's bill in committee, both Republican bills very similar to H.R. 1100.

It is not reasonable to expect all of the land to be donated from small landowners who are currently living on the land. I urge my colleagues to oppose this amendment.

Mr. HELLER of Nevada. Mr. Chairman, I yield 1½ minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, I wish to simply address a couple of the issues that have been brought up again.

In comparing this particular bill to two others, one specifically still held up in the committee, it is true that one bill did have a donation, which is what he is patterning after, so the Grand Teton bill is very similar to this: Willing donor.

The other bill by the gentleman from Louisiana (Mr. JINDAL) is with the Jean Lafitte National Park. This is the ability of coming up with area that is necessary for protecting from the devastation of hurricanes. It is also area coming mainly from State and local lands, not from private owners, and we do not actually oppose the boundary revisions because it makes sense on a case-by-case basis in this particular area, especially when the cost for the land is only $1,000 per acre. It would only increase the size of this particular national site by 15 percent, not the 44 percent as in this one.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

Mr. HELLER of Nevada. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HELLER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

Mr. GRIJALVA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1100) to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes, had come to no resolution thereon.

URGING AMERICANS AND PEOPLE OF ALL NATIONALITIES TO VISIT THE AMERICAN CEMETERIES, MEMORIALS AND MARKERS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 392) urging Americans and people of all nationalities to visit the American Cemeteries, Memorials and Markers.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 392

Whereas the United States has fought in wars outside of its borders to restore freedom and human dignity;

Whereas the United States has spent its national treasure and shed its blood in fighting those wars;

Whereas many of those who died on the battlefield were laid to rest exactly where they fell;

Whereas those plots of ground are now known as American Cemeteries, Memorials and Markers, and they exist in 10 foreign countries on four continents;

Whereas these cemeteries exist as the final resting place for American servicemembers who fought valiantly in battles across the globe, including Ardennes and Flanders, Belgium; Manila, the Philippines; North Africa, Tunisia; Florence, Italy; and Normandy, France;

Whereas each year millions of American and foreign citizens visit the American Cemeteries, Memorials and Markers;

Whereas these overseas sites annually recognize Memorial Day with speeches, a reading of the Memorial Day Proclamation, wreath laying ceremonies, military bands and units, and the decoration of each grave site with the flag of the United States and that of the host country; and

Whereas the splendid commemorative sites inspire patriotism, evoke gratitude, and teach history: Now, therefore, be it

Resolved, That House of Representatives strongly urges Americans and people of all nationalities to visit the American Cemeteries, Memorials and Markers abroad, where the spirit of American generosity, sacrifice, and courage are displayed and commemorated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are about to take up a package of seven bills that have come to the floor from the Veterans Committee, a committee which I am very proud of that has worked together over the first 4 or 5 months of this session to keep our contract with our Nation's veterans. And there is no better time than just before Memorial Day to say thank you. Memorial Day celebrates those who have made the ultimate sacrifice for our Nation's freedom. We are here on the floor today to say thank you to those, and to those who are still deployed, and to veterans from past wars.

In the recent election, Mr. Speaker, the Democrats promised to do more for our Nation's veterans. We said we had a President who was saying, support the troops, support the troops, support the troops; but when they came home, where was that support? Walter Reed ripped off the veil of our incompetency of dealing with veterans and showed that so many were not getting the care they were promised and people thought they were getting.

We have had story after story in the Nation's press about how returning veterans with PTSD or brain injury have not been getting the care which this Nation has promised at the highest quality medical system in the world. So we have to do better.

We have a system that is really about to break and collapse. What we saw as the majority party is that the first thing that had to be done was give the VA the resources to carry out the job; secondly, we had to have accountability for the spending of those resources.

Well, in the first three spending bills that went through this House, we were able to add $13 billion for the health care of our veterans. That is an unprecedented increase from one year to the next, an increase of 30 percent in the health care budget.

We have put in the resources to clean up the backlog of claims for disability pensions that have built up to 600,000. We have put in the money to open up new Centers of Excellence for traumatic brain injury, to finally give the mental health care that the tens of thousands of veterans who are coming back from Iraq and Afghanistan need.

We call it PTSD, post-traumatic stress disorder, but virtually every soldier subject to at least five blasts that would give them brain injury, seeing their buddies shot and killed in front of them, maybe having to kill even by accident some innocent people in Iraq, they come back with tremendous mental issues. They have to be worked out. They need medical care, and too many have been falling through the cracks.

So we have said we will provide the resources to make sure that does not occur. We have provided the resources to meet these needs. Now we have to have accountability for their spending. The Veterans' Affairs Committee of this Congress has pledged to do that.

So we have a collection of bills on the floor this afternoon to say thank you to our Nation's veterans, thank you for your efforts in this war, thank you for your efforts in past wars, and we honor those who gave the ultimate sacrifice on Memorial Day.

This resolution before us now, H. Res. 392, comes to us under the leadership of the gentleman from Colorado (Mr. LAMBORN), and I thank him for his activity on the Veterans' Affairs Committee. This resolution encourages people to visit the cemeteries, memorials, and markers overseen by the American Battle Monuments Commission. I am sure many people who hear this say, what is the American Battle Monuments Commission?

In 1923, Congress created the Battle Monuments Commission to control the construction of military cemeteries, monuments and markers erected to honor American servicemembers killed on foreign soil. Host countries provide the necessary lands for these sites to the United States in perpetuity and free of charge.

The Commission cares for 24 military cemeteries and 25 memorials, monuments and markers in 15 nations around the world. These sites serve as the final resting places for almost 125,000 Americans who fought in the Mexican-American War through World War I and II. The Commission takes special care that all cemeteries under its supervision are maintained to the highest standard attainable.

The Battle Monuments Commission extends an open invitation to all to visit these splendid shrines and go beyond the most well known, like Normandy, and venture into others. Each site has its own sense of history, sacrifice and beauty; each offers a different and unique experience. No two have the same garden or architecture. Perhaps only the spiritual qualities are similar.

In less than a month from now, on June 6, the Battle Monuments Commission will commemorate the 63rd anniversary of the D-Day landing by opening a new Normandy American Cemetery Visitor Center. Under construction since 2002, the center will tell the story of the American servicemembers memorialized at Normandy.

I encourage everyone to visit this new D-Day center and any of the other sites under the jurisdiction of the Commission.

Overseas American cemeteries are lasting reminders of America's willingness to come to the defense of others. These tangible symbols of American values endure long after the fighting is over.

Mr. Speaker, I thank Mr. LAMBORN for bringing this resolution to us.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman of the committee for the good work he has done and also the ranking member, the gentleman from Indiana (Mr. BUYER), for the good work he has done in helping shepherd this package of bills and resolutions that are on the floor today paying tribute to our Nation's veterans.

Mr. Speaker, on House Resolution 392, I want to commend this resolution urging Americans and people of all nationalities to visit the American cemeteries, memorials and markers located on and near the battlefields where members of our Armed Forces fought and died to secure our Nation's freedom, and to actually secure the freedom of the whole world.

Properly honoring a veteran's memory is one of our most solemn and sacred obligations. These patriots and their families are due the tribute and thanks of a grateful Nation.

The overseas national cemeteries of the American Battle Monuments Commission provide these heroes honored repose in a national shrine far from the homes they left to serve us. These cemeteries are the gold standard in memorializing the priceless gift given us by those who fell in our defense.

The Commission oversees 24 overseas military cemeteries that serve as resting places for almost 125,000 American war dead; on Tablets of the Missing that memorialize more than 94,000 United States service men and women; and through 25 memorials, monuments and markers.

These memorials and cemeteries are the final resting place for Americans who fought valiantly in battles whose names ennoble our history: Ardennes and Flanders, Belgium; Manila in the Philippines; North Africa, Tunisia, Italy, and Normandy.

With Memorial Day less than a week away, this is a most fitting time to consider this resolution. I ask my colleagues to support it. I look forward to its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I have no further speakers.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to the ranking member, the gentleman from Indiana (Mr. BUYER).

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Mr. BUYER. Mr. Speaker, I rise today in strong support of H. Res. 392 that encourages Americans and people of all nationalities to visit American cemeteries, memorials and markers operated by the American Battle Monuments Commission.

More than 125,000 American war dead of the Mexican, Civil, Spanish American and both World Wars are buried in American cemeteries across the globe. Our overseas cemeteries are under the jurisdiction of the American Battle Monuments Commission. I believe they are the gold standard in preserving the final resting place of this Nation's heroes.

I've had the privilege of visiting our cemeteries in Normandy, in Luxembourg and Cyrennes which is just outside Paris. I believe that those who work at these cemeteries, in fact, when I said they set the gold standard, it is a standard to which our VA cemeteries here in this country should achieve. It's emblematic, I believe, of our Nation's regard to those who made the highest sacrifice.

They are true shrines to Americans who came to lands that they had never seen, to fight for a people that they had never met. They fought for no bounty of their own and left freedom in their footsteps.

Normandy, the American cemetery, is probably the most famous of our Nation's overseas cemeteries. It is the final resting place of more than 10,000 Americans who died in one of the greatest and most decisive battles of the epic struggle against tyranny in World War II. This year the Commission will open a new visitors center to help communicate the story of this site to those who fought and died over its length and breadth in time.

I had the opportunity to deliver the Memorial Day address, along with my friend HENRY BROWN of South Carolina, at Normandy as I stood there on the cliffs at Omaha Beach in 2005, an experience that I will never forget.

When I visited the Luxembourg cemetery last year, I was in awe of the beauty of the white stone chapel flanked by two very large stone pylons as the centerpiece of this cemetery in which then-General Patton lies in rest before his men. These pylons have maps and inscriptions telling the achievements of the U.S. Armed Forces in the region. Inscribed here are the 371 names of missing who gave their lives near this site but whose remains were not recovered or identified.

The Luxembourg cemetery is also the final resting place for some 5,000 GIs who repulsed Hitler's final offensive in the Battle of the Bulge, including several members of the famous Band of Brothers, deposed in Steve Ambrose's book.

I think if you visited any of these cemeteries all over the world you can't help but walk away with the same feeling that I have, a strong sense of humility and very humbled that these individuals gave everything in the name of freedom and in the name of liberty.

I just encourage everyone so when you go overseas and you're on a trip, or you go to Paris, pause for a moment and go visit one of our cemeteries on foreign land.

And I'm pleased that after World War II we now make every effort to bring these bodies back to our own country. So from Korea and Vietnam and the first Gulf War, second Gulf War, we try everything we can to bring these bodies back.

And speaking of Korea, now that the chairman is here on the floor, I would even ask of the chairman, there is a bill that was filed by one of our colleagues to bring recognition to Raymond Gerry Murphy, to name the Department of Veterans Affairs Medical Center in New Mexico after this Medal of Honor winner. And I've given you several letters as to why this bill shouldn't be brought up. We're hopeful that you could have brought this bill to the floor while he was alive, but now he has since deceased.

So I would ask the chairman if he has knowledge as to why this bill shouldn't be brought to the floor and given the same honor to which you're giving here with regard to this bill.

I yield to the chairman.

Mr. FILNER. Mr. Speaker, this is not a germane issue, and I will stick to dealing with the bills on the floor.

Mr. BUYER. So the chairman would raise an issue of germaneness rather than addressing the issue of how we honor the men and women who serve this country. That is disappointing.

This is a Medal of Honor winner from the Korean War in which we tried to seek to give recognition, just like we're doing in this bill, in how we honor our Nation's sacred fallen. This is an individual of whom is so respected in New Mexico the entire delegation supports it. It passed by unanimous consent in the Senate. The Senate bill lies upon this desk, but the chairman of the Veterans Affairs Committee won't bring it to the floor, and I don't understand.

I will now yield back to the gentleman for a better explanation, rather than germaneness, as to why you will not honor this veteran that the entire delegation of New Mexico supports.

The SPEAKER pro tempore (Mr. ROSS). Does the gentleman from Indiana yield back the balance of his time?

Mr. BUYER. No, the gentleman from Indiana yields to the chairman of the House Veterans' Affairs Committee.

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Speaker, parliamentary inquiry.

Does the yieldee have to make time for an extraneous comment from the yielder?

The SPEAKER pro tempore. Does the gentleman from Indiana yield for a parliamentary inquiry?

Mr. BUYER. I absolutely yield for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California will state his parliamentary inquiry.

Mr. FILNER. Is the yieldee required to give time to the yielder for a matter that has nothing to do with the matter under discussion?

The SPEAKER pro tempore. Members may yield to one another during debate, but remarks must be confined to the question under debate.

Mr. FILNER. So are they through with their time? Have they yielded back the balance of their time?

The SPEAKER pro tempore. The gentleman from Indiana has the floor.

Mr. BUYER. I will reclaim my time since the gentleman now is not speaking of a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Indiana is recognized.

Mr. BUYER. Mr. Speaker, I think by silence, by omission, the chairman just spoke, and how disappointed I am that veterans, that he just said that he wanted to come to the floor, that he was going to take this moment as a thank-you to veterans and all they do; yet here we have an opportunity in bipartisanship to recognize this Medal of Honor winner from Korea, whereby he wouldn't even do it when the gentleman was alive, and now he's deceased, and he still won't even give this individual the recognition. Yet the Senate bill, in a bipartisan fashion, lays upon this desk.

I am very disappointed, and I don't know what it's going to take to get you to move this bill and give the recognition. The Governor supports it. The two Senators support it. The Members of Congress from New Mexico support it. All the veterans service organizations support the bill, and I support this bill.

And if you know of a particular reason as to why this Medal of Honor winner, Mr. Murphy, should not receive this recognition by having the veterans hospital named in his honor, please let all of us know, because if you're blocking this for political motive, now we're upset.

Mr. LAMBORN. Mr. Speaker, on behalf of H. Res. 392, I have nothing more to add except I do want to thank the chairman and I want to thank the ranking member for their words on behalf of H. Res. 392, and I urge its adoption by the entire House. I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 392.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I urge my colleagues to join Mr. LAMBORN and me to unanimously support H. Res. 392. I have no further requests for time, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 392.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

VETERANS OUTREACH IMPROVEMENT ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 67) to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 67

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Outreach Improvement Act of 2007".

SEC. 2. IMPROVEMENT OF OUTREACH ACTIVITIES WITHIN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 5 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—OUTREACH ACTIVITIES

"§ 561. Outreach activities: coordination of activities within the Department

"(a) COORDINATION PROCEDURES.—The Secretary shall establish and maintain procedures for ensuring the effective coordination of the outreach activities of the Department between and among the following:

"(1) The Office of the Secretary.

"(2) The Office of Public Affairs.

"(3) The Veterans Health Administration.

"(4) The Veterans Benefits Administration.

"(5) The National Cemetery Administration.

"(b) ANNUAL REVIEW OF PROCEDURES.—The Secretary shall—

"(1) annually review the procedures in effect under subsection (a) for the purpose of ensuring that those procedures meet the requirements of that subsection; and

"(2) make such modifications to those procedures as the Secretary considers appropriate in light of such review in order to better achieve that purpose.

"§ 562. Outreach activities: cooperative activities with States; grants to States for improvement of outreach

"(a) PURPOSE.—It is the purpose of this section to provide for assistance by the Secretary to State and county veterans agencies to carry out programs in locations within the respective jurisdictions of such agencies that offer a high probability of improving outreach and assistance to veterans, and to the spouses, children, and parents of veterans, to ensure that such individuals are fully informed about, and assisted in applying for, any veterans' and veterans-related benefits and programs (including State veterans' programs) for which they may be eligible.

"(b) PRIORITY FOR AREAS WITH HIGH CONCENTRATION OF ELIGIBLE INDIVIDUALS.—In providing assistance under this section, the Secretary shall give priority to State and county veteran agencies in locations—

"(1) that have relatively large concentrations of populations of veterans and other individuals referred to in subsection (a); or

"(2) that are experiencing growth in the population of veterans and other individuals referred to in subsection (a).

"(c) CONTRACTS FOR OUTREACH SERVICES.—The Secretary may enter into a contract with a State or county veterans agency in order to carry out, coordinate, improve, or otherwise enhance outreach by the Department and the State or county (including outreach with respect to a State or county veterans program). As a condition of entering into any such contract, the Secretary shall require the agency to submit annually to the Secretary a three-year plan for the use of any funds provided to the agency pursuant to the contract and to meet the annual outcome measures developed by the Secretary under subsection (d)(4).

"(d) GRANTS.—(1) The Secretary may make a grant to a State or county veterans agency to be used to carry out, coordinate, improve, or otherwise enhance—

"(A) outreach activities, including activities carried out pursuant to a contract entered into under subsection (c); and

"(B) activities to assist in the development and submittal of claims for veterans and veterans-related benefits, including activities carried out pursuant to a contract entered into under subsection (c).

"(2) A State veterans agency that receives a grant under this subsection may award all or a portion of the grant to county veterans agencies within the State to provide outreach services for veterans, on the basis of the number of veterans residing in the jurisdiction of each county.

"(3) To be eligible for a grant under this subsection, a State or county veterans agency shall submit to the Secretary an application containing such information and assurances as the Secretary may require. The Secretary shall require a State or county veterans agency to include, as part of the agency's application—

"(A) a three-year plan for the use of the grant; and

"(B) a description of the programs through which the agency will meet the annual outcome measures developed by the Secretary under paragraph (4).

"(4)(A) The Secretary shall develop and provide to the recipient of a grant under this subsection written guidance on annual outcome measures, Department policies, and procedures for applying for grants under this section.

"(B) The Secretary shall annually review the performance of each State or county veterans agency that receives a grant under this section.

"(C) In the case of a State or county veterans agency that is a recipient of a grant under this subsection that does not meet the annual outcome measures developed by the Secretary, the Secretary shall require the agency to submit a remediation plan under which the agency shall describe how and when it plans to meet such outcome measures. The Secretary must approve such plan before the Secretary may make a subsequent grant to that agency under this subsection.

"(5) No portion of any grant awarded under this subsection may be used for the purposes of administering the grant funds or to subsidize the salaries of State or county veterans service officers or other employees of a State or county veterans agency that receives a grant under this subsection.

"(6) Federal funds provided to a State or county veterans agency under this subsection may not be used to provide more than 50 percent of the total cost of the State or county government activities described in paragraph (1) and shall be used to expand existing outreach programs and services and not to supplant State and local funding that is otherwise available.

"(7) In awarding grants under this subsection, the Secretary shall give priority to State and county veterans agencies that serve the largest populations of veterans.

"(8)(A) In a case in which a county government does not have a county veterans agency, the county government may be awarded a grant under this subsection to establish such an agency.

"(B) In a case in which a county government does not have a county veterans agency and does not seek to establish such an agency through the use of a grant under this subsection, the State veterans agency for the State in which the county is located may use a grant under this section to provide outreach services for that county.

"(C) In the case of a State in which no State or county veterans agency seeks to receive a grant under this subsection, the funds that would otherwise be allocated for that State shall be reallocated to those States in which county veterans agencies exist and have sought grants under this subsection.

"(9) A grant under this subsection may be used to provide education and training, including on-the-job training, for State, county, and local government employees who provide (or when trained will provide) veterans outreach services in order for those employees to obtain accreditation in accordance with procedures approved by the Secretary and, for employees so accredited, for purposes of continuing education.

"(e) DEFINITIONS.—For the purposes of this section:

"(1) The term 'State veterans agency' means the element of the government of a State that has responsibility for programs and activities of that State government relating to veterans benefits.

"(2) The term 'county veterans agency' means the element of the government of a county or municipality that has responsibility for programs and activities of that county or municipal government relating to veterans benefits.

"§ 563. Outreach activities: funding

"(a) SEPARATE ACCOUNT.—Amounts for the outreach activities of the Department under this subchapter shall be budgeted and appropriated through a separate appropriation account.

"(b) SEPARATE STATEMENT OF AMOUNT.—In the budget justification materials submitted to Congress in support of the Department budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested to be appropriated for that fiscal year for the account specified in subsection (a).

"§ 564. Definition of outreach

"For purposes of this subchapter, the term 'outreach' means the act or process of taking steps in a systematic manner to provide information, services, and benefits counseling to veterans, and the survivors of veterans, who may be eligible to receive benefits under the laws administered by the Secretary to ensure that those individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws for which they may be eligible.

"§ 565. Authorization of appropriations

"There is authorized to be appropriated to the Secretary for each of fiscal years 2008, 2009, and 2010, $25,000,000 to carry out this subchapter, including making grants under section 562(d) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"SUBCHAPTER IV—OUTREACH ACTIVITIES

"561. Outreach activities: coordination of activities within the Department.
"562. Outreach activities: cooperative activities with States; grants to States for improvement of outreach.
"563. Outreach activities: funding.
"564. Definition of outreach.
"565. Authorization of appropriations.".

(c) DEADLINE FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall implement the outreach activities required under subchapter IV of chapter 5 of title 38, United States Code, as added by subsection (a), by not later than 120 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield to myself such time as I may consume.

This bill comes to us from the gentleman from North Carolina (Mr. MCINTYRE), and we thank him for his leadership on veterans outreach.

If I had to sum up this bill in one phrase, I would say that it allows local organizations to provide more bang for the buck by having greater resources at the local level.

This bill requires the VA to partner with State and local governments, through grant opportunities, to reach out to veterans and their families to ensure receipt of benefit for which they are eligible and assist them in completing their benefits claims.

As we have seen from recent news reports all over the country, we still have veterans slipping through the cracks of this system. They are either unaware of their veterans benefits or are having difficulty getting those benefits processed.

This bill establishes a grant program for the VA to provide to States' outreach activities, cooperative relationships and benefit claims development. The grant program allows State veterans agencies to award a portion of the grants to local governments for outreach purposes.

In addition, the grant allows funding for education and training of State and local government employees for accreditation to provide outreach services. It may also be used to establish a local government veterans service program.

The bill prohibits any portion of the grant to be used by the State for administrative purposes and requires the VA to allocate grants based on veteran populations.

The bill limits grant use by States to less than 50 percent of the cost of State and local government outreach activities and prohibits grant funds from supplanting State and local funds for such activities.

H.R. 67 authorizes $25 million annually, in fact $1 per veteran in our Nation, to improve outreach to veterans and remove some of the significant obstacles veterans must overcome to access their benefits. This is particularly true in rural areas, which Mr. MCINTYRE represents. The bill also contains performance measures to ensure that grant recipients are properly fulfilling the requirements of the program.

The bill is supported by the American Legion, Military Officers Association, Veterans of Foreign Wars, Paralyzed Veterans of America, National County Veteran Service Officers, National Organization of Veterans Advocates, and Iraq and Afghanistan Veterans of America.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 67, the Veterans Outreach Improvement Act. I thank my colleagues, Mr. MCINTYRE and Mr. FILNER, for bringing the legislation to the floor.

H.R. 67 requires Secretary Nicholson to coordinate and implement a plan throughout the VA to help provide veterans with outreach so that they are aware of potential benefits and understand how to apply for them.

The bill also authorizes a matching fund grants program for State and local governments to provide such outreach.

I'd also like to thank my colleague, Mr. LAMBORN from Colorado, for his amendment to this legislation with reporting and grant requirements to strengthen accountability for admission.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I rise in strong support of H.R. 67, the Veterans Outreach Improvement Act of 2007.

I would like to thank my friend and colleague, Mr. HALL of New York, chairman of the committee's Disability Assistance and Memorial Affairs Subcommittee, of which I am ranking member, for his leadership on this bill.

I would also like to thank Mr. MCINTYRE, the sponsor of this legislation, and both Ranking Member BUYER and Chairman FILNER for their support.

One of the persistent challenges we face in providing benefits to deserving veterans is communicating to them and their families the existence of benefits they may have earned. This bill is a solid example of good federalism. It funds outreach by State and local governments, which have proven to be capable incubators for effective public policy.

This legislation also sends VA a signal that Congress expects strong and effective outreach to our veterans.

I'm also pleased that Chairman HALL and I were able to work together to improve an already good bill with an amendment that would improve VA's accountability for the taxpayer dollars allocated under this authorization.

This amendment would require any State or county veterans agency applying for funds to submit a plan for their use to the VA Secretary and for the Secretary to review their performance annually.

I urge my colleagues to support this important legislation.

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Mr. FILNER. Mr. Speaker, I yield to the author of the legislation, Mr. MCINTYRE, such time as he may consume.

Mr. MCINTYRE. Mr. Speaker, I am honored to rise today in strong support of H.R. 67, the Veterans Outreach Improvement Act of 2007, a bill which I filed on the first day of this 110th Congress back in January.

I want to thank Chairman FILNER and Ranking Member BUYER for their support, as well as Mr. HALL, the chairman of the subcommittee, and the gentleman who just spoke, Mr. LAMBORN, the ranking member of the subcommittee.

This truly has been a bipartisan effort. H.R. 67 will help our veterans cut through the bureaucratic red tape. You know, as we approach Memorial Day this coming weekend, there can be no greater tribute that we pay to our veterans than ensuring that they receive the benefits that they need and deserve.

H.R. 67 would allow the VA to partner with State and local governments to reach out to veterans and their families, to ensure that they receive the benefits for which they are eligible, and assisting them in completing their benefits claims. The Veterans Outreach Improvement Act would require the Secretary of the VA to establish and annually review a plan to coordinate outreach activities within the Department so that local veterans service officers can better serve our veterans.

Unfortunately, many veterans, their spouses, or, in some cases, their surviving spouses, are unaware of the benefits to which they are entitled through the VA. In fact, according to a Knight-Ridder report, as many as 2 million poor veterans or their widows may not be receiving up to $22 billion annually in pensions to which they are entitled. Other estimates suggest that only 30 percent of our veterans receive the benefits for which they are eligible.

Under this bill, the Secretary of the VA would establish a grant program to fund outreach at the State and local levels with accompanying performance measures to ensure that the Federal funds are effectively promoting outreach. This bill would authorize $25 million annually in fiscal years 2008, 2009, and 2010 to fund this grant program. That is $1 for each veteran in America, just $1 to make sure that we are reaching out to these brave men and women who fought for our country to know about the benefits they have earned and have assistance in applying for them. It would be $25 million well spent, well directed. It's the least that we can do for those who have put their lives on the line for our country to make sure they know, understand and, in fact, receive the benefits for which they are eligible.

By providing these vital resources to veterans service offices at the State and Federal level, we will indeed get more bang for our buck to locate veterans and assist them in receiving the benefits they deserve.

This legislation is supported by the American Legion, Veterans of Foreign Wars, Paralyzed Veterans of America, Iraq and Afghanistan Veterans of America, the Military Officers Association of America, the National Association of Veterans' Advocates and the National Association of County Veterans Service Officers.

My special thanks to Ms. Ann Knowles of Sampson County, North Carolina, who has worked with us on this important bill in her role as national president of the County Veterans Service Officers.

As Memorial Day approaches, it's important that we demonstrate to this Nation's veterans our commitment to provide them the benefits that they need and deserve. By passing the Veterans Outreach Improvement Act, we will do just that.

Mr. BUYER. Mr. Speaker, I yield to myself such time as I may consume.

I would ask the Chair how much time I have.

The SPEAKER pro tempore. The gentleman from Indiana has 18 minutes remaining.

Mr. BUYER. Mr. Speaker, I want to thank the gentleman for bringing this bill to the Veterans' Affairs Committee and for his interest in outreach.

In the bill previous to this one, I brought up an issue with regard to how we give proper recognition to a Medal of Honor recipient, Gerry Murphy of New Mexico. Gerry Murphy, in his tenure at the Department of Veterans Affairs, even after he retired, was a champion of veterans outreach. Like many of my comrades, when they come back from war, they have seen a lot of things, far worse than what I have ever seen. They call themselves generally, Mr. MCINTYRE, the lucky ones, because one of their friends or buddies is in worse shape than what they are; they dedicate their lives to them.

That's exactly what Gerry Murphy did in his tenure, not only serving the Department of Veterans Affairs, but, in addition, he was the director of the Veterans Services Division of the Albuquerque, New Mexico, regional VA office from 1974 to 1997. This individual, dedicated his life and received not only the Medal of Honor, he also received the Silver Star.

What I would like to do, so America can reach out and touch and understand the type of individual who would dedicate his life to the service of his comrades, and he would push them in a wheelchair, take them to an appointment in that hospital. The individual he was pushing, they had no idea that they were being pushed by a Medal of Honor recipient.

This individual, Raymond G. Murphy, was a second lieutenant in the United States Marines Reserve, Company A, 1st Battalion, 5th Marines, 1st Marine Division, and 3 February of 1953 was an important date, because on that date, for his conspicuous gallantry, and the risk of his life above and beyond the call of duty as a platoon commander of Company A, and actions against an enemy aggressor force, he rose up and distinguished himself.

The citation that he received when he was given the Congressional Medal of Honor stated that although painfully wounded by fragments of an enemy mortar shell while leading his evacuation platoon in support of assault units attacking a cleverly concealed and well-entrenched hostile force occupying commanding ground, Second Lieutenant Murphy steadfastly refused medical aid and continued to lead his men up a hill through a withering barrage of hostile mortar and small-arms fire, skillfully maneuvering his force from one position to the next and shouting words of encouragement.

Undeterred by increasing intense enemy fire, he immediately located casualties as they fell and made several trips up and down the fire-swept hill to direct evacuation teams for the wounded, personally carrying many of the stricken marines to safety.

When reinforcements were needed by the assaulting elements, Second Lieutenant Murphy employed part of his unit as support, and, during the ensuing battle, he killed two of the enemy with his pistol.

With all the wounded evacuated and the assaulting units beginning to disengage, he remained behind with a carbine to cover the movement of the friendly forces off the hill, and, through the suffering of intense pain from his previous wounds, seized an automatic rifle to provide more firepower when the enemy reappeared in the trenches.

After reaching the base of the hill, he organized a search party again to ascend the slope for a final check on missing marines. Locating and carrying the bodies of a marine gun crew back down the hill, he was wounded a second time while conducting the entire force to the line of departure through a continuing barrage of enemy small arms, artillery, mortar fire.

He also, once again, refused medical assistance until assured that every one of his men, including all casualties, had preceded him to the main line. His resolute, inspiring leadership, exceptional fortitude and great personal valor reflect the highest credit upon Second Lieutenant Raymond Murphy, and he enhanced the finest traditions of the United States Naval Service.

This was the citation he received, was given to him when he received the Medal of Honor. This is the same individual whereby the three members of the New Mexico delegation, led by HEATHER WILSON, have brought a bill, H.R. 474, to the floor about the VA Medical Center in Albuquerque, New Mexico, where he worked. As a matter of fact, he was always the humble servant. Even after his retirement, as I said, he became a volunteer.

This brave marine, who earned the Medal of Honor, chose to be buried wearing his VA hospital volunteer smock. This is the type of individual of whom, at a moment like this, as we go into Memorial Day, we think of these individuals, not only what they have done, not only at the moment of calling, it was most difficult during war, but then how did they dedicate their life.

Memorial Day, yes, it's that day, but it's also a day whereby, not those who just died in service to country, but what do they do later on with their life, and we think of them. Here is a gentleman, Mr. McINTYRE. I know exactly this is the type of person you are thinking about, who dedicated themselves to outreach.

So I ask you to talk to the chairman, because he is the sole impediment as to why the House and the Senate do not honor this gentleman.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 67, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I urge all my colleagues to unanimously support this bill.

Mr. ENGEL. Mr. Speaker, I rise today in support of six excellent pieces of legislation that would benefit our Nation's veterans.

Unfortunately, due to a family medical emergency, I am unable to be present and vote for these bills today. However, had I been here to vote, each of the six bills would have had my full support.

As we approach Memorial Day, it is important to honor our Nation's servicemen and servicewomen. We would not be a free Nation without the sacrifices that each and every one has made. These six important pieces of legislation are an excellent way to repay some of the debt that we owe all of our soldiers, sailors, airmen, marines and merchant marines.

I support each of these bills, and I urge all of my colleagues to honor our veterans by supporting these bills as well.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 67, the Veterans Outreach Improvement Act of 2007. This bill directs the Secretary of Veterans Affairs to establish, maintain, and modify as necessary procedures for ensuring the effective coordination of outreach activities of the Department of Veterans Affairs, the Office of the Secretary, the Office of Public Affairs, the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration. The bill would also direct the Secretary of Veterans Affairs to ensure that state, territorial and local outreach assistance is provided in locations that have relatively large concentrations of veterans or are experiencing growth in veteran populations. Additionally, this bill would authorize the Secretary to make grants to state veterans agencies for state and local outreach services. This legislation is supported by the Veterans of Foreign Wars, Paralyzed Veterans of America, Military Officers Association of America, and Iraq and Afghanistan Veterans of America. It represents another step in our effort to fulfill our promises in the GI Bill of Rights for the 21st Century.

It is a important that we act in manner that will help ensure that our government sponsors quality programs and provides quality services to our veterans. It is also important that we act in a manner that will help ensure, to the extent possible, that our veterans are able to take full advantage of the programs and services offered by Department of Veterans Affairs facilities across the country. To achieve these goals we must, among other things, improve the outreach capabilities and capacities of the Department of Veterans Affairs while also improving its coordination with state, territorial and local authorities. This will help greatly in our ongoing efforts to disseminate information regarding veterans programs and services and also help improve the quality of claims for benefits submitted by our veterans.

I remain committed to facilitating communication between federal authorities, veteran service organizations, and veterans on Guam. We have achieved some success in this regard. But more must be done. I am routinely informed by federal officials that the quality of claims received from Guam veterans, in particular, needs to be improved. Efforts to improve and enhance outreach, communication, and information sharing between federal and local officials and veterans embodied in this bill will help the situation on Guam. But I also want to take this opportunity to again urge the veterans service organizations and veterans themselves to be vigorous and proactive in seeking out information and training on veterans programs and benefit claims submissions. Many veterans already are, and in many ways, we are witnesses to veterans helping veterans. Continued information sharing and collaboration among and within the greater veterans community across the country will continue to result in stronger programs and services for them.

This legislation is timely and important. On Guam, indeed across the country, our population of veterans grows each month. We have a moral obligation to serve, in the best way possible, those who have served to protect us and to defend our freedom and liberty. Support for this legislation is one way to help fulfill that obligation. I urge my colleagues to join me in supporting H.R. 67.

Mr. REICHERT. Mr. Speaker, as a former member of the Air Force Reserve, I am pleased to rise in support of this important veterans outreach measure. We must continue to ensure that all of our veterans are aware of and receive the benefits that they have earned and deserve. These grants will help our states connect veterans with the many benefits for which they are eligible but may be unaware are available to them.

But it is not just our states' responsibility to conduct this outreach, and I encourage all of my colleagues in the House to use the privilege of our offices to help veterans obtain needed benefits and services. In March, I held a Veterans' Resource Fair in my district. I brought 45 service providers together under one roof to help more than 350 veterans register for benefits, find jobs, and resolve pressing case work issues. I will hold another in just a few months time. My office stands ready to assist any one of you in conducting a similar event for the veterans in your district.

We must work to support the men and women who made individual sacrifices to preserve our freedom not just on Memorial Day, but on all days. I urge my colleagues to pass this bill, and I hope that we will continue to join together to promote and protect meaningful benefits for our veterans. I yield back.

Mr. HOLT. Mr. Speaker, I'm pleased that as Memorial Day approaches, this Congress is taking concrete action to help our Nation's veterans.

This week we passed several pieces of legislation designed to both make it easier for veterans to get access to health care and to improve the quality of that care for those who are returning home from Iraq or Afghanistan.

Sometimes it's hard for veterans or their family members to be certain as to what benefits they qualify for and how to apply for them. The Veterans Outreach Improvement Act of 2007 (H.R. 67) seeks to address this problem by mandating greater coordination between the federal and state governments on the availability of programs to help veterans. The bill authorizes $75 million between 2007 and 2009 for intensified outreach efforts to veterans and their family members.

Due to geographical constraints, many veterans who return home will not have ready access to a military hospital within an easy driving distance of their homes. To help remedy this, Congress is taking action on the Returning Servicemember VA Healthcare Insurance Act of 2007 (H.R. 612). This bill extends from 2 years to 5 years the period of eligibility for VA health care for veterans of Operations Iraqi Freedom and Enduring Freedom, regardless of whether or not a veteran has an established service-connected condition. As a result, veterans of the wars in Iraq and Afghanistan will have more time to take advantage of VA health care whether or not they're awaiting the processing of a disability claim.

For many veterans of the wars in Iraq and Afghanistan, access to routine medical care will not be enough. A large number of American soldiers have experienced traumatic brain injury (TBI) as a result of being injured by road-side bombs or snipers. Passage of the Traumatic Brain Injury Health Enhancement and Long-Term Support Act of 2007 (H.R. 2199), of which I am a co-sponsor, will help meet the special needs of these veterans.

This bill requires the Department of Veterans Affairs to establish:

A program to screen veterans for traumatic brain injury (TBI);

A comprehensive program for long-term care of post-acute TBI rehabilitation at four geographically dispersed polytrauma networks site and to establish TBI transition offices at these same sites to help better coordinate the delivery of health care and other services to veterans with moderate to severe TBI;

A registry of Iraq and Afghanistan veterans who exhibit TBI symptoms;

Centers for TBI research, education, and clinical activities;

A committee on the care of veterans with TBI;

A pilot program for delivering readjustment counseling and mental health services through mobile vet centers; and

An Advisory Committee on Rural Veterans to help develop recommendations on how best to meet the needs of veterans living in rural areas.

Veterans with TBI will require special forms of rehabilitative care and follow up for the rest of their lives, and this bill will help ensure they get the care and services that they've earned.

Mr. Speaker, as America pauses this Memorial Day to remember those who've gone in harms way for the rest of us, Congress can express its thanks to America's veterans by passing these bills today.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 67, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1660) to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in El Paso County, Colorado, to serve the needs of veterans and their families in the southern Colorado region.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Colorado and local officials in the southern Colorado region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in El Paso County, Colorado, that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) RELATIONSHIP TO CONSTRUCTION AND FIVE YEAR CAPITAL PLAN.—The requirement to establish a national cemetery under subsection (a) shall be added to the current list of priority projects, but should not take priority over existing projects listed on the National Cemetery Administration's construction and five-year capital plan for fiscal year 2008.

(f) SOUTHERN COLORADO REGION DEFINED.—In this Act, the term "southern Colorado region" means the geographic region consisting of the following Colorado counties:

(1) El Paso.
(2) Pueblo.
(3) Teller.
(4) Fremont.
(5) Las Animas.
(6) Huerfano.
(7) Custer.
(8) Costilla.
(9) Alamosa.
(10) Saguache.
(11) Conejos.
(12) Mineral.
(13) Archuleta.
(14) Hinsdale.
(15) Gunnison.
(16) Pitkin.
(17) La Plata.
(18) Montezuma.
(19) San Juan.
(20) Ouray.
(21) San Miguel.
(22) Dolores.
(23) Montrose.
(24) Delta.
(25) Mesa.
(26) Crowley.
(27) Kiowa.
(28) Bent.
(29) Baca.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to bring to the floor a bipartisan bill authored by Congressman SALAZAR of Colorado with Congressman LAMBORN of Colorado. It establishes a veterans cemetery in El Paso County, Colorado.

Southern Colorado, which includes El Paso, Colorado, and the city of Colorado Springs, has the second highest concentration of veterans living in the United States. Currently those veterans and their families who wish either to visit a veterans cemetery or have their loved ones interred must travel into the Denver metropolitan area to Fort Logan National Cemetery.

Not only is this an undue burden, but the Fort Logan cemetery is running out of room. To alleviate this problem, H.R. 1660 directs the Secretary of Veterans Affairs to establish a national cemetery for veterans in El Paso County, Colorado. This was a fitting tribute to those Americans who have served our Nation with honor. The veterans national cemeteries of the United States demonstrate the desire of a grateful Nation to appropriately commemorate those who have served in the Armed Forces.

Since 1862, close to 3 million burials have been made in the VA national cemeteries. The National Cemetery Administration of the Department of Veterans Affairs manages 125 of these cemeteries nationwide for our veterans. Of these, 58 of them are no longer accepting interments. Thus, the need to build new cemeteries is quite urgent.

As we lose more and more of our greatest generation of veterans and face the increasing prospects of additional fatalities of Iraq, this country, at the very least, needs to ensure that veterans are provided a dignified, accessible and well-maintained final resting spot. This bill would go a long way in making that happen.

It is supported by the Military Order of the Purple Heart, American Legion, Veterans of Foreign Wars, Disabled American Veterans and Paralyzed Veterans of America.

I was proud to see the bipartisan approach taken by two members of our committee, Mr. SALAZAR and Mr. LAMBORN, to make sure that this bill got through the committee. They both worked cooperatively and tirelessly to get this bill to the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I rise in support of H.R. 1660, and I yield myself such time as I may consume.

I strongly support this bill. I would like to thank both Ranking Member BUYER and Chairman FILNER for their work on this bill. I would also like to thank Mr. HALL, chairman of the DAMA subcommittee, and Mr. SALAZAR for their leadership on H.R. 1660 as well.

This bill would authorize the Secretary to build a national cemetery to serve the needs of the veterans and families in southern Colorado. As amended by my own amendment, this bill would place the national cemetery in El Paso County, Colorado. El Paso County is the largest county in Colorado and is home to approximately 100,000 veterans. Southern Colorado is home to more than 150,000 veterans, and that population is expanding rapidly.

With the establishment of this new national cemetery, families will have a much shorter and easier commute to visit the final resting place of their loved ones since they will no longer need to travel to Fort Logan National Cemetery in Denver.

I understand that this cemetery is not included in the Department of Veterans Affairs 5-year plan, and I look forward to working with our committee's distinguished ranking member, chairman and other members of the committee to ensure that we serve the needs of all veterans and their families as we develop these national shrines.

Mr. Speaker, I reserve the balance of my time.

□ 1515

Mr. FILNER. Mr. Speaker, I yield to the coauthor of the bill, Mr. SALAZAR of Colorado, as much time as he may consume.

Mr. SALAZAR. Mr. Speaker, I thank the gentleman for yielding. I thank the chairman of the Veterans' Affairs Committee for his strong support of veterans, not only now, but during his tenure in the U.S. Congress.

Mr. Speaker, I am proud to bring forward this legislation directing the Secretary of Veterans Affairs to establish a national cemetery for veterans and their families in the Southern Colorado region. I would like to thank Mr. LAMBORN from Colorado who, together, we have worked in a bipartisan effort and the bipartisan spirit of the Veterans' Affairs Committee trying to make sure that the issue is resolved.

As you know, Fort Logan is the only cemetery that we have in Colorado that will accept veterans, and it is due to be filled. It is strange to say, but it has got a life expectancy of 10 years. I think it is important that we begin working on this issue right now. I would like to especially thank Chairman FILNER for allowing us to bring this forward.

The National Cemeteries of the United States offer testimony to the desire of a grateful Nation to commemorate the Americans who have served our Nation in the Armed Forces.

Since 1862, more than 3 million burials have been made in VA national cemeteries. Of the 120 cemeteries, 58 of them are no longer accepting burials, and many are out of reach and geographically inconvenient for our veterans and their families. Southern Colorado, including El Paso County and the city of Colorado Springs, has one of the highest concentrations of veterans living in the United States. For that reason, Mr. Speaker, Congressman LAMBORN and myself worked together in this bipartisan spirit to try to make sure that for the veterans coming back from this war, for the veterans that have served in Colorado, and for veterans that want to be buried in Colorado in 10 years, that there will be adequate space for them to be buried in Colorado. Currently, those veterans, their aging widows, and their families must sometimes travel hours into the highly congested area of Denver to Fort Logan National Cemetery, which is quickly running out of room.

The Colorado congressional delegation has worked in a bipartisan manner to create legislation that will benefit all veterans of this great State, and I would like to thank my good friends, Mr. UDALL and Mr. PERLMUTTER of Colorado, for taking time to speak on this important bill. I think a national cemetery in Southern Colorado will serve as a fitting tribute and a final resting place to those who have served our Nation with honor.

I certainly urge a "yes" vote on H.R. 1660. But before I yield back, I want to remind the ranking member of the Veterans' Affairs Committee that on his question on Jerry Murphy, Jerry Murphy died on Good Friday. Jerry Murphy was born in Pueblo, Colorado. He attended college at Adams State College in Durango and Western State College, and it was a week after we came back that we gave a fitting tribute to Jerry Murphy on this House floor.

So he is remembered, Mr. Ranking Member, and I believe that the process takes a little bit of time before we can get things moving on the floor, but certainly he is not forgotten.

Mr. LAMBORN. Mr. Speaker, I want to thank the gentleman from Colorado for his good work, for his words just now, and I wholeheartedly support him and his work on this bill. We have worked together in a bipartisan spirit, and I thank him for that.

Mr. Speaker, I yield to the ranking member from Indiana (Mr. BUYER) such time as he may consume.

Mr. BUYER. Mr. Speaker, this bill would authorize the VA Secretary to build a national cemetery in Southern Colorado.

Providing our veterans with a place of honor of repose is one of the most sacred missions of the veterans committee, and we have accorded this mission our support over the years.

The National Cemetery Administration's record of satisfaction among the families and its beneficiaries is the envy of the Federal Government, a reflection of the sound administration, the strong congressional support, free of political influence. Yet I have some concerns about the bill.

The Department of Veterans Affairs has a well-established and proven method that uses distance and demographics to select cemetery sites. Congress has long deferred to that process, which is essentially free from this institution's political pressures. Since 1999, Congress has authorized 12 new national cemeteries, all of which went through this process. In the absence of political pressures, the Nation has benefited with a rational distribution of cemeteries that serve veterans their families, and the Nation very well.

This region of Colorado is not on any of the VA's strategic plans for new cemeteries in the next 20 years, nor was it identified by an independent 2002 Logistics Management Institute study that listed the areas with the greatest need for a national cemetery all the way to the year 2030.

Nonetheless, we have before us a bill to develop a cemetery in Southern Colorado, which has not been identified as a priority in any of these studies. Therefore, I ask the chairman of the House Veterans' Affairs Committee if you have now, since having brought this bill to the floor, developed criteria with regard to the development of VA national cemeteries whereby Members will know what to follow when they file bills before your committee? I yield to the gentleman.

Mr. FILNER. Mr. Speaker, we have criteria, as the gentleman stated, in the VA; and, if the need requires, we will establish the criteria for Members' requests.

Mr. BUYER. Reclaiming my time. I would like to work with the chairman, because I believe in that answer we do not have the criteria at this moment, and I think all the Members in this body need to know what the criteria would be with regard to placing a VA national cemetery. We have given such deference to the executive branch. And I know that both gentlemen from Colorado brought up the issue to us about rural areas in the country and felt that, given the way that these studies were structured, that this VA cemetery could never be built. So given that deference, the chairman was very responsive to you.

We took up an amendment by Mr. STEARNS, which both of the gentlemen from Colorado had agreed to, whereby we did not want this to displace any of the other present cemeteries in the present priority.

I respect the gentleman, and I want to work with the chairman on coming up with criteria.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I yield to another gentleman from Colorado (Mr. PERLMUTTER) such time as he may consume.

Mr. PERLMUTTER. Mr. Speaker, I thank the gentleman, and I thank my colleagues from Colorado, Mr. SALAZAR and Mr. LAMBORN, for bringing this legislation to the floor.

As we approach Memorial Day, let us remember those who have fallen fighting for our country. And this is one way to recognize our service men's and women's sacrifices, by establishing a new VA cemetery in El Paso County. Although I don't represent that area, it is south of where I live, this is an area of our State that needs a cemetery of this kind.

Memorial Day is usually marked by parades, speeches, and the decoration of graves; but for the people of Southern Colorado, this means traveling up to Fort Logan which is in the Denver area. With the passage of this bill, the 150,000 veterans residing in Southern Colorado will have their own VA cemetery to honor and decorate.

I urge my colleagues to vote "yes" on this bill.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this legislation to establish a national cemetery for veterans in southern Colorado, and I congratulate my colleague JOHN SALAZAR for his work on this bill.

I also want to recognize the work of my former colleague Joel Hefley and my current colleague DOUG LAMBORN on this issue. Establishing a national veterans cemetery in southern Colorado has been and continues to be a goal shared by the entire Colorado delegation.

For over 8 years, it has also been a goal of the Pikes Peak Veterans Cemetery Committee. And it has been a goal of the Department of Colorado Veterans of Foreign Wars, the Colorado chapters of the American Legion, the Paralyzed Veterans of America, the Veterans of Foreign Wars, and the Association for Service Disabled Veterans. So many people have worked tirelessly to build support for this cemetery, and I hope they are pleased today that we are now one step closer to making it a reality.

This is a particularly timely bill to consider today, as we approach another Memorial Day and as we continue to send our troops to Iraq and Afghanistan. We remember the sacrifices that our veterans have made and the sacrifices that our men and women in uniform continue to make today to protect our freedom.

And at a time when our country is divided over the war in Iraq, it's even more important that we honor the service of those who have given their lives for this country and of the many veterans still among us.

Of course, it isn't enough just to remember—we must provide our troops and veterans with the care and support they have been promised. And we must provide them with a resting place within or as close as possible to their own communities.

With a growing military retiree and veterans population in southern Colorado and particularly El Paso County—and with Denver's Fort Logan cemetery rapidly filling up its burial spaces—it makes sense to provide for the future even as we ensure that southern Colorado's veterans receive the recognition they deserve.

A National Veterans Cemetery in El Paso County will also serve as an important symbol for those in the military community who have given so much to their country. Mr. Speaker, this is an important piece of legislation, and I urge its passage.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1660, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I urge my colleagues to support this bill, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1660, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RETURNING SERVICEMEMBER VA HEALTHCARE INSURANCE ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 612) to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Returning Servicemember VA Healthcare Insurance Act of 2007".

SEC. 2. EXTENSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR COMBAT SERVICE IN THE PERSIAN GULF WAR OR FUTURE HOSTILITIES.

Subparagraph (C) of section 1710(e)(3) of title 38, United States Code, is amended to read as follows:

"(C) in the case of care for a veteran described in paragraph (1)(D) who—

"(i) is discharged or released from the active military, naval, or air service after the date that is five years before the date of the enactment of the Returning Servicemember VA Healthcare Insurance Act of 2007, after a period of five years beginning on the date of such discharge or release; or

"(ii) is so discharged or released more than five years before the date of the enactment of the Returning Servicemember VA Healthcare Insurance Act of 2007 and who did not enroll in the patient enrollment system under section 1705 of this title before such date, after a period of three years beginning on the date of the enactment of such Act; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, not all of the returning veterans from the OEF/OIF suffer from obvious wounds. Those who suffer from an external injury are readily identified and receive immediate care for that injury. However, many of our returning veterans, and on this I include, Mr. Speaker, Guard and Reserve units who have been ordered to combat, are coming back with injuries that are not external. They are hidden wounds of the war, such as post-traumatic stress disorder, PTSD, forms of brain injury, which may not be evident without further diagnosis, which may not be evident to the soldier or to the doctor looking at him.

Unlike the physical wounds, mental wounds are not easily identified and may go undetected. PTSD is a mental health condition that is triggered by a traumatic event which causes an intense fear and/or helplessness. Some of the symptoms for this condition include reexperiencing the trauma through nightmares, obsessive thoughts, flashbacks. We know that this condition may not reveal itself for many months or maybe for years after experiencing the event.

We listened to veterans, veteran service organizations, family members, and we heard them say that their returning veterans needed more time to access the VA health care system when they came home from war.

Conditions like PTSD and traumatic brain injury are the driving force behind this bill, the Returning Servicemember VA Healthcare Insurance Act of 2007. It extends from 2 years to 5 years following discharge or release the eligibility period for veterans. And, as I said, we include Guard and Reserve units all those who served in combat during or after the Persian Gulf War are eligible to receive hospital care, medical services, or nursing home care provided by the Secretary of Veterans Affairs. It provides for an additional 3 years of eligibility for veterans discharged more than 5 years before the enactment of this act who may not have enrolled in the VA health care system.

This system is recognized throughout the country, and indeed the world, as providing safe quality health care to our veterans. Two years was simply not enough time for returning OEF/OIF veterans to utilize this very important benefit. We are fixing that with this piece of legislation. It is a bill that will have a profound effect most immediately on our veterans returning from war. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the ranking member and certainly the chairman of the Veterans Committee.

I rise today in support of H.R. 612, the Returning Servicemember VA Health Care Insurance Act. This measure provides much needed expansion to the availability of VA health care to certain American soldiers returning from combat. Currently these individuals only have 2 years in which they can access medical services at the VA. Unfortunately, conditions associated with service in a combat theater can sometimes take longer to manifest themselves. In response, the measure provides a 5-year window of health care for our veterans.

I urge my colleagues to support this important legislation. Many of the young men and women in our Armed Forces have been away from their loved ones for very long periods of time. During this time, they have endured harsh conditions and tremendous physical and mental strains. The very least that Congress can do is to give these brave individuals 3 additional years of health care. I think it is the right thing to do, and I know that both the ranking member as well as the chairman fully support this effort to extend the health care for the additional time. I think it is a good public policy.

□ 1530

Mr. FILNER. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I'd like to thank the chairman for amending this legislation to address my concern that, as originally drafted, the bill did not provide equity for those veterans whose eligibility period would have expired prior to the enactment of this bill.

At my request, the bill was amended to make sure that those veterans whose eligibility period had ended prior to the enactment and did not enroll in the VA health care would be eligible for an additional 3 years of VA health care services. All veterans who served in combat should receive the same level of care, and I appreciate the chairman for adopting and agreeing to this amendment.

In 1993, Congress enacted Public Law 103-210 to amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War.

The special health care authority allowed VA to treat those veterans who served in combat operations in the Persian Gulf for possible war-related illnesses, even though there was not definitive evidence that the disorders treated were related to wartime service.

Subsequent congressional hearings on Persian Gulf veterans health care highlighted the importance of early intervention in treating the kind of unexplained health problems experienced by many Persian Gulf war veterans.

In 1998, with the potential of renewed combat in the Persian Gulf, Public Law 105-368, the Veterans Programs Enhancement Act of 1998, was enacted. This law authorizes the VA to provide medical care and other medical services to combat veterans for a period of 2 years following the service separation date for veterans who served on active duty in theater of combat operations during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities after November 11 of 1998. Members of the National Guard and Reserves may be eligible for this care if they meet certain requirements which essentially satisfy the definition of a "veteran."

The experience of the 1990s taught us the importance of both increasing understanding of war-related illnesses generally, and ensuring that the VA is better prepared to treat veterans of future wars and military combat.

I would also, at this moment, like to thank my colleague, Mr. SALAZAR of Colorado, who shared with me his statement that he gave honoring the life of a great American, Raymond Gerald Murphy. And I had an opportunity to read his statement that he read into the CONGRESSIONAL RECORD, and I appreciate him honoring such an American. My only regret is that I never had an opportunity to meet someone like this. And I'm sure that he touched the lives of many, many people.

And so I suppose where we are, Mr. Speaker, is that with regard to how we recognize this Medal of Honor recipient by naming the hospital after him, the Veterans' Affairs Committee has specific criteria that we are to go by. And when you look at the specific criteria, we satisfy all the criteria. He's a Medal of Honor recipient. He has letters of support from all the veterans groups in the State of New Mexico, all of the recognized organizations, I have their letters here, Mr. Speaker, I'll be more than happy to get them to you, along with the support of the Governor, all the Members of Congress, and we should be able to get this done. There's no reason why we shouldn't.

So here we have a situation whereby the committee has specific criteria for the naming of a VA hospital. This Medal of Honor recipient clearly applies. It passed the Senate. Yet we don't have criteria, as the chairman just spoke on the last bill, with regard to the naming of a cemetery. Yet we did it just for a political reason. And so now it's difficult for me to figure out how to follow the leadership of the chairman.

We don't have criteria, but we take action on the floor. But where we do have criteria, we don't take action on the floor. So it is a puzzling moment that we have in how we are bringing these veterans bills to the floor.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I want to thank the ranking member for his helpful amendment to this bill. As I said earlier, this is a very important bill to thousands and thousands of returning veterans. They have basically unfettered access to one of the best health care systems in the world without going through a lot of red tape, without going through a lot of paperwork to prove that they are eligible. They will have 5 years.

And it is most important for our Reserve and Guard units, who are not eligible for the benefit structure of the VA system. They are not eligible for most of the benefits of the GI bill. And we are trying to make an effort to bring them in under the VA benefits under what we call "total force structure."

So this bill is important to thousands of people, those that are coming back from the Marines or Army and those that are in the Guard and Reserve units. All of them now will have 5 years where these hidden injuries, brain injury, or post-traumatic stress disorder may become evident, and they may seek help. Now they will be able to do it without any of the bureaucratic entanglements. And I think this will have a remarkable impact on the lives of our Nation's veterans.

And I will tell you, as George Washington said more than 200 years ago, "The morale of our fighting troops is dependent, most of all, on how they feel they're going to be treated when they come home." When they know they will have 5 years to come to the VA, they will know that a Nation is caring for them and is responsive to their needs.

Mr. HALL of New York. Mr. Speaker, I often say that the opportunity to serve on Veterans' Affairs Committee is one of the greatest privileges I have been given in my short time in Congress. The action on the floor of the House today is another reminder of how it is truly an honor to serve on this Committee. Earlier this afternoon the House passed several pieces of legislation to improve outreach and care to our nation's veterans.

Memorial Day is the day for Americans to officially honor the heroes who have fallen in service to our country, and a day to pray for and remember the brave souls who have given the ultimate sacrifice. We are the beneficiaries of those who serve and who have served to preserve the peace and freedom we enjoy.

As a nation, we honor the bravery of those who have fought and died for our country and recognize the tremendous sacrifices they and their families have made. But to truly honor these heroes it is our duty as a grateful nation to not just spend the day remembering their service, but to provide the promised support and benefits to the soldiers and veterans who served with and followed them. These bills help provide that support.

H.R. 67, the Veterans Outreach Improvement Act, creates a grant program to allow the VA to partner with State and county veteran organizations to reach out to veterans and their families to ensure they are aware of their eligibility for benefits.

This bipartisan bill also increases accountability in spending taxpayer dollars by requiring reports on how the grants in this program have been used to improve outreach. I am proud to be a cosponsor of this bill and am pleased it has passed the House.

H.R. 612 is an extremely important piece of legislation. This bill will extend access to VA Healthcare for Iraq and Afghanistan veterans from two years to five years. This is vital to the health of our veterans returning from Iraq because of the nature of Traumatic Brain Injury and Post Traumatic Stress Disorder.

In some cases, TBI and PTSD symptoms do not emerge until several years after the injury occurred. With the current freeze on Category 8 veteran enrollment in VA healthcare, this means that some OIF/OEF will realize they suffered a brain injury while deployed but be locked out of the system.

They might not have health insurance to cover their treatment, and will not have crucial medical documents that will help them receive disability benefits.

By expanding their eligibility for 3 additional years, Congress is acting to limit the damage done by the President's Category 8 veterans enrollment freeze. I was proud to also cosponsor this legislation.

Another extremely important bill to our Iraq and Afghanistan veterans is H.R. 2199, the Traumatic Brain Injury Health Enhancement and Long Term Support Act.

TBI is the signature injury of the war in Iraq and this bill vastly improves the VA's ability to provide care for brain injury.

This bill requires the VA to establish a program to screen veterans for TBI and establish a program of long term care for acute TBI victims.

Currently, of the nearly 1,300 VA health care facilities in the United States, only 4 have specialized TBI programs. This bill allows the VA to partner with private facilities to provide treatment the VA cannot immediately provide.

It also establishes centers of research and a national database so we can better understand the causes and symptoms of TBI. Hopefully, this will allow us to better treat victims in the future. This bill contains provisions of H.R. 1944, a bill I originally cosponsored.

H.R. 1470 expands chiropractic care to all VA facilities throughout the country by 2011. During a subcommittee hearing on returning Iraq and Afghanistan veterans, several OIF veterans suggested that back injuries will be a long term problem for this generation of veterans. This bill will help the VA better prepare for this new wave of patients.

I am proud that these bills passed the House today and that I could support their passage.

Congress has a responsibility to live up to our promises to our veterans. Today was another down payment on fulfilling these promises.

Through my role on the Veterans Affairs Committee, I pledge to continue to push for legislation that will improve services for our veterans and treat them with the respect they have worked so hard to earn.

Mr. SPACE. Mr. Speaker, I rise today in support of H.R. 612, the Returning Servicemember VA Healthcare Insurance Act.

This bill extends the eligibility period for receipt of VA hospital care, medical services, and nursing home care for veterans who served in combat during—or after—the Persian Gulf War.

Currently, the eligibility period for these VA services is two years. This bill lengthens that two year time frame to five years from a veteran's date of discharge or release from service.

As we learn more and more about what are increasingly being referred to as the signature wounds of Operation Iraqi Freedom and Operation Enduring Freedom—Traumatic Brain Injury and Post Traumatic Stress Disorder—I believe that this extension of VA care is essential to this Congress' mission to provide comprehensive care to our nation's heroes.

Often, a servicemember's battle scars run deeper than what is visible to an outsider. While many bodily injuries sustained are apparent to the naked eye, TBI, PTSD, and other conditions are not easily observed. Diagnosis of these conditions may require lengthy, detailed evaluations by specialists over the course of time. Furthermore, some psychological disorders take months or even years to develop following a servicemember's release from duty. Some chronic physical conditions also take time to peak and subsequently diagnose.

By extending eligibility to VA care to five years, we are helping to ensure that fewer physical and mental wounds go undiagnosed and untreated. We are helping to ensure that the care that veterans seek out and receive is more complete by enabling the VA to address more of servicemembers' health needs. Most importantly, we are offering another way to better care for our nation's wounded warriors who have sacrificed the best years of their lives.

I urge my colleagues to support H.R. 612 because it is an improvement upon the current system.

GENERAL LEAVE

Mr. FILNER. I would ask, Mr. Speaker, unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 612, as amended.

The SPEAKER pro tempore (Mr. PERLMUTTER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I urge my colleagues to unanimously support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 612, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the Chair's prior announcement, further proceedings on this question will be postponed.

CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY REVISION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 429 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for further consideration of the bill, H.R. 1100.

☐ 1539

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 1100) to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes, with Mr. ROSS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 3 printed in House Report 110–165 by the gentleman from Nevada (Mr. HELLER) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. BISHOP of Utah.

Amendment No. 3 by Mr. HELLER of Nevada.

The Chair will reduce to 5 minutes the time for the second vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF UTAH

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 243, not voting 9, as follows:

[Roll No. 406]

AYES—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—243

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—9

Blunt
Bordallo
Davis, Jo Ann
DeGette
Hulshof
Hunter
Jones (OH)
McMorris Rodgers
Shays

☐ 1603

Messrs. LEWIS of Georgia, DAVIS of Alabama, MARSHALL and TIERNEY changed their vote from "aye" to "no."

Mr. KUHL of New York changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. TURNER. Mr. Chairman, on rollcall No. 406, the Bishop of Utah amendment to H.R. 1100, amendment No. 1, I was mistakenly recorded as "no," intending to vote "aye."

AMENDMENT NO. 3 OFFERED BY MR. HELLER OF NEVADA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Mr. HELLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 243, not voting 11, as follows:

[Roll No. 407]

AYES—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—243

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney

Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Blunt
Bordallo
Davis, Jo Ann
DeGette
Hall (NY)
Higgins
Hulshof
Hunter
Jones (OH)
McMorris Rodgers
Shays

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

☐ 1611

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HALL of New York. Mr. Chairman, on rollcall No. 407, the Heller of Nevada amendment, had I been present, I would have voted "no."

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1100) to revise the boundary of the Carl Sandburg Home Historic Site in the State of North Carolina, and for other purposes, pursuant to House Resolution 429, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PEARCE. In its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Pearce moves to recommit the bill H.R. 1100 to the Committee on Natural Resources with instructions to report the same back to the House promptly with an amendment to prohibit the Secretary of the Interior from using eminent domain to acquire land, water, or interests in land or water under section 3 of the bill.

The SPEAKER pro tempore. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, we are moving to recommit this bill in order to provide an amendment that would prohibit the Secretary of Interior from using eminent domain to acquire land, water, or interest in land or water under section 3 of the bill.

Now, most of you, like me, received probably the hardest phone calls from both Democrats and Republicans alike when our Supreme Court made the Kelo decision which said that local entities could, in fact, use eminent domain to acquire property from private individuals.

☐ 1615

This motion to recommit is extremely simple. We do not want the Park Service to use eminent domain to take over property.

I sat as the chairman of the National Park Subcommittee in the Resources Committee for all of the last year and part of the year before that, and I will tell you that the most disturbing things that happened in committee were that we heard testimony from people around the Appalachian Trail where the willing seller that is referenced in the bill, the underlying bill today, the willing seller legislation was in fact used to threaten, to intimidate, to cause people to become "willing sellers" against their will.

Right now, I am working on the Continental Divide Trail, which goes north to south from the Mexico border to the Canadian border. Since 1978, it did not have one mile that had actually come from private landowners in New Mexico.

I believe in the park system and I believe in the trail system of the United States Government, but I do not believe that the government should or could be able to intimidate, to harass, to cause people to become willing sellers. And that is my fear in this legislation, that it does not go far enough and is not explicit enough.

I have expressly worked to get all of the landowners through the Second District of New Mexico, including 22 miles on the Acoma Indian Reservation, where they did not want any Federal presence, no people coming across their land, and now they are excited about the prospect.

So I support the concept of preservation, and I support the concept of our national parks, but I will fight to the last breath to protect the private property rights of the people in this country, because it is a constitutional right. The right to private property is the basis of our economic and, therefore, all other freedoms.

So, Mr. Speaker, we simply say that in this bill "the willing seller" is not hard enough; that we want assurance that eminent domain will not be used to acquire land, water, or interests in land or water under section 3 of the bill.

Mr. GRIJALVA. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Speaker, first of all, this legislation, H.R. 1100, went through full committee hearing, it went through subcommittee hearing, was referred to this floor by voice vote, and this whole discussion we have had on the bill today and the debate was under an open rule. So I fail to understand why we need a motion to recommit. I believe it is a red herring. It is a non-issue.

I remind Members that in the legislation itself under section 3, acquisition authority, let me quote: "The Secretary may acquire from willing sellers," willing sellers, "by donation, purchase with donated or appropriated funds, or exchange of land."

Willing sellers. The concept of willing seller means that you cannot use eminent domain. I think the legislation before us is good legislation. The motivation for its defeat is something that we have not been able to get to the root of that reason. But the legislation has merited support from the full committee, the subcommittee, and through the discussions today.

I would continue to urge that we defeat the motion to recommit and pass the underlying legislation.

Mr. Speaker, I yield 1 minute to my colleague, the author of the legislation, the gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. Mr. Speaker, I just would like to say that in 1968, Stewart Udall, Secretary of the Interior from 1961 to 1968, put forth this great historic site in Flat Rock, North Carolina. We continue to see a tremendous amount of bipartisan support in my community, an all-Republican county commission, might I add, along with both Republican Senators, ELIZABETH DOLE and RICHARD BURR, both with overwhelming support, with companion legislation in the Senate.

We continue to find that we are playing politics here with the will of the people of my community. They have asked for this. The administration put forth in 2003 their management plan for this to adapt all 115 acres.

It is a very good bill. I oppose this motion to recommit, and I ask all my colleagues to vote "yes" on final passage.

Mr. GRIJALVA. Mr. Speaker, this motion is an attempt to kill the legislation. The use of the word "promptly" in the motion to recommit effectively kills the bill. The issue of this motion to recommit is redundant, not necessary, and I would urge its defeat and urge passage of the legislation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PEARCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 192, noes 228, not voting 12, as follows:

[Roll No. 408]

AYES—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Berkley
Davis, Jo Ann
DeGette
Gillmor
Hulshof
Hunter
Jones (OH)
McMorris Rodgers
Oberstar
Sestak
Shays
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1638

Mr. KINGSTON changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SESTAK. Mr. Speaker, on rollcall No. 408, had I been present, I would have voted "no."

Ms. BERKLEY. Mr. Speaker, on rollcall No. 408, I was unavoidably detained in a meeting of the Ways and Means Trade Subcommittee with the Chinese trade delegation. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHULER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 150, not voting 14, as follows:

[Roll No. 409]

AYES—268

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—150

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—14

Cannon
Cooper
Davis, Jo Ann
DeGette
Dreier
Hulshof
Hunter
Jones (OH)
Kaptur
McGovern
McMorris Rodgers
Murphy (CT)
Oberstar
Shays

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1646

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. DREIER. Mr. Speaker, on rollcall No. 409 I was unavoidably detained during a hearing of the Committee on Rules. Had I been present, I would have voted "no."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2060

Mr. INSLEE. Mr. Speaker, I ask unanimous consent to remove from H.R. 2060 the name of NATHAN DEAL as a cosponsor. His name was inadvertently added as a cosponsor to the bill I had sponsored.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

CHIROPRACTIC CARE AVAILABLE TO ALL VETERANS ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1470) to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chiropractic Care Available to All Veterans Act".

SEC. 2. PROGRAM FOR PROVISION OF CHIROPRACTIC CARE AND SERVICES TO VETERANS.

Section 204(c) of the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 (38 U.S.C. 1710 note) is amended—

(1) by inserting "(1)" before "The program"; and

(2) by adding at the end the following new paragraph:

"(2) The program shall be carried out at not fewer than 75 medical centers by not later than December 31, 2009, and at all medical centers by not later than December 31, 2011.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

We are continuing with a packet of seven bills from the Veterans' Affairs Committee that is really a thank-you in prelude to Memorial Day, a thank-you to our Nation's veterans. Memorial Day is a tribute to those who gave the ultimate sacrifice.

What we are saying is we're honoring them and all our veterans who are living with us in the United States. And as I said earlier, no matter where we are on the current debate on the war in Iraq, we are united in saying that every young woman, every young man who returns from that battle gets all the care, the attention, the love, the honor, the dignity that a grateful Nation can bestow. And that's what we are saying in these bills today.

We have already passed a bill which extends from 2 years to 5 years the ability of any returning servicemember in combat to access the VA health care system. Two years was not sufficient for those who might have brain injuries, who might have PTSD, posttraumatic stress disorder. These are, in many cases, hidden diseases. You don't know that you have it. A doctor may not diagnose it at first, and so as time goes by, you may feel the need to access the VA health care system. So we have extended that from 2 years to 5 years.

In addition, we have passed a new outreach program to meet especially the needs of rural veterans, and we will continue this package in the hour ahead.

Veterans returning home from the wars in Iraq and Afghanistan should be able to depend on medical services that they want being available in the system of health care that was built to take care of them and their unique needs.

For those returning veterans seeking care in a VA health care system, we know that the most common health problems are under the category of musculoskeletal ailments, principally joint and back disorders. We hear a lot about brain injury and PTSD, and those we have to give a lot of resources to, but 42 percent of veterans coming to the health care system have been presented to the VA with the needs of joint and back disorders.

This bill, the Chiropractic Care Available to All Veterans Act, requires that chiropractic services be made available in not fewer than 75 VA medical centers by the end of December 2009 and all the health care centers by the end of 2011.

Undoubtedly the returning servicemembers will be able to benefit from this care. I speak from experience as I have had chiropractic care a good part of my life. I am confident that with expansion of these services within VA, many veterans will be able to find relief from their pain.

Since the creation of the VA health care system, the Nation's doctors of chiropractic have been kept outside and all but prevented from providing proven, cost-effective and needed care to veterans. So we are grateful that access is becoming wider and wider.

The support for VA chiropractic service is bipartisan. Former Secretary of Veterans Affairs Anthony Principi released a policy directive before his departure several years ago regarding the true and full integration of chiropractic care in the VA.

Secretary Nicholson and I have developed a solid working relationship, and chiropractic care is an area where we will be working closely together. Both Republican and Democratic Members have supported the inclusion of chiropractic care in the VA.

I have worked very closely with chiropractic patients, particularly our veterans, as well as with various associations dedicated to the profession such as the American Chiropractic Association.

Veterans are returning home from combat expecting to receive needed services. Let us not disappoint them. Expansion of chiropractic services is the right thing to do, and it is the least we can do for our returning heroes.

I urge support of H.R. 1470.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, there are thousands of veterans across this country who could benefit from additional medical care and treatment, and chiropractic care is one form of that care and treatment that we believe can be expanded to meet the health care needs of our Nation's veterans.

It's an honor for me to be here today, just a few days in advance of Memorial Day, in support of legislation that I believe will benefit those veterans.

Mr. Speaker, in the year 2002, I joined my colleagues in an effort to see that chiropractic care became a significant component of the VA health care delivery system, and we have made progress in that regard. And that program has been implemented, but as the chairman indicated, as the gentleman from California indicated, it's only available in a small number of hospitals across the country.

This legislation takes what was a very good idea in 2002 and 2003 and expands it to make certain that, over time, all veterans in this country can access chiropractic care.

A recent VA study indicates that the demand for attention to back pain is only increasing, and we know that chiropractic care can address those issues. Numerous studies have demonstrated that chiropractic care is an effective therapy and would be an effective approach to low back pain, spasms, and other maladies suffered by not only all Americans but by our veterans in particular.

And so, Mr. Speaker, this is a piece of legislation that I think will benefit all veterans across the country, widely supported by those veterans service organizations who speak here in our Nation's Capitol on behalf of veterans. The Disabled American Veterans, the Veterans of Foreign Wars, the Vietnam Veterans of America, AMVETS, and the Paralyzed Veterans of America all speak in favor of passage H.R. 1470.

Mr. Speaker, I come from a congressional district in which access to health care is a huge issue for all of my citizens. Long distances to travel, attraction of health care providers to rural communities is a challenging task and the more we can expand the number of providers, the type of care that can be provided, the more likely it is that veterans who live in my district and rural America will have access to that care.

So, Mr. Speaker, I'm here on behalf of the veterans of America. I'm here on behalf of members of the Veterans' Affairs Committee to urge my colleagues to approve H.R. 1470, the Chiropractic Care Available to All Veterans Act.

I thank the gentleman from California for his encouragement of the passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. Mr. Speaker, I thank the gentleman for yielding, and I do rise in strong support today of H.R. 1470.

I want to thank Chairman FILNER for introducing this important bill and for his efforts to advance it through committee. I also would like to thank Ranking Member BUYER and Health Subcommittee Chairman MICHAUD for their work and support in moving the bill through each step in the committee process.

Chiropractic care has been shown to be a valuable and cost-effective health care approach, which benefits millions of Americans. Passage of this bill is an important step in our efforts to broaden veterans access and options for health care services.

Currently the VA is only required to provide chiropractic services on a limited basis to veterans in each geographic service area. For veterans in rural parts of the country, as Mr. MORAN was explaining, whether it's in Kansas or my home State of South Dakota, limited access to chiropractic care has forced many veterans to either drive several hours to a VA medical center that offers chiropractic services, or to not receive the chiropractic care that they need.

So it's important that veterans be granted the same health care options as the rest of the American population, including the availability of chiropractic services.

I look forward to continue working with my colleagues on the Veterans' Affairs Committee to provide veterans with chiropractic and other health care services that they've earned and deserve.

I ask my colleagues to support H.R. 1470.

Mr. MORAN of Kansas. Mr. Speaker, I would ask the balance of my time? How much time is remaining?

The SPEAKER pro tempore. The gentleman from Kansas has 17 minutes remaining.

Mr. MORAN of Kansas. Mr. Speaker, I yield 15 minutes to the gentleman from Indiana (Mr. BUYER), former chairman of the committee and the ranking member.

Mr. BUYER. I thank the gentleman for yielding, and I want to thank also not only you but also in particular Ms. HERSETH SANDLIN and Mr. MICHAUD for their work on this bill.

I'm pleased to support H.R. 1470, the Chiropractic Care Available to All Veterans Act, that would require a phased implementation to provide chiropractic care in all VA medical centers by December 31, 2011.

Under a policy guidance that I gave under the House Republican alternative budget resolution for fiscal year 2008, we provided an additional $100 million for veterans medical services to support the hiring of doctors of chiropractic care at all 155 VA medical centers. I have history dating back to the 106th Congress for supporting chiropractic care.

The Military Personnel Subcommittee of the House Armed Services Committee worked to include chiropractic care services as a benefit in the military health facilities and through TRICARE.

VA is currently offering chiropractic care in 30 VA medical centers and provides chiropractic care on a fee-for-service basis for veterans who are geographically distant from a VA medical facility. In fiscal year 2006, the VA paid over $1 million to fee-based chiropractic providers to treat roughly 3,000 veterans, and I support the passage of this bill.

I would also note, Mr. Speaker, that I'm very concerned because the chairman just spoke that the reason, words to the effect, that he's brought these seven bills to the floor is to represent what a grateful Nation bestows. But what I'm concerned about the seven bills being considered today under the suspension of the rules, only one, H.R. 2199, is being considered with a bill report having been filed.

I believe this is yet another way in which the majority of this Veterans' Affairs Committee is breaking with past practices. When you do not file a report with a bill that comes to the floor, you are essentially denying Members of the minority the opportunity to file supplemental, minority and additional views on legislation under House rule XI, clause 2(l).

Since the time of Sonny Montgomery, the Committee on Veterans' Affairs has filed bill reports with every veterans bill other than resolutions such as H. Res. 392 or a facility naming bill; which is what I'm asking for Mr. FILNER to do to honor the recipient of the Medal of Honor with regard to the naming of the VA medical center in Albuquerque, NM, and the minority has thus had the opportunity to file views.

The veterans bills being considered by the House today, H.R. 67, H.R. 1660, H.R. 612, H.R. 1470 and H.R. 2239, were all ordered favorably reported, with the exception of H.R. 1470, ordered reported from the Committee on Veterans' Affairs with amendments. However, the chairman of the Veterans' Affairs has filed no bill with reports on any of them. Not only does this deprive the minority of the opportunity to file views, but it deprives veterans and the rest of the interested public from having important legislative history which discusses the background of legislation and explains the committee's intent as well as the amendments.

□ 1700

All of this is compounded by the fact that most of these bills were ordered reported without hearings that would have provided an historical record for legislation. The majority also has not bothered to obtain the position of the administration on most of these bills.

There is no reason for taking such shortcuts. I would have filed additional views on H.R. 1660, in particular, if the opportunity had been available. These are not expedited pieces of legislation involving an emergency situation. There has been ample time to follow the customary regular order and do that which is right.

We will now be at a disadvantage when conferring with the Senate. I fully expect the House to pass these bills overwhelmingly, but it is not a good way to legislate on behalf of our Nation's veterans.

I understand all the committees operate under the suspension of the rules to bring legislation to the floor. I wish that there were a collegial relationship between the chairman and the ranking member. It does not exist, unfortunately.

If, in fact, he would confer and work with us, we wouldn't have to work these things out or make an attempt to work these things out on the House floor.

Once again, I will make an attempt, and I will ask Chairman FILNER if he would call up HEATHER WILSON's bill and allow us, when we return after the Memorial Day break, to have HEATHER WILSON's bill, H.R. 1474, brought to the House floor under the suspensions.

Mr. Chairman, I yield to you.

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. CAPUANO). Does the gentleman from Indiana yield for a parliamentary inquiry?

Mr. BUYER. I would yield to the chairman for a parliamentary inquiry and respond to the question.

Mr. FILNER. Mr. Speaker, is it a requirement that committees have to file reports with legislation that is very straightforward?

The SPEAKER pro tempore. The motion to suspend the rules obviates any point of order on such issues.

Mr. FILNER. I thank you, and I hope the ranking member heard that.

Mr. BUYER. Mr. Speaker, once again, reclaiming my time, the American people get to see the abuse of power that I have to deal with.

Rather than working collegially with us, with regard to filing reports, it's just, well, we don't have to do it. We'll just bring it to the floor. It doesn't matter. Really? Is that how we're going to legislate? We're just going to be sloppy about the Nation's business? I don't think that's a proper way of paying respect to our Nation's veterans, and it's very unfortunate.

I yield to my colleague, the chairman of the committee, to respond to my question that will you permit, under the suspension of the rules, to consider H.R. 474 when we return after Memorial Day break so that we may honor Raymond Gerry Murphy and rename the Albuquerque VA Medical Center after him.

Mr. Chairman, I yield to you.

Mr. FILNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Indiana yield for a parliamentary inquiry?

Mr. BUYER. I do not yield for a parliamentary inquiry. I think the purpose of my yielding to the chairman was to get a good response, whereby we have criteria, before the committee, with regard to how we name VA medical centers.

There is an individual, all the criteria have been satisfied, and I asked a very simple question of the chairman, if he would suspend the rules and bring it to the floor. I have written him twice. He doesn't respond to the letters. It has passed the Senate. A bill lays upon the desk, and I asked a very simple question.

All he wants to do is a parliamentary inquiry. So maybe we will be enlightened if I let him do a parliamentary inquiry.

Mr. Chairman, I yield to you for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Speaker, am I required to engage in political debate with the ranking member when we are discussing a bill very important to veterans?

The SPEAKER pro tempore. The gentleman has not stated a point of parliamentary inquiry.

Mr. FILNER. I would inform the ranking member that I am not going to respond to political debate.

The SPEAKER pro tempore. The gentleman from Indiana has the time.

Mr. BUYER. Thank you. I would yield back to the gentleman, since he did not address a parliamentary inquiry during his question. I yield to him, if you would like to have a statement.

Mr. FILNER. It's your time.

Mr. BUYER. Pardon? I yield to the chairman.

Well, this is pretty interesting. It's pretty hard to run the Nation's business if the chairman will not even respond to somebody on the House floor.

It's also very disappointing if, in fact, this is the way we are supposed to honor America's veterans whereby the chairman of the majority party is acting like this.

I suppose what I should do is work with my good friend Mr. MICHAUD, who is the chairman of the Health Subcommittee, who has the ability to call this bill up and to mark this bill up. Obviously, even though he were to mark this up in the subcommittee, it would still be held at the full committee, if the chairman wants to continue to play politics.

Mr. FILNER. Mr. Speaker, I yield as much time as she may need to the gentlelady from Florida (Ms. CORRINE BROWN), who has now for 15 years fought side by side with me on behalf of our Nation's veterans. She is a fighter, and we are proud of her. You have the floor, Ms. BROWN.

Ms. CORRINE BROWN of Florida. First of all, let me thank Chairman FILNER for shepherding the bills that we have here on the floor, for bringing these bills to the floor on this date.

Mr. Speaker, I have been on Veterans' Affairs for 15 years, and as we approach Memorial Day, we do it to honor our veterans. The entire time I have been proud to be on this committee, because it is what we do for our veterans.

One of the things, Mr. BUYER, that I have enjoyed about serving on this committee is that it has always been bipartisan. We have always worked together for the veterans in this country, and we need to continue to do that.

As we move into this Memorial Day, and I think about what I have to do next Monday, when I go home, to face those families, we need to be honoring them today here on the floor of the House of Representatives.

If we have any personal matters, it needs to be taken up at that particular time and not here on the floor of the House of Representatives.

Earlier today I had the privilege of joining the Congressional Women's Caucus at the Women in Military Service for America Memorial at Arlington National Cemetery. Earlier today we honored four members of the United States Armed Forces, and it was my privilege to be there. The late Congresswoman Juanita Millender-McDonald, a key member in the Women's Caucus, was instrumental in organizing this year's celebration.

It wasn't until 1971 that the last Monday in May became the official national holiday, as we know today, as Memorial Day. The day itself was born from the tragedy of the Civil War when soldiers and family members in the North and the South decorated the graves of fallen soldiers with flowers.

In 1868, seeking to formalize this touching tribute, General John Logan, Commander in Chief of the Grand Army of the Republic, issued General Order Number 11 designating May 30, 1868, as Decoration Day, for the purpose of laying flowers and decorating graves of those who died in the defense of their country, our great country.

All together, these bills move benefits for veterans into the 21st century. From extending the eligible period for health care for combat service in the Persian Gulf to treating of trauma, brain injury, vocational rehabilitation benefits, chiropractic benefits and outreach activities at the VA, finally to deal with the final resting place for those who have sacrificed for the freedom of this Nation, these bills and this House honor our Nation's veterans.

I support all of these bills, and I urge my colleagues to support them as well. Let us all honor the veterans who have done so much for us and these families as we go into Memorial Day.

God bless America.

Mr. MORAN of Kansas. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 1470.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1470.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

TRAUMATIC BRAIN INJURY HEALTH ENHANCEMENT AND LONG-TERM SUPPORT ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2199) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certain improvements in the treatment of individuals with traumatic brain injuries, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Traumatic Brain Injury Health Enhancement and Long-Term Support Act of 2007".

SEC. 2. SCREENING, REHABILITATION, AND TREATMENT FOR TRAUMATIC BRAIN INJURY.

(a) SCREENING, REHABILITATION, AND TREATMENT FOR TRAUMATIC BRAIN INJURY.—

(1) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IX—TRAUMATIC BRAIN INJURY

"§ 1791. Screening for traumatic brain injuries

"(a) SCREENING PROGRAM.—The Secretary shall establish a program to screen veterans who are eligible for hospital care, medical services, and nursing home care under section 1710(e)(1)(D) of this title for symptoms of traumatic brain injury.

"(b) REPORT.—Not later than one year after the date of the enactment of this section, and annually thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the following information:

"(1) The number of veterans screened under the program during the year preceding such report.

"(2) The prevalence of traumatic brain injury symptoms among the veterans screened under the program.

"(3) Recommendations for improving care and services to veterans exhibiting symptoms of traumatic brain injury.

"§ 1792. Comprehensive program for long-term traumatic brain injury rehabilitation

"(a) COMPREHENSIVE PROGRAM.—The Secretary shall develop and carry out a comprehensive program of long-term care for post-acute traumatic brain injury rehabilitation that includes residential, community, and home-based components utilizing interdisciplinary treatment teams.

"(b) LOCATION OF PROGRAM.—The Secretary shall carry out the program developed under subsection (a) in four geographically dispersed polytrauma network sites designated by the Secretary.

"(c) ELIGIBILITY.—A veteran is eligible for care under the program developed under subsection (a) if the veteran is otherwise eligible for care under this chapter and—

"(1) served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after November 11, 1998;

"(2) is diagnosed as suffering from moderate to severe traumatic brain injury; and

"(3) is unable to manage routine activities of daily living without supervision or assistance.

"(d) REPORT.—Not later than one year after the date of the enactment of this section, and annually thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the following information:

"(1) A description of the operation of the program.

"(2) The number of veterans provided care under the program during the year preceding such report.

"(3) The annual cost of operating the program.

"§ 1793. Traumatic brain injury transition offices

"(a) ESTABLISHMENT.—The Secretary shall establish a traumatic brain injury transition office at each Department polytrauma network site for the purposes of coordinating the provision of health-care and services to veterans who suffer from moderate to severe traumatic brain injuries and are in need of health-care and services not immediately offered by the Department.

"(b) Cooperative Agreements.—The Secretary, through each such office established under subsection (a), shall have the authority to arrange for the provision of health-care and services through cooperative agreements with appropriate public or private entities that have established long-term neurobehavioral rehabilitation and recovery programs.

"§1794. Traumatic brain injury registry

"(a) In General.—The Secretary shall establish and maintain a registry to be known as the 'Traumatic Brain Injury Veterans' Health Registry' (in this section referred to as the 'Registry').

"(b) Description.—The Registry shall include the following information:

"(1) A list containing the name of each individual who served as a member of the Armed Forces in Operation Enduring Freedom or Operation Iraqi Freedom who exhibits symptoms associated with traumatic brain injury and who—

"(A) applies for care and services from the Department under this chapter; or

"(B) files a claim for compensation under chapter 11 of this title on the basis of any disability which may be associated with such service; and

"(2) any relevant medical data relating to the health status of an individual described in paragraph (1) and any other information the Secretary considers relevant and appropriate with respect to such an individual if the individual—

"(A) grants permission to the Secretary to include such information in the Registry; or

"(B) is deceased at the time such individual is listed in the Registry.

"(c) Notification.—The Secretary shall notify individuals listed in the Registry of significant developments in research on the health consequences of military service in the Operation Enduring Freedom and Operation Iraqi Freedom theaters of operations.

"§1795. Centers for traumatic brain injury research, education, and clinical activities

"(a) Purpose.—The purpose of this section is to provide for the improvement of the provision of health care to eligible veterans with traumatic brain injuries through—

"(1) the conduct of research (including research on improving facilities of the Department concentrating on traumatic brain injury care and on improving the delivery of traumatic brain injury care by the Department);

"(2) the education and training of health care personnel of the Department; and

"(3) the development of improved models and systems for the furnishing of traumatic brain injury care by the Department.

"(b) Establishment of Centers.—(1) The Secretary shall establish and operate centers for traumatic brain injury research, education, and clinical activities. Such centers shall be established and operated by collaborating Department facilities as provided in subsection (c)(1). Each such center shall function as a center for—

"(A) research on traumatic brain injury;

"(B) the use by the Department of specific models for furnishing traumatic brain injury care;

"(C) education and training of health-care professionals of the Department; and

"(D) the development and implementation of innovative clinical activities and systems of care with respect to the delivery of traumatic brain injury care by the Department.

"(2) The Secretary shall, upon the recommendation of the Under Secretary for Health, designate the centers under this section. In making such designations, the Secretary shall ensure that the centers designated are located in various geographic regions of the United States. The Secretary may designate a center under this section only if—

"(A) the proposal submitted for the designation of the center meets the requirements of subsection (c);

"(B) the Secretary makes the finding described in subsection (d); and

"(C) the peer review panel established under subsection (e) makes the determination specified in subsection (e)(3) with respect to that proposal.

"(3) Not more than five centers may be designated under this section.

"(4) The authority of the Secretary to establish and operate centers under this section is subject to the appropriation of funds for that purpose.

"(c) Proposals for Designation of Centers.—A proposal submitted for the designation of a center under this section shall—

"(1) provide for close collaboration in the establishment and operation of the center, and for the provision of care and the conduct of research and education at the center, by a Department facility or facilities in the same geographic area which have a mission centered on traumatic brain injury care and a Department facility in that area which has a mission of providing tertiary medical care;

"(2) provide that no less than 50 percent of the funds appropriated for the center for support of clinical care, research, and education will be provided to the collaborating facility or facilities that have a mission centered on traumatic brain injury care; and

"(3) provide for a governance arrangement between the collaborating Department facilities which ensures that the center will be established and operated in a manner aimed at improving the quality of traumatic brain injury care at the collaborating facility or facilities which have a mission centered on traumatic brain injury care.

"(d) Finding of Secretary.—The finding referred to in subsection (b)(2)(B) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendation of the Under Secretary for Health, that the facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an accredited medical school that provides education and training in traumatic brain injury care and with which one or more of the participating Department facilities is affiliated under which medical residents receive education and training in traumatic brain injury care through regular rotation through the participating Department facilities so as to provide such residents with training in the diagnosis and treatment of traumatic brain injury.

"(2) An arrangement under which nursing, social work, counseling, or allied health personnel receive training and education in traumatic brain injury care through regular rotation through the participating Department facilities.

"(3) The ability to attract scientists who have demonstrated achievement in research—

"(A) into the evaluation of innovative approaches to the design of traumatic brain injury care; or

"(B) into the causes, prevention, and treatment of traumatic brain injury.

"(4) The capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of traumatic brain injury care provided by the Department at or through individual facilities.

"(e) Peer Review Panel.—(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the official within the central office of the Veterans Health Administration responsible for traumatic brain injury care shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section.

"(2) The panel shall consist of experts in the fields of traumatic brain injury research, education and training, and clinical care. Members of the panel shall serve as consultants to the Department.

"(3) The panel shall review each proposal submitted to the panel by the official referred to in paragraph (1) and shall submit to that official its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

"(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(f) Award of Funding.—Clinical and scientific investigation activities at each center established under this section—

"(1) may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account; and

"(2) shall receive priority in the award of funding from such account insofar as funds are awarded to projects and activities relating to traumatic brain injury.

"(g) Dissemination of Useful Information.—The Under Secretary for Health shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration. Such dissemination shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(h) Supervision of Centers.—The official within the central office of the Veterans Health Administration responsible for traumatic brain injury care shall be responsible for supervising the operation of the centers established pursuant to this section and shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

"(i) Authorization of Appropriations.—(1) There are authorized to be appropriated to the Department of Veterans Affairs for the basic support of the research and education and training activities of centers established pursuant to this section such sums as may be necessary.

"(2) In addition to funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department of Veterans Affairs medical services account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate to carry out the purposes of this section.

"(j) ANNUAL REPORTS.—Not later than February 1 of each of year, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities of the centers for traumatic brain injury research, education, and clinical activities during the preceding fiscal year. Each such report shall include the following:

"(1) A description of the activities carried out at each center and the funding provided by the Department for such activities.

"(2) A description of the advances made at each of the participating facilities of the center in research, education and training, and clinical activities relating to traumatic brain injury care and treatment.

"(3) A description of the actions taken by the Under Secretary for Health pursuant to subsection (g) to disseminate information derived from such activities throughout the Veterans Health Administration.

"(4) The evaluation of the Secretary as to the effectiveness of the centers in fulfilling the purposes of this section.

"(k) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Department of Veterans Affairs for the basic support of the research and education and training activities of centers established pursuant to this section amounts as follows:

"(A) $10,000,000 for fiscal year 2008.

"(B) $20,000,000 for each of fiscal years 2009 through 2011.

"(2) In addition to funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department of Veterans Affairs medical services account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate to carry out the purposes of this section.

"§ 1796. Committee on Care of Veterans with Traumatic Brain Injury

"(a) ESTABLISHMENT.—The Secretary shall establish in the Veterans Health Administration a committee to be known as the 'Committee on Care of Veterans with Traumatic Brain Injury'. The Under Secretary for Health shall appoint employees of the Department with expertise in the care of veterans with traumatic brain injury to serve on the committee.

"(b) RESPONSIBILITIES OF COMMITTEE.—The committee shall assess, and carry out a continuing assessment of, the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of veterans with traumatic brain injury. In carrying out that responsibility, the committee shall—

"(1) evaluate the care provided to such veterans through the Veterans Health Administration;

"(2) identify systemwide problems in caring for such veterans in facilities of the Veterans Health Administration;

"(3) identify specific facilities within the Veterans Health Administration at which program enrichment is needed to improve treatment and rehabilitation of such veterans; and

"(4) identify model programs which the committee considers to have been successful in the treatment and rehabilitation of such veterans and which should be implemented more widely in or through facilities of the Veterans Health Administration.

"(c) ADVICE AND RECOMMENDATIONS.—The committee shall—

"(1) advise the Under Secretary regarding the development of policies for the care and rehabilitation of veterans with traumatic brain injury; and

"(2) make recommendations to the Under Secretary—

"(A) for improving programs of care of such veterans at specific facilities and throughout the Veterans Health Administration;

"(B) for establishing special programs of education and training relevant to the care of such veterans for employees of the Veterans Health Administration;

"(C) regarding research needs and priorities relevant to the care of such veterans; and

"(D) regarding the appropriate allocation of resources for all such activities.

"(d) ANNUAL REPORT.—Not later than June 1 of 2008, and each subsequent year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. Each such report shall include the following for the calendar year preceding the year in which the report is submitted:

"(1) A list of the members of the committee.

"(2) The assessment of the Under Secretary for Health, after review of the initial findings of the committee, regarding the capability of the Veterans Health Administration, on a systemwide and facility-by-facility basis, to meet effectively the treatment and rehabilitation needs of veterans with traumatic brain injury.

"(3) The plans of the committee for further assessments.

"(4) The findings and recommendations made by the committee to the Under Secretary for Health and the views of the Under Secretary on such findings and recommendations.

"(5) A description of the steps taken, plans made (and a timetable for the execution of such plans), and resources to be applied toward improving the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of veterans with traumatic brain injury.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter is amended by adding at the end the following new items:

"SUBCHAPTER IX—TRAUMATIC BRAIN INJURY

"1791. Screening for traumatic brain injuries.
"1792. Comprehensive program for long-term traumatic brain injury rehabilitation.
"1793. Traumatic brain injury transition offices.
"1794. Traumatic brain injury registry.
"1795. Centers for traumatic brain injury research, education, and clinical activities.
"1796. Committee on Care of Veterans with Traumatic Brain Injury.".

(b) EFFECTIVE DATE.—The Secretary shall implement the requirements of subchapter IX of title 38, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 3. PILOT PROGRAM FOR DELIVERY OF CERTAIN SERVICES TO VETERANS THROUGH MOBILE VET CENTERS.

(a) PILOT PROGRAM.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following new section:

"§ 1712C. Pilot program for delivery of certain services through mobile Vet Centers

"(a) PILOT PROGRAM.—To improve access to mental health services in rural areas, the Secretary shall carry out a pilot program under which the Secretary shall provide readjustment counseling, related mental health services, benefits outreach, and, to the extent practicable, assistance with claims for benefits under this title through the use of mobile centers (as that term is defined in section 1712A(i)(1)), to be known as 'mobile Vet Centers'. In carrying out the pilot program, the Secretary shall determine the most effective manner in which to operate the mobile Vet Centers.

"(b) SCOPE AND LOCATION.—(1) The Secretary shall establish two mobile Vet Centers in each of the following five Veterans Integrated Service Networks:

"(A) Veterans Integrated Service Network 1.

"(B) Veterans Integrated Service Network 16.

"(C) Veterans Integrated Service Network 19.

"(D) Veterans Integrated Service Network 20.

"(E) Veterans Integrated Service Network 23.

"(2) Within each Veterans Integrated Service Network under paragraph (1), the Secretary shall determine the area to be serviced by each mobile Vet Center. In making that determination, the Secretary shall give priority to areas in which limited mental health and outreach services are available.

"(3) If the Secretary determines that mobile Vet Centers in addition to such centers required under paragraph (1) are warranted, the Secretary may establish additional mobile Vet Centers and may establish such centers in Veterans Integrated Service Networks other than the Veterans Integrated Service Networks referred to in that paragraph. Upon such a determination by the Secretary, the Secretary shall notify the Committees on Veterans' Affairs of the Senate and House of Representatives of such determination.

"(c) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on the date that is three years after the date of the enactment of this section.

"(d) REPORT.—Not later than 90 days after the date on which the pilot program terminates under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program. Such report shall describe how the Secretary established and carried out the pilot program and include an evaluation of the Secretary of the benefits and disadvantages of providing readjustment counseling, related mental health services, benefits outreach, and claims assistance through the use of mobile Vets Centers.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,500,000 for fiscal year 2008 and each subsequent fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 1712B the following new item:

"1712C. Pilot program for delivery of certain services through mobile Vet Centers.".

SEC. 4. ADVISORY COMMITTEE ON RURAL VETERANS.

(a) ESTABLISHMENT OF COMMITTEE.—Subchapter III of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 546. Advisory Committee on Rural Veterans

"(a) ESTABLISHMENT.—(1) The Secretary shall establish an advisory committee to be known as the 'Advisory Committee on Rural Veterans' (hereinafter in this section referred to as 'the Committee').

"(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

"(i) representatives of rural veterans;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of rural veterans, including specific or unique health-care needs of rural veterans and access issues of rural veterans;

"(iii) individuals who have expertise in the delivery of mental health care in rural areas;

"(iv) individuals who have expertise in the delivery of long-term care in rural areas;

"(v) at least one veterans service organization representative from a rural State; and

"(vi) representatives of rural veterans with service-connected disabilities.

"(B) The Committee shall include, as ex officio members—

"(i) the Secretary of Health and Human Services (or a representative of the Secretary of Health and Human Services designated by that Secretary);

"(ii) the Director of the Indian Health Service (or a representative of that Director); and

"(iii) the Under Secretary for Health and the Under Secretary for Benefits, or their designees.

"(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

"(b) RESPONSIBILITIES OF COMMITTEE.— The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for rural veterans, reports and studies pertaining to rural veterans, and the needs of rural veterans with respect to primary care, mental health care, and long-term care needs of rural veterans.

"(c) REPORT.—(1) Not later than September 1 of each odd-numbered year until 2013, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to rural veterans. Each such report shall include—

"(A) an assessment of the needs of rural veterans with respect to primary care, mental health care, and long-term care needs of rural veterans and other benefits and programs administered by the Department;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"546. Advisory Committee on Rural Veterans.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would point out this is one of the most important bills on the floor today or at any time. It's called the Traumatic Brain Injury Health Enhancement and Long-Term Support Act of 2007.

The wounded from wars in Afghanistan and Iraq are returning with multiple injuries due to the use of improvised explosive devices, or IEDs. This often results in servicemembers and veterans needing polytrauma care, and has caused an increase in veterans with brain injury, or TBI.

We are going to have tens of thousands of these young men and women with these injuries. Among veterans and servicemembers that return from OEF and OIF and treated at Walter Reed for injuries of any type, approximately 65 percent have TBI or a comorbid, as they call it, diagnosis. Survivors of TBI experience physical, cognitive, emotional and community integration issues. Because of their injury, their capacity and initiative to seek appropriate care on their own is diminished.

We are also faced with thousands of veterans returning from Iraq and Afghanistan with milder cases of brain injury. This milder case often is missed and goes untreated, and symptoms may often mirror that of PTSD. Indeed, according to the Defense and Veterans Brain Injury Center, in prior military conflicts, TBI was present in up to 14 to 20 percent of surviving casualties. The numbers for operations in OEF/OIF are predicted to go much, much higher.

We must ensure that the health care and services that meet the needs of returning servicemembers are available and accessible, while never forgetting the needs of veterans from previous conflicts. This bill provides for mandatory screening of veterans for traumatic brain injury. It requires the Secretary to establish a comprehensive program of long-term care, of postacute traumatic brain injury rehabilitation at four geographically disbursed polytrauma network sites. It provides for the establishment of TBI transition offices at each Department polytrauma network site to coordinate health care and services to veterans who suffer from moderate to severe traumatic brain injuries. It requires the Secretary to establish a registry of those who served in Iraq who exhibit symptoms associated with TBI.

This legislation establishes centers for TBI research, education and clinical activities, and requires the Secretary to establish a committee on the care of veterans with TBI. In addition to the provisions that address health care, research and treatment for veterans, this legislation also provides for veterans who reside in rural areas.

Mr. Speaker, it is a very important bill. We will hear soon from Mr. MICHAUD, the chairman of our Health Subcommittee, who was the primary author of this, who has been a leader to make sure that we serve the veterans who come back with these incredible injuries, that they receive the proper care that they need.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Let me first take this opportunity to thank the chairman of the Subcommittee on Health, Mr. MICHAUD, as well as the subcommittee's ranking member, Mr. MILLER, for their leadership in developing this legislation.

H.R. 2199, as amended, the Traumatic Brain Injury Health Enhancement and Long-Term Support Act of 2007, seeks to improve the treatment of veterans suffering with traumatic brain injuries, often referred to as TBI, and the care for veterans who live in rural communities.

□ 1715

However, I would comment that several of the provisions included in this legislation are similar to initiatives that already exist or are getting underway. For example, section 2 of the bill would require the VA to screen eligible veterans for symptoms of traumatic brain injury and create a TBI registry. These are also the recommendations of the President's task force on returning global war on terror heroes. In addition, in March 2007, Secretary Nicholson directed a number of changes to improve the way the VA provides care to our newest combat veterans.

These veterans initiatives include screening all OEF and OIF combat patients for TBI and for PTSD; providing each polytrauma patient with an advocate to assist them and their family; mandatory training for all VA health care personnel to recognize and care for patients with TBI; and establishing an outside panel of clinical experts to review the VA polytrauma system of care.

Additionally, the bill would provide five new centers for TBI research, education, and clinical activities. During the 108th Congress, we recognized the frequency and unique nature of the polytrauma/blast injuries resulting from the global war on terror. These injuries require an interdisciplinary program to handle the medical, psychological, rehabilitation, and prosthetic needs of the injured servicemember.

Public Law 108-422, the Veterans' Health Programs Improvement Act of 2004, directed VA to establish "an appropriate number of centers for research, education, and clinical activities to improve and coordinate rehabilitative services for veterans suffering from complex multitrauma from combat injuries, and to coordinate these services with the Department of Defense."

The centers required in Public Law 108-422 became the Polytrauma System of Care. There are four centers located in Richmond, VA; Tampa, FL; Minneapolis, MN; and Palo Alto, CA. The committee strongly recommends that the new TBI centers be colocated with the VA's polytrauma rehabilitation centers. In this way, we can capitalize on the experience and expertise available at the polytrauma centers and enhance the ability to understand and treat the entire spectrum of the TBI injury from mild to most severe.

I want to thank Mr. MICHAUD for recognizing that we can actually get some benefits by the colocation of these services where TBI is already located. Because we take and concentrate such expertise, the colocation can only have benefits. And the gentleman worked with me, and I think because TBI have a number of comorbidities such as PTSD, depression, anxiety disorders, and while these issues may appear with TBI, they may also exhibit themselves separately from TBI, and I think that is exactly what Mr. MICHAUD is trying to get to. So I want to thank the gentleman for his leadership and for bringing this bill to the committee, along with your staff, for their good work.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I recognize the chairman of our subcommittee who has taken such a great leadership role on these issues, the gentleman from Maine (Mr. MICHAUD) for 4 minutes.

Mr. MICHAUD. Mr. Speaker, I thank the chairman for yielding.

H.R. 2199 is a bipartisan effort to address the challenges presented by traumatic brain injury and to improve the quality of care for our rural veterans.

TBI is considered to be the signature wound of this war. TBI is complex and frequently overlooked or misdiagnosed.

We also have very little understanding of the long-term consequences of TBI. We must make sure that the VA is doing all they can to provide for these wounded soldiers. This is only the beginning, we still have more work to do, but this is a good first step.

H.R. 2199 also includes two provisions to improve the quality of care provided to our rural veterans. With so many veterans from Iraq and Afghanistan living in rural areas, and an already existing population of older veterans in these areas, we need to explore innovative ways to improve VA accessibility and quality of care, especially on mental health issues. You heard both from the chairman and ranking member as far as what this legislation does.

I would like to recognize the hard work of a group of Members on both sides of the aisle who helped craft this legislation. This truly is bipartisan legislation. I do want to start with my good friend, Mr. MILLER of Florida, who is the ranking member of the Health Care Subcommittee, who has been extremely helpful in getting this legislation introduced and moved through the full committee; also, Mr. ALTMIRE of Pennsylvania, who has taken a real leadership role in traumatic brain injury, and for his focus on TBI with his legislation, H.R. 1944, which is included in H.R. 2199; Mr. WALZ of Minnesota, for his legislation to establish centers for TBI research, education, and clinical activities, which are now also included in H.R. 2199, who also served on the Veterans' Affairs Committee; and Mr. MCNERNEY of California, his legislation was included in H.R. 2199 to create the Committee on Care for Veterans with TBI; Mr. DONNELLY, who sits on the Veterans' Affairs Committee, of Indiana, for his bill which was included in section 4 of H.R. 2199, to create an advisory committee on rural veterans; Mr. WELCH of Vermont, for his bill and efforts to establish a pilot program for mobile vet centers, which are extremely important for rural areas; Mr. LAMBORN of Colorado, for his amendment to include providing benefits outreach and assistance with claims for benefits as part of the mission of mobile vet centers. He also sits on the committee and was very helpful in making this bill a better bill.

So this truly has been a real bipartisan piece of legislation that took a lot of components of other bills that were through, that were introduced and we had hearings on, to be part of this bill.

I also would like to thank Ranking Member BUYER for his focus on this issue, and for his understanding of the importance of long-term research and the pursuit of the best practices for TBI care. He definitely has been very helpful with this legislation.

And, finally, I would like to thank and congratulate Chairman FILNER for his strong bipartisan leadership on this bill and other veterans bills on the floor as well, and look forward to tackling other veterans issues as we move forward in the 110th Congress.

I urge my colleagues to support H.R. 2199.

Mr. BUYER. Mr. Speaker, I would like to thank Mr. MICHAUD because he did his committee work. He did his committee work because we brought a bill to the floor. Yes, under suspension, Mr. FILNER, but he did his committee work. He filed a report which allowed us to work with him. When you don't file a report, you deny the minority their opportunity to be heard.

So I want to thank Mr. MICHAUD for working with us and for his leadership.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. The only thing I would say is that, again, I am very much in support of the bill and I appreciate the leadership that was shown, as Mr. BUYER just said, in getting the bill forward. I think it is a great example of everybody working together which, again, our committee very often does demonstrate. So I am very much in support, and urge a "yes" vote.

Mr. FILNER. Mr. Speaker, I yield 1¼ minutes to the chairwoman of our Economic Opportunity Subcommittee, the gentlelady from South Dakota, STEPHANIE HERSETH SANDLIN.

Ms. HERSETH SANDLIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 2199, the Traumatic Brain Injury Health Enhancement and Long-Term Support Act. I would like to thank the chairman of the Veterans' Affairs Health Subcommittee, Mr. MICHAUD, for introducing this important bill, and to thank Chairman FILNER and the ranking member for their support of this legislation.

Among other provisions, H.R. 2199 requires screening of veterans for TBI, establishes a comprehensive program for long-term TBI rehabilitation to be located at the polytrauma centers, and creates TBI transition offices at each of the polytrauma network sites. In addition, the bill creates an advisory committee on rural veterans. These are important steps toward helping the young men and women who have suffered traumatic brain injury, and ensuring the needs of our rural veterans are addressed.

Working closely with a National Guard soldier from South Dakota who suffered a traumatic brain injury while serving in Iraq, and having visited him and his family at the Minneapolis polytrauma center, I witnessed both the good and the bad of the VA's efforts to deal with these wounded servicemembers. While we have made remarkable strides in treating veterans with brain injuries, there is much room for improvement, especially when it comes to the long-term support of these servicemembers.

I believe the Traumatic Brain Injury Health Enhancement and Long-Term Support Act will tremendously improve the services available to veterans suffering from TBI. I look forward to continuing working with my colleagues on the Veterans' Affairs Committee to address these and other issues related to treating veterans suffering from traumatic brain injury.

Again, I thank Representative MICHAUD for introducing and advancing this bill, and I ask my colleagues to support H.R. 2199.

Mr. BUYER. Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, we have had many people contribute to this legislation, as Mr. MICHAUD said. I would like to recognize a great new Member from Indiana who has worked hard on this legislation, Mr. DONNELLY, for 2 minutes.

Mr. DONNELLY. Mr. Speaker, I rise today in strong support of H.R. 2199.

Mr. Speaker, this bill will help us better care for America's wounded warriors suffering from traumatic brain injury, the signature wound of the Iraq and Afghanistan wars. This important legislation will require the VA to better screen veterans for symptoms of TBI, devise a long-term care strategy, and promote better understanding of TBI and how we can provide the best care possible.

I also want to thank my good friend, Mr. MICHAUD, for including my bill, H.R. 2190, establishing an advisory committee on rural veterans, as a provision of this legislation.

Mr. Speaker, over 40 percent of returning Iraq and Afghanistan veterans are coming home to rural communities, and countless older veterans live in rural America, places like Pulaski County and Starke County, Indiana. The health care needs and services rural veterans require are very, very unique. These veterans often have increased barriers to obtaining the same quality of care as their urban and suburban counterparts. We must do better by them.

It is critical that the VA have direct input from rural veterans at the highest level of policymaking. The Advisory Committee on Rural Veterans will work with and advise the VA Secretary on how policies and programs affect them, and how services can be improved for rural veterans and their families.

I urge my colleagues in the House to pass this bill to improve care for our wounded warriors and America's rural veterans.

Mr. BUYER. Mr. Speaker, I would also like to express my support for a provision in the bill that would require the VA to establish a TBI transition office at each of the polytrauma network sites. Not only is this vital for the DOD and the VA to provide for a seamless transition from active duty to veteran status, but it is also important for VA to aid in the coordination of veteran care between VA and other health care providers for services that could possibly not be provided by the VA. These transition offices would help coordinate veterans care for services not offered by the VA, and have the authority to arrange care with public or private entities to establish long-term neurobehavioral rehabilitation and recovery programs.

The bill also includes two rural health initiative provisions, one of which would establish a pilot program for vet centers in rural areas. H.R. 2199, as amended, included an amendment offered by Mr. LAMBORN of Colorado, the ranking member of the Subcommittee on Disability Assistance and Memorial Affairs. This amendment will expand the role of the mobile vet center pilot program to include helping veterans in need of assistance in the filing of benefits claims.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I rise in strong support of H.R. 2199, the Traumatic Brain Injury Health Enhancement and Long-Term Support Act of 2007. I thank Chairman FILNER, Ranking Member BUYER, and Health Subcommittee Chairman MICHAUD, the sponsor of this legislation, for their leadership in bringing this excellent legislation to the floor. I especially want to thank the gentleman from Maine for working with me on a bipartisan basis to include my amendment in this bill.

One of the provisions of H.R. 2199, as introduced, is a pilot program of mobile vet centers which would provide veterans with readjustment counseling and related mental health services. My amendment would require that these mobile vet centers have trained staff to provide veterans with benefits outreach and help them with their claims applications and questions.

Mr. Speaker, much of the trouble associated with the claims processing system is related to a veteran's difficulties in filing a correct and complete claim. Veterans may have an incomplete understanding of the claims system.

□ 1730

That could easily lead to an imperfectly completed application. My amendment would help solve this problem by placing qualified VA employees in the mobile vet centers to educate the veteran and help him or her to correctly fill out their paperwork the first time.

H.R. 2199 could have significant impact on reducing the growing backlog of compensation and pension claims. I ask my colleagues to support this legislation. It will help veterans with traumatic brain injury get the care they need. At the same time, it will help veterans seeking to apply for the benefits they have earned in service to their Nation.

Mr. FILNER. Mr. Speaker, I would like to yield 2 minutes to another hardworking new member from our committee, the gentleman from California (Mr. McNERNEY).

Mr. McNERNEY. Mr. Speaker, traumatic brain injury is the signature injury of the war in Iraq.

Let me explain a little bit what happens to a veteran soldier with a traumatic brain injury. They remove part of your skull so that your brain can expand into that while it's swelling up. They give you blood thinners so that you don't have blood clots. They give you antibiotics, and they put on a vest that keeps your body temperature cold, again so that you don't swell up and cause more injury. So this is the kind of thing that these veterans, these soldiers are going through.

And we estimate that there's approximately 12,000 servicemembers with some degree of traumatic brain injury. That's why I was motivated, along with Mr. BOOZMAN from Arkansas, to introduce the Caring for Veterans with Traumatic Brain Injury Act of 2007.

H.R. 2199 ensures that the VA will develop the infrastructure necessary to meet the needs of an increasing number of veterans diagnosed with TBI. Among other things, the bill requires the VA to screen all veterans for TBI. It creates a registry for veterans with TBI so that we don't lose track of them once they're diagnosed, and it also creates transition offices for patients with TBI who live in areas where the Veterans Administration isn't able to meet their needs.

I'm thankful for the leadership of Mr. MICHAUD and Mr. FILNER on this issue, and for the opportunity to speak in favor of 2199.

Mr. BUYER. Mr. Speaker, I reserve my time.

Mr. FILNER. Mr. Speaker, I would like to yield 2 minutes to another hardworking new member of our committee, the highest-enlisted man ever to be elected to Congress, Command Sergeant Major TIM WALZ from Minnesota.

Mr. WALZ of Minnesota. Mr. Speaker, I rise today in support of H.R. 2199. I want to thank my colleague from Maine for sponsoring this piece of legislation; also thank my colleague from Maine (Mr. MICHAUD), who's been a leader on this issue and veterans issues in general; grateful that he introduced this piece of legislation, and grateful that he allowed a piece of legislation that I had introduced establishing the five TBI centers around the country.

I'd also like to thank the ranking member, the gentleman from Indiana, for his thoughtful guidance on the colocation of those facilities. I think it's absolutely the right thing to do. I think it concentrates our resources and our expertise. So I thank him for that addition to it.

The colocation at the polytrauma centers is the right thing to do. The research that's being done there is world class. And I think an example of how we can enhance that comes from, and you just heard one of my colleagues speaking about this injury.

I visit the VA centers every Veterans Day for the last quite some time. And several years ago there was a young man from Michigan there, and he had suffered a traumatic brain injury. He had survived a shrapnel wound, but his brain had literally been turned inside of his head. And because of the great care he was receiving there, he was stabilized, and he was starting to rehabilitate. This bill will allow us to enhance his recovery, starting to reintegrate him back to the life that he knows and that he should be able to live.

On this floor we're going to continue to debate the wars. We're going to continue to see the debates divide us on the war in Iraq. This Congress, and I thank the ranking member, and the chairman for allowing the care of our veterans to bring us back together. Regardless of how we feel on this war, this Congress and this committee is proving that the 110th Congress can and will advance crucial legislation like H.R. 2199. So I thank you both. I thank my colleagues.

Mr. BUYER. Mr. Speaker, I want to thank the gentleman who just spoke. As a retired sergeant major, we benefit by his expertise not only on the Veterans' Affairs Committee, but also in Congress. We have a lot of people here who have been enlisted, and we have had officers and generals and admirals, but when you get a sergeant major, they speak softly. And there's a reason the sergeant major speaks softly, because he doesn't have to speak loudly because they are so well respected. And so, Sergeant Major, your contributions to the committee are recognized and appreciated.

Mr. Speaker, I reserve my time.

Mr. FILNER. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman from California has 6½ minutes.

Mr. FILNER. I would now recognize another great new Member from Pennsylvania (Mr. ALTMIRE) for 2 minutes. He has taken the lead on dealing with traumatic brain injury.

Mr. ALTMIRE. Mr. Speaker, our brave service men and women are returning from Iraq and Afghanistan with TBI at an alarming rate. Sixty-five percent of the soldiers at Walter Reed today have been diagnosed with traumatic injury, and thousands of veterans have mild TBI, but have not been diagnosed. And I'm concerned that the VA has not been properly diagnosing and treating those veterans with traumatic brain injury.

As has been mentioned today, traumatic brain injury is the signature injury for the wars in Afghanistan and Iraq. This is why I introduced the Veterans Traumatic Brain Injury Treatment Act, which has been included in its entirety in this legislation we're debating today. My bill would improve the diagnosis and treatment of TBI for our Nation's veterans by requiring the VA to screen veterans for symptoms, develop and operate a comprehensive program of long-term care for postacute TBI rehabilitation, establish TBI transition offices at all polytrauma network sites, and create and maintain a TBI health registry.

In addition to improving the diagnosis and treatment of traumatic brain injury, this bill will improve the VA's research of TBI and ensure that the VA provides better care to veterans in rural communities.

I want to thank the subcommittee chairman, Mr. MICHAUD, and the full committee chair, Mr. FILNER, for their leadership on this issue, for including my legislation in its entirety in this bill, and I want to urge my colleagues to support this piece of legislation.

Mr. BUYER. Mr. Speaker, I appreciate the gentleman's comments that he just made. Before you take off, this issue, and I appreciate your interest in it because this is one of our great challenges. We've got the best helmet that we put on our soldiers and marines in the field and even some of the Air Force personnel, Navy personnel. And it protects them against ballistics, and it's the best in the world. But when it comes to blasts and crash, what it does to the brain, we're now on the forefront, and we are pushing the boundary of our knowledge.

And some of the world's experts now are not only at the polytrauma centers, but in particular, when these soldiers end up at Landstuhl, Germany, that's where they are. So they can immediately deal with these neurotraumas.

And when the gentleman said that there could possibly be thousands, what we do know is that at the polytrauma centers, those who are actually being treated for traumatic brain injury, there's less than 400 cases.

But the gentleman is right with regard to individuals who may have had a concussion. Yet, how severe is the concussion?

And if the science is unknown, and we're trying to understand that. That's the purpose of Mr. MICHAUD's bill. And I appreciate the gentleman's interest, would love to continue to work with you in your interest.

I'd bring to your attention the Veterans Health Administration Directive 2007–013 released April 13, 2007, establishes the VA policy and procedure for screening and evaluation of possible TBI in OEF and OIF veterans. This directive states, "Not all patients who screen positive have TBI. It is possible to respond positively to all four sections due to the presence of other conditions such as PTSD, cervical cranial injury with headaches and inner ear injury, for example. Therefore, it's critical that patients not be labeled with a diagnosis of TBI on the basis of a positive screening test. Patients need to be referred for further evaluation."

So we are in an area of science whereby the sand shifts directly under our feet, and I would look forward to working with the gentleman.

Mr. Speaker, I reserve my time.

Mr. FILNER. Mr. Speaker, I'd like to yield 2 minutes to the fighting gentleman from New Jersey (Mr. PASCRELL), who we like to call an honorary member of the Veterans' Committee since he fights so hard for veterans and is cochair of the Traumatic Brain Injury Caucus in the Congress.

Mr. PASCRELL. Mr. Speaker, I rise in favor of H.R. 2199, the Traumatic Brain Injury Health Enhancement and Long-Term Support Act.

As cochair of the 8-year-old Congressional Brain Injury Task Force of over 110 members, I commend the committee under Chairman FILNER's leadership. You've never, ever acted, through the Speaker, to do favors for veterans. You've always handled it in terms of your own responsibility. I salute you for that.

For his ongoing endeavors to explore and thoughtfully legislate for the benefit of our Nation's many veterans suffering from TBI, I want to thank JACK MURTHA, Congressman MURTHA, for all his work over the last 5 years on this issue when it wasn't popular to talk about.

The Veterans Administration has shown tremendous effort in addressing the needs of our returning vets, our returning troops on its own; however, I believe the large volume of returning TBI victims, the need for timely treatment and the immediate need for rehab, expertise and capacity require additional resources. Flexibility for the VA to form partnerships to ensure top-notch care for our service personnel is essential. 2199 is an excellent first step to ensuring our Nation's veterans the care they need and deserve.

The bill establishes five new Veterans Administration research centers for TBI, which, without a doubt, produce new and exciting prevention and treatment techniques. A comprehensive TBI treatment program within the VA is long overdue.

I want to commend the TBI screening program for veterans. We recommended it. Football teams throughout the United States screen students before they put on football equipment.

I think that's important that we do that with our vets. I worked to establish it in the civilian realm. We should have it in the military.

On behalf of the task force, I look forward to working with the Veterans Committee on this and other TBI issues in the future.

I urge my colleagues to vote in favor of H.R. 2199.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

At the May 9, 2007, full committee hearing on the results of the President's Task Force on Returning Global War on Terror Heroes, in response to my questioning about the actual number of TBI cases treated in VA as inpatients, Secretary Nicholson responded that VA has treated 369 veterans in its polytrauma centers so far for TBI.

Secretary Nicholson also commented that the VA has the capacity in their polytrauma centers, and that many of the patients in the polytrauma centers are active duty military.

Mr. Speaker, I continue to reserve my time.

Mr. FILNER. Mr. Speaker, I'd like to yield 2 minutes to another great new Member fighting for veterans, Congressman WELCH from Vermont.

Mr. WELCH of Vermont. Mr. Speaker, I want to thank the Veterans' Affairs Committee, the openness of that committee, to let anyone with a good idea to help veterans to come in and have an opportunity to do that. Mr. FILNER, Mr. MICHAUD, and, of course, Mr. BUYER and Mr. MILLER, thank you.

Rural Americans have always served the Nation's armed services, National Guard and Reserves in very great numbers. In fact, though only 19 percent of the Nation lives in rural America, 44 percent of the current U.S. military recruits come from rural areas, and nearly one-third of those who died in Iraq are from small towns and communities across the Nation, Vermont very much among them.

And unfortunately, access to health care for many of our veterans in rural areas is limited by mileage, distance and just the difficulty of transportation. Especially true, the provision of mental health care in rural settings has historically been a challenge for all health care systems and providers, including the VA. And therefore, what we recognize in this legislation is that we need to help the VA develop innovative solutions to address the need for mental health services in remote areas, TBI being the big injury that's been discussed by my colleagues.

This legislation takes a significant step towards improving the mental health services available to geographically isolated veterans. It creates a pilot program where at least two mobile vet centers will provide readjustment counseling and mental health services to veterans in at least five Veterans Integrated Service Networks that have the highest concentration of rural veterans.

□ 1745

One of these covers New England and my home State of Vermont. These mobile vet centers will also provide information and outreach concerning veterans benefits and, when practicable, assistance with claims for benefits.

Rural individuals and their families have strong bonds and ties to their communities. These mobile vet centers will allow veterans to stay in their communities and prevent endless hours of car rides for the care they receive.

I urge support and passage of this legislation and thank the committee for its indulgence.

Mr. BUYER. Mr. Speaker, I believe that it is conceivable that at some point one of these needed Traumatic Brain Injury Centers of Excellence could be located in the Department of Veterans Affairs Medical Center in Albuquerque, New Mexico, which could be named the Raymond G. "Gerry" Murphy Department of Veterans Affairs Medical Center, if Chairman FILNER would clear either H.R. 474 or take up Senate bill 229 for consideration on the floor of which that Senate bill, Mr. Speaker, sits at your desk.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, let me just conclude by saying like everything else about this war, the administration did not prepare either for the fighting, the aftermath, or the treatment of the veterans coming back. We simply left thousands of our veterans without adequate resources to treat these brain injuries or PTSD or other issues that arise. No matter what denial that comes from the minority party, no matter what denial comes from the administration, we have not prepared for adequate treatment of these veterans. We are passing legislation today to do that, and we will not deny that there will be thousands and thousands of brain-injured veterans. We should bring them home now and we should treat them well when they get back.

Mr. SPACE. Mr. Speaker, I rise again today in support of H.R. 2199, the Traumatic Brain Injury Health Enhancement and Long-Term Support Act. This bill offers a comprehensive legislative solution to confronting our servicemembers' increasing suffering from Traumatic Brain Injury.

Our brave men and women who serve in Operation Iraqi Freedom and Operation Enduring Freedom are faced with daunting physical and mental challenges every day as they carry out their duties. Troops deployed in Iraq, specifically, encounter the widespread use of IEDs, which can cause Traumatic Brain Injury. Extended deployments put our troops at risk for longer periods of time.

H.R. 2199 brings together solutions to begin addressing the needs of our wounded warriors who have been diagnosed with TBI. The bill requires the VA to establish five centers for TBI research, education, and clinical activities. It also instructs the VA to establish a TBI screening program that would provide critical information to Congress regarding the number of veterans screened, the prevalence of TBI symptoms, and recommendations for improving care. H.R. 2199 dictates that the VA should create a comprehensive program for the long-term care and rehabilitation for veterans who suffer from TBI. The bill also requires the VA to create a Traumatic Brain Injury Veterans Health Registry to generate a list of those who served in Iraq and/or Afghanistan, who have symptoms of TBI, and who apply for VA medical care or file a disability claim. The VA can then notify those on the registry of significant developments in research on health consequences of serving in Iraq and/or Afghanistan.

Additionally, this bill authorizes funding for a pilot program of mobile VA centers for rural areas. These mobile VA centers would improve access to readjustment benefits as well as mental health services. The mobile centers would also assist veterans in making disability claims.

I represent a rural district comprised of small towns and villages. I know that my rural veterans' constituency desperately needs better access to VA services and care, and these mobile VA centers could be part of the solution.

I strongly urge my colleagues to support this bill because it makes great strides in providing comprehensive care for our Nation's wounded warriors suffering from Traumatic Brain Injury.

Mr. HARE. Mr. Speaker, I rise today in strong support of H.R. 2199, the Traumatic Brain Injury Health Enhancement and Long-Term Support Act. As a Member of the Committee on Veterans' Affairs, I had the privilege of working on this bipartisan bill, which I believe provides critical resources to our heroes with combat-related brain injuries. I commend Representative ALTMIRE who initiated this effort and I thank VA Subcommittee Chairman MICHAUD, and VA Chairman FILNER for quickly bringing this bill to the floor.

Traumatic brain injury (TBI) is the most common wound suffered by troops returning from Iraq and Afghanistan; unfortunately it is often undetected until it is too late. The bill before us today ensures we preemptively screen all veterans for brain injury and that we have the facilities and research necessary to provide the best care possible.

Additionally, this bill addresses the needs of the 44 percent of service members who live in rural areas, like those in my district, by establishing an Advisory Committee on Rural Veterans. It also creates a pilot program for mobile counseling and mental health services.

Mr. Speaker, I am proud we took up this bill in the Veterans' Affairs Committee because it is a strong investment in timely healthcare for our returning troops. I urge my colleagues to support our military heroes by voting for the Traumatic Brain Injury Health Enhancement and Long-Term Support Act.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 2199, the Traumatic Brain Injury Health Enhancement and Long Term Support Act of 2007. As a Vietnam combat veteran, I have seen the long term effects that war-related wounds and illnesses can have on the lives of our returning soldiers.

As Agent Orange sickness and Post Traumatic Stress Disorder (PTSD) came to typify the Vietnam War, I believe that Traumatic Brain Injuries (TBI) have become a signature wound of the current conflicts in Iraq and Afghanistan. Advances in body armor and battlefield medicine have allowed our troops to survive head wounds that once would have been fatal. However, the number of identified traumatic brain injuries is alarming. Of the 23,000-plus troops who have been wounded in the wars in Iraq and Afghanistan, two-thirds reportedly have been diagnosed with traumatic brain injuries. These numbers may even be higher since many cases are often undiagnosed and go untreated. Some reports suggest that 150,000 veterans of the war in Iraq have suffered a traumatic brain injury of some kind.

Many of those affected by these devastating injuries are unable to perform the most basic cognitive functions and have great difficulties with the tasks of everyday life. These injured soldiers will require quality care and treatment for the rest of their lives.

While it is our obligation to ensure that our military forces have all the necessary arms and equipment to safely carry out their missions, we are also responsible for making sure that our troops know that we will take care of them when they return home. Today we have an opportunity to demonstrate to our wounded veterans our appreciation for their sacrifices and our firm commitment to providing them with the means for living a full and rewarding life. I urge my colleagues to join me in supporting this important bill.

Mr. BILBRAY. Mr. Speaker, from the Revolutionary War to the current conflicts in Iraq and Afghanistan, our wounded warriors have returned from combat with varying degrees of injury. Some of these physical injuries, such as bullet wounds or losing a limb have been diagnosed and treated since the dawn of our Republic. Others, such as Traumatic Brain Injury, TBI, have required the practices of treating veterans to evolve and adapt so that we can give our returning service members the quality of care and the quality of life they deserve.

The bill before us today is an example of how our system must adapt to these increasingly devastating injuries, specifically TBI. H.R. 2199 would require that Veterans Affairs, VA, screen every combat veteran for TBI and submit a report to Congress on the number of returning soldiers that have this debilitating injury, and how we can improve upon the care they receive. Additionally, the VA would be required to establish transition sites so that those service members who are diagnosed have the ability to choose various recovery programs that are most comfortable to them.

What makes TBI such a frightening injury is that the symptoms are not instantaneous. A service member might not know if he or she has TBI until weeks after the initial jolt or blow to the head. If treatment is not readily available, then permanent brain damage and loss of motor skills and cognitive thought may be the end result.

For this reason, I am pleased that the House Veterans' Affairs Committee has taken up this legislation and continues to seek ways to better the care that our returning men and women will receive. H.R. 2199 is similar to legislation that was passed during the 108th Congress which increased research and outreach activities to service members with Post Traumatic Stress Disorder, PTSD.

I am proud to serve on the House Veterans' Affairs Committee and I look forward to supporting further legislation that addresses the complex needs of our Nation's veterans. As Memorial Day approaches, I urge my colleagues to reflect on the sacrifices our veterans have made to preserve freedom and how much work we need to do to properly honor that sacrifice. I believe that passing H.R. 2199 is a good first step in showing that we in Congress recognize the evolving needs of our brave veterans.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2199, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EARLY ACCESS TO VOCATIONAL REHABILITATION AND EMPLOYMENT BENEFITS ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2239) to amend title 38, United States Code, to expand eligibility for vocational rehabilitation benefits administered by the Secretary of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Access to Vocational Rehabilitation and Employment Benefits Act".

SEC. 2. EXPANSION OF ELIGIBILITY FOR VOCATIONAL REHABILITATION BENEFITS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

Section 3102 of title 38, United States Code, is amended—

(1) in paragraph (1)(B), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) the person—

"(A) at the time of the Secretary's determination under subparagraph (B), is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment;

"(B) is determined by the Secretary to have a disability incurred or aggravated in the line of duty in the active military, naval, or air service that is likely to be rated at 10 percent or more; and

"(C) is likely to be discharged or released from such service for such disability.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

This bill, the Early Access to Vocational Rehabilitation and Employment Benefits Act, was authored by my good friend from Arkansas (Mr. BOOZMAN), and we appreciate his efforts over many years on behalf of our veterans. I was glad that we could get this bill to the floor today. It is the last of seven that say thank you to our Nation's veterans as we come up on Memorial Day.

This would extend vocational rehabilitation and employment benefits to members of the Armed Forces who are determined to have a disability incurred while on active duty of at least 10 percent and likely to be discharged from service due to that disability. The servicemembers would still have to qualify under usual vocational rehabilitation and employment criteria of at least 20 percent, with an employment handicap of 10 percent with a serious employment handicap.

H.R. 2239 will help veterans begin their rehab earlier and will be very beneficial to those veterans in extended convalescence which could be over a year. This is the ideal time, as veterans will still be on active duty, continuing to receive their military pay, making it easier to support his or her family. One of the factors that leads to servicemembers dropping out of vocational rehabilitation and employment is the need to support their families.

Due to the severity of the injury or injuries, most veterans will be expected to experience a drop in pay once they are discharged. However, if a veteran begins their rehab immediately, they may be able to enter the job market much earlier.

I urge my colleagues to support H.R. 2239. It is an important bill. This is the least we can do for these brave men and women. It will ease the transition from the military to civilian employment market. And, again, I thank Mr. BOOZMAN for his leadership on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2239, the Early Access to Vocational Rehabilitation and Employment Benefits Act, implements a commonsense involvement in the speed with which we provide vocational rehabilitation to injured servicemembers. This bill makes it clear that active duty servicemembers are entitled to begin using vocational rehabilitation benefits prior to discharge.

The bill directs the Department of Veterans Affairs to coordinate with the military services to determine the likelihood that a servicemember undergoing hospitalization or outpatient treatment will be discharged or returned to active duty. If the member is likely to be discharged and will likely have a disability rating of at least 10 percent, VA is authorized to evaluate and award the full range of vocational rehabilitation benefits prior to the servicemember's discharge. Such a decision would be made using the current statutory and regulatory processes to determine eligibility.

Mr. Speaker, it makes no sense to delay access to benefits that will speed an injured servicemember's return to productive civilian life. For severely injured servicemembers, these benefits often make the difference between whether or not they are able to live independently. Many of those wounded in the global war on terror spend 2 or 3 years recovering from their injuries and often find themselves with significant free time outside of their therapy sessions. That free time offers an ideal opportunity to make use of their vocational rehabilitation and employment benefits to prepare them for the civilian job market. I am happy to let my colleagues know that CBO has said that this bill "would have no direct impact on direct spending." The bill simply affects the timing of when our servicemembers receive the benefits.

All of us have gone over to Bethesda and Walter Reed to visit injured troops. And, again, this is an effort to give them the best of both worlds, the best that we can offer them being on active duty, but to go ahead and start those vocational rehab services so that we can get vocational counselors in there and then, again, as they pursue their getting stronger and heal physically, to go ahead and direct them in such a way that we can provide a new occupation for them in the future.

So I appreciate Chairman FILNER, Ranking Member BUYER, Chairwoman HERSETH SANDLIN, and especially the chairwoman in the sense that she was instrumental in helping us amend the bill to improve it.

So, again, I would urge that my colleagues support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as she may consume to the dynamic chair of our Economic Opportunity Subcommittee, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. Mr. Speaker, again I thank the chairman for yielding.

I rise today in strong support of H.R. 2239, the Early Access to Vocational Rehabilitation and Employment Benefits Act.

I want to thank the ranking member of the Economic Opportunity Subcommittee, my good friend and trusted colleague, Mr. BOOZMAN, for introducing this important bill and for working with me prior to the committee markup to strengthen the bill. I also want to thank Chairman FILNER and Ranking Member BUYER for their support of the bill as well.

While current law requires servicemembers to be discharged from active duty prior to applying and receiving benefits from the VA, H.R. 2239 would extend vocational rehabilitation and employment benefits to members of the U.S. Armed Forces who are determined to have a disability of at least 10 percent or more, incurred or aggravated while on duty, and likely to be discharged from service due to that disability.

This important legislation would help veterans begin their rehabilitation earlier and could be very beneficial for those who are in extended convalescence, which may last more than a year for some servicemembers. As the chairman explained, today we do find that a major factor for new veterans dropping out of the VR&E program is the immediate need to financially support the family. We can reduce the risk of these individuals dropping out of the program prematurely if we extend the benefits while they are still on active duty.

Now, in some cases, due to the severity of their injuries, a number of veterans may likely experience a drop in pay after their discharge and when they enter the civilian workforce. However, if a veteran begins his or her rehabilitation immediately, he or she may be able to enter the job market much earlier with a level of readiness and a set of skills to command a higher-paying position than otherwise might be obtained.

I look forward to continuing to work in a bipartisan manner with Mr. BOOZMAN on the Economic Opportunity Subcommittee to ensure Federal services are available to help our fighting men and women successfully transition to civilian life.

I ask my colleagues to join me in supporting H.R. 2239 so that we may ensure our servicemembers are more readily afforded the benefits they need to heal and succeed after their service to our country.

Mr. BOOZMAN. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in support of the bill and compliment Ms. HERSETH SANDLIN for her work and Mr. BOOZMAN.

Mr. Speaker, the bill, as amended does two important things. First, it lowers the existing eligibility for servicemembers undergoing treatment prior to discharge to 10 percent vice the current 20 percent. Second, it clarifies existing law to reaffirm Congress's intent that VA provide vocational rehabilitation and employment benefits to eligible service members undergoing what is normally long-term convalescence.

This bill will be especially important to service members being treated at our major trauma centers such as Walter Reed, Bethesda, Palo Alto and Tampa Bay. Many of these service members are facing what may be years of physical and emotional therapy and it makes good sense to begin the process of reintegration into the workforce prior to discharge from active duty. Voc rehab benefits available under this bill will also provide positive reinforcement to DoD and VA therapy sessions by concentrating on issues other than any residual disability(s) they may have from their injuries.

Mr. Speaker, this is an excellent bill and I strongly urge my colleagues to support it.

Mr. FILNER. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, again, I would like to urge the passage of H.R. 2239. I appreciate the work of my chairman and ranking member and especially the work of the staff on this bill.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on both H.R. 2199 and H.R. 2239, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, we have come to the end of a day of thanks to our Nation's veterans. We have seven bills, all of which will go to really improve our services, our health care, our sense of commitment to our Nation's veterans. We have had seven good bills today, and I think they will all be approved by this body.

I was a professor of European history before I became a Congressman, and I used to talk about the Roman world. And there was this famous Roman senator named Cato. And Cato would end all his speeches, no matter on what subject, which they might be about the sewer system of Rome or they might be about gladiator games or war against the Parthians or whoever, but he would always end his speech, no matter what the thing was, and everybody would expect it and he sort of became the laughingstock of the senate because they would know he would end all his speeches with "and we must destroy Carthage." And nobody paid any attention to his speeches because they were all waiting for that conclusion no matter on what subject.

So with that little history lesson, I urge my colleagues to unanimously support H.R. 2239.

Mr. SPACE. Mr. Speaker, I rise again today in support of H.R. 2239, the Early Access to Vocational Rehabilitation Benefits Act.

Currently, vocational rehabilitation benefits provided by the VA are not available to veterans until after they have been discharged from military service. This bill extends eligibility for vocational rehabilitation benefits to current members of the armed forces who are hospitalized or are undergoing out-patient medical care, who have a disability of at least 10 percent incurred or aggravated while on active duty, and who are likely to be discharged from service due to that disability.

As a member of the Veterans' Affairs Committee, I am dedicated to providing our Nation's veterans with every service that they have earned and that they were promised. Access to vocational rehabilitation is part of what our Nation's heroes are entitled to, and this bill is a step in the right direction.

By supporting this bill, we are ensuring that wounded servicemembers can access rehabilitational benefits more quickly without having to wait for their paperwork to catch up to them. This bill will get our wounded vets back on their feet and reintegrated into the workforce sooner than is currently possible by providing them with vocational benefits while they are awaiting military discharge. Reintegration into the workforce is a key part of easing stability back into the lives of our servicemembers who have often spent months in incredibly tense and mentally-exhausting environments. Re-establishing a "normal" working routine at a pace that better suits our servicemembers is beneficial to all parties involved.

I urge my colleagues to support H.R. 2239 because the bill provides our Nation's veterans with more timely access to a promised service as they transition back to civilian life.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 2239, to expand eligibility for vocational rehabilitation benefits administered by the Secretary of Veterans Affairs. I would like to take some of my time to express my deepest appreciation for our Nation's veterans. It is with this that I strongly ask you to expand eligibility for vocational rehabilitation benefits for all of our veterans. Every day, we find more and more of our veterans returning home with severe physical and mental disabilities. This legislation is a step in the right direction and will act as a cornerstone necessity for providing the medical care, services and treatment that all of our country's finest deserve.

This Congress to must ensure that our injured soldiers, sailors, airmen and any other veterans who have returned home with a disability not only receive the basics in terms of medical attention, but also receive proper rehabilitation so that suitable employment in the future can become a viable option. The act of a person once again living independently is the highest goal that this legislation can achieve. Services that provide counseling, education, financial aid, and job assistance are the best tools for our veterans to use in order to get back on their feet and live a life of independence and dignity. Let us not revisit the fatal mistakes made after Vietnam. To quote my good friend and colleague, DICK DURBIN, "We owe our disabled veterans more than speeches, parades and monuments." Let's do our best to convey our appreciation for their sacrifices.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2239, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H.R. 67, H.R. 612, H.R. 1470, H.R. 2199, and H.R. 2239, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

VETERANS OUTREACH IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 67, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 67, as amended.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 410]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali

Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Davis, Jo Ann
DeGette
Engel
English (PA)
Fossella
Granger
Hulshof
Hunter
Jones (OH)
McMorris Rodgers
Oberstar

□ 1822

Mr. STUPAK changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RETURNING SERVICEMEMBER VA HEALTHCARE INSURANCE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 612, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 612, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 13, as follows:

[Roll No. 411]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Davis, Jo Ann
DeGette
Engel
Fossella
Granger
Hulshof
Hunter
Jones (OH)
Marshall
McCaul (TX)
McMorris Rodgers
Oberstar
Radanovich

□ 1830

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHIROPRACTIC CARE AVAILABLE TO ALL VETERANS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1470, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1470.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 10, as follows:

[Roll No. 412]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield

Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Stark

NOT VOTING—10

Davis, Jo Ann
DeGette
Engel
Fossella
Granger
Hulshof
Hunter
Jones (OH)
McMorris Rodgers
Oberstar

☐ 1838

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRAUMATIC BRAIN INJURY HEALTH ENHANCEMENT AND LONG-TERM SUPPORT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2199, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2199, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 413]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger

Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Cannon
Davis, Jo Ann
DeGette
Engel
Fossella
Granger
Hulshof
Hunter
Jones (OH)
McMorris Rodgers
Oberstar

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1844

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EARLY ACCESS TO VOCATIONAL REHABILITATION AND EMPLOYMENT BENEFITS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2239, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2239, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 18, as follows:

[Roll No. 414]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Bilirakis
Boucher
Davis, Jo Ann
DeGette
Engel
Fossella
Gohmert
Granger
Hulshof
Hunter
Jones (OH)
McMorris Rodgers
Meek (FL)
Murtha
Oberstar
Pickering
Sanchez, Loretta
Sullivan

☐ 1851

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1649

Ms. HERSETH SANDLIN. Mr. Speaker, I ask unanimous consent to remove the name of Congressman JAMES MORAN of Virginia as a cosponsor to H.R. 1649, who was added inadvertently as a cosponsor to that bill.

The SPEAKER pro tempore (Mr. HALL of New York). Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

HONORING JACK BORMAN

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to honor the achievements of Jack Borman. In a few days, Jack will be retiring from the Kenton County Sheriff's Department, and I think this is the ideal time to honor his dedication and lifetime of service to our Nation.

As a young man from Silver Grove, Kentucky, Jack joined the military and was deployed to fight in the Korean War. He bravely fought in missions at Triangle Hill, in Operation Smack and in the now infamous battle at Pork Chop Hill. For his bravery and valor at the Battle of Pork Chop Hill, one of the most deadly battles of the Korean War, he was awarded the Silver Star and a Purple Heart.

Several years ago, MGM Studios released a film about this battle, and Jack added movie star to his long list of lifetime accomplishments. From fighting in Korea to serving Kenton County, he has selflessly served and protected us. Jack, we thank you for your service and wish you much success in your retirement.

Jack is a busy grandfather to 19 grandchildren. I'm sure his life will continue to be a great adventure. For all that, thank you for your service.

PLEASE OPPOSE THE IRAQ WAR SUPPLEMENTAL

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the Iraq War supplemental on the floor tomorrow will in no way pressure the President to end the war in Iraq, despite the fact that voters gave our majority last November the responsibility to do that, end the war.

The benchmarks in the war supplemental force the Iraqis to privatize, or turn over to multinational oil interests, their oil industry by demanding passage of the Iraqi Hydrocarbon Act. I spoke on the House floor today for an hour documenting the evidence.

But if the Iraqis refuse to turn over the oil resources, the terms of the bill are blackmail. The war supplemental demands passage of the Iraqi bill by blocking over $1 billion in reconstruction funds if the Iraqis refuse to comply.

We need to send a message to the voters that we do not support privatizing Iraqi oil by force, nor do we support the continued funding of this war.

It is not credible to maintain that one opposes the war and yet continues to fund it. Continuing to fund the war is not a plan. It would represent the continuation of a disaster. A better approach is the 12-point plan established in H.R. 1234.

EXPAND ELIGIBILITY FOR THE ARMY'S COMBAT ACTION BADGE

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, in 2005, the Department of the Army authorized the creation of the Army Combat Action Badge. This important badge provides recognition to our soldiers who personally engaged the enemy in combat. However, the Army's current policy limits eligibility to those who meet its criteria after September 18, 2001.

As such, the Combat Action Badge overlooks thousands of veterans who made similar sacrifices in previous wars. I've heard from many veterans who feel slighted by the Army's failure to recognize their own heroism.

In response, I've reintroduced my legislation, H.R. 2267, to expand eligibility for this award to those soldiers who served during the dates ranging from December 7, 1941, to September 18, 2001. This expansion would be a fitting tribute to countless individuals who made sacrifices for our country.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 1900

RECOGNIZING THE WORK OF TERRY ERICKSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to pay tribute to Terry Erickson, a man who has dedicated his life's work to helping children. Terry has tirelessly served western Wisconsin youth for over 40 years, mainly as the executive director of the Boys and Girls Club of Greater La Crosse, a place I proudly called my second home while growing up on the north side of La Crosse.

For over 100 years, the Boys and Girls Club of America has been fostering an environment of hope and opportunity for all children. In addition to promoting character development and educational progress, the club creates a safe environment so kids can simply play and enjoy themselves. In fact, some of my fondest childhood memories are a result of my participation in the La Crosse club.

At a time when many temptations existed in our neighborhoods for children and when there were plenty of opportunities for us to get into trouble, I found the club to be a safe haven for me and many other students for playing sports or just hanging out with our friends.

Since the creation of the Boys and Girls Club of Greater La Crosse in 1966, Terry has been a champion for youth programming and a father-like figure for many of us. Terry's devotion to the club's goal of inspiring all young people to realize their full potential is unrivaled. It is this passion and enthusiasm that has resulted in unprecedented growth for the organization.

Under Terry's leadership, the Boys and Girl Club of Greater La Crosse has flourished, growing from a small organization into one of the premier clubs throughout the country. The organization has expanded to six different locations, including a partnership with Viterbo University. Recently, Terry's university president, Bill Medlandis, and the Mathy family's dedication to this partnership resulted in the Amie L. Mathy Center, a club located on the campus of Viterbo University that enriches academic support for children.

The number of lives Terry has positively affected throughout the years is impossible to quantify. I know my two boys have greatly benefited from their experiences with the club and from Terry's selfless example. Because of Terry's guidance, the Boys and Girls Club of Greater La Crosse has created a haven for youth and a sense of community in the area.

Terry simply brings out the best in people, whether they are young children and students who benefited from the club's many activities, or the countless adults who have volunteered their time to make the La Crosse club one of the premier models in our country.

It has been said that great teachers enjoy a special immortality because their influence never stops radiating. I just hope that upon his retirement, Terry appreciates the wonderful teaching that he has done and the countless lives that he has influenced.

I am proud to count myself as one of Terry's products, and I am even prouder to call him my friend. Although Terry's service and commitment to the children of the La Crosse area will be deeply missed upon his retirement, the solid foundation he has laid for the club will empower children for decades to come.

I also want to congratulate my childhood friend and classmate Kevin Johnston, who was chosen to take over for Terry at the club. I couldn't imagine a better selection, given Kevin's history with the club, his passion for youth of our community and his close relationship with Terry throughout the years. I know Kevin will excel in his new position.

I commend Terry for his unyielding service and dedication to the community. As in any lengthy undertaking, Terry's service to our children required tremendous personal time and sacrifice by himself and his entire family. That's why, on behalf of all the children in the La Crosse area, I would like to thank Terry, Sue and their entire family for the impact that they have had in the La Crosse community. I wish Terry and Sue all the best as they close this chapter in their lives and begin a new one. But knowing Terry, I am sure the best interests of our youth will be close at hand.

Congratulations, Terry. Thank you for a job well done. We all wish you Godspeed.

NEW AL QAEDA TAPES FEATURE U.S. CAPITOL UNDER "ATTACK"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, President Bush today gave a speech, and he talked about the terrorist threat, and he talked about the attempts on the United States that have taken place since 9/11. He talked a little bit about the attempted attack last week at Fort Dix.

Yet I don't believe any of the media is paying any attention to that. It seems like every time the President talks about the threat, it just never makes the television networks.

That is very troubling to me, because after 9/11, the President said we are in a world war against terrorism, and it may go on for a long, long time. It may go on for more than my tenure in office. It may go on for decades.

When you are fighting a war of terrorism like that, you have to be resolute of purpose. There's no question that the war that's going on in Iraq and Afghanistan has been very trying on the American people, but this is a war against terrorism, and we must be resolute of purpose.

This week on the Internet, al Qaeda had put out a new message to possible recruits for them around the world. I would like to read to you what was on the Internet.

It says, al Qaeda has a new opening graphic for its propaganda tapes, the U.S. Capitol, that's this place right here, under attack. His quote, "The Islamic State of Iraq . . . March Towards Washington," reads the headline in English superimposed over a digitally created scene of the U.S. Capitol under attack in the introductory sequence of one tape released on the Internet this week.

Another from al Qaeda's "as Sahab" production arm announces, "Holocaust of the Americans in the land of Khorasan," and shows an image of the U.S. Capitol. They introduce a short clip of al Qaeda fighters.

"This is a disturbing trend," says Laura Mansfield, an Arabic expert who monitors jihadi videos on the Internet. "Recall that in January of 2006, Osama bin Laden said that plans for attacks in the U.S. were in progress," Mansfield told the Blotter on ABCNews.com. "It may be that this new imagery is designed to motivate terrorist activity in the U.S., but it is certainly intended as a recruiting tool and perhaps intended to reassure al Qaeda's jihadi followers that they haven't forgotten their goal of an al Qaeda attack on Washington, D.C.," this city.

I don't tout television shows very often, but occasionally I urge my colleagues to watch something that I think is important. I just say to my colleague, I understand that tonight on the O'Reilly show on Fox Network, he is going to talk about a poll that was taken among Muslims in the United States. There are approximately 6 million Muslims in the United States, and I believe that 99 percent of them or 95 percent of them are very patriotic Americans. But in this poll they found that the Muslims between the ages of 18 and 29, approximately around 20 percent of them, are sympathetic to the terrorists who kill themselves, blow themselves up in an attack on American targets. This is a very disturbing poll that was taken.

This is a very trying time for Americans and for this country. I urge all of my colleagues to remember what the President said after 9/11. Remember, this is a world war against terrorism. Remember what I just read here that was on the Internet, that their ultimate goal is to attack Washington, D.C., and remember that there is a growing number of young men in America, Muslims, who are very sympathetic to the terrorists who blow themselves up.

We need to make sure that the American people understand the gravity of this situation. To back down to the terrorists now would be a big mistake. It's very important that we stay our ground in Iraq and throughout the world and send a message to the terrorists that we will not surrender and we will not be defeated.

BUSH AUTHORIZES COVERT ACTION AGAINST IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the President and the Vice President have vowed to repeat the mistakes of history, and they have put into motion a plan to do just that in Iran, even as the House is about to send the President a box of blank checks for Iraq against the will of the American people.

History is worth noting. In 1953, the United States and the United Kingdom launched Operation Ajax, a covert CIA operation to destabilize and remove the democratically elected Government of Iran, including Prime Minister Mossadegh. Why? Oil.

Under Mossadegh, the Iranian Government decided to reclaim Iran's rightful ownership to its national oil treasure, which had been exclusively controlled by the British, who were taking 85 percent of the profits. Oh, by the way, the United Kingdom also kept the books secret, merely telling Iran what its 15 percent take was.

As soon as Mossadegh began to reclaim Iran's oil, it was all over. Operation Ajax was set into motion. The U.S. Embassy in Tehran provoked phony and internal Iranian dissent, while the Brits engineered an Iranian financial crisis by orchestrating a global boycott of Iranian oil. We brought down the Iranian Government and installed the Shah. For two decades we propped him up against the will of the Iranian people. It was all about controlling Iran. It still is.

Today ABC News is reporting exclusively that this President has authorized a new covert CIA plot to bring down the Iranian Government. I ask to submit for the RECORD the report produced by the chief investigative reporter Brian Ross and Richard Esposito of ABC News. This is the lead sentence in their story: "The CIA has received secret Presidential approval to mount a covert 'black' operation to destabilize the Iranian Government, current and former officials in the Intelligence Community tell the Blotter on ABCNews.com."

[From ABC News, May 22, 2007]

BUSH AUTHORIZES NEW COVERT ACTION AGAINST IRAN

(By Brian Ross and Richard Esposito)

The CIA has received secret presidential approval to mount a covert "black" operation to destabilize the Iranian government, current and former officials in the intelligence community tell the Blotter on ABCNews.com.

The sources, who spoke on the condition of anonymity because of the sensitive nature of the subject, say President Bush has signed a "nonlethal presidential finding" that puts into motion a CIA plan that reportedly includes a coordinated campaign of propaganda, disinformation and manipulation of Iran's currency and international financial transactions.

"I can't confirm or deny whether such a program exists or whether the president signed it, but it would be consistent with an overall American approach trying to find ways to put pressure on the regime," said Bruce Riedel, a recently retired CIA senior official who dealt with Iran and other countries in the region.

A National Security Council spokesperson, Gordon Johndroe, said, "The White House does not comment on intelligence matters." A CIA spokesperson said, "As a matter of course, we do not comment on allegations of covert activity."

The sources say the CIA developed the covert plan over the last year and received approval from White House officials and other officials in the intelligence community.

Officials say the covert plan is designed to pressure Iran to stop its nuclear enrichment program and end aid to insurgents in Iraq.

"There are some channels where the United States government may want to do things without its hand showing, and legally, therefore, the administration would, if it's doing that, need an intelligence finding and would need to tell the Congress," said ABC News consultant Richard Clarke, a former White House counterterrorism official.

Current and former intelligence officials say the approval of the covert action means the Bush administration, for the time being, has decided not to pursue a military option against Iran.

Vice President Cheney helped to lead the side favoring a military strike," said former CIA official Riedel, "but I think they have come to the conclusion that a military strike has more downsides than upsides."

The covert action plan comes as U.S. officials have confirmed Iran had dramatically increased its ability to produce nuclear weapons material, at a pace that experts said would give them the ability to build a nuclear bomb in two years.

Riedel says economic pressure on Iran may be the most effective tool available to the CIA, particularly in going after secret accounts used to fund the nuclear program.

"The kind of dealings that the Iranian Revolution Guards are going to do, in terms of purchasing nuclear and missile components, are likely to be extremely secret, and you're going to have to work very, very hard to find them, and that's exactly the kind of thing the CIA's nonproliferation center and others would be expert at trying to look into," Riedel said.

Under the law, the CIA needs an official presidential finding to carry out such covert actions. The CIA is permitted to mount covert "collection" operations without a presidential finding.

"Presidential findings" are kept secret but reported to the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence and other key congressional leaders.

The "nonlethal" aspect of the presidential finding means CIA officers may not use deadly force in carrying out the secret operations against Iran.

Still, some fear that even a nonlethal covert CIA program carries great risks. "I think everybody in the region knows that there is a proxy war already afoot with the United States supporting anti-Iranian elements in the region as well as opposition groups within Iran," said Vali Nasr, adjunct senior fellow for Mideast studies at the Council on Foreign Relations. "And this covert action is now being escalated by the new U.S. directive, and that can very quickly lead to Iranian retaliation and a cycle of escalation can follow," Nasr said. Other "lethal" findings have authorized CIA covert actions against al Qaeda, terrorism and nuclear proliferation.

Also briefed on the CIA proposal, according to intelligence sources, were National Security Advisor Steve Hadley and Deputy National Security Advisor Elliott Abrams. "The entire plan has been blessed by Abrams, in particular," said one intelligence source familiar with the plan. "And Hadley had to put his chop on it."

Abrams' last involvement with attempting to destabilize a foreign government led to criminal charges. He pleaded guilty in October 1991 to two misdemeanor counts of withholding information from Congress about the Reagan administration's ill-fated efforts to destabilize the Nicaraguan Sandinista government in Central America, known as the IranContra affair. Abrams was later pardoned by President George H. W. Bush in December 1992.

In June 2001, Abrams was named by then National Security Advisor Condoleezza Rice to head the National Security Council's office for democracy, human rights and international operations. On Feb. 2, 2005, National Security Advisor Hadley appointed Abrams deputy assistant to the president and deputy national security advisor for global democracy strategy, one of the nation's most senior national security positions.

As earlier reported on the Blotter on ABCNews.com, the United States has supported and encouraged an Iranian militant group, Jundullah, that has conducted deadly raids inside Iran from bases on the rugged Iran-Pakistan-Afghanistan "tri-border region."

U.S. officials deny any "direct funding" of Jundullah groups but say the leader of Jundullah was in regular contact with U.S. officials.

American intelligence sources say Jundullah has received money and weapons through the Afghanistan and Pakistan military and Pakistan's intelligence service. Pakistan has officially denied any connection.

A report broadcast on Iranian TV last Sunday said Iranian authorities had captured 10 men crossing the border with $500,000 in cash along with "maps of sensitive areas" and "modem spy equipment." A senior Pakistani official told ABCNews.com the 10 men were members of Jundullah.

The leader of the Jundullah group, according to the Pakistani official, has been recruiting and training "hundreds of men" for "unspecified missions" across the border in Iran.

We are back in 1953, and it worked so well then. Of course, the Vice President wanted to invade Iran, so we can be sure he will spin new tales of fear in the coming days to keep his preferred option, invasion, by land or by air, very much alive. The President knows only one way: My way or the highway. His Vice President knows only one way: Invade and seize control of what you want. And he wants the oil treasure of Iraq and Iran to become wholly owned subsidiaries of the Western oil companies he favors.

With Iraq in civil war, the President has authorized a secret plan to repeat the doomed mistakes of history in Iran. How many billion dollars of reconstruction money from Iraq will be siphoned off to deconstruct Iran?

The American people are virtually shouting at us to pay attention and get our soldiers out of Iraq now. Vast sums of U.S. money are flowing into Iraq, and billions of U.S. dollars are missing. The Special Investigator for Iraq Reconstruction told a San Antonio newspaper last week that corruption in Iraq is endemic and debilitating.

But Prime Minister Maliki has granted Ministers and former Ministers immunity from prosecution by Iraq's Commission of Public Integrity, and, in turn, the Ministers can shield their own employees from prosecution, a government that has been told by this President and Vice President to pass an oil law that transfers control and profits to Western oil companies, just like the good old days in Iran. Overthrowing Iran in 1953 was all about oil. Invading Iraq was all about oil, and the new secret plot against Iran is all about oil.

Oil is the only benchmark this President and Vice President want, and they will keep American soldiers fighting and dying until an oil law is passed in Iraq that gives Western oil companies total control of the spigot and the profits. It's time to unmask the latest doomed plot to overthrow Iran, and it is past time to get our soldiers out of Iraq.

Nothing less than protecting our troops is acceptable.

NIGHT LIFE IN SALT LAKE CITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, almost a fortnight ago, one of our colleagues, the gentleman from Massachusetts, was waxing eloquent about congressional experts, which he considered to be an oxymoron, as he said, similar to jumbo shrimp or Salt Lake City night life.

I have the opportunity of representing the central and western side of Salt Lake City, along with my colleague, who hopefully will be here later, who lives in and represents the east side of Salt Lake City, Mr. MATHESON. Now, it's true I don't live in Salt Lake City. I live in a much quieter area 60 miles north of a town appropriately called Brigham City. But in my younger, wilder college days, I did live in areas that I now represent in Central City and Capitol Hill in Salt Lake, an area similar to this except about 4,000 feet closer to the heavens.

I want you to know in the night life, every evening when you went out, on almost every corner you could find an ice cream parlor. If I ever wanted to forget my worries and drown my sorrows, I could easily have a second glass of warm milk. There are some nights we put our pajamas on before 8:00, the one without the feet. Even now we will occasionally stay up long enough to watch Letterman go through his top 10. Our night life, and he says there is no night life, when we wanted to go out at night, we would take off the working Wranglers, put on the clean Wranglers and go down to 7–Eleven and find the new Slurpee flavors of the month.

For a gourmet night, we could even load up the minivan and supersize number 5 with extra mayo, for everyone except for the driver, because we don't allow drinking and driving. That's why some of our cabbies die of thirst. And you say we have no night life?

It's true our happy hours are determined by how much green Jell-O is available, because a party is not a party without green Jell-O and carrot bits. Indeed, if you order a mixed drink, it will definitely involve chocolate syrup and milk, but you still have to stir vigorously with the straw. And he says we have no night life?

Our baseball fans, after the seventh inning, can order all the root beer they want. Admittedly, it causes road rage. I remember the last time I came out when my buggy was cut off by a buckboard wagon, and I have to admit, I said some expletives, like, oh my, heck, move that frigging nag. But to say we have no night life?

Now, lest any other myths continue on here, I do want to tell the gentleman from Massachusetts, if he wants to see Tony Award-winning regional drama, he will have to come to Utah, and he will fly into one of the busiest hubs in the Nation, which is Salt Lake International.

If he finds himself seated at Pioneer Memorial Theater or Kingsbury Hall or Rose Wagner Theater, Capitol Theater, he will be seeing Broadway-quality plays all done by equity actors, or he will be listening to some of the finest music done by the Utah Opera Company or the premiere ballet of the West, which is Ballet West, which is headquartered in Utah, or watching the award-winning Repertory Dance Theater.

If he finds himself in Abravenal Hall, he will be listening to one of the best symphony orchestras in the Nation. If he is at Franklin Covey Field, he will watch the sun shine on the eastern mountains in the Wasatch over the left field berm as he sits in probably what has been considered one of the nicest and most beautiful baseball stadiums, watching the AAA-Division-leading Salt Lake Bees. He can find private clubs and dance clubs and comedy clubs and concerts and even, although I don't recommend it, get drunk in Salt Lake City.

□ 1915

He might even be able to listen to a debate between a publicity-seeking mayor and a radio talk show host about Iraq, in which case he would probably want to be drunk. It may just have been under those night lights that he didn't see much going on; that it was one of the nights when the Utah Jazz, even though they have had two rough difficult nights, were still involved in the hunt for the NBA title, something which a team in his State can't say.

In short, I would simply recommend and invite the good gentleman from Massachusetts to come and visit our State. I would suggest, perhaps, though, he should bring an interpreter with him, because in Utah we still do not put an R at the end of our vowels.

DEAMONTE'S LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to announce that I have introduced Deamonte's Law, a bill to establish a dental home for every American child by increasing dental services in the community health centers and training more individuals in pediatric dentistry.

The legislation is named for Deamonte Driver, a 12-year-old Maryland boy who died on February 25, 2007 when a tooth infection spread to his brain. A routine dental checkup might have saved his life, but Deamonte was poor and homeless and he did not have access to a dentist.

When I learned of this senseless tragedy, I was deeply shaken. I simply cannot comprehend how in this country, where we have sent men to the Moon, we let a little boy's teeth rot so badly that his infection became fatal.

I often say that as adults we have a responsibility to provide for and to protect our children, and we failed miserably to meet that responsibility for little Deamonte. I think we all should be ashamed by that fact. I know I am.

That is why I have made a commitment to addressing this issue from every single angle. I knew that if Deamonte was suffering in my home State of Maryland, other little boys and girls like him were probably also suffering.

To be clear, Deamonte's case was rare and extreme. However, even the most casual investigation reveals that children across this great Nation are living with painful, untreated tooth decay, many of them dangerously close to acquiring life-threatening infections.

The Centers for Disease Control and Prevention reports that tooth decay in baby teeth has increased 15 percent among United States toddlers and preschoolers 2 years old to 5 years old between 1988 to 1994, and 1994 to 2004. Tooth decay is the single most common childhood chronic disease, and it disproportionately affects poor and minority children. Eighty percent of dental decay occurs in just 25 percent of children, and parents are three times more likely to report that their children's dental needs are unmet when compared to the general medical care needs.

A silent epidemic of dental disease is plaguing our children, and our inability to address this issue has simply been horrifying. That is why I have introduced Deamonte's Law, which would address two critical factors contributing to the inability of children like Deamonte to access a dentist.

Deamonte's Law would ensure that children like Deamonte have access to dental services in communities where they live. Community health centers provide a health safety net to underserved areas, such as rural and urban communities. However, an estimated 42 percent have gaps in their capacity to provide dental care. Deamonte's Law would address this issue by establishing a 5-year, $5 million pilot program to provide funds for dentists, equipment, and construction for dental services at community health centers. The program would also provide support for contractual relationships between centers and private practice dentists.

Deamonte's Law would also address the dentist shortage. The United States Department of Health and Human Services estimates that there is a shortage of 4,650 dentists, and pediatric dentists are even more scarce. Deamonte's Law would address this issue by establishing a 5-year, $5 million pilot program to enhance training and academic programs in pediatric dentistry, recruit and train dentists to study pediatrics, and provide continuing education for practicing dentists.

The legislation is endorsed by the American Dental Association. I was joined in introducing this legislation by my good friend, Chairman HENRY WAXMAN of California, and Subcommittee Chairman DENNIS KUCINICH of Ohio. I want to thank both Congressmen for their leadership and dedication to this issue.

On May 2, 2007, at my request, we conducted an oversight hearing entitled "Evaluating Pediatric Dental Care under Medicaid to Investigate Deamonte Driver's Death." At the hearing, it became apparent that the Centers for Medicare and Medicaid Services has categorically failed to meet its oversight responsibility with regards to ensuring the State health departments and the managed care organizations that they contract with are in compliance with the law.

Section 1905(r)(3) of the Social Security Act ensures that every Medicaid-eligible child will have access to medically necessary dental care under the early and periodic screening, diagnostic, and treatment provision. However, it is evident from our investigation that this has not been the case, and so I urge my colleagues to join in sponsoring this legislation.

PREFERENCE POLICY PLAN FOR ILLEGALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the Senate's new repackaged immigration proposal, the "Give America Away Act," has a provision that should be of concern to college students and parents who foot the bill for college. It gives the illegals in the United States a better deal than U.S. citizens or legal immigrants when it comes to the cost of college tuition for State universities.

If this idea becomes law, besides granting amnesty to 12 million to 20 million illegals in the United States, it will treat those illegals better than U.S. citizens and legal immigrants when it comes to college costs. The idea is to grant all illegals a status so they can attend State universities as an in-State tuition even though they illegally entered the United States.

Some States already allow illegals to attend State universities and pay in-State tuition. Unfortunately, my State of Texas was one of the first, along with California.

Currently there are about a dozen States that allow this absurd policy of preference. Some States are considering opposite laws that require illegals to pay out-of-State tuition. No matter what the people want or the States want, a proposal in this new immigration policy plan will require all States that allow illegals to attend State universities to pay only in-State tuition, not out-of-State tuition.

So, what's the difference in cost? Well, if you are an in-State resident in Texas and attend the University of Texas, you pay about $1,500 for 12 semester hours. If you are an out-of-State student, say a student from Tennessee, you pay over $4,000 for 12 semester hours. So this proposal will discriminate against American citizens and legal immigrants, and favor and prefer illegals.

An example. If you are from New York and you want to get admitted to the University of Texas, you have to pay out-of-State tuition because, simply, you are not from Texas. Or, as we say, "You're not from around here." But if you are an illegal and get admitted to the University of Texas, you will get to pay in-State tuition.

If the Senate plan passes, this preference policy will be law and apply to every State, whether they like it or not. This is blatant discrimination against Americans and legal residents. So American students and parents, get your checkbooks out, because you are going to pay more for college than people who illegally enter the United States. You will be discriminated against by your own government. So, if you want to attend a State college somewhere in America other than your own State, and you don't have the money to pay the extra tuition, well, it's just too bad.

Mr. Speaker, this is just another reason this so-called new immigration reform proposal is a bad idea for America. It is nothing more than a preference policy for people illegally in the United States.

And that's just the way it is.

HONORING THE LIFE OF RABBI ROLAND B. GITTELSOHN AND HIS STIRRING EULOGY ON IWO JIMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BRALEY) is recognized for 5 minutes.

Mr. BRALEY of Iowa. Mr. Speaker, I rise today during Jewish American Heritage Month to honor the life and memory of Rabbi Roland B. Gittelsohn, who was the first Jewish chaplain ever appointed by the Marine Corps.

Most Americans don't recognize the name of Rabbi Gittelsohn, but they should. Rabbi Gittelsohn delivered a stirring eulogy to the war dead on Iwo Jima that is second only to the Gettysburg Address of President Lincoln as a stirring ode to the principles of democracy that are the bedrock of this country and the young men and women who paid the ultimate price for our freedom.

During World War II, Rabbi Gittelsohn was assigned as a Jewish divisional chaplain of the 5th Marine Division. During the Battle of Iwo Jima, Rabbi Gittelsohn was right in the heart in the action, ministering to the needs of Marines of all faiths, with the knowledge that his life was in grave danger.

After the fighting was over, Rabbi Gittelsohn was asked to give a sermon at an ecumenical memorial service dedicating the 5th Marine Division cemetery on Iwo Jima, but due to prejudice he only gave remarks at a small Jewish service. Here are his words.

"Here before us lie the bodies of comrades and friends, men who until yesterday or last week laughed with us, joked with us, trained with us, men who fought with us and feared with us. Somewhere in this plot of ground there may lie the man who could have discovered the cure for cancer. Under one of these Christian crosses or beneath a Jewish Star of David, there may now rest a man who was destined to be a great prophet, to find the way perhaps for all to live in plenty, with poverty and hardship for none. Now they lie here silently in this sacred soil, and we gather to consecrate the earth in their memory.

"It is not easy to do so. Some of us have buried our closest friends here. To speak in memory of such men as these is not easy. No, our poor power of speech can add nothing to what these men have already done. All that we can even hope to do is to follow their example, to show the same selfless courage in peace that they did in war; to swear that by the grace of God and the stubborn strength and power of the human will, their sons and ours will never suffer these pains again. These men have done their job well. They have paid the ghastly price of freedom.

"We dedicate ourselves, first, to live together in peace the way they fought and are buried in this war. Here lie officers and men, Negroes and whites, rich men and poor, together. Here, no man prefers another because of his faith or despises him because of his color. Here, there are no quotas of how many from each group are admitted or allowed. Among these men there is no discrimination, no prejudices, no hatred. Theirs is the highest and purest democracy.

"Any man among the living who fails to understand that will thereby betray those who lie here dead. Whoever of us lifts up his hand in hate against a brother or thinks himself superior to those who happen to be in the minority makes of this ceremony and the bloody sacrifice it commemorates an empty, hollow mockery. To this, then, as our solemn, sacred duty, do we the living now dedicate ourselves to the rights of Protestants, Catholics, and Jews, of white men and Negroes alike, to enjoy the democracy for which all of them have paid the price.

"When the last shot has been fired, there will be those whose eyes are turned backward, not forward, who will be satisfied with wide extremes of poverty and wealth in which the seeds of another war can breed. We promise you, our departed comrades, this too we will not permit. This war has been fought by the common man. Its fruits of peace must be enjoyed by the common man. We promise, by all that is sacred and holy, that your sons, the sons of miners and millers, the sons of farmers and workers, the right to a living that is decent and secure.

"When the final cross has been placed in the last cemetery, once again there will be those to whom profit will be more important than peace. To those who sleep here silent, we give our promise: We will not listen. We will not forget that some of you paid the ultimate price for men who profit at your expense. We will remember you as you looked when we placed you reverently, lovingly, in the ground.

Thus do we memorialize those who, having ceased living with us, now live within us again. Thus do we consecrate ourselves to the living to carry on the struggle they began. Too much blood has gone into this soil for us to let it lie barren. Too much pain and heartache have fertilized the earth on which we stand. We here solemnly swear, this shall not be in vain. Out of this, and from the suffering and sorrow of those who mourn this, will come, we promise, the birth of a new freedom for the sons of men everywhere."

My father served in the 5th Marine Division on Iwo Jima, and it is to his memory and the memory of Rabbi Gittelsohn that I offer these poignant words.

□ 1930

THE CONSTITUTION CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I am a member of the Constitution Caucus, and we take it as an important responsibility to come to the floor every week to talk about an issue related to the Constitution.

Tonight, we are here to talk about the Federal Government's role in education through the No Child Left Behind Act. But I question whether the premise of Federal involvement is even legitimate.

The tenth amendment to the Constitution that enumerates States' rights throws Federal involvement in education into question.

The tenth amendment tells us that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

No Child Left Behind has a problem. The problem is that the individual States have learned that Federal Government involvement in local education is often uninformed, inefficient and unnecessarily burdensome.

What many Americans don't know or don't remember is that No Child Left Behind is simply a reauthorization of the Elementary and Secondary Education Act, a law first passed in 1965 and signed into law by President Lyndon Johnson. It has been revised and reauthorized so many times that it barely resembles the original law.

Today the law spawned by the repeated tinkering over four decades is increasingly complicated and burdensome. It attempts to tie Federal money to disparate yardsticks that may or may not make sense for the thousands of local school districts around the country.

How can one law effectively regulate both a rural school in North Carolina and an inner-city school in L.A.? I believe it cannot. Accountability needs be a State and local issue left to parents and teachers. It should not be delegated to Washington bureaucrats who don't even step inside the thousands of schools that are scrambling to comply with cookie-cutter regulations that often don't make sense on the local level.

According to the Congressional Research Service, the Elementary and Secondary Act of 1965 was primarily concerned with the relationship between poverty and low educational achievement. That is, indeed, a noble goal. But the law has since gone far afield. Now it infringes on States rights to oversee school systems and strays into unconstitutional areas.

Again, the 10th amendment to the Constitution says, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved for the States respectively, or to the people."

The Constitution does not give the Federal Government the express right to dabble in local education. We need to give States back their full constitutional right to set education policy and encourage innovative solutions to the unique education issues faced by every State.

Tens of billions of Federal dollars cannot fix faulty schools. Broken schools need to be held accountable on the local level. By pushing accountability to the Federal level, we've produced a counterproductive system that is not responsive to the local needs of students, parents and teachers.

As we look towards the next reauthorization of this law, we must take States rights into account, lest we again fail the most important people in this equation, our Nation's children.

BRING THE TROOPS HOME FOR MEMORIAL DAY

The SPEAKER pro tempore (Mr. HALL of New York). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the sacrifices of those who have dedicated their lives in defense of our country are an important reminder of the price of freedom. These brave heroes have served this country with distinction, and it is our absolute responsibility to honor them.

Memorial Day is an opportunity to reflect on how we must support our troops, which means honoring our responsibility to provide the best protection and support for the men and women who serve in our Nation's Armed Forces. It means honoring our promise to provide lifelong health care and benefits for our veterans when they return home, and it means doing everything we can to bring our troops home from Iraq, out of harm's way.

As we reflect on the sacrifices and the accomplishments of our veterans, it's vitally important to reaffirm our support for our troops on Memorial Day. And Memorial Day is an opportunity to commend all who have defended our country and safeguarded the values cherished by every single American. It's a chance to repeat that while we strongly disagree with this administration and its continuing occupation of Iraq, we support our troops.

This administration refuses to hear the calls of the vast majority of Americans demanding that we bring the troops home. It continues to believe that the only way forward in Iraq is to spend more money, send more troops for an open-ended debacle. This administration maintains its strategy for delay and denial, refusing to plan for an end to the Iraq occupation, a blank check and no accountability.

As the administration stubbornly refuses to accept that we cannot win an occupation, the men and women serving in Iraq are suffering the consequences of these mistakes. Nearly 20 percent of the soldiers returning from Iraq experience some symptoms of post-traumatic stress disorder, or PTSD, which puts them at significantly higher risk for suicide and drug addictions. More than 34,000 of our servicemembers have been injured in Iraq, and more than 3,400 have been killed.

Sending our soldiers back into an increasingly deadly civil war on extended tours with worn-out equipment is not supporting the troops. We cannot let this neglect for our veterans become the hallmark of the occupation. We must strengthen our commitment to our troops. We must provide them with the support they deserve.

That's why I've introduced H.R. 508, the Bring the Troops Home and Iraq Sovereignty Restoration Act, which will end the occupation within 6 months of passage and will provide for full physical and mental health care for all of our Nation's veterans. Our troops deserve no less.

Mr. Speaker, this Memorial Day is an opportunity, an opportunity to celebrate the honorable service of those who were in past wars, those who have served in between wars, and those who are serving today. And we can do that by providing our veterans with the support that they need. It's an opportunity on this Memorial Day to support the troops who are in Iraq by demanding that they come home.

OPENNESS IN THIS INSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, one of the hallmarks of this institution is openness. Every minute of debate in this Chamber is captured on C–SPAN cameras. Every minute of debate and dialogue in the committee rooms are transcribed and recorded. This practice is premised on the principle that the public has a right to know what factors go into our decisions here.

I don't think the public would be very pleased to learn how much of this decisionmaking process is moving behind closed doors, particularly as it relates to earmarks.

Over the past several years it became common practice for appropriators to include earmarks in committee and conference reports, rather than the text of the bills. Frequently, a committee report containing thousands of earmarks would come to the floor only hours before the final vote on the bill. At times the committee report would be made public only after the bill had already passed.

The bottom line is that, over several years, earmarks endured very little scrutiny from this body. I think the voters have become very aware of this failing on our part. My party, the Republican Party, allowed the practice of earmarking to get out of hand. Taxpayers have paid the price. This institution has paid the price. Finally, we Republicans paid the price at the polls this November.

When the new majority took over in January of this year, they moved to include more transparency in the earmarking process. Members of Congress would, at long last, have to put their names next to the earmarks. We Republicans had done this in the fall, but only after the appropriations season was nearly done. This was a good move by the majority party in January. As I said at the time, they had the guts to do what we hadn't when it mattered, at the beginning of the appropriation process.

There is reason now, however, to doubt the sincerity of these moves. House rules are only as good as our willingness to enforce them. And we have, as yet, not been willing to enforce these rules.

When a bill comes to the floor now, there must be a list of earmarks with Member names next to them, or a certification that the bill contains no earmarks.

When the supplemental came to the floor, there were clearly earmarks in the bill, yet there was a certification that there were no earmarks contained in the bill.

The problem is, a point of order can only lie against the bill if there is no certification. So a certification, even though it might be patently wrong, has to be accepted by the Speaker or the Parliamentarians.

The intelligence authorization bill came to the floor without a list of earmarks. The list of earmarks only came after the deadline to submit amendments to the Rules Committee; so then, again, there was no opportunity to challenge any of the earmarks in the bill. Then, despite the fact that there were more than 680 earmarks in the defense authorization bill, no amendments related to earmarks were allowed by the Rules Committee, even though some of the earmarks clearly had no relationship to defense.

Now, we hear that the Appropriations Committee plans to keep earmarks secret until the appropriation bills this year have passed the House floor. Those earmarks would later be "air-dropped" into the conference report where no amendments are possible, where no scrutiny of these amendment or, I'm sorry, of these earmarks is possible.

The vaunted sunlight that we said we were going to bring into this process is gone. We closed the drapes. We've snuffed out the candle.

Mr. Speaker, this institution deserves better than this. We can do better. We should, on a bipartisan basis, bring this sunlight back. We need to subject earmarks to the scrutiny that they should have. No spending should occur in this body without the Members' knowledge, and that's what happens when earmarks are "air-dropped" into a conference report.

Mr. Speaker, I'm convinced that in the end, the majority party will pay the political price. I hope that we would move before that time. I hope that we can, on a bipartisan basis, simply move forward and bring sunlight back into the process. That is what I think the citizens of this country deserve. It's what the taxpayers need to have

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□ 1945

SURGING GASOLINE PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, surging gas prices at the pump surely tell us, just before Memorial Day, that something has gone wrong again with the rigged oil markets.

We've seen gasoline prices in our country set all-time highs. Ohio families are paying $3.50 to $3.93 a gallon, with no end in sight. And when President Bush took office, they were paying $1.46 a gallon. In fact, when Vice President CHENEY was sworn in, Halliburton's stock was worth one-fourth of what it's worth today.

So we think about America's families and our consumers. They're being hurt. Car and truck sales are being hurt. Our economy is being hurt. It's all so unnecessary.

When you fuel up, the chances are 7 out of 10 that the crude oil for the gasoline came from an undemocratic foreign country, Saudi Arabia, Nigeria, Venezuela, Angola, Mexico, maybe even trafficked out of Iraq, places that do not exactly love thriving democracy.

Meanwhile, in oil-rich Iraq, this week, eight more American soldiers were killed in roadside bomb attacks near Baghdad. And this brings to nearly 3,400 U.S. service-member deaths in Iraq, plus additional Department of Defense civilian employees, and the death toll keeps mounting.

The major oil pipeline and refinery in Iraq is now being guarded by our best, the 82nd Airborne, and sundry private contractors. They're guarding oil lines and the refinery. In fact, some of that oil has been stolen and even trafficked throughout the war.

Meanwhile, a new hydrocarbon law is being pushed in Iraq, which boasts the second largest oil reserves in the world, that would privatize the majority of oil in that country to who? That's the trillion-dollar question. That's the $23 trillion question.

How disgusting to me that our finest military have to die in an oil war. When will the American people begin to connect undemocratic oil regimes, imported oil, and the lives of our sons and daughters while our gasoline-consuming public is subjected here to the oil marketeers?

I don't think anybody would admit it is a free market in oil. It's a cartelized market. It has been for half a century. Exxon and the other major oil companies are raking in historic profits at the expense of our sons and daughters. We see U.S. military power fully projected in Kuwait, in Iraq, benefiting their neighbors, too, like Saudi Arabia and Bahrain, who have had to hire growing legions of private security firms to hold up their kingdoms and emirates. Saudi Aramco is the largest privately held company in the world, and Exxon Aramco the most profitable oil company in history. Are you starting to see the picture?

Let me ask a critical question: Would any of the oil profits made off the pocketbooks of Americans be going to hire more security guards in Saudi Arabia, or in Bahrain, or in Kuwait? As Will Rogers would say, "You betcha."

Our Nation's military power is now fully projected in the deserts over there, and here in Washington sits Congress and a President who say they want to break oil addiction from imported sources. But since President Bush took office, we are importing a billion more barrels a year, a billion more barrels a year every year since 2001. It is projected we will spend a trillion dollars on the war in Iraq, and it is not anywhere close to over. Yet we passed a bill out of the House a few months ago that just put a thimble full of additional resources in renewable energy. Is there any dispatch here? Is there any urgency? Is there any seriousness? Let the American people tell us. Do you see it? Do you hear it? Do you feel it in your pocketbooks?

Citizens are expressing their frustration with our inability to rein in the abuses of the oil companies. And I have got a partial solution. This week I am introducing a bill to give something back to the American people tired of being gouged by the oil companies. It is called the "Give America Something Act of 2007," the GAS Act, G-A-S. Give every American a one-time immediate $100 gas payment refund. They can use it to pay for higher gas prices. They can use it to pay for higher transit costs. And we pay for it by imposing a windfall profits tax on oil revenue to provide the revenue to finance the program. This is long overdue.

HONORING OFFICER ROB TARGOSZ

The SPEAKER pro tempore (Mr. HALL of New York). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, in the very earliest days of this Nation, Edmund Burke said, "All that is necessary for the triumph of evil is for good men to do nothing."

That belief became the personal creed and call to action of Officer Rob Targosz. Mr. Speaker, this man was a hero and a model human being determined to utilize every ounce of his mind, soul, and body to protect the lives of thousands of his fellow Americans so that we could all live in a safer, more peaceful Nation. Rob Targosz was a second lieutenant in the 12th Airborne Special Forces. He was a member of the SWAT team, and he was a police officer of the Gilbert Police Department in Gilbert, Arizona, for 12 years. He served there on the DUI Task Force because Rob felt that one of the greatest purposes of his life was to combat and prevent drunk driving.

The license plate on the back of his police motorcycle displayed the title "Agent of Justice." He defended our citizens and our laws, and he sought justice with a determination so real that it led him face to face with the very tragedy he had dedicated his life to protect others from. In one of life's great paradoxical mysteries, while on duty, Rob Targosz was killed by a drunk driver.

Mr. Speaker, drunk driving is the embodiment of apathy, callousness, and selfishness, which is the very opposite of everything that personified Officer Rob Targosz. The enemy that took Rob's life was the very thing that broke his heart and fueled his desire to battle against it. But it did not defeat him, because Rob Targosz was a man of abiding faith in Jesus Christ, whom he held as his eternal Savior. And Rob left behind him in this life a legacy of heroism, love for America, and countless Americans whose lives are preserved because he protected them with his own.

Therefore, his battle continues and his search for justice pulsates in the hearts of other Americans, who, like him, continue to defend and protect us all. Rob's life also continues in the lion heart of his beloved wife, who walked by his slain body, picked up his armor and weapons, and continues his fight by educating the public about the unspeakable destruction caused by drunk driving.

Mr. Speaker, one of the many reasons that human life is so precious is because it allows the world to see when a single man can live and do and live his life, however short it might be, so that others may be the better for it. Americans are alive and families are whole because of the life and work of Officer Rob Targosz. And the world is better because he showed us an example of a truly noble and excellent soul. May his example fire the souls of us all to continue his enduring quest to protect the innocent.

God bless Rob Targosz and his family.

EVERYONE DESERVES A SECOND CHANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the United States of America has more of its people in prison per capita than any other developed nation in the world, more than 2 million. The vast majority, 95 percent, of the men and women in our prisons will eventually return to the community. This means that every year more than 650,000 offenders are released from State and Federal prisons and return back to civilian life.

These men and women deserve a second chance. Their families, spouses, and children deserve a second chance. And their communities deserve a second chance. A second chance means an opportunity to turn a life around, a chance to break the grip of a drug habit; a chance to support a family, to pay taxes, to be self-sufficient.

Today, few of those who return to their communities are prepared for their release or receive any supportive service. When the prison door swings open, an ex-offender may receive a bus ticket and spending money for a day or two. Many leave prison to return to the same environment which saw them offend in the first place. But as they return, they often face additional barriers to reentry: serious physical and mental health problems, no place to stay, and lack of education or qualifications to hold a job. As a result, two out of three will be rearrested for new crimes within the first 3 years after their release. Youthful offenders are even more likely to reoffend.

One-third of all correction departments provide no services to released offenders, and most departments do not offer a transitional program, placing a heavy burden on families and communities. Considering the cost of incarceration, as much as $40,000 per year, and all the social and economic costs of crime to the community, it is just plain common sense to help ex-offenders successfully reenter our communities and reduce recidivism.

That is why I have sponsored the bipartisan Second Chance Act of 2007, H.R. 1593, along with Representatives CANNON, CONYERS, COBLE, SCOTT of Virginia, SMITH of Texas, JONES of Ohio, FORBES, SCHIFF, SENSENBRENNER, CHABOT, JACKSON-LEE of Texas, CUMMINGS, JOHNSON of Georgia, CLARKE, and 75 other Members of Congress.

A companion bill, S. 1060, has been introduced in the Senate by Senators BIDEN, DURBIN, SPECTER, BROWNBACK, LEAHY, OBAMA, and 10 others.

The Second Chance Act will provide transitional assistance to assist ex-offenders in coping with the challenges of reentry. It will reduce recidivism. It will help reunite families and protect communities. It will enhance public safety and save taxpayer dollars. It is the humane thing to do. It is the responsible thing to do. And, of course, it is the right thing to do.

The Judiciary Committee held hearings on the bill last month and quickly voted to send the bill to the full House. I fully expect it to pass soon. The bill has the support of more than 200 criminal justice, service provider, faith-based, housing, governmental, disability, and civil rights organizations. President Bush has signaled his support of the legislation as well.

No single piece of legislation is going to solve the reentry crisis we are facing, but the Second Chance Act is a good start. I hope that with passage of this bill, we will begin a new era in criminal justice.

Mr. Speaker, I am convinced that any serious effort to facilitate the reentry of men and women with criminal records to civil society must be prepared to do two things. First, we must be prepared to help with drug treatment on demand for everyone who requests it. Second, we need to find work for ex-offenders. Programs don't supply jobs. After ex-offenders have undergone rehabilitation and received appropriate training, employers will have to open their hearts and put these men and women back into the workforce. They do not belong in prison.

Many of them don't need prison, but they do need a second chance. Congress can give them that. And we should

THE A-PLUS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WALBERG) is recognized for 5 minutes.

Mr. WALBERG. Mr. Speaker, as a member of the Constitution Caucus, I am convinced that today, at a time when our Nation lags behind other countries in math and science testing and the Federal Government has a larger role in education than ever before, this Congress must find a way to give our schools greater flexibility, reduce the bureaucracy involved in education, and ensure these opportunities really are being given to our children.

In years past Congress has attempted to solve problems in education by simply throwing piles of Federal money into the education system. The original purpose of No Child Left Behind was to return some education policymaking authority to the States. Unfortunately, during the process of crafting, passing, and enacting this legislation, No Child Left Behind took the form of a massive spending bill that increased the Federal Government's presence in classrooms.

As a December 22, 2006 editorial in the Detroit News stated, "What our Federal legislators come up with in the Nation's Capital doesn't always translate well into the classroom."

The editorial continues: "Michigan should have the flexibility to decide how and when to measure student progress."

My daughter-in-law is a hardworking and talented teacher who has experienced firsthand the problems No Child Left Behind creates for teachers, parents, and students. As a classroom teacher forced to teach to the tests required by local, State, and No Child Left Behind, she actually considered quitting because of the paperwork and restrictions imposed upon her. She struggled to have time to give individual attention to each of her "special needs" students.

Ironically, she obtained her teaching position due to her performance the year prior as a permanent substitute teacher in a classroom. Because she was not required to fill out all the forms and paperwork required by No Child Left Behind, she excelled and the school offered her a permanent position.

In its origin, No Child Left Behind attempted to provide greater school choice and reduce Washington's involvement in education. But instead this expensive and largely unsuccessful legislation has broadened the scope of the Federal Government's role in education. Enshrined in our Constitution is the 10th amendment, which reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved for the States respectively, or to the people." Federal control of education is listed nowhere in the Constitution. And in accordance with the 10th amendment, education should be the responsibility of State and local governments.

Because I believe each child's educational path should be determined by a child's parents and not by the Federal Government, I am an original cosponsor of the A-Plus Act. The A-Plus Act would give States, teachers and parents the freedom and authority to determine what educational path a student should take.

As part of this legislation, States can opt out of Federal programs, and State leaders can decide how to use Federal education funds to improve student achievement.

We all are seeking the best possible educational opportunities for our children, and the way to achieve this is to let States and local communities be accountable for academic achievement and educational reforms.

With that, I yield back, Mr. Speaker.

□ 2000

IN HONOR OF THE 100TH ANNIVERSARY OF ST. JOSEPH'S CHURCH

The SPEAKER pro tempore (Mr. HALL of New York). Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise today to share with my colleagues a small story from a small corner of America called Rowena, Texas.

The 20th century began with a tremendous movement of people to west Texas in search of good land, opportunity and prosperity. Among these intrepid travelers were many Czech and German Americans whose forefathers had come to Texas to farm, ply trades and create better lives. Their descendants found these lives in Rowena.

In 1906, four Rowena Catholics, William Glass, Mike Feist, Frank Schwertner and John Jansa, sought to erect a church to serve their community and better practice their faith. After a year of toil, the church opened and celebrated its first mass, a wedding, on November 20, 1907. The church was aptly dedicated to St. Joseph, the patron of immigrants, families and working people.

St. Joseph's grew rapidly during its early years, reflecting its growing significance in the community. In 1916, the church opened St. Joseph's School, with the Sisters of the Divine Providence serving as teachers. And in 1924, a new church in the gothic style was dedicated, and the annual fall festival was begun to support the church. To this day, the gothic church still stands, and the fall festival is still celebrated each year.

Soon the church began to host community-service organizations and social clubs as well. The Knights of Columbus, St. Ann's Altar Society, Catholic Daughters of America, the KJT, KJZT and the Immaculate Conception Society would all call the church home through the coming decades.

The Great Depression and World War II would see an especially important role for St. Joseph's and its parish organizations to play as they led their rural community through troubling times.

As the church aged in the 1950s and in the 1960s, it prospered. It marked its 50th anniversary in 1957, and a new community space was constructed in 1961. And all the while, the high school continued to educate and graduate the youth of Rowena.

Unfortunately, as with all institutions, the church inevitably faced a period of decline. As the small town of Rowena began to lose population, difficult times ensued for the church. The parish school finally closed in the late 1970s, and church membership shrunk.

Shaken by these developments, the parish renewed its commitment to the sacraments, its members and its community. They reestablished religious instruction, revitalized their parish organizations, and moved into the modern age. Today, St. Joseph's is fittingly led by another immigrant, Father Bhaskar Morugudi from India.

2007 marks St. Joseph's centennial celebration. The belief of four men led to the creation of the parish, but it took the faith of a community to sustain it. Throughout the last 100 years, St. Joseph's has been the rock for the people of Rowena. It has educated their children, guided them through trouble and saved their souls.

As the parishioners of St. Joseph's look to the future, I urge them to remember the rich history that lies in their past. The legacy of their founders created in Rowena through service, education and salvation is inspiring. The church is woven into the threads of Rowena itself and highlights the history of America herself, and I feel privileged to share this story with you all.

No matter who we are or where we're from, we can all find common ground in the story of St. Joseph's parish. It is a story of individuals seeking and creating a better life for themselves and their descendants, and of a people of deep devotion seeking to practice their beliefs and enrich their community. We should all strive to be so noble in our ambitions and generous in our spirits.

Today I celebrate and honor the parishioners of St. Joseph's in Rowena, Texas as they reflect on the past and embark on another 100 years of ministry and service.

THE WAR IN IRAQ

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the war in Iraq, since its beginning, has gone against every traditional conservative position I've ever known, especially fiscal conservatism. There is nothing conservative about the war in Iraq. So it should have been no surprise when William F. Buckley, often called the "Godfather of Conservatism," wrote in 2004 that if he had known in 2002 what he knew then by 2004, he would have been against the war. But listen to what he wrote in June of 2005, 2 years ago.

William F. Buckley. "A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity conveys not steadfastness of purpose, but misapplication of pride. It can't reasonably be disputed that if in the year ahead the situation in Iraq continues about as it has done in the past year, we will have suffered more than another 500 soldiers killed. Where there had been skepticism about our venture, there will be contempt."

That was William F. Buckley in 2005. And his main point was, quote, "A point is reached when tenacity conveys not steadfastness of purpose, but misapplication of pride." Unfortunately, we are losing our young soldiers at a much faster rate than the 500 a year that Mr. Buckley said would move the American people from skepticism to contempt; 103 U.S. soldiers killed in April alone, at least 71 more killed through May 21, including 15 this past weekend, and someone told me 8 more today.

Saddam Hussein was an evil man, but he had a total military budget only a little over two-tenths of 1 percent of ours, most of which he spent protecting himself and his family and building castles. He was no threat to us whatsoever.

Mr. Speaker, we all respect, admire and appreciate those who serve in our Nation's Armed Forces. As I said a few days ago on this floor, serving in our military is certainly one of the most honorable ways anyone can serve our country. I believe national defense is one of the very few legitimate functions of our national government, and certainly one of the most important. However, we need to recognize that our military has become the most gigantic bureaucracy in the history of the world, and like any huge bureaucracy, it does many good things, of course, always at huge expense to the taxpayer. And like any huge bureaucracy, our military does many things that are wasteful or inefficient. And like any huge bureaucracy, it tries to gloss over or cover up its mistakes. And like any huge bureaucracy, it always wants to expand its mission and get more and more money.

Counting our regular appropriations bills, plus the supplemental appropriations, we will spend more than $750 billion on our military in the next fiscal year. This is more than all the other nations of the world combined spend on their defense.

The GAO tells us that we presently have $50 trillion in unfunded future pension liabilities, on top of our national debt of almost $9 trillion. If we are going to have any hope of paying our military pensions and Social Security and other promises to our own people, we cannot keep giving so much to the Pentagon. No matter how much we respect our military, and no matter how much we want to show our patriotism, we need to realize there is waste in all huge bureaucracies, even in the Defense Department.

There is a reason why we have always believed in civilian leadership of our Defense Department. The admirals and generals will always say things are going great because it is almost like saying they're doing a bad job if they say things are not doing well. And the military people know they can keep getting big increases in funding if they are involved all over the world. However, it is both unconstitutional and unaffordable, and, I might add, unconservative, for us to be the policemen of the world and carry on civilian government functions in and for other countries.

National defense is necessary and vital. International defense by the U.S. is unnecessary and harmful in many ways. Now we are engaged in a war in Iraq that is very unpopular with a big majority of the American people. More importantly, every poll of Iraqis themselves shows that 78 to 80 percent of them want us to leave, except in the Kurdish areas. They want our money, but they do not want us occupying Iraq. Surely we are not adopting a foreign policy that forces us on other people, one that says we are going to run Iraq even if the people there want us to leave.

The majority of the Iraqi Parliament has now signed a petition asking us to leave. It is sure not traditional conservatism to carry on a war in a country that did not attack us, did not even threaten to attack us, and was not even capable of attacking us. And it is sure not traditional conservatism to believe in world government, even if run by the U.S.

Mr. Speaker, President Bush, when he ran for office in 2000, campaigned strongly against nation building. Unfortunately, that is exactly what we have been doing in Iraq. The President, in 2000, said what we needed was a more humble foreign policy. That is what we needed then, and it is what we need now.

U.S. SHOULD NOT SELL ARMS TO PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this evening to discuss a contract recently awarded by the U.S. Government to Lockheed Martin for 18 Sniper Advanced Targeting Pods, or ATPs, to be sold to the Government of Pakistan. Sniper ATPs allow aircrews to perform intelligence, targeting, surveillance and reconnaissance missions from extended standoff ranges.

Mr. Speaker, I believe it is irresponsible for the U.S. Government to sell high-grade weapons technology to Pakistan, a nation that has turned a blind eye to the increasingly dangerous Taliban insurgency in the western region of its country.

Numerous press accounts in recent months have discussed the growing presence of Taliban training camps and bases in the tribal regions of western Pakistan that border Afghanistan. Just last week, in the port city of Karachi, over 40 people were killed, with even more injured during 2 days of gun battles and mayhem in response to an antigovernment rally. Most reports claim that this violence against protesters was perpetrated by the Muttahida Quami Movement, or MQM, which is an ethnically based Mafia allied with Pakistani President Musharraf.

In a country that claims to be somewhat democratic, the actions of the MQM and President Musharraf seem to be just the opposite. Coupled with the Pakistani president's refusal to put forth a good-faith effort to root out Taliban insurgents in his country, it hardly seems like a good idea for the United States to be selling arms to the Government of Pakistan.

Earlier this year, Democrats passed H.R. 1, which implemented the recommendations of the bipartisan 9/11 Commission. Included in this bill was language that would end U.S. military assistance and arms sales licensing to Pakistan in the 2008 fiscal year unless Pakistani President Musharraf certifies that the Islamabad government is "making all possible efforts to end Taliban activities on Pakistani soil."

I believe that the U.S. should live up to this commitment by ceasing the sale of arms to the Government of Pakistan. I fear that if we do, in fact, provide these weapons technologies to countries in unstable regions, such as Pakistan, they could be used against U.S. allies, such as India.

This U.S. policy of military sales to Pakistan will contribute to increasing security concerns throughout South Asia. The U.S. has no way of knowing if these technologies will be used against al Qaeda and the Taliban, and not against India or other peaceful nations. In fact, the government has simply watched while terrorist groups like Lashkar-e-Tayyaba, or LET, committed terrorist acts in Jammu and Kashmir and other parts of India. The actions within its own country prove themselves not fit for, in this case Pakistan, for receiving these weapons.

Mr. Speaker, although Pakistan has claimed to be an ally in the global war on terror, it clearly has not taken the necessary steps to end terrorism in its own backyard. I strongly believe that economic assistance is necessary to support economic restructuring that will stop Pakistan from becoming a breeding ground for terrorists.

At the time after 9/11, when we decided that we would allow economic assistance to Pakistan and development assistance, I was all for it because I think it makes sense; that's the way to lead to a democratic and stable Pakistan. But military assistance is another matter. Allowing this sale sends the wrong message, I think, particularly in the climate that we live in here today, and what Pakistan has been doing in not living up to its part of the deal in fighting the Taliban.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. Pursuant to 46 U.S.C. 51312(b), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Merchant Marine Academy:

Mrs. McCARTHY, New York
Mr. KING, New York

□ 2015

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to be here on the floor tonight. It is like old times, Mr. RYAN and Ms. WASSERMAN SCHULTZ. And we have the gas pump there, and it is just, you, know a wonderful feeling.

Mr. Speaker, just to see you in the Chair there inspired me as an American to continue to be a part of this great democracy of ours. Our good friends from the Clerk's office and the Capitol Police and all the folks that make it possible for us to be here tonight, we are just forever appreciative.

As you know, in the 109th and 108th Congress, this was the trio here. Ms. WASSERMAN SCHULTZ brought quite a bit of class to our operation. She came in the 109th Congress, and, Mr. RYAN, we started to wear better ties and study more so that we could keep up with an educated policymaker.

Mr. RYAN of Ohio. I started wearing pink ties, because we had the whole goddess thing going on.

Mr. MEEK of Florida. Mr. RYAN started wearing his pink ties, which my daughter always says, real men wear pink. That is actually salmon, but we won't talk about it.

Mr. Speaker, in all seriousness, we have an awful lot of business that will be taking place in the next 24 hours. We are approaching Memorial Day, and there have been a lot of reports about the Iraq emergency supplemental. There has been a lot of discussion about lobbying reform. There has been a lot of discussion about the reauthorization of the agriculture bill. But I can tell you one thing, Mr. Speaker: Unlike previous Congresses, the work is being dóne here by those of us that are under the dome, doing what the people of America sent us up here to do.

As we talk about the war, I think it is important to know that the issues in Iraq and Afghanistan are very, very serious to all of us here, to all of us in Washington, DC, and Americans throughout the country, and especially the family members of those serving in Iraq and Afghanistan. We always give this report. As of 10 a.m. this morning, the death toll in Iraq as it relates to the men and women in uniform is 3,424; wounded in action and returning to duty is 14,073; and wounded in action and not returning to duty is 11,476. I think it is very important that we pay very close attention to those numbers.

The days of six supplementals passing off of this floor, half a trillion dollars spent and no strings attached to any of those appropriation dollars, those days are over. I am very proud of the leadership in the House and the Senate in fighting with the White House and bringing about the kind of accountability that the American people have called for.

You heard me say here on this floor in the past, Mr. Speaker, that there have been bills that in the spirit of the bill, I voted for those bills, but as it relates to the substance of those bills, I have had a few problems with the lack of accountability. That is paramount now in this bill that hopefully will pass the House floor tomorrow. There are benchmarks. There are reporting periods that the President has to report back to the Congress. In September, we will be coming in for a landing and making some real decisions.

The Iraqi Parliament, as you know, Ms. WASSERMAN SCHULTZ, they have been holding quite a few conversations, as a matter of fact, talking about going on vacation for 60 days. The Defense Minister called his Ministers together to plan for an immediate U.S. withdrawal of troops, because I believe they know with this new Congress in place, the days of the Iraqi Government drawing down on the taxpayer dollars, the U.S. taxpayer dollars, without accountability, are over; and if they are not willing to reform themselves, then we should not be willing to have our men and women on the streets of Iraq fighting on behalf of safety and patrolling the streets, when the Iraqis are not doing what they are supposed to be doing.

With that, I will yield to one of my good friends. I will yield to Ms. WASSERMAN SCHULTZ, who is a very good friend, and then Mr. RYAN comes in after her in my friendship.

Ms. WASSERMAN SCHULTZ. You have just known me longer.

Thank you, Mr. MEEK. It is a pleasure to be here. We have been trying to get the three of us back together again. It is a good problem to have. We have a lot more on our plate now that the Democrats are in the majority. The other good part of our problem is that we have expanded the active members of the 30-Something Working Group, with the Speaker that is in the chair this evening and a number of other Members, Mr. ALTMIRE, and we are really happy about that.

But I am glad the three of us were able to come back together this evening to continue our effort to speak to both our generation and to the American people, the rest of the American people, about our concerns and the Democratic new direction that we have been successful in moving in since November 7th when we were victorious in the election and when the American people indicated to this Congress that they wanted to move in a new direction.

We struggled through the last number of years. Gradually, and unfortunately a cloud hung over this institution and this Capitol, a culture of corruption had developed, Mr. RYAN, and we just could not allow it to continue any longer. The American people were fed up with it, and that is why tomorrow we are going to be considering lobbying reform and ethics reform, so that we can inspire the confidence of the American people once again in their leaders, both as individuals, because traditionally they have said to pollsters that they support their Member of Congress, they like their Member of Congress, but they can't stand the institution.

That is a sad state of affairs. We need to make sure that our institution, the one we are proud to serve in, is one that the American people can be proud of as well. There has been too much corruption here, unfortunately led by individuals formerly in the leadership in this institution on the other side of the aisle for far too long, and we need to take some significant steps to clean it up, which is why we are going to be considering this legislation on the floor tomorrow.

We also talked about during the campaign and leading up to, and now since NANCY PELOSI, our Speaker, took office, that we are going to implement the priorities that were important to the American people, including the minimum wage. We passed our "Six in 06" agenda in the first 100 hours that we were in the majority. The minimum wage was part of that. The implementation of the 9/11 Commission recommendations was a part of that. Making sure that we could repeal the $14 billion in subsidies that we gave away to the oil industry under the Republican leadership, that was a part of that package, and a number of other provisions.

Our priorities since taking control of the House of Representatives have been a reflection of the priorities of the American people.

We have been interacting with this President, which in my experience the only thing I can analogize it to, Mr. RYAN, is like trying to move an iceberg. This is a person who occupies the White House now that seems to have no respect for the system of checks and balances, no respect for the fact that the Founding Fathers created three branches of government that were considered coequal, and that he was not elected king of this country. The Founding Fathers very definitely intended for us not to have a monarchy, not to establish a monarchy, and he doesn't get to just decide what is going to happen, particularly when it comes to war and executing the powers of the Presidency. He does have to have input from us.

I can tell you from my perspective, I think from your perspective, Mr. MEEK, and Mr. RYAN as well, that this is the beginning of the end. The actions we have taken, insisting upon him not having a blank check and ending the blank check and the open-ended commitments that have been there, it is the beginning of the end.

Mr. RYAN of Ohio. While we are hitting on the war, I think it is important for us to maybe go back and reevaluate why the Democrats have the position of redeploy out, wind this thing down, and I think it is important for us to go through some of the numbers.

Mr. MEEK had already mentioned the number of troops killed. We have had another nine that were killed in the last couple of days, and our hearts and prayers go out to all the families that have been affected by this and who have lost soldiers over there. The most heartbreaking thing we have to do is go to these funerals and see a 20-year old kid who has been married for a year with a 7-month-old son or daughter.

It is heartbreaking when we don't even know what winning is. Ask the President. What is winning this war? What does that mean now? We can't really get an answer from the President.

But a couple of things, why we think the President and his policies have made this situation worse. The number of insurgents in Iraq in 2003 was 5,000. The number of insurgents in Iraq in March of 2007 is 70,000, all Sunni, mostly Sunni. What I love now is the President is starting to say, Mr. Speaker, "bin Laden is now saying we need to attack Americans in Iraq. See why we got to stay there?"

No kidding. Right? No kidding. Bin Laden? Of course. We have 150,000 soldiers in a war zone. Of course, bin Laden is going to say go hit them over there.

But the problem is that we are creating more terrorists. And if you are trying to win the hearts and minds of people, okay, the number of civilian casualties in Iraq since the invasion, estimates range from 54,000 to 76,000. Those are innocent civilians in Iraq. Do you think we are going to be able to go over there and win their hearts and minds if we are killing innocent civilians with the bombs we are dropping? This needs to be won diplomatically. When it needs to be won diplomatically, it becomes very difficult when you have 50,000 to 75,000 civilian casualties.

One more thing, and then I will wrap my portion up here. The average daily number of daily attacks by insurgents in July of 2003 was 16 daily attacks in 2003. The number of daily attacks by insurgents between November of 2006 and February of 2007, 149. From 16 to 149. We are aggravating the situation. We are making it worse, and the surge is making it worse.

I yield back to my friend.

Ms. WASSERMAN SCHULTZ. Thank you. What we are doing, you are absolutely right, Mr. RYAN, is creating an incubator for al Qaeda. That is exactly what has occurred. In fact, if you recall, we heard a few years ago a lot of back and forth from the President about whether he did or didn't say that the reason that we actually went into Iraq was because of the connection, supposed connection, between Saddam Hussein and al Qaeda. Then I know Tony Snow, the White House Communications Director, has said no, we never did say there was any connection between Saddam Hussein and al Qaeda. Now, yesterday and this morning at the Coast Guard Academy graduation, now, finally, how many years into it, he can hang his hat on there being a connection between al Qaeda and our involvement in Iraq.

Why? Because he created that situation there. Because we created an incubator and a hotbed that is an environment for that. Of course, if you have a culture like that, and I mean the culture in which bacteria will grow, just like a petri dish, if you create a petri dish like that and culture it, of course you are going to see the bacteria grow. If you create an environment in which bacteria can grow, it is going to explode like wildfire.

No wonder. It boggles my mind why he believes that what he is saying is not transparent to the American people. It certainly is transparent and evident in the polling numbers, because he has literally an approval rating in terms of the way he has handled this war that is below 30 percent now.

You would think that politically we would delight in that as Democrats. But it actually makes me sad, because how can a President be effective on any other issues when he clearly won't even be able to get the American people to listen to what he is saying because they are so soured on the direction that he has taken this country? That makes it very difficult for us to even reach out in a bipartisan way and attempt to work with him, because he has no credibility at all. He has his own party Members who are finding it very difficult to do anything in terms of their agenda domestically, and we don't see any outreach. He has created an impossible situation, Mr. MEEK.

Mr. RYAN of Ohio. If I could just say, as we have increased the number, the incubation that a lot of our friends on the other side have supported, where more and more not only insurgents, but as Ms. WASSERMAN SCHULTZ has said, more and more al Qaeda, more and more terrorists; so if you have a situation where you only have, for the sake of the example, 100 al Qaeda, and then we have the war, and now we have 1,000 al Qaeda, and then the President says well, we need to fight them over there or they are going to come over here, we have 900 more coming gunning for the United States because of the inability to actually execute this war.

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To say we are making progress, and we have some amazing ability to find some of this information out, the number of hours per day of electricity in Baghdad prior to the war was between 16 and 24 hours a day. Now in May of 2007, the number of hours per day average 5.6 hours per day. That is feeding the problem that we are having over there.

Production of barrels per day prior to the war, 2.5 million. Production of barrels per day in May 2007, 2.16 million, so almost 400,000 less than prewar production.

Unemployment rate in Iraq went from 20 up to 40 percent in December of 2006. This problem has increased. I know our friends on the other side of the aisle continue to try to tell us there are improvements, but the statistics tell us otherwise.

Mr. MEEK of Florida. Thank you, Mr. RYAN. Mr. RYAN, you gave one great floor speech when you came down and said these are the same people who told us we will be greeted as liberators. These are the same people who told us oil revenues will be used to pay for the war. These are the same people who told us this will be a sweeping mission. These are the same people that told us there were weapons of mass destruction. These are the same people that told us there was a connection between Saddam Hussein and al Qaeda. These are the same people that went on and on and on. You can go on YouTube and watch it. I remembered and watched it, and I thought it was one of your better speeches on the floor. I will reserve comment on how many you have made, but that is one of the better ones.

Mr. RYAN, it is very unfortunate that right now we are breeding terrorists, people that will dislike the United States of America for the rest of their lives. That wasn't our mission in Iraq, and that is the reason why, before the election, a majority of Democrats were saying, and some Republicans were saying, that we should redeploy our troops to the peripheral and not do the street patrols in Iraq.

How are we losing our troops? Going door to door, kicking in doors, riding down the streets. IEDs are blowing up and killing many of our men and women. They are not being killed in the training missions. I haven't heard one casualty, maybe there has been one, but I haven't heard of one casualty of any of our men and women training Iraqi troops in how to protect their country and how to protect their own streets.

Case in point, let me paint this picture because I think it is important as we debate this emergency supplemental. When you look at the fact that the U.S. troops with the flag on their shoulder kicking the door searching for the three that were missing, going door to door, those children, that son, that grandfather, that mother will say that the United States kicked my door in. How do we get to this point. I am innocent and we are laying on the floor at 2 a.m. with semiautomatic weapons pointed at my family? Those individuals end up listening to the rhetoric of radical terrorist groups that are saying, they are not here for you, they are here to terrorize your family.

That is why we have to get out of the position of this door-to-door and street-to-street combat in Iraq when the Iraqis themselves should be carrying out that mission. It is so very, very important.

Like I said, six emergency supplementals, half a trillion dollars of blank checks to this administration; no more. That is the reason why we are having benchmarks. That is why the White House has to come here and report to Congress.

I heard one of the Republican Members say we are supposed to receive reports. Well, that is a revelation. Here we are in charge of the Federal purse. We are responsible. We are the board members, if you want to put it that way, over the U.S. Treasury, and all of a sudden now many of our Republican Members are saying, yes, we are supposed to receive reports.

That should have been happening from the beginning. Maybe then the death toll wouldn't be what it is, and maybe we may have more coalition partners in this effort if it was run right from the beginning versus send us a blank check and don't ask any questions.

So the President can say what he wants to say. Memorial Day is coming up. We have men and women who have laid down and sacrificed. Many of them have paid the ultimate sacrifice. Many of the men and women that fought with them remember those who paid the ultimate sacrifice, and still we are here playing games with the democracy that they allow us to celebrate today, under what we may call kingdom politics of the President feeling that you shouldn't ask any questions; I trust my advisors, and I trust the generals in the field.

Well, I trust the generals in the field, too. And I have a level of trust for the administration, but the track record doesn't support don't ask any questions; we don't need any strings attached; you are trying to take my power away. We are not trying to take power away, we are just trying to make sure that the Federal tax dollar is spent in an appropriate way and we save as many American lives as possible.

Ms. WASSERMAN SCHULTZ, no one, Democrat or Republican, should apologize for what is going on right now in Washington, DC. I think many of our friends who believe we should be out of Iraq tomorrow, we should send every plane we can possibly send, take our troops out, redeploy our troops and just leave it as is, there is a process in doing that. We are going through that process right now. A lot of it is very painful.

Some say, why are you giving the President another opportunity to continue this war and continue to fight this war? Haven't you learned over the last 5 years that the strategy they are using is a combat strategy, not a diplomatic strategy, not making sure there are benchmarks on the Iraqi Government, and they had that opportunity.

I encourage, Ms. WASSERMAN SCHULTZ, when we do get a bill on the floor, we do have a number of Republicans voting on behalf of this next supplemental, and a number of Democrats voting on behalf of the supplemental. And those that feel the war should end tomorrow should understand that this is a major accomplishment in the effort in taking away what the President has had for the last 5 years: a blank check, do as you want to do, Donald Rumsfeld and all of them.

As Mr. RYAN says, as I close on this point, the real issue here is the truth will surface. Some of it has already surfaced, and a lot of it will continue to surface as we learn more about what the Congress was not told and as we learn more about what we were told incorrectly. And as Americans reflect back on this time, they will see some of the worst misinformation and secrecy at a time of war and a time of economic strain on this country.

We have borrowed more from foreign nations than we have ever borrowed in the history of the Republic; and still, we have Members standing here asking what is wrong. Well, the reason we are in the majority on this side of the aisle, we are very busy leading on behalf of the American people, is a perfect example of what is wrong.

The American people know what is going on. I am not talking about a bunch of proud Democrats. I am talking about Independents and Republicans and those who have never voted before in their life, they decided to get involved and vote. If this was just about politics, we would just go home or be in our offices doing the things we need to do for tomorrow, and let the Democratic majority get bigger and bigger because we would lead the Republicans to doing and saying what they have been doing all along.

But this is bigger than politics. This is about our democracy. This is about our finances here in the country, and this is about saving U.S. lives that are in harm's way right now when we can work out a better plan and force the Iraqi Government to take the responsibility of their streets, take the responsibility of their patrols, and make sure that they meet benchmarks just like every U.S. mayor has to meet with Federal dollars, just like every U.S. Governor has to meet when they are spending Federal dollars. Just like every U.S. agency should be accountable to the taxpayer dollars, the Iraqi Government and those in the Iraqi Government should be just as accountable and greater with the U.S. taxpayer dollars.

I don't want to get all emotional, like Mr. RYAN said, but I can't help but do it when I think about Memorial Day coming up and when I think about the veterans' benefits that we have in the emergency supplemental.

We have some folks saying we shouldn't have any domestic spending in here, and we have troops coming back and still waiting a long time to get their service. It was the Democrats that put forth the dollars to make sure that Walter Reed was repaired. That is also in this emergency supplemental. We will talk a little more about that as we move along.

I know we are going to talk about gas prices in the time left. Ms. WASSERMAN SCHULTZ, I think we should commend every American for being focused on this issue of Iraq and encourage a discourse.

I was out behind the Chamber today on the balcony, and I noticed a person out there on a bullhorn saying, "Stop the war." I wasn't bothered by that because the men and women that we are going to celebrate on Monday fought for that lady to be out there saying what she was saying.

Ms. WASSERMAN SCHULTZ. That is what it is all about.

Mr. MEEK of Florida. That is right. That is what it is all about. And this is not a kingdom, this is a democracy, we have to tolerate one another now and then, but we have to make sure that we make sound decisions on behalf of the Republic.

Ms. WASSERMAN SCHULTZ, I yield to you.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MEEK.

I have to tell you, I have thought recently when people come up to me, you would think that there are people that would say, DEBBIE, KENDRICK, TIM, what does it really matter? We have been spending billions of dollars for the last 5 years. We are over there in Iraq. Yeah, the American people are opposed to this, and we are in a pretty bad situation over there, and there doesn't appear to be any end in sight, but how does this affect my life? At the end of the day I am eating, my children are eating, they are going to school. Iraq is far away, and it is not impacting me whether we continue the war in Iraq or don't continue the war in Iraq.

Gradually day by day, the percentage of people that don't feel that way, that get it, that understand what the impact is, not just on the perception of America in the world, but what the domestic day-to-day impact is, is growing.

Besides the President's popularity ratings, which are in the toilet, we have a situation here where people are realizing, for example, that our National Guard is unable to be 100 percent ready to take care of us and do the job that we actually created the National Guard to do.

Mr. MEEK, next Friday is June 1, the official start of hurricane season, even though we have had activity a few weeks in advance of the beginning of hurricane season. And yesterday NOAA came out with their prediction on how busy this storm season is likely to be, and their prediction is 10 to 14 named storms, and a good chunk to be in the category 3, 4 or 5 category.

We have a National Guard that has equipment that is still over in Iraq, and when it does come back, it comes back in such terrible shape, it isn't going to be ready to take care of Americans who are in need after the aftermath of a natural disaster. That is a direct result of our inability to extricate ourselves from Iraq, our inability to hold the Iraqi Government accountable, to establish benchmarks, to make sure that there is some progress made, and that they don't have an open-ended commitment and a blank check even after the Iraqi Parliament, Mr. RYAN and Mr. MEEK, have indicated that they don't want us there anymore.

There was a resolution that came out of the Iraq Parliament that indicated they didn't want us there. There is an incredible frustration among the Iraqi people about our being there. There is a worldwide concern about our presence there; and, most importantly, the American people want us to bring the troops home so that we can refocus the attention that we are paying in Iraq on training those troops to stand up on their own and for the Iraqi Government to function on their own.

Mr. MEEK of Florida. I have a question for Mr. RYAN.

Ms. WASSERMAN SCHULTZ. And, Mr. MEEK, I would have segued into the issue of our skyrocketing gas prices.

☐ 2045

Mr. MEEK of Florida. We will.

Mr. RYAN of Ohio. Chief cardinal, too, so if she wants to talk about gas, I want to talk about gas.

Mr. MEEK of Florida. You know what they say. They have Democrats and Republicans and members of the Appropriations Committee, and I happen to be on the floor with two of them. One is a cardinal and one thinks that he's actually running the country, but I would say that as we continue to talk about this, especially in Armed Services, and Chairman Ike Skelton has done an excellent job in the defense authorization bill, getting us to a readiness stage where we can deal with the issues, Ms. WASSERMAN SCHULTZ, that you outlined.

These are very important issues, especially the Gulf Coast States or any State that has a, Kansas for instance, it has a natural disaster or have a disaster where they need the National Guard to have the equipment that they need, it's in that authorization bill, and I want to thank not only my colleagues on the committee but also Mr. SKELTON for all of his hard work on the authorization end.

But I think it's also important for us to note that our mission, we talk about redeployment. We're talking about redeployment and deploying a diplomatic corps to work with the Iraqi Government and have a surge in diplomacy or an escalation in diplomacy. Why can't we get other countries to join us? Well, why would they want to join something that is going to create more terrorism or terrorists in their country? That's what we're doing, and so I think it's important for everyone to understand that.

And I share that with my constituents when I go out to speak to them. We're in here having this meeting here, we're sitting in this living room, and someone kicks in the door and come in and do a security search; how would you feel? Who would be responsible for that? You would be outraged.

Iraq is not the United States, by far, but I want to share with you that many of our men and women are following the duty that we've asked them to carry out, and they trust us that we will ask the questions that we should ask here in Washington, DC and carry it out.

I just want you to respond to that because I know that you have some words of wisdom, especially on that end, in all seriousness, because it's just simple common sense to do the things we should be doing. It does not take a rocket scientist, and you don't have to be a four-star general to understand that what we're doing is not working. And to say let's keep doing it and declassifying information and saying this is the reason why I did this, this is the reason why I did that, it still does not equate to why we're still doing the same thing and expecting different results.

I will use this analogy before I yield to you. It's almost like going to the refrigerator and taking out a carton of milk, taking a smell of the milk and saying, wow, it's sour, I will put it back in and maybe it'll be fresh tomorrow. It works against logic.

And what's happening now is that the strategy that the White House has works against logic, but unfortunately, it would be okay if it was just an individual, but it's dealing with U.S. lives. I know all of us want to save lives, but we have to make sure that we do everything we can to send a message to the White House, and also man up and woman up here in Congress, and be leaders in that direction towards safety and accountability and moving the Iraqi issue in a new direction.

Mr. RYAN of Ohio. All we really have to do is talk to some of the soldiers who are over there and who have come back, which I'm sure most of us have. And when they explain what's going on on the ground, it's mind-boggling to think in cities of 140, 150, 160, 170,000 we've got American troops, for example, on the west side of the city, with 1,000 Iraqi troops on the west side of the city, and 1,000 on the east side and 1,000 Iraqis; 2,000, 4,000 total for the whole city, 2,000 of the 4,000 being American. How are you going to control a city of 170,000 people? And a surge of an extra 1,000 or 2,000 is not going to make a difference. It's going to make it worse.

This surge is not the first time we've tried this. This is like the fourth time, and every time that we've tried a surge in certain areas there has been an increase in the number of daily attacks, not a decrease, because it incites the area, and you still don't have enough.

And we've all said from the beginning, if we went in there with 3- or 400,000 troops, where we were able, after the statue fell, to secure the State, to secure the country of Iraq, that would have been a different story, and all the looting was going on and the museums and everything, and then Secretary Rumsfeld said, well, they're just blowing off steam. At that point, you lost control and it went all downhill from there.

But my point is that you talk to these soldiers who are on the ground, and they see that they can't handle this situation the way it is and that the only way to do it is through diplomacy, is to try to patch up some of these political problems, which gets worsened because of the innocent civilians that are dying in Iraq, which makes them not like us.

Ms. WASSERMAN SCHULTZ. Like happens to you sometimes, my blood is starting to boil because all that it takes, I'm sitting here listening to this back and forth that we're going through here and example after example about the reasons for the American people's outrage, for our outrage, for our persistence in trying to move this iceberg and get some progress and end the blank check and establish some accountability.

You know, it's very simple. All the President has to do is be a diplomat himself and agree to come to the table and compromise and negotiate and end the my-way-or-the-highway politics. He is not king. Yes, he was elected President, but he was elected to one branch of the government, which, the way our government is set up, is designed to work coequally with this branch of government.

He has disdained the legislative branch, and this is the representative body of the United States of America. The people who elect us elect us to be their voice. They elect one person, an executive, and they elect 435 of us so we can have a collective diversity of opinion and that the result in terms of the outcome of policy is a combination of that diversity. And he has no respect for it, and that's why his numbers are where they are. That's why the support for this President, the bottom has dropped out of it.

And that's why over the next several months we will push this iceberg with all our might, and I can feel it, that their ability to continue unabated with the disdain and disregard that this administration has shown for the American people and our opinion, it will come to an end and it's going to come to an end in a fashion that we will help bring about the change that the American people ask for. And that is the only way that this is going to happen, if we continue to fight, we continue to push hard, we make sure that we go out to our communities like we will all do next week.

I know I'm having a town hall meeting next Wednesday in my district to talk specifically about the war in Iraq and how people feel about it, get their feedback, talk about the other issues that are important to them, because people are tired. They're tired of the war. They're sick of the deaths. They're sick of the death toll, and they want us to be able to talk about how we're going to expand health care.

We have the SCHIP program that we need to reauthorize later this year. We have 9 million kids that we need to find the money to cover. We have to make sure we can reduce the cost of health care for small businesses. We have a deficit that has ballooned out of control, that we're trying to get a handle on, no thanks to our friends on the other side of the aisle.

We have a lot to do, a long to-do list, and it would be great if the President would just recognize that we all need to work together and end his disrespect for the American people and for the democratic process because it's gone on for far too long. And we have a lot at stake here.

And I just have reached my level of frustration. I know my constituents have, and that's why I'm proud of our caucus because we have hung together. We have stuck together and pushed and pushed and pushed each other so that we can get behind a policy that not all of us are 100 percent behind. Everybody didn't get their way with the legislation that we put forward with benchmarks and timelines. But you know what? That's what this representative body that we were elected to is all about. It's about compromise and it's about standing up for the people who don't have a voice. They elected us to be their voice and I have been very proud to be a Member of this institution, really proud of our Democratic leadership.

And I'm just hopeful that we can get beyond this war and start talking about things like the $3.22 a gallon that our constituents are paying, on average, for their gas as we approach the summer season as well.

Mr. RYAN of Ohio. In a very practical way, we're pushing. I mean, I think this Congress has done everything that it can do, but if we're not getting any help from our Republican friends, a couple have shown great courage to try to end this thing, but not getting the support where we can override the President's veto.

Now, this is the stark reality that is frustrating for all of us, the Speaker I know for sure, and all of us, is that we're trying to end this war. The first bill we passed had a hard deadline. The second bill we passed had a goal to get out. The President still vetoed that, Mr. Speaker, and we're trying the best we can within this institution to move this iceberg, as you say.

But the President consistently vetoes these bills that we're trying to pass. And so now we're to the point where we've got to figure out what's the best we can do, and it looks like the best we can do is try to get him to at least have these benchmarks that are in there, report back in September, July and September, with some of this, and get our veterans the support and the funding they need.

Nobody likes that. I don't like it. I don't even know if I'm going to vote for it, to be quite honest. I'm so frustrated with the President at this point, but we've got decisions to make as to can we take a step in the right direction even though it's not as far as we want to go.

But I think this is a call, Mr. Speaker, for the citizens of this country to step out and step up, not the ones that we see wearing the pink, not the ones that we see with the bull horn, but if we're going to end this war, it's going to be average people who support our philosophy but have yet to say anything, and not in your district or my district but in districts where their representatives come down here and support the President.

You can't sit on the sidelines on this one, not as a politician, but as a citizen you've got to come out here and help us do this, and I think there needs to be a direct call to a action.

Just to let you know, Mr. Speaker, we are sending a letter to the U.S Conference of Catholic Bishops from me and several other Members, asking them to reengage the war issue; that this is the issue of our day and that they need to be more active and they need to get involved in their local parishes and demand that their citizens get off the pews and start participating and getting legislators to move off the dime. We've got to do this by September, or in the fall while we're beginning the process for 2008. Or we're going to continue to be here and legislators are going to continue to get away with voting to support the President when 71 percent of the American people don't think he's handling this job properly.

Ms. WASSERMAN SCHULTZ. I think you are right. I think also, as the summer begins and then wears on and we have an opportunity in the summertime to go home and spend some time in our districts and interact with our constituents, that the issues that pile up, at we're going to have a difficult time dealing with, because we are still mired in this hopeless war in Iraq, are going to continue to fray the patience of the American people, and I think our friends on the other side of the aisle will hear from their constituents.

I keep wanting to move a little bit and talk about gas prices, and I'm chomping at the bit to do that because you've heard me talk about this before. I'm one of those minivan moms. I drive my kids around in my minivan to soccer games and to school. And last summer when we were frustrated with the rise in gas prices, I remember exploding on the floor here talking about how it cost over $55 to fill up my gas tank. And then, of course, conveniently, right before the election, the prices came down again. I'm sure it had nothing to do with the fact that an election was imminent, and I'm sure the oil industry didn't do anything deliberate to ensure that that would happen.

But amazingly it is now May and those gas prices have not just crept but leapt back up, and I want to just share with you the timeline that has existed since this administration took over in the executive branch.

We are now paying more than double for gas than when President Bush first took office. This chart will illustrate that the average price per gallon on January 22, 2001, at the beginning of the Bush administration, was $1.47, and then as of May 21, 2007, just a couple days ago, the average price per gallon today is $3.22.

Now, what that means is that amounts to real money. When you're talking about it costing 20 or so dollars to fill up your tank or $25 to fill up your tank, that's a manageable amount of money.

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But when you get to $50, $50, Mr. MURPHY, is an amount that I think about. I mean, when I am faced with paying a bill that's $50, that's real money to me. To me, that gives me pause. I have to make a decision, normally, about other things unrelated to things that I absolutely have to have like gas, about whether or not I am going to actually spend $50. Do I have the money? What else will I not be able to buy if I spend $50 on this item?

Gas is not like that. Gas is something that's not optional. You have to drive your kids to school. You have to make sure you can get your car to the grocery store. If you don't go to the grocery store because you don't have gas, your family doesn't eat. If your kid is sick and you can't fill the gas tank, then you can't take them to the doctor, and they get sicker. How are you going to get them to the emergency room if they get so sick that you need that kind of health care? Those are real problems that Americans face when gas prices reach that point.

What we are doing in the Democratic Caucus and as we continue to fight to move this country in a new direction is we are working on an energy package that we will bring to the floor by July 4, an energy independence package that will ensure that we can crack down on price gouging, like the legislation that we passed off this floor yesterday, that we can really start to respond to the oil cartel and make sure that they are pursued for the antitrust violations that they engage in, and that we really invest in alternative energy.

The President's remarks during the State of the Union last year were just words. When he referenced his desire to see America end our addiction to foreign oil, nice words, but no action to speak of. Nothing that I can see in any policy is reflective of the words that we heard in this Chamber during that State of the Union. We, on the other hand, are going to make a difference.

Mr. MURPHY of Connecticut. Thank you for letting me come down here for just a couple of seconds and add my voice to the chorus here.

You are absolutely right. When you are talking about something as essential as gas for people driving to and from work bringing their kids back and forth to school, it's not an optional expenditure. Now, in Connecticut we love to say there is another choice, people could get on some train or get on some bus, but they don't exist. They don't exist because unfortunately in some parts of this country we have neglected our mass transit infrastructure, and we have forced people to rely on their vehicles to get themselves around.

I just saw a statistic today that said in Waterbury, Connecticut, in the heart of my district, that one in six people in public housing are spending 66 percent of their income on rent, 66 percent of their income on rent. There is not much left for food. There is not much left for medicine. We know they have to pay more for medicine because less of them have health care. There is certainly not a lot left for transportation costs. This is hitting at the heart of the American middle class, at the heart of the American working class.

In just a second we will show a chart that would suggest that the reason for these increased prices at the pump is certainly not that the oil companies are crying poverty, certainly not because the bottom lines of American oil companies and national oil companies are hurting. It is hard to understand with the record profits, year after year. The last 3 or 4 years, every year, comes new record profits for these oil companies. How on Earth can we continue to see these prices go up?

I just want to say one more thing that was touched on. We have to talk about what national independence means, dependence on oil means for national security as well, over 170,000 barrels of oil from Saudi Arabia in 2006 and other OPEC countries. If you want to talk about why we can't bring a country like Saudi Arabia to the table, have a conversation about why they are creating a society in which their most marginalized members feel that their only resort is to extremism and violence; if you want to find out why we can't hold some of these Middle Eastern countries accountable for the societies that they are creating and the terrorism they are helping fuel, it's because we rely on their oil. It's because in the end we can't make them angry, because if we do, they are going to cut off the food that our cars eat.

Now, energy independence is about lowering gas prices. Antitrust legislation, price-gouging legislation, is about getting to the heart of the problem for middle-class consumers and drivers, the prices at the pump. But ultimately we have to figure out how to walk away from some of these quagmires we are in with countries that provide oil to us. We have got to understand that energy independence is about doing the right thing for middle-class families, to minivan moms.

It is also about doing the right thing for national security. It's also making sure that my future kids and grandkids are going to grow up in a society that's safe. That's why it's a triple whammy. Energy independence is about lowering energy prices, it's about cleaning up our environment, and it's also about national security. That's why I had to drag Mr. RYAN up to the rostrum to allow me get down here and say my 2 cents on this.

This is what the Democratic majority is going to deliver. It's going to go from a time when we could complain about gas prices and not see much action at all from Congress to a time now where we are still going to complain about it, but we are actually going to have a group of people here in the House and Senate and step up to the plate and do something about it.

Ms. WASSERMAN SCHULTZ. We are wrapping up in a few minutes, but I have got this gas tank replica here, which is pretty ancient-looking. It's actually decrepit itself. I bring it with me to the floor because it is the only explanation that I can find as to why our good friends on the other side of the aisle and this President seem totally unresponsive in trying to address this problem and work with us.

My only explanation is that perhaps they don't pump their own gas, or perhaps the last time they actually filled their own tank, and saw that ticker, and realized how much it cost to fill up a tank is when gas pumps look like this. That's my only explanation, given this is the 30-something Working Group. Maybe it has been since the 1950s that they filled their own tank, unlike the people that we represent, who are trying, struggling to fill their tank every day.

We are going to continue to back up our words with action. I look forward to working with my colleagues in the 30-something Working Group under the leadership of our Speaker, NANCY PELOSI.

Mr. MEEK of Florida. Very good. As we close, I know that we have our Web site that we need to give out. Well, we don't have time, but let me just do this. Mr. MURPHY talked about this.

These are another record year for oil company profits, in 2007, record profits, $30.2 billion they have been able to achieve, and $6.5 billion in 2002; and 2007, $30.2 billion. I think those are pretty good years for oil companies. It seems to happen, and I am not a Member of Congress with a conspiracy theory, but, with the Bush administration and the White House, looked like oil companies have done better than many Americans have done.

As I talk to my friends and those that have F–10 pickup trucks, what have you, it's costing upwards of $80 just for a small business to run that truck, which is going to end up costing the U.S. taxpayers even more when they go for goods and services. We do have our Web site, and we will give that real quick, and we will close.

Ms. WASSERMAN SCHULTZ. We encourage you, any of the Members, anyone listening, to sign onto our Web site. The charts that we have been describing tonight are up on that Web site. You can reach us, e-mail us, at 30somethingdems@mail.house.gov, and you can also reach our Web site by signing on to www.speaker.gov and look for the 30-something link, and you can find all the things that we are working on in the 30-something Working Group.

Mr. MEEK of Florida. Thank you very much. I want to thank you and Mr. RYAN.

Mr. Speaker, I want to thank you for your time here on floor. It's always an honor for us to address the House of Representatives.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. MURPHY of Connecticut) laid before the

House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 18, 2007.

Hon. NANCY PELOSI,
Cannon House Office Building,
Washington, DC.

DEAR SPEAKER PELOSI: I am writing to inform you that the Committee on Transportation and Infrastructure approved thirteen survey resolutions for the U.S. Army Corps of Engineers at a Full Committee Markup on May 2, 2007.

Pursuant to the provisions of 33 US.C. §542, I have enclosed the resolutions for your review.

With all best wishes.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

RESOLUTION—DOCKET 2768—MOSS LANDING HARBOR-ELKHORN SLOUGH, MONTEREY COUNTY, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Moss Landing Harbor, California, published as Senate Document 50, 79th Congress, 1st Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of navigation and environmental restoration, with emphasis on the health of Elkhorn Slough, and other related purposes.

RESOLUTION—DOCKET 2769—NEW HAVEN HARBOR, CONNECTICUT

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the New Haven Harbor, Connecticut, published as House Document 517, 79th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of navigation, sediment control, environmental preservation and restoration, and other related purposes at New Haven Harbor, Connecticut.

RESOLUTION—DOCKET 2770—MERAMEC RIVER, BRUSH CREEK, PACIFIC, MISSOURI

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam, Minnesota, and the mouth of the Ohio River published in House Document 669, 76th Congress, 3rd Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable at the present time, in the interest of flood control, environmental restoration, and related purposes along the Mississippi River and its Tributaries with particular reference to the Meramec River in the vicinity of Pacific, Missouri, including the counties of Franklin, Jefferson, and St. Louis.

RESOLUTION—DOCKET 2771—ST. LOUIS, MISSOURI

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam, Minnesota, and the mouth of the Ohio River published in House Document 669, 76th Congress, 3rd Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable at the present time, for the purpose of reconstructing the facilities of the St. Louis Flood Protection System, Missouri along the Mississippi River in the city of St. Louis and St. Louis County, Missouri to return the pump stations, gravity drains, pressure sewer emergency closure gatewells and other pertinent features to their original degree of protection.

RESOLUTION—DOCKET 2772—ESOPUS AND PLATTEKILL WATERSHEDS, GREENE AND ULSTER COUNTIES, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the New York and New Jersey Channels, published as House Document 133, 74th Congress, 1st Session; the New York and New Jersey Harbor Entrance Channels and Anchorage Areas, published as Senate Document 45, 84th Congress, 1st Session; and the New York Harbor, NY Anchorage Channel, published as House Document 18, 71st Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable in the interest of navigation, streambank stabilization, flood damage reduction, floodplain management, water quality, sediment control, environmental preservation and restoration, and other related purposes in Esopus and Plattekill Watersheds, New York.

RESOLUTION—DOCKET 2773—HASHAMOMUCK COVE, SOUTHOLD, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the North Shore of Long Island, Suffolk County, New York, published as House Document 198, 92nd Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable in the interest of navigation, streambank stabilization, flood damage reduction, floodplain management, water quality, sediment control, environmental preservation and restoration, and other related purposes in Hashamomuck Cove and Tributaries, New York.

RESOLUTION—DOCKET 2774—MANHATTAN BEACH AND SHEEPSHEAD BAY, CONEY ISLAND, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Atlantic Coast of New York City from Rockaway Inlet to Norton Point, published in House Document 96–23 and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable at the present time, in the interest of storm damage reduction, floodplain management environmental preservation and restoration, and other allied purposes at Manhattan Beach and Sheepshead Bay, New York.

RESOLUTION—DOCKET 2775—PECONIC BAY WATERSHED, SUFFOLK COUNTY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Long Island Intracoastal Waterway from East Rockaway Inlet to Great Peconic Bay, published as House Document 181, 75th Congress, 1st Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable in the interest of environmental restoration and preservation, streambank stabilization, flood damage reduction, floodplain management, water quality, and other related purposes in the Peconic Bay Watershed, New York.

RESOLUTION—DOCKET 2776—RONDOUT WATERSHED, SULLIVAN AND ULSTER COUNTIES, NEW YORK,

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the New York and New Jersey Channels, published as House Document 133, 74th Congress, 1st Session; the New York and New Jersey Harbor Entrance Channels and Anchorage Areas, published as Senate Document 45, 84th Congress, 1st Session; and the New York Harbor, NY Anchorage Channel, published as House Document 18, 71st Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable in the interest of navigation, streambank stabilization, flood damage reduction, floodplain managment, water quality, sediment control, environmental preservation and restoration, and other related purposes in Rondout Watershed, New York.

RESOLUTION—DOCKET 2777—KEY WEST HARBOR, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Key West Harbor, Florida, published in Senate Document 106, 87th Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable with particular reference to widening the navigation project at the present time at Key West Harbor.

RESOLUTION—DOCKET 2778—CHOWAN RIVER BASIN, VIRGINIA AND NORTH CAROLINA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Chowan River, North Carolina, and Blackwater River, Virginia, published as House Document 101, 76th Congress, 1st Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable at the present time with particular references toward flood damage reduction, environmental restoration, navigation, erosion control, and associated water resources issues in the Chowan River basin, Virginia and North Carolina.

RESOLUTION—DOCKET 2779—WESTCHESTER COUNTY STREAMS, WESTCHESTER COUNTY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Streams in Westchester County, New York, and the Mamaroneck and Sheldrake Rivers Basin and Byram River Basin, New York and Connecticut published as House Document 98-112, and other pertinent reports on the Hutchinson, Mamaroneck and Sheldrake Rivers to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of water resources development, including flood damage reduction, storm damage reduction, environmental restoration, navigation, watershed management, water supply, and other allied purposes.

RESOLUTION—DOCKET 2780—ROARING FORK RIVER, BASALT, COLORADO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, in accordance with the Flood Control Act of 1938, That the Secretary of the Army study the feasibility of and alternatives for Roaring Fork River, in the vicinity of the Town of Basalt, Eagle and Pitkin Counties, Colorado, to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, recreational, and other related purposes along the Roaring Fork River, Colorado.

There was no objection.

REPUBLICAN STUDY COMMITTEE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. NEUGEBAUER. Mr. Speaker, I was listening with interest this evening about all of the things that are going, supposedly, not well in Iraq. So I hope to spend the next hour with some of my colleagues talking about the things that are going well. I thought it was interesting as the other side was talking about how they support our troops, and are thankful for the wonderful job they are doing, yet they have made them wait 107 days for much-needed resources to do the job that we have asked them to do.

We are going to talk about that later on this evening, of all of the things that our young men and women have had to wait for as we have been playing a political game, or the other side, I would say, has been playing the political game, and our young men and women have been doing and continue to do the professional job that they have been doing for so many times.

I have been to Iraq three times myself, and tonight I am joined by some of my colleagues that have also been over there. We are going to talk about this war, because it's a real war. I think some people try to minimize what is going on in this global war on terrorism, but, in fact, it is a real war. We will talk about where this war is being fought. It's not just being fought in Iraq and Afghanistan. We are also going to talk about the fact that Iraq is a central front for the war on terrorism.

Finally, we are also going to talk a lot about the progress that's being made over there. General Pace was in Congress today briefing Members on what's going on in Iraq and brought forth a very positive report in many ways.

I look forward to this time. I am certainly glad that some of my friends on the other side weren't around when we fought the Revolutionary War, because it might have been too expensive, or we might have lost too many lives. What we do know is freedom and democracy has never come cheap. It comes with a price.

We enjoy the freedoms. In fact, we enjoy the freedom to be on the floor tonight with our colleagues because of price that many have paid that have gone before us. I am very proud of them. Every time that I have had the opportunity to travel and be with our soldiers, it makes me proud to be an American.

I would like to recognize my good friend from New Mexico, my neighbor Mr. PEARCE. Mr. PEARCE has also been to Iraq on three different occasions. He has seen many of the things that I have been alluding to. I would ask him to talk about his perspective of what is going on in the global war on terrorism.

Mr. PEARCE. I would just remind the Members of the Chamber that we are a part of the Republican Study Committee, that's the RSC here. We have the Web site, www.house.gov/hensarling/rsc. So take a look at the things that we are talking about, the things that we all believe in. It's the conservative arm of the Republican Party.

I think the first thing that we would want to talk about is basically what is happening in Iraq. If the gentleman doesn't mind, I would like to use one of the charts here. If we take a look at the charts, these are reconstruction projects, but also they mirror very closely the conflict, the different fights that are going on.

If you look at this whole part of the country, this entire section is actually pretty secure. This al-Anbar province out in the west has been the subject of a lot of discussion. Baghdad, of course, is very near the center part. You can see where we are spending more money on reconstruction there and up north. We can see, also, that if we have the reports of firefights, the reports of IEDs, we would see the same sort of clustering there.

People ask, well, why did the British leave? The British were serving in the southern section here. The British actually had secured their area that had been turned over to the Iraqis.

I think all of our troop commanders are telling us that when we have Iraq secure, that when the Iraqi forces are in charge of their own security, both police and then the army, then we are going to see troops start coming home. That's exactly what happened.

Now, the risk that we run, I would cover that just briefly, Iran touches on the eastern side of the country. If we pull out, Iran will take over these massive oil fields in the southern part of Iraq. That's going to destabilize even more the price of gasoline. Our colleagues were just talking about it. Really, the price of gasoline is quite simple. I majored in economics in college, and I did so because economics is very easy. It's just got two moving parts: supply and demand.

□ 2115

If you will consider the demand for our product, the demand for gasoline, we have 300 million people today. That is significantly more than what we had in the 1950s when the price of gas was low. So our demand is increasingly higher, but also our supply is becoming more restricted.

Then we look at the worldwide picture, and you understand that the Chinese, if you overlay the price of oil, the price of natural gas, the price of gasoline with the demand in China for the last 20 years, you would see that the demand of the Chinese is almost exactly mirroring, is exactly causing our high price of gasoline right now.

There is a compelling fact today; we heard the same statistics that just a couple years ago the price of gasoline was actually $2.47, today it is about $3.29. And, again, the law of supply and demand, the Middle East, that OPEC group is actually cutting their exports. They are trimming back their exports. They are cutting the supply. It is driving the price up. It is actually quite simple. Our friends on the other side of the aisle in charge of governing the Nation really should stop and consider these two moving parts, supply and demand. They have got two hands, maybe they could write one on one hand and write one on the other hand and try to keep them organized, because they make this far more complex than what it actually is.

So what we are doing in Iraq is trying to stabilize the Middle East, because I would guarantee everyone in the Chamber that if Iraq fails, if we leave Iraq, Iraq fails. We were just in Israel about 2 months ago, and the Israelis said that you are going to lose Saudi Arabia. That is, the terrorists are going to go in and topple that regime, they are going to go in and take over that government. Now, Saudi Arabia has about 60 percent of the world's known reserves; that is the reserves of normal petroleum. So that would destabilize between losing the production in Iraq, losing the production in Saudi Arabia. And, don't forget Kuwait, because the general assumption is that Kuwait and Jordan would fall. Then you see a picture where the worldwide oil market would destabilize.

At that point I think that we would really have to worry about the security of the entire world economy. And if you worry about the security of the world economy, you also have to worry about social stability, because the terrorists know they are not going to beat us militarily. That has never been their attempt. Their attempt is to destabilize us economically. That was the reason they hit the World Trade Center in 1993. They came back and hit it in 2001. And they knew that if they could strike at that vibrant nerve center of the U.S. economy, they would destabilize us economically. If they destabilize us economically, they destabilize us politically.

So right now we are finding that actually our surge of troops, those troops are mostly in the Baghdad area, because how goes Baghdad, that is how goes Iraq. The governing structure is in Baghdad. If we secure Baghdad, then we secure Iraq. If we do not secure Baghdad, we do not secure Iraq.

We put about 110,000, 120,000 troops into Baghdad. We are also joining those up with about 100,000 Iraqi troops that are there already. Both of those numbers are increasing, and I will tell you that we are hearing already that the violence in Baghdad itself is beginning to diminish significantly. Again, we can take some of the instability that is moving out to the outlying provinces if we first secure the capital, if we can have those essential government functions that cause the people to believe that their society is intact, and that even though there are difficulties that they can get their garbage service, they can get their water service or whatever. Those are the underlying factors that we are seeing playing right now in the troop surge.

I think that everyone believes by September or October, we are going to know the outcome of the surge. It doesn't mean we will know the outcome of the battle, it doesn't mean we will know the outcome of the war. But I think that it is essential that we fund our troops, that we quit playing games.

We have consistently asked our leaders, the majority leaders, if you do not like the war, that is a credible position. Just come to the floor, have the vote about withdrawing the troops. Do not play games with the funding. Do not play games with our troops in harm's way.

But they refuse to have that vote. Instead, what they do is they put the money here and they put conditions.

Now, I know that college football coaches and pro football coaches get fired every day. It is because they become too predictable. Their offense is too well known. When an offense is well known, the defense knows exactly where to play. Now, our friends on the other side of the aisle want us to give our playbook; they want us to put into legislation the benchmarks that will determine if we go or leave, if we come home from Iraq or if we stay in Iraq. And we will tell you, that simply tells our opponents where to go to defeat us. If the benchmarks are in writing, then that is going to give our playbook to the opposition.

We as the American Congress, we as the United States Congress, owe it to the men and women in uniform, who are in harm's way, to support our troops or to please bring them home.

I was in Vietnam at a period of time when the Nation began to turn its back on its troops. I was in Vietnam at a time when they began to play games with the funding. I was in Vietnam during the time that Jane Fonda went to the North and gave aid and comfort to the enemy. I will tell you that I have personal experience that this is not the way that we want to treat our young men and women who are in harm's way.

So we owe it to our troops to have the vote on the supplemental budget that we are discussing tonight, because the future of our country depends on it. But more than that, the lives of our young men and women rest today, today, on what we do.

So I yield back to the gentleman from Texas. I have other comments, but I see we have a lot of people here tonight. I thank him for the opportunity to speak and thank him for taking his leadership and giving leadership to this great subject, because it is the right thing for us to do. It is the right thing for America to do. It is the right and honorable thing for this Congress to do, to give the funding to our troops or bring them home. Those are the two choices we have in Congress. And I thank the gentleman.

Mr. NEUGEBAUER. I thank the gentleman from New Mexico. He brought a lot of insight to this discussion tonight. There is nothing better than, if you want to see what's going on, to go to the battlefield yourself.

What I was wondering with some of my colleagues this evening is the Democrats have made our troops sit and wait for 107 days to see if, in fact, they are going to fund the very resources that they need. And I have got to wonder how demoralizing that has to be when you get up every morning and you are putting yourself in harm's way for this great Nation of America, keeping America safe, and also helping liberate and begin to bring peace and democracy to another country, and how that must feel to know that your own home country is sitting over here and playing political games while you are doing the heavy lifting.

So I have to say to the young men and women that are in harm's way tonight that I am hopeful that this Democratic leadership will finally step up and do what they should do.

Before I yield to the next gentleman, I wanted to let the American people know what our young men and women have been waiting on. In this bill that we hopefully can pass this week is $8 billion for body armor, armored vehicles, and base security surveillance. In other words, these are the things that would help to keep them safe. Yet we have to wait 108 days for the Democrats to decide that they want to keep our troops safe. That just isn't right; $2.4 billion to help use some new technology and some things that we are learning about IEDs, which is one of the things over there that has caused so much damage and death and destruction in that country and harmed and injured, severely, many of our young men and women. And yet they have had to wait 108 days for these resources, for this Democratic Congress, this Democratic leadership, to give them the resources that they need.

Another important piece of this supplemental is the fact that $2.7 billion is allocated for updating our security and our surveillance and our intelligence. Let me tell you, today in Iraq and Afghanistan and all around the world, knowing where the bad guys are is a very important piece of how we defend this country and we prosecute the war on terrorism. Yet we have had to wait 108 days and counting for this leadership to do the right thing by our young men and women.

It is my honor and privilege now to recognize a fellow Texan, a former judge, a good friend, Congressman CARTER from Texas, who has also been to Iraq. I believe the gentleman has been three times, if I am correct.

Mr. CARTER. That is correct. And I thank the gentleman for yielding. As it turns out, we have got a whole room full of folks here that want to address this issue. But we talked earlier between you and our neighbor from New Mexico, and we have each been three times.

But let me point out that as Congressman PEARCE pointed out, the men and women that are in Iraq today, most of them are on their fourth rotation over there. Many of those people have been there four times, four times for a year, sometimes, or better, each time they've been. When we go, we are very blessed to be able to go over there, but generally time is very short and if we spend 3 or 4 days in country, we have been there a long time. These soldiers have gone over there voluntarily.

You know, one of the things that I think is a misconception that seems to be played out both in our coverage in the media and in the comments that we hear from our colleagues across the aisle is that they think that we are dealing with people who are being forced to go over there. These people volunteered. These men and women are true American heroes, and they know what their mission is, and they will tell you they know they are accomplishing that mission. They wonder why what they are accomplishing is not what they are viewing on American television. They wonder that a lot, and they say that to you a lot when you go over there to visit them.

And so it has been said here tonight already, but I think it is very important that the American people think about this. The Democratic Party in this House and in the Senate is in the majority. They have a responsibility now to govern this Nation. They ran on a campaign that promised what they were going to do when they got here to govern this Nation. And as we heard in the early hour, we do have three distinctive parts of the government. The President is one, but this is a coequal branch of government with the authority to take charge and be responsible for what you promise. And if it means to the American people what they think it means to the American people, that we have to get out immediately of Iraq, they have the authority and the ability to vote to bring our troops home.

But you see, it is easy to talk about wanting the responsibility, but taking the responsibility becomes very difficult. In fact, the real story of this debate that we are having on what should happen is they don't want to take the responsibility because they really, I would hope, in their heart of hearts, realize that the consequences are dramatic.

My friend Congressman PEARCE mentioned to you, and I think it is everybody's opinion that looks at that map of Iraq, that should the American troops strike their colors and march home tomorrow, that the southern part of Iraq falls almost immediately into the hands of the Iranians, because they fought a whole war over that issue; and only because the Iraqis stood up their Armed Forces and fought to a standstill that the Iranians didn't take those southern oil fields. But the Iraqi Army, which we are in the process of building up, would not be able to do that in today's life. They are too busy straightening out their own country.

We hear so much about the American soldier. And God bless the American soldier. The American troops are doing an outstanding job, but so are the Iraqi troops. And that is the news item that is not out there these days. The Iraqi troops are dying actually at much greater numbers than the American troops, side by side with the American soldier, learning as they go how to fight the kind of war that professional soldiers fight. And they are doing a good job. And we have to give them the opportunity to finish the job and stand up their military and stand up their police force.

And that is what our soldiers tell us when they go over there, and they tell us that from the corporal or the private all the way up to the four-star general.

And the surge has a purpose. It is more than just feeding in troops. It is clearing a neighborhood, and then having the Iraqi troops, along with Americans, to hold those neighborhoods until we are able to get this thing done.

□ 2130

And you know, al-Anbar Province, when I was over there the second time, that was the Wild West. That was the worst province in Iraq, al-Anbar Province. Now the Marines report to us on a daily basis that because the sheiks who are the tribal leaders of that area, and particularly one sheik who's got the vast majority of the tribes in that area, have joined the fight, told their people, when you shoot at an American, you shoot at one of us; join us in getting rid of this al-Qaeda that's trying to come in here and turn all sides against each other to create turmoil in our country. And we are having outstanding success in that area, because the indigenous population is joining in the fight.

When an Iraqi hears a pounding on his door and calls the local policeman, this war is won. But they have lived for a long time under a dictatorship where the local policeman was the bad guy. We have changed that.

Ask a soldier, what was your mission, and he will tell you, sir, we've accomplished a whole lot of our mission. Our first mission was to go in and take out Saddam Hussein, and, sir, we did that. And I'm proud to say that the 4th Infantry Division from Fort Hood, Texas, which is in my district, pulled that tyrant out of that hole and started him in a lawful judicial process established by a government that the 1st Cavalry Division, which is also from my district, helped to defend as they voted, and in a properly impaneled judicial process we took care of Saddam Hussein. That's part of our mission. Mission accomplished.

The second mission was to help rebuild the Iraqi people. And if you look at that map at the number of projects that we're working on currently, and then you have a young soldier say, you know, sir, they reported last week that they killed an American soldier, what they didn't report is that we got water for the first time almost in the history of this country to a village of 400 people that never had water, because that's not a big fancy news item for The New York Times and the Washington Post. But that is a very, very important news item for the 300 people who had to pack their water in small jugs to have drinking water, that we got water, drinkable water, usable water to those people in the desert community. This is the kind of thing that changes the future of Iraq. If we pull out of Iraq, we create disaster.

Now, as I pointed out, the Democrats have an opportunity to do what they promised everybody to do and stop this war, but they don't have the will, and they don't have the courage to be responsible for their actions. So instead, they have prevented necessary supplies to keep our men and women in combat safe now, for 100 and what days?

Mr. NEUGEBAUER. Soon to be 108 days.

Mr. CARTER. For 108 days.

I got a phone call last night from Fort Hood, actually from a newspaper in Fort Hood, asking about the fact they a bad rain out on Nolan Creek, and some people got stranded out there. And, of course, when you are next to the largest military facility on Earth, the helicopters went out and started pulling people off of the roofs.

And this reporter called and was worried that she had heard that maybe the resources were not as available as they had been before or wouldn't be as available because there were cuts going on on the post. We had already checked that out with Fort Hood, and that actually was not true of this event.

But I told her, you know, you are from a military community, so we who have a military community know what happens when the Congress doesn't do its duty to the military when they have troops in harm's way, like in Iraq and in Afghanistan.

The Army doesn't leave, or the military doesn't leave their soldiers without the gear. What they do is tighten their belt back home. And that's happening now, and it's going to get worse and worse as this delay continues over and over.

It means training missions could be in jeopardy. It clearly means that operations on these large military posts around our country have to be reduced. Expenses have to be cut so that we keep the people in harm's way supplied, because we don't leave our dead or wounded on the battlefield, and we certainly don't leave our fighting soldiers on the battlefield without the equipment it takes to do the fight.

And so the Army, the Navy, the Air Force, the Marines and the Coast Guard will all be contributing from home to the war zone until this Congress does its duty. And I think it brings shame to know that those folks back home just came back from their fourth rotation, and their resources they are counting on for their year back home are being cut back. They're doing it willingly, but they are being cut back so they can supply their fellow men and women in arms over in Iraq, in Afghanistan.

This is a crisis that people don't realize the strain we're putting on our soldiers. And then to constantly tell them, like the leader, the Democrat leader in the Senate, this war is lost; and those soldiers are looking around and saying, what war is he talking about? Where's he see the loss? We haven't lost. We're winning this war. That's what the people who are there are saying. Give those folks a chance.

Mr. NEUGEBAUER. Well, I thank the gentleman. And you alluded to something that I want to point out, and several of our previous speakers have talked about this chart. And basically, people say, well, what's going on in Iraq? And I think what we hear is the news media portrays, well, there's a lot of fighting going on. But really what's been going on in Iraq at the same time is some nation building. And what you see on this chart is over 14,000 projects that have either been completed or are underway, and as the gentleman referred to, as some of these provinces for the first time have water. Some of them, for the first time in a long time, have electricity.

But let's get down to really talking about what's making a difference in the lives of the Iraqi people. And for the first time, young men and women are back in school again, and commerce is going on in these communities, and people are being able to live a life that's less fearful of this tyranny that Saddam Hussein would reign over his people. And so 14,000 projects, either completed or underway. And all of those green dots, and I know that it doesn't show up on the C–SPAN that well, but this map is dotted with projects.

The other thing that the gentleman brought up, and I think you're going to hear from some of the other speakers tonight, is that most of the time when we go to Iraq, we spend some time with the troops. I have meals, almost with every chance we always say to the military, we want to eat with the troops. We want to hear from the young men and women that are out there with boots on the ground what's going on.

And my most recent trip to Iraq, I was sitting with a young man, and it was one of the last, I think we were in Baghdad, and he looked over at me, and he looked me right in the eye and he said, Congressman, this is my third trip to Iraq. He said, nobody has more invested in this effort than me. Would I like to be home with my family? Absolutely. But, Congressman, go back and tell your colleagues, please let us finish this job. We are winning. We are making a difference. And it would be a true shame for us to leave this job undone and to let the Iraqi people down.

The other thing, and the gentleman alluded to, was the fact that now we've been hearing that tens of thousands of calls are coming in now to the security forces of people in the neighborhoods saying, there's some bad folks roaming in our neighborhood. They're trying to do bad things; they're trying to harm us. And so they're turning in the bad people. So the Iraqi people are buying into the fact that this is their country. They have a responsibility. They're standing up the troops.

One of the interesting things the gentleman talked about the fact that we're standing up an Iraqi Army. Every once in a while, and we know it's unfortunately, but our suicide bombers will bomb a recruitment area. And the next day, what shows up at that same site but more recruits because they went their country back.

They've had a number of elections, and so the fact that now that the sheiks, and not just the sheiks but the people in the communities are getting engaged in this process, and what we're hearing is that now these leads are turning into being able to not only get the bad guys, but get their weapons. And hundreds of thousands of pounds of ammunition has been seized because of these tips that we're not getting from our soldiers, but from the people in Iraq.

I believe the gentleman from New Mexico wanted to make a comment about that.

Mr. PEARCE. I would. And I thank the gentleman. As he's talking about this new willingness of Iraqis to report suspicious behavior, I would remind my colleagues that it was our bill, my bill that was introduced, that simply said that you cannot be sued in American courts for reporting suspicious behavior, that you cannot be terrorized in our own courts of law for reporting the same sort of behavior that you're talking about being reported in Iraq creating stable responses, stability in the country.

And yet, we had 121 of our Democrat colleagues vote against that legislation. They voted with the terrorists to say, you can sue Americans in court for reporting suspicious behavior. I think that shows the difference between the Republicans in this Congress. All Republicans voted with the American citizens to limit those capabilities. But the difference between the Republicans and Democrats is that the Democrats are still soft on security. They're soft on terrorism, and they're soft on funding the troops who are fighting the battle.

And I just wanted to, your comments about the Iraqis now turning in evidence, bringing those actions to our attention, caused me to remember that bill on the floor of the House where we actually had a vote here, and the Democrats voted, 121 of them, to let terrorists sue us in our own courts.

I'd yield back to the gentleman.

Mr. CARTER. If the gentleman would yield just a moment.

Mr. NEUGEBAUER. I would yield to the gentleman from Texas.

Mr. CARTER. Hearing my colleague from New Mexico reminds me of another vote that was taken on the floor of this House that had to do with our intelligence for our United States military. And in the bill, the Democrat Party had diverted millions of dollars to take our Intelligence Community and have them study global warming. I have this vision of one of our spy satellites being relocated over the North Pole to check on the polar bears that was sitting over Baghdad checking on the terrorists.

I think the American people want our American soldiers, sailors, airmen, marines and coastguardsmen to have on the ground intelligence, which they cut, and in-the-air intelligence, which they want to move to study global warming, so that we can make sure that our soldiers, our American citizens in harm's way, have the security of good intelligence. But there's a vote that we took. We tried to fix that, and that fix was voted down. And so now we have an intelligence bill that has a big chunk of it set aside for global warming.

Meanwhile, it was discovered when we had the debate that there are 13 agencies in this government studying global warming right now. And why does our Intelligence Community have to study global warming at this point in time when American soldiers, sailors, airmen, marines and coastguardsmen are at war? That's a question that the American people ought to ask themselves.

Mr. NEUGEBAUER. And the gentleman's correct. In fact, the money that was taken out to fund the studying of global warming and intelligence was taken out of some of our more crucial intelligence areas, the intelligence that's used to help our young men and women in the battlefield know where the bad guys are before the bad guys know where they are. So that just doesn't make sense.

We're joined by some additional colleagues this evening, and certainly my good friend from Georgia, Congressman GINGREY, he's another Member that's been to Iraq three times. That seems to be the theme tonight. And I'm pleased to yield to the gentleman from Georgia.

Mr. GINGREY. I thank my friend and classmate from Texas, Representative NEUGEBAUER, and, of course, Mr. Speaker, I am very pleased to be here on the floor this evening with our colleagues and my classmate, Representative PEARCE of New Mexico and Judge JOHN CARTER from Texas. And you'll hear soon from another classmate of ours from Iowa, Representative STEVE KING, and, of course, a new Member, but a very experienced one, TIM WALBERG from Michigan.

It's an honor to be with them, Mr. Speaker, tonight, because this is a time really of victory for our men and women who are the patriots fighting this war in the Middle East. It's not a time for bragging, and we're not here to stick our finger in the eye of the Democrats and say, you know, you were wrong, you were wrong all along, and finally, after 107 days, you have admitted you were wrong, and we have won this argument.

Actually, Mr. Speaker, it's been a tremendous loss for the country to go 107 days, or whatever it is, from the time the President asked for the money that the Department of Defense has requested to continue to conduct this war for the rest of this fiscal year, 2007, the $100 billion with no strings attached, Mr. Speaker.

The Commander in Chief and the combatant commanders in the field and General Petraeus brought us a new way forward. It's what the American people wanted. It's what the Congress wanted. And our combatant commanders responded to that. And we put in place the highest-ranking four-star general on the ground in Iraq, General David Petraeus, who wrote the manual 6 months before on counterterrorism and knew and knows.

□ 2145

And it wasn't just his plan, but it was a plan that was worked out in combination with the Iraqi Government, with Prime Minister Maliki, and it called for essentially all of the things that the Iraq Study Group asked for. That report, Mr. Speaker, was a bipartisan report chaired by two very distinguished political public servants, the Honorable Jim Baker, Republican, the Honorable Lee Hamilton, a long-term member from Indiana, a Democrat, and this is exactly what the President tried to do. And yet the Democratic new majority wanted to insist on these benchmarks that weren't really performance benchmarks but they included a timetable, a timeline, for giving up no matter what the circumstances on the ground were. And the worst and most egregious of those, my colleagues, was to say that in August of 2008, just a little more than a year from now, that no matter what was happening in Iraq, even if it got like when Andrew Jackson had the British running down the Mississippi to the Gulf of Mexico, as the song goes, even if we were in that situation, winning this battle, in August of 2008, this Democratic majority wanted to blow the whistle and bring the troops home.

And I am telling you at this particular time, as we approach the Memorial Day weekend, what kind of message does that send to those who have given the last full measure of devotion in this war, and in any war, while the Democratic majority tries to get the last full ounce of political blood on the floor of this House? It is shameful, Mr. Speaker and my colleagues.

Every one of us have gone to some funerals in our districts. And I stand here tonight and I think about the Saylor family, Paul, their son, 22 years old from Breman, Georgia. I think about young Justine Johnson, another 22-year-old from Armuchee, Georgia, up in Floyd County. I think about the former president of my student body at my alma mater, the Georgia Institute of Technology, who 2 years after serving as student body president at that great institution, that first lieutenant gave his life in Iraq, shot down by a sniper while leading his troops. I think about Command Master Sergeant Eric Cooke, who served 30 years in the military, multiple deployments at the tip of the spear, and on Christmas Eve, 2003, my first trip to Iraq, one day after I met him and gave him some books and school supplies for the Iraqi children; he promised to deliver them, but, unfortunately, he took that right seat in a Humvee so that one of his troops could stay home and call his wife and his family and talk to his loved ones on Christmas Eve. And Command Master Sergeant Eric Cooke gave his life one evening when that Humvee went over an improvised explosive device.

In the history of this country, we are about to honor those who have given their lives on Memorial Day, the last Monday in May. And at that time I think about and I want my colleagues to think back to World War I when Dr. McCrae wrote that poem "In Flanders Fields." I am not going to try to quote the poem, although it is a very short poem, but the last stanza basically says don't forget it us. Just don't forget us. We fought the battle. Whatever the cause, you may not agree with it, but don't forget us.

And I think that is why we felt so strong. I commend this President for vetoing bad bills that would forget the troops and would let them die in vain.

So it is an honor to be here tonight to say thank you maybe to the Democratic majority for finally coming to your senses and letting the combatant commanders and the Commander in Chief fight the war. Certainly we could talk about policy and we can talk about funding but not with strings attached. Let's give victory a chance. And I think we have an absolute chance, as my colleagues pointed out, and some of the progress is being made. The news media, of course, doesn't report good news. Good news is an oxymoron, isn't it? So they don't talk about that. But thank you, colleagues, for letting me come tonight and talk about this.

I know if the troops are watching over in Iraq and Afghanistan, I think they are very proud that the Congress is supporting them and we are not going to pull the rug out from under them.

With that, I want to yield back to my colleague from Texas, Mr. NEUGEBAUER. I know there are a couple of other speakers and I thank the gentleman for giving me the time.

Mr. NEUGEBAUER. Mr. Speaker, I thank the gentleman.

And he brings a point that many of us have had to experience, and that is to make that call of condolence to a mom or a dad or to a wife.

And I thought it was interesting, one of the previous speakers talked about being in the majority means you lead. And, in fact, we have gone 107 days without the much-needed resources for our young men and women, and it took the Republicans having to write to the Speaker of the House and saying it is going to be hard for us to go back home and talk about memorializing the sacrifice our young men and women have made in the past when we aren't even funding the troops of today. So we said we are not willing to go back on a recess for Memorial Day without taking care of the business of supporting our troops.

And I am hopeful that tomorrow, and certainly before we adjourn, that the Democrats do begin to deliver to our young men and women the resources they need so that when we do go home for this Memorial Day, we can celebrate the sacrifices of the many that have gone before, that we can do it with our heads held high that we have taken care of our part of the business.

I am pleased to be joined by a new Member of Congress from Michigan, someone who has a number of military bases in his district, who also has taken a keen interest in the Walter Reed issue and making sure that when our young men and women get injured that they get 21st century care. So I am pleased to yield to the gentleman from Michigan, Congressman WALBERG.

Mr. WALBERG. Mr. Speaker, I thank the gentleman from Texas for yielding.

Mr. Speaker, it is a privilege to stand with men here who have served with distinction and consistency on this issue and the most important issue, as I understand it, as a new Member of Congress, taking that oath of office for the first time on January 4 to uphold the Constitution of the United States, which gives us the primary responsibility, number one responsibility, for security and defense of this great Nation not only for its people but for the impact that this Nation has given and continues to give worldwide.

We are the greatest bastion of hope for liberty, for individualism, for opportunity. And for us to be now in an arena that, frankly, with my colleagues I can't say that I have been there yet. I look forward to being over in the arena of this war and having the opportunity to sit with our heroes, our warriors over there who understand the process. I look forward to that experience to be able to hear directly from them in the field. But until that time, I have to resort to memories, including a memory my wife and I will never forget in sitting on the parade grounds in Fort Knox, Kentucky, watching my son graduate with the rest of the young recruits, troops that volunteered, all volunteers to serve their country, all of whom understood that in signing up for this austere and wonderful choice of patriotism, yet also put their lives on the line potentially.

And I will never forget watching my son, who had changed before my eyes during the course of the past number of weeks at Fort Knox, and had become a man with an understanding, as he was preparing to be a combat medic. That was unique. And meeting with his fellow soldiers and understanding that they had a purpose in mind, what an encouraging thing that was.

And now to look back on that and realize that not only have numerous of his fellow comrades gone to the arena, some who have come home with the impact of that time on their life never to leave them. Others have not come home alive and have given the supreme sacrifice. We would do well to honor them not only by our words but by our actions.

I have stood at Walter Reed Hospital on numerous occasions now, with my wife alongside several times, and I have met these troops, these fallen warrior heroes. I have prayed at their bedside. I have thanked them. I have had the opportunity to hear from them: Mr. Congressman, don't thank us. It was a privilege to serve. Don't thank me, though I appreciate your being here, but I want you to go back and tell your colleagues that we would appreciate their unquestioning support, that they would stand with us, that they would encourage us, that they would support us with the necessary resources, both armaments and financial resources, to complete this passion that we have, to stand for the defense not only of Iraq and its citizens who long to be free, but stand for our fellow citizens at home so we don't have to fight this war on our home turf as well. They understand this.

I don't understand why many of my colleagues, whom I respect highly, yet don't seem to understand, on the other side of the aisle, that we are fighting so it doesn't come home here as well.

I have also had, and I call it a distinct honor, though difficult as well, to speak to families who are now dealing with the impact of the war. I think of Travis Webb from Adrian, Michigan, who is still at Walter Reed, who came home missing two legs but not missing his heart, and still with a passion for his comrades back in the field and expressing the desire that we stand firm with them, thanking him and hearing him say "I wish I could go back."

Just a week ago, I called the mother of Daniel Courneya of Vermontville, Michigan, and expressed my sincere sympathy to her. Her son has not come home alive. He along with three other of his fellow troops were killed with an IED explosion, and three of his troops are still missing. We have read about them in the media. And we pray for their safe return. We know also that they have given their service for a cause. And I will be at the funeral of Daniel Courneya this coming Friday, in fact 2 days from now, and will stand proudly and yet humbly, recognizing the sacrifice that they have given for a cause greater than all of us even on this floor tonight.

Mr. Speaker, 108 days ago, on February 5, President Bush requested from Congress funding for our troops in Iraq. And even though current funding for our troops is set to expire at the end of May, and I say this as a new Member and I guess I say it as a Member that doubts until I actually see the bill in front of me to vote on, this funding is set to expire at the end of May. The new leadership in the House of Representatives has yet to put in front of me a bill that even comes close to properly financing the troops. And I say that saying until proven otherwise, it hasn't been in front of me to vote yet, and that is a shame.

Our American commanders need an opportunity to implement the new strategy. We are handcuffing our generals on the front line. That is not the way it ought to be. New House leadership first introduced a bill in March that not only micromanaged the troops but also contained millions of dollars of unrelated pork-barrel projects to buy a few votes for bad legislation. That is not what I understood that I signed up for in supporting our troops and protecting and defending this great country.

□ 2200

The bill was a salad bar of egregious earmarks: $25 million for payments to spinach producers; $120 million to shrimp industries, $74 million for peanut storage; $5 million for shellfish, oyster and clam producers are just a few examples. And again, as a new Member of Congress, I couldn't believe that, that we were dealing with that type of funding with a war going on.

This bill was rightfully vetoed. In response, House leadership scrambled, and now we see supposedly that there is a bill before us.

I heard my colleague, the gentleman from Georgia, express appreciation that we have a bill now that we can vote on that will fund our troops. But again, I haven't voted on it yet. And so I say, let it come before us. No wonder this body, this Congress, this great symbol of American freedom has a 29 percent approval rating, when we mess around with the lives of our troops and the freedom of our citizens.

House leadership seems to have finally relented, and hopefully has decided to provide the necessary funding for our brave men and women. I am glad to hear that we will put aside any plans to go on break until a clean funding bill will pass, and I trust that that will take place tomorrow, to support our men and women in combat. Our troops deserve this respect.

Recently, the Iraqi Government, after complaints from myself and other Members of Congress, decided to forego its plans for a 2-month summer recess so important decisions such as the development and distribution of Iraq's oil and how to deal properly with sectarian violence can be made and laws can be passed.

This Congress similarly has decided not to go home for more than a week and leave our troops in limbo until we finish this job. We have to stay here and finish our job so our brave troops, our men and women in uniform, can finish theirs.

House leadership needs to allow Members to vote as early as possible tomorrow on a clean bill, devoid of wasteful, nonmilitary spending. We need a bill that doesn't handcuff our generals, but instead gives our troops the resources they need. Setting timelines on American involvement in Iraq is good policy, but not publicly in front of our enemies. Our military commanders need to have control of the situation, and not the terrorists.

The Congress needs to give General David Petraeus, the new Commander in Iraq, who was confirmed unanimously by the Senate, a chance to fully implement the new strategy instead of telegraphing surrender to terrorists.

In the Anbar Province, one of the most dangerous areas in Iraq, violent crime is dropping, and 20 of 22 tribal leaders of that area now support the U.S. and Iraqi forces against al Qaeda. Granted, the level of violence remains high, and the hot spots are numerous, and many challenges persist. But the wounded soldiers I've met at Walter Reed and Bethesda deserve our support. They have indicated that our Armed Forces can secure Iraq enough so that an Iraqi Government and a security force there can take over.

Time is running out. Congress needs to move past political posturing and partisanship and allow the men and women serving in Iraq the opportunity to crush the terrorists in the Middle East so our families will have a more secure future here at home.

I want us to win this war. There are only two options, as we mentioned tonight already, only two options: One, victory; and the other, defeat. I do not believe that Americans countenance, by and large, the option of defeat.

I am asking my fellow Members of Congress, those that I am proud to stand with here on the floor tonight, as well as those who have wavered and waffled at times, to buck up. FDR called our America to a strength of sacrifice together, to win a war as brave people that sustain this great world as well. We, as well, have the privilege tonight, as Members of Congress, to call our Nation by first standing together, calling them to sacrifice in support of our troops, calling them to bravery and courage in standing for this country, calling them to one decision, and that being the decision for victory.

Memorial Day is upon us. I will experience this Memorial Day like I have experienced no other Memorial Day, because I have stood next to these wounded heroes. I have defended these brave troops. I have spoken with them. I have had family members, including my son, sign up to do that brave duty. And I will say to the troops who may hear us tonight, God bless you. We stand with you, and we will support you.

Mr. NEUGEBAUER. I thank the gentleman. And as the gentleman has said, he has been to Walter Reed with his wife; I have, also. And I think about one time I went and I was there with a soldier that had gotten a new prosthesis. He had lost part of his leg. And he said he was so proud of it. He said, Congressman, this is state-of-the-art, and I'm going to be able to walk again, and do you know what I want to do? I said, what do you want to do? He said, I want to go back and be with my buddies and finish the job that I went to do.

Those are the kind of men and women that I'm going to be celebrating during this Memorial Day weekend.

I am proud to see that a great Member of Congress from Iowa, the gentleman from Iowa Mr. KING, who I know has been to Iraq on a number of occasions, and I am pleased that he has joined us this evening and would yield to the gentleman.

Mr. KING of Iowa. I thank the gentleman from Texas for organizing this Special Order and each of the Members of Congress who came down here to the floor to stand up for our he brave men and women who defend our freedom. And I know you will be there when they need you.

I just would add a few pieces to this, as I have listened to the dialogue that has gone on here tonight, and one of them is that we all have constitutional responsibilities. And 435 of us come down here to this floor, and we take an oath together to uphold this Constitution of the United States. Now, you would think that would mean something to everyone, "So help us God."

And by the way, I bring my Bible here to make sure that I am swearing on a Bible at the time. But I also carry with me this Constitution. And you don't have to be a constitutional scholar to read this, you can read it pretty well with a sixth- or eighth-grade education. But what it says in here is Congress has three responsibilities when it comes to war. One of them is to declare war, which we haven't done since World War II. The second one is to raise an Army and a Navy and, by implication, an Air Force. And the third one is to fund it.

And, yes, there are conditions in there that allow us to regulate some things that go on within the military, like how they're going to run their military courts and how we are going to do promotions and things of that nature, but there is no provision in this Constitution for micromanaging a war or for being a general if you're in the United States Congress. In fact, the experience that our Founding Fathers had with the Continental Congress and the Continental Army brought them to draft into this Constitution the office of Commander in Chief because they wanted to avoid the very circumstances that we are fighting off here in this Congress.

So if anyone thinks they ought to be a general, they ought to be in the military to do so. You can't be a general here from Congress. Your job is to be a generalist, someone who stands up for this Constitution, and someone who adheres to your oath to uphold this Constitution. That means maybe on a very sad day we may someday be obligated to declare a war.

Let's keep raising the Army and the Navy and the Air Force, and let's keep funding our military men and women that are out there in harm's way with their lives on the line for our freedom. That is the constitutional responsibility.

As I look back through the history of this country, I find no place where we have come to a constitutional challenge where the President had to make a decision to veto a funding bill and have to face a veto override, which everyone knew was not going to pass, and now held the line. And I am really glad that it isn't coming down to the line where we are mothballing some of the development of our military equipment just so we can play this political game out here. That's not our job.

Even if you go back to the Vietnam War, the President signed the appropriation bills that took the military out of North and South Vietnam, Laos and Cambodia, out of the skies over them and out of the seas around them and said not 1 dollar will be spent in support of the military effort of the South Vietnamese and defending them themselves. And there are 3 million lives that paid in the aftermath of our lack of keeping our promise with the South Vietnamese.

That is on the conscience of the people of this Congress that didn't adhere to this Constitution. We don't need that on our conscience, and we don't need the enemy of Iran with a nuclear weapon in their hands on the control of the valve at the Straits of Hormuz, where they control the economy of the world as well as the development of the military within themselves. They can buy as many nuclear scientists as they want if they can just put their hands on the valve of the oil that goes to the world.

So that is where the problem is. We must succeed. There is far more at stake than the people on the other side of the aisle understand or will admit.

I will yield back to the gentleman who organized this Special Order, Mr. NEUGEBAUER of Texas, and thank him for organizing this meeting.

Mr. NEUGEBAUER. I am also pleased that another colleague and a fellow Texan has joined us this evening, Congressman BURGESS.

PRICE OF GASOLINE

The SPEAKER pro tempore (Mr. COURTNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. KLEIN) is recognized for 60 minutes.

Mr. KLEIN of Florida. Mr. Speaker, it is a pleasure and an honor to be here tonight with the Members of the freshman class. All of us were elected this past November with great ideas brought to us by the people that we represent; lots of good suggestions on how to solve some of the problems that our country, of course some of them are overseas and some of them are home, but the great news is all of them are solvable. Every problem that we have in this country is something that there is a solution to. And it typically requires good faith, working together, Democrats and Republicans, Independents, people of good minds and good faith, to solve the problems.

Tonight we are going to start out our conversation as the freshman class with something that all of us came to this Congress to talk about and to work on and to solve. And it has unfortunately risen up as another significant problem that I think that we are very unhappy about right now, and that, of course, as everyone who has filled up their tank lately knows, is gas prices.

I am from Florida, the 22nd District, which is parts of Broward and Palm Beach Counties in southeast Florida. It is fascinating to me because I have watched gas go up and down and up and down over the years, and Congress has never seemed to have the backbone, if you will, the President and this administration hasn't shown much interest in dealing with gas prices. Maybe it's because of the backbone of some of the people of the administration, or maybe not; but the bottom line is that we have a situation now where gas prices in my area are at about an average of $3.25 a gallon, and as much as $3.59 a gallon.

We understand what this means. This is a real problem for consumers, it is a real problem for our businesses. Whether you have transportation, whether your personal transportation to and from work or the shipping of goods to and from a location, this is something that is beginning to affect our economy.

And I think I am going to throw it over to my colleagues here, but I just want to throw out a few rhetorical questions, because every time we go through this and the price spikes, we hear excuses. You know, last time the excuse was we had a hurricane called Katrina, and it shut down refineries. No hurricane this time. Last time we heard there is a disruption in the oil deliveries out of the Middle East. No disruption. Last time we heard, well, there is a summer spike because of demand during the summertime. It's May, no summertime. What is the excuse? What is the bottom line?

What I am so pleased about is the fact that our freshman class, along with a more senior Member, Mr. STUPAK, took on this issue this year and passed today, out of this Congress, in a bipartisan way, I am very proud to say that all the Democrats and I think 70 or 80 Republicans, I think, joined us and passed something called the Federal Price Gouging Prevention Act. The purpose of this act is to allow the FTC, the Federal Trade Commission, to go in with some teeth and enforcement authority, to go in and investigate what's wrong. If the price of oil per barrel is the same or even less than it was last year at this time, how could gas prices be so much higher? And all the commonsense things that we know.

What I am going to do is I am going to introduce each one of you, and I am going to ask you all, I know you all have your own perspectives and some thoughts on this. I am going to start out with Congressman PERLMUTTER from Colorado. Please give us your thoughts.

Mr. PERLMUTTER. Thank you, Mr. KLEIN.

Every other Saturday I have a "government at the grocery." I visit different grocery stores throughout my district. This past week I was at a grocery store in Edgewater, Colorado, and the number one topic was the price of gas. Usually it has been Iraq, and we certainly are going to talk about Iraq tonight, but the number one conversation was about the price of gas. And people were saying, look, we understand that on a per-barrel basis, it's down, the cost is down, the price is down. Why is the cost at the pump up?

And, you know, we have excuses. The excuses this time, Mr. KLEIN, have been, well, we just needed to clean the refineries. They clean the refineries right at the beginning of the summer travel season because by restricting the supply, you drive up the price, and we can't have that anymore. We can't have our people being gouged in this country by manipulation of the market in that fashion.

☐ 2215

What we are seeing is too few companies controlling too critical an item, a commodity, like gasoline, and that is what that price gouging bill was all about today. So I can assure you in Colorado, it is a major topic of conversation, and people want to see a change, and we are bringing that change to them by the bill we passed today and the direction we are taking this Congress.

With that, Mr. KLINE, I would like to turn it over to my friend from Vermont, who always has something to say on any topic, but particularly I know he has something to say today on this gasoline price gouging.

Mr. WELCH of Vermont. Thank you, Mr. PERLMUTTER. The gas issue, obviously the price going way up is hitting people pretty hard. But it is a real metaphor in my view for the two economies we are seeing emerge in this country. We are at a time now where the stock market has never been higher. People who have significant assets have never been doing better. Large corporations are making record profits. Executives, CEOs at large corporations, have never gotten better and sweeter pay packages.

But the vast majority of Americans are finding that their wages are stagnant, and the prices of things that they need, daycare, gasoline to get to and from work, to and from daycare, groceries, those things are going up and concealing this so-called "tame" inflation.

So what we are having in this country is the emergence of two economies, and our goal here in Congress is to start having a Congress that stands up and represents the needs and aspirations of average folks. We give them a leg up.

Every time the price of gasoline goes up about 10 cents, that is like a $16 billion hit on the consumer in this country. So you think about it. We have got a chart over here that shows gas prices going up, really doubling during the presidency of George Bush. But just take a $1 increase in the price of gasoline, that is like $160 billion tax increase that all comes out of the pockets of working Americans, the people who can afford it the least.

You look back at the last couple of years, what has happened when we have been talking about the oil industry are a couple of things. Number one, there has been very favorable legislation that has benefited the oil companies. At a time when the oil companies had record profits, $125 billion over 3 years, $125 billion over 3 years, at that time not our Congress, but the Congress that preceded us, the Republican Congress, gave tax breaks to the oil companies. The mature and very profitable industry got $13 billion out of taxpayer funds on top of the record profits they had received.

What we have done here is try to change the rules of the game and say that there has got to be a cop on the beat. It doesn't make sense for the prices to be going up on gasoline when we have seen the price of a barrel of oil go down and we haven't seen an increase in the demand, so that the laws of supply and demand are really being thwarted by the oligopolistic power of the very few oil companies that are able to manage the price and inflate their profits.

What we are doing is first taking back those tax breaks that went to big oil. We did that earlier on this year, hoping our friends on the Senate side join us. But, secondly, we are saying that the Federal Trade Commission should be active and aggressive in answering these questions on behalf of the American consumer.

Every 10 cents, $16 billion, that is a tax increase right out of the pockets of working Americans. Our responsibility to the American people is to make sure that consumers are protected so they are not getting ripped off. It is that simple. They need to keep that money in their pocket and not just be subject to the abuse of the monopoly power really of big oil.

So, that is a little perspective from Vermont. I will turn it over to my colleague from Connecticut, Representative MURPHY.

Mr. MURPHY of Connecticut. Thank you very much, Mr. WELCH. I just want to point out to the Speaker and the Chamber that Mr. WELCH just used a word with six syllables in it, oligopolistic. We have freshmen that are courageous, we have freshmen to take on big industry, but we also have some pretty smart freshmen too in this case. So I don't want that to go unnoticed.

Mr. WELCH, let's call it for what it was. For a long time this Congress was run by the oil industry. Whatever they asked for, they got here. It was sort of a sense that if you did really, really well in this economy and you came and asked for something from this Congress, then they were going to give it to you. You were going to be rewarded, in essence, for coming out on top of the heap. The same could be said for the pharmaceutical industry, the same could be said for multimillionaires, as was the case for the oil companies.

If you probably turned on the television and you watched people get up here on the other side of the aisle for the last several years, you probably heard them say a lot things like we are saying. You probably heard them complain about gas prices. You probably heard them say that they were going to do something about it.

Well, they didn't. They didn't do a single thing about it, and we see the evidence of it today. Gas prices spiraling higher and higher. Mr. PERLMUTTER is going to show a chart here which shows the average price of a gallon today pretty soon. You are going to see the average price for today is on an 8½ by 11 piece of paper sort of precariously stuck on to the poster board. Why? Because, guess what? It moves every single day. We have to change that piece of paper on that chart every day as the price goes higher and higher and higher.

So what happened when a bunch of us went out there and decided that we were going to come to Washington to try to change the priorities here, do what Mr. WELCH said, which is finally put regular middle-class folks, working-class folks in charge of government again, was that we started matching action with words.

We are going to get up here and talk about how gas prices are hurting regular Americans, how they have less and less ability to spend money on other family needs, but then we are going to go and do something about it. We started with the price gouging legislation. We are going to take on some pretty important legislation to end the antitrust exemptions for OPEC and international oil cartels.

Then we are going to take on the big enchilada. We are going to start making this country energy independent. We know that is a triple whammy. That is about gas prices and energy prices, it is about making energy more affordable for people, that is about cleaning up our environment, and it is also about national security.

That is what happened here for a long time, was that the inaction wasn't just about trying to stem the bleeding in one particular summer, it was about avoiding a problem that could have been solved 5, 10 years ago, if they had started doing the things that we are about to do to invest in alternative and renewable energy.

So I am so proud to stand here with members of the freshman class, because we can stand here and talk about what we want to do to start transforming this society back so that the priorities of regular middle-class Americans matter again. But we also need to do something about it.

We also get to stand here and cast some votes that have not been cast in this Congress for a very long time, and that is what makes me especially proud to be a member of this freshman class, certainly proud to be a member alongside my friend from Iowa, Mr. BRUCE BRALEY, who I will turn the microphone over to at this point.

Mr. BRALEY of Iowa. Mr. Speaker, I thank my friend from Connecticut. I am just a simple country lawyer from Iowa, which is the center of the renewable fuels explosion. I don't think I have ever used a six syllable word, so I feel a little inadequate.

Mr. MURPHY of Connecticut. I think you get locked up in Iowa if you do that.

Mr. WELCH of Vermont. I think people are making fun of me.

Mr. BRALEY of Iowa. Here is a three syllable world I will throw out right now: Paradox. Right now it is planting season in Iowa, and farmers are going out and growing renewable energy, so that we can become energy independent, we can reduce our dependence on Mideast oil, we can promote national security, we can promote economic security, we can provide jobs, good paying jobs, to the people of this country.

Yet, at the same time, while those Iowa farmers are out there driving around in their pickup trucks, getting deliveries from their co-ops for their crop inputs, the cost of producing renewable fuels is directly impacted by what you see on that chart. Whether it is gasoline in the pickup truck, whether it is diesel fuel that is affected by periodic price influxes, one thing we know is that the cost of getting energy independence goes up. And is it any wonder when we look at who we are shifting our dependence from, people who create energy from fossil fuels, and look at who is going to benefit from these record oil company profits, that many of us campaigned on and made the case to the American people, give us a chance to have an impact.

That is why I was very proud to be a cosponsor of Representative STUPAK's bill. This whole Congress has been about increased accountability, increased oversight, because that is what the American people demanded when they sent us to Congress.

Yet every day in these oversight hearings we are talking about important problems that the people demand solutions to. We take important votes on progressive bills that are going to change the direction of this country. And every day we get the same message from the White House: If you pass this bill that is good for the American people, I won't sign it.

A good example of that. The first bill I had to be voted on on the floor of the House of Representatives, the Small Business Fairness in Contracting Act. It sounds pretty good. It sounds consistent with the President's statement on the importance of creating fair contracting opportunities for small businesses in 2002. Overwhelming bipartisan support in committee. Everybody voted for it. Overwhelming bipartisan support here on the floor. 409 people voted for it. Yet the President said it was a bad bill.

That is a symptom of the greater problem we are talking about. It is an interrelated problem, whether you are talking about energy, whether you are talking about ethics. That is why we are here tonight, to start shedding some light on the important point of where the buck stops on the problems we are talking about.

I yield back on that to my distinguished friend from the great State of Florida, which, unfortunately, entered the Union right before the State of Iowa, Mr. KLINE.

Mr. KLINE of Florida. But who's keeping track?

I think everyone in the room here sees that there is some good logic, some common sense, that is being applied in the development of this legislation. I just want to touch on a couple points ever the legislation itself, this law that we passed today so overwhelmingly, because Americans really are hurting.

We talked about teeth, the Federal Trade Commission, which is an existing Federal agency that is responsible for fair trade. It is self explanatory, fair trade. What can we do to make sure that organizations, businesses, big oil in this case, that in fact if there is market manipulation, if it is going on, what can we do to get to the bottom of it?

Well, the questions will be asked. What does it cost to drill? What does it cost to refine? Why is there a difference between the cost of crude and the cost of a gallon of gas? Why does gas cost more in Fort Lauderdale, right near a port where the gas comes in, than it does 500 miles inland? These are common sense questions. When there is transparency in pricing, there is no price gouging.

So what we are asking for is something very simple. We want competition. We all believe in the capitalistic system. We want to see thriving competition. Competition is good for quality, pricing and everything else. But when there is something so out of whack here, when you see there is no common sense, a barrel costs less, price is up. No disruption in the oil, no disruption in the refining. Nothing that really should cause this kind of surge.

In fact, we see by this chart on the day that President Bush was sworn into office, back January of 2001, gas was at $1.47. Today, it is $3.22 on average in the United States of America. What is wrong with this picture?

Now, this is a matter, as it was said by one of our colleagues, a matter of national security. It is a matter of our economy. Certainly it is a matter of our environment over time.

So one of the other things that we are also committed to, I know every one of us in the whole freshman class, and I would say many of the Republicans came with the same view, but we are going to take some action this time in a bipartisan way, we have to move this country toward energy independence.

Mr. BRALEY of Iowa. If the gentleman will yield for a question, the argument we hear over and over in this body is just let the market play out. Let it take its course. What is wrong with that argument?

Mr. KLEIN of Florida. Well, I think it is fairly clear. Unfortunately, what has happened in this industry is there is a consolidation. Do you remember there was a term a number of years ago called the seven sisters? That was a term many years ago talking about large oil companies. Well, there has been big consolidation with multinational oil companies that obviously have lots of different people that are tending to their interests. And at this point in time, if you look in any community, I can look at my own community in Palm Beach and Broward Counties, there are fewer competitive stations, company stations versus independents, fewer independents, you don't see a lot of independents at all, which really drives the market a little bit. Then, at the end of the day, there really is very little activity that would show there is true competition.

But I think the real question, of course, and what this law is going to get to, is there is market manipulation, are there antitrust violations. We are going to define it, we are going to strengthen it, and there are consequences.

By the way, don't let anybody tell you, some of the Republican debate on the floor, some of the Republicans that opposed it said, oh, we are going to knock down the independent service stations, the little mom and pop groceries that have a pump in front of them.

We are not talking about them. The minimum size of activity that can become subject to this is a company that sells $500 million of fuel.

□ 2230

So we are not talking about the mom and pops. We are the one who are protective and interested in our communities in the mom and pops.

I think there are lots of questions out there that need to be answered. Again, I think the consequences of violating our Federal law is what is going to change this.

Mr. PERLMUTTER. If the gentleman would yield, I think we have to get back to basics here. We have to have a diversified energy portfolio.

One of the things that you were talking about and Mr. BRALEY was talking about was renewable energy. The American people are way ahead of Congress, and it is our job to change the direction of the Federal Government on this subject because it is good for national security, and it is good for the climate, and it is good for jobs.

Quite frankly, if we have a diversified portfolio where we have biofuels, and where we use solar and wind where appropriate, and have hybrid types of cars, we will not be so beholden to a particular company or companies in the gasoline business.

Also we are going to stop funding both sides of the war on terror.

We need to talk about the war in Iraq. We will be voting tomorrow on supplemental funding to the President that will keep him on a short leash through September to see exactly where we are going with this war.

We have asked for a timeline. The President has rejected. He vetoed it. We have set benchmarks. He doesn't like those; but apparently, based on conversations we have seen in the paper, he may accept benchmarks. We need to see what is happening.

We had a briefing today from General Pace and from Secretary Gates and Ambassador Negroponte. The best they could say about what was going on in Iraq, mixed results. With the surge in one part of Baghdad, there was some reduction in casualties in Baghdad, but an explosion of casualties in the suburbs. You push in one place, and it pops out another place. They call it the balloon effect or toothpaste effect, the squeeze effect.

We have to make some changes here, and that is what this Congress is about. We will be keeping this President on a short leash. We will be imposing some benchmarks to see if there really is any progress in Iraq.

I know we all want to see progress and stability, but that is not what we are seeing on the television or reading in the newspaper. And the American public knows that. They are not being fooled any longer. We are going to change the direction of this war. We cannot continue by paying this kind of money at the gas pump funding both sides of the war on terror.

One of the things I am going to talk about tomorrow is the fact that by being in Iraq, we have stretched our military forces to the breaking point, both Active military and our National Guard. The National Guard, 88 percent of the equipment of the National Guard has been deployed to Iraq and hasn't come back. We are coming into a hurricane season. We have forest fires that are plaguing the West and Florida. Is our National Guard prepared to deal with that?

Their mission, they have three missions. The first mission is homeland defense, protecting our country against attacks that might happen here, whether it is a 9/11 or some other type of attack. The second is civilian support, helping in the event of another Hurricane Katrina. The third is to be deployed overseas.

Now, we know that our National Guard, I don't know if, in fact, in either of your States, but the Colorado Air National Guard is going to be deployed for the third time within the last 3 or 4 years to Iraq, which is stretching their ability to deal with things in Colorado or to assist other State National Guards in the event of a natural or man-made disaster.

We as a Congress have an obligation to look after this country and not to continue to pursue things where we are refereeing a sectarian civil war. Things have to change.

I heard our friends on the other side of the aisle in the hour that proceeded us saying we have an obligation to protect and defend the Constitution, and they are absolutely right. And we have an obligation to protect and defend this country. We cannot continue the way we are going in Iraq. So the President wants to stay in Iraq. He vetoed a timeline that establishes a thoughtful redeployment of our troops. But at this point we will let him have, I believe tomorrow's vote will allow him, mostly with Republican votes, to have funding through the end of September. At that point we will see where this surge is going, whether it is better than mixed results. If that is the best you can say about the surge, it is mixed results, that is not very good, and it is time for a change, and we intend to bring a change to this country.

We all know that one of the issues in Iraq is oil. We can't forget about that. We need to decrease our dependence on foreign oil so that we don't have to be in a place like Iraq unless it is there for real humanitarian reasons and not there for oil or other purposes.

Mr. KLEIN of Florida. When we went into Iraq in the first place, they were supposed to be able to pay for their entire rebuilding through their own oil revenues. Unfortunately, that has not happened.

I know Mr. PERLMUTTER has been one of our leaders on renewable energy, as has Mr. WELCH.

Mr. WELCH, you have brought many ideas forward on renewable energy and alternative energy and energy independence. Why don't you bring us up to date on some of your thoughts.

Mr. WELCH of Vermont. First of all, Mr. PERLMUTTER is right, oil has made us vulnerable in foreign policy. A big reason we are in Iraq clearly is related to oil. I think we have to be much straighter with the American people than Congress has been.

We are doing two things here. One, with this legislation, the price gouging legislation, we are providing basic protection against rip-offs, and that is just the fundamental responsibility that people's government has is to make sure that the people with a lot of money, corporate power, don't use that power to rip them off. That is one.

Second, we have to develop an energy policy. An energy policy, as has been said, is going to give us a lot more freedom in foreign policy, not create these enormous pressures to get involved in wars that we shouldn't be involved in.

Secondly, it is obviously good for the environment.

Third, as the gentleman from Iowa (Mr. BRALEY) has been saying, it is good for the economy. The legislation we have to pass is not just on protecting the consumer, it is about creating a projobs, pro-high-tech, progrowth approach to addressing in a straightforward, confident way the energy challenge that we face.

One of the small bills that I have sponsored and you are a cosponsor of, Mr. PERLMUTTER, and I am soliciting more, is to make our offices carbon neutral here in Washington. When I got here, I was concerned about global warming. I checked into how much carbon pollution did I create just by turning my lights on here in Washington and Vermont, flying back and forth to my district, and then driving around. It is quite staggering: 754 tons. That is a lot just to show up for work.

I tried to find out how to offset that. Change the light bulbs, turn the thermometer so you don't use as much air conditioning or heat, and then invest in renewable energy that would allow a farm in southern Vermont to do a digester, a methane digester, which adds to the bottom line of farms, and all of our farms are struggling to make ends meet. We have to keep our farms in production and have local production of agriculture for the ag economy, but also for a way of life that a lot of folks in Vermont and Iowa want to maintain.

Mr. PERLMUTTER. If the gentleman would yield, following your lead on this carbon-neutral office, we actually next week are going to have a press conference on a carbon-neutral office. We are buying power from a wind energy farm in Lamar, Colorado. We have talked our landlord into putting solar on top of the office building. We use the stairs and not the elevators, and we are working with the National Renewable Energy Lab, which is the lab Mr. KLEIN was referring to, to assist us in coming up with a carbon-neutral, energy-efficient, sustainable type of office.

In Colorado, we don't have the moisture or quite the fertile ground as it is in Iowa, so there is a lot of dry-land farming. One of the other ways for farmers to derive an income is going to be through wind energy. We have a number of wind energy types of plants developing in Colorado as well as solar farms.

Mr. WELCH of Vermont. Right. What you are describing is the fact that you are going to produce your energy locally, so you are not going to have to go to the Middle East and ship it all of the way back here. The money you spend on energy are going to be dollars that stay in Colorado or Iowa. Every dollar you keep in your local economy gets circulated and multiplied. That is what creates jobs. We have to break the stranglehold of our addiction to oil. It is all about building a local economy.

Mr. KLEIN of Florida. We all are very committed, and we are seeing some great ideas. This is about business and consumer behavior changing.

You also mentioned something about National Guard. In Florida, we are coming up on our hurricane season June 1. The National Guard has played a big role in emergency services.

Mr. BRALEY, I know you have a lot of specific information about your National Guard.

Mr. BRALEY of Iowa. All of us have our own natural disasters we deal with on an annual basis. This point was driven home with me in February when a huge ice storm hit my State. We had 350,000 people without power. The 133rd of the Iowa National Guard has been stationed in Iraq for over a year and had their deployment extended by another 120 days. They were struggling with people available to respond to this very significant demand for assistance. So that is when you understand in a very real way how foreign policy affects domestic policy in your district.

But as my friend from Vermont knows, when he was talking about the need to preserve the heritage of agriculture in this country and its importance to our economy, my great-great-grandfather, George Washington Braley, walked from Vermont in Mr. WELCH's district to Iowa in 1855 looking for better farmland, Mr. PERLMUTTER, better rain.

My parents both grew up on farms in Iowa during the Depression, and the whole sense of stewardship and preserving the land for the next generation is something that is almost a spiritual quality about farming. I know there are very many people looking for ways to diversify their agricultural economy.

Mr. KLEIN, you raised a very good point about the multiplier effect of renewable energy. Right now Iowa ranks third in the production of wind power, which surprises people. They go to Palm Springs and see those huge wind farms, and they know there is also a lot generated in Texas, but Iowa ranks third. Part of the reason for that is windmills have been a way of life in my State for over 150 years.

But there is a very acute shortage of wind turbines in this country. People who want to convert to wind energy and want to have the ability to produce electricity from wind are facing significant shortages of turbines, specifically those manufactured in the United States. A lot of people, municipalities that are looking to convert to wind have to go to the European market because they are on long waiting lists from U.S. wind turbine manufacturers.

Recently there has been an incentive to factories that are creating new wind turbines. There is a new factory in Iowa that opened up recently. So when we are talking about how this has a ripple effect throughout our economy, it creates jobs and incentive for people to try new and innovative energy technologies, and we all benefit from that. That needs to be part of the overall discussion we are having about how we create incentives to move people to clean energy sources.

Mr. KLEIN of Florida. Another big issue that many of us ran on was ethics reform and lobbying reform and the whole notion of this connection between lobbyists and legislators and Members of Congress.

I know in Florida before I left Florida, and I was in the Florida Legislature for a number of years, we passed a law that said you can't take a cup of coffee. It used to be fancy meals, fancy trips and wine. You know something? The average person and most of us who ran said that was not necessary. It creates an impression that there is this unholy connection between a lobbyist and a Member of Congress.

☐ 2245

Of course, we also know that many people who give us information are lobbyists, too, but they come in the unpaid variety. One of my teachers talked to me about No Child Left Behind. That's a lobbyist as well. We're talking about the paid ones.

I'm very proud that this Congress, this House, in the earliest going, one of the first packages we passed out of this chamber was to change the rules that this House governs itself by, and the freshmen of this class, of course, once again took the lead because we felt we were the closest ones, having heard the most from the public that we said no more cups of coffee, no more fancy meals, none of that.

You know something? It works just fine. I think all of us can buy our own cup of coffee. We had a little cup of coffee before. Mr. WELCH and I, we had our dinner together and were glad to pay for it ourselves.

Mr. WELCH of Vermont. A good chicken sandwich, $7.16.

Mr. KLEIN of Florida. But it goes beyond that. I think there are other ways that we can break this link, and I think some of the discussions going on right now of continuing to do things and disclosure and all those kinds of things are very important in making sure that the history of this Congress, particularly over the last few years, whether it was the Cunningham and the Tom DeLay and the Bob Ney.

Mr. WELCH of Vermont. That was illegal. That was beyond us. That was pure criminal conduct.

Mr. KLEIN of Florida. That's right, and there's still unfortunately a few that are still being investigated, and that's going on and that's wrong. It's wrong at home, in any business. It's wrong in any community whether it's done person-to-person, and certainly when you run for higher office in Congress, you have a higher responsibility to make sure that you do the people's business and you're an independent thinker.

So I think I'm very proud and I know these discussions are going on right now.

Mr. PERLMUTTER. Very first thing as you said that we did was an ethics reform to the rules. So we took a huge step the first day we were in this Congress. Tomorrow, we are going to add to that from a bill that came over from the Senate as to certain other parts of lobbying reform. So we are continuing to make strides so that this place is open and transparent and people really know that we're working for the betterment of the entire country, you know, not a select few, and that's really the change that's going on here.

That's why people wanted to see a new direction in this Congress. They wanted to see a new direction in Iraq. They wanted to see a new direction in how we did business within this chamber, and they're getting those very things.

I'm proud to be part of the impetus, the catalyst to make those kinds of changes, to make the big change when it comes to energy. We can't wait any longer to change the way we deal with energy in this country, whether it's because we're just continuing to put more and more exhaust into our climate or we want to wean ourselves from foreign oil or we want jobs.

I mean as Mr. BRALEY was saying, we need turbines, we need solar panels. There's construction jobs by the thousands and thousands as we move to a new type of energy for this country, and we're making that change.

This Democratic Congress is making the change that was so desired by the people of this country. They wanted a new direction, and that's what we're giving to them.

And I do want to tell you that your great-grandfather was George Washington Braley. My grandfather was George Washington Bristow anyway, for just pure information.

Mr. WELCH of Vermont. It's very important the American people know that.

Mr. KLEIN of Florida. I thought it was George Washington Perlmutter.

Mr. BRALEY of Iowa. I have to say I'm really the rookie of this group because all of my colleagues who are still here tonight had the great privilege of serving in their State legislatures. They've had to struggle with these issues, especially these important issues on ethics.

One of the things that I talk to people a lot about coming from Iowa is how it just amazes me how other people really struggle with the sense of open and fair government because the State that I come from has probably the most fair reapportionment system of any State that I know of. In fact, there's been national news articles written about it.

Mr. WELCH of Vermont. Remarkable.

Mr. BRALEY of Iowa. Because there's a bipartisan commission every 10 years that is balanced by geography and that's required to come up with a plan that is fair and equitable, and the State legislature can only vote the plan up or down on the first two tries, and not until the third try can they tinker with the boundaries. And in all the years that plan has been in place, not once has the legislature ever gotten to the point of redrawing districts, and people accept it because it's done in a way that creates a sense of fairness, a sense of openness and a sense of accountability.

And I think that really gets to the heart of what we're trying to talk about in the need to make sure that people have confidence that this body that we are proud and privileged to serve in is that same type of open, honest and accountable place to do business.

So I'm very, very excited to be with my freshmen colleagues talking about why we ran on a platform of restoring ethics and accountability in Congress, and I'm very pleased that we are bringing together collective experiences from all over the country, the experience that you bring from your backgrounds of working in your own State legislatures, and knowing that people have a right to expect this type of accountability when they walk into the voting booth and put your name on their ballot.

Mr. KLEIN of Florida. If you think about accountability and confidence, if you have confidence in the people that are representing you, you will certainly have a lot more confidence in the policies and the things that they do in Washington.

And what happens in Washington, whether it's dealing with Iraq or whether it's dealing with the cost of health care, which is another huge issue which hopefully we're going to start tackling soon, or whether it's dealing with any number of issues that we are talking about right now, I feel so much better now just watching the process than looking last year and seeing the Medicare bill that was drafted by pharmaceutical companies that had a big donut hole and really took advantage of people's good intentions of needing health care at an elderly age. And certainly in Florida, in all of our communities, we have a lot of senior citizens.

So the Medicare and the pharmaceutical issues unfortunately were not handled the right way, you know, the energy issues. These are solvable problems. We started talking about that in our opening tonight, solvable issues.

Little bit of backbone, little bit of roll up your sleeves, and turn off the air conditioning, and put a coffee down and nobody's getting up and out until you finish the job, that's the kind of can-do attitude that I think we have and we're going to continue to have over the next year.

Mr. WELCH of Vermont. I agree with you. It is very exciting and an incredible privilege for all of us to be here. And there aren't free meals and there aren't free trips and all of the things that have been abused in the past, and that cuts across Republicans and Democrats, and it's all so that we can try to do a good job and give confidence to the American people.

But the challenge we have is giving us confidence, giving this Nation confidence that the Congress actually has as its first priorities the needs of the American families, not the needs of the corporations that are doing really well, which is not to say get in their way because we've got to have jobs and corporations do good things and create wealth, but we have to have a commitment to building a middle class.

What's always been the great hallmark of American democracy has been we've had an economic agenda that has said to people, who are willing to work, that they could climb the ladder of opportunity, and we pursued policies that gave them the chance to do it. Affordable and accessible education, affordable and accessible health care, nondiscrimination, the big fight that this country had for years that ultimately we've made enormous progress on. So people, regardless of the color of their skin, their sexual orientation, their religion, they have something to offer and they want to work, they're going to have a chance to get ahead.

Much of what we're trying to do on ethics, I agree with you. We served in the State legislatures. We had sunshine laws. We didn't have lobbyists buying things. It's all an alien situation that has been described here in D.C., but we're trying to bring the Iowa values and Vermont values, Florida, Colorado, here to D.C., and we've got to hang on to that. But it's all in service of trying to get the job done so that we have an economic agenda that helps average people.

Mr. BRALEY of Iowa. I want to just follow up on your comment that I think is very prudent that we hear about that people don't talk about a lot, and that is the disappearing American middle class. And I'm here surrounded by distinguished colleagues, and I'm going to make you the economic physicians and make a diagnosis.

If you look at the symptoms of what we talked about, all of us, out on the campaign trail leading up to last November's election, you look at the fact that you've got 47 million Americans without health insurance, 37 million Americans living below the poverty line. That sets a floor of where your middle class starts, and when those numbers keep growing, we know, at least I think we should know, that we've got a problem, that we need to do more to drive those numbers into what we've traditionally associated with the middle class, which says that if you work hard, you play by the rules, and you get minimum opportunities to assist you to get up a rung on the economic ladder, you're going to do better, your family's going to do better, your children are going to do better and you're going to create a stable environment that contributes not just to this society but to the way that we think of ourselves as Americans.

Mr. KLEIN of Florida. I was just thinking as you're talking about the economic dream and the responsibility, and one of the things that I heard on the campaign trail over and over and over again, and I just felt that in my own heart as a small businessman, we had 75 employees in our business, was the fact that this government, for so many years, was just operating in this deficit higher and higher, spend and spend and spend.

And it's one thing we talk about lower taxes, which obviously we want lower taxes, but you have to have lower spending. It has to balance, and it still just goes beyond my imagination as to why Members of Congress over the last number of years could spend and spend and borrow tens of billions of dollars.

Mr. WELCH of Vermont. Hundreds.

Mr. KLEIN of Florida. From China, and seems like such an unfathomable, unsustainable kind of thing. Did you ever operate your small business that way or you personally? You balance your checkbook.

Mr. WELCH of Vermont. Well, all of us come from States where you've got to pay your bills.

Mr. KLEIN of Florida. A balanced budget. Every one of our States at the end of the year, we all participated in a balanced budget, for 14 years.

Mr. PERLMUTTER. If I could jump in here, I mean what was happening under the prior Congress and under this President. President Bush, is a classic borrow and spend, borrow and spend. There was no limitation on what you would buy or what you'd spend, but you'd cut taxes and you'd prosecute a war that's cost us, by the end of 2008, $750 billion. The budget of Colorado is about $15 billion for a year. We'll have spent $750 billion in Iraq by the end of 2008. Right now we're at about $550 billion.

Mr. BRALEY of Iowa. My math is not good, but that sounded like about 30 years of a Colorado State budget to me.

Mr. PERLMUTTER. It's a long time, and it means that we've given young men and women to this fight in Iraq, we've given our treasure to Iraq, and we did it without the sacrifice that ordinarily comes when you fight a war and that is through taxes. So we ran this gigantic deficit.

Now, the Republican Congress last year didn't even pass a budget, and this year the Congress sent a budget to the President that balances the budget within 5 years, as opposed to continuing to run deficit and deficit and grow the debt and grow the debt. We will balance this budget within 5 years. Quite a feat. There's some places where we've got to tighten the belt, but as you said, we rolled up our sleeve, made some tough decisions and took on a budget that was absolutely out of control under the prior Congress, and we're doing something to benefit the American public and not saddle them with debt.

Mr. KLEIN of Florida. The discipline it takes to do this Federal budget, which we're doing right now and I'm really proud we're doing it, is the same discipline that you do with your own family budget. You don't keep borrowing and borrowing and borrowing if you can't afford to pay it back. And these are the kinds of things that are absolutely necessary. What is this principle that we passed I think unanimously in this House.

Mr. WELCH of Vermont. Pay-as-you-go.

Mr. KLEIN of Florida. PAYGO, pay-as-you-go. You can't keep borrowing, you can't keep spending, adding new programs unless there's money in the budget. You can't pretend there's some trickle-down future great thing. If it happens, wonderful, but you know something, we all want lower taxes. We all want a reasonable amount of spending, but you've got to be fiscally responsible.

I'm just proud that we're getting things back on track. So maybe like in the 1990s, when we moved into a budget surplus, which we should have been proud of and sustained that over time, we want to go back to the old ways of the 1990s and certainly not the way of the last seven or eight years.

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Mr. BRALEY of Iowa. I think one of the things that the American public doesn't really fully appreciate is how difficult it is to operate under pay-as-you-go budget rules, where you have to find someplace to cut in order to introduce a new program. Everybody has needs, everybody has wants, everybody comes here with their wish list.

But the harsh reality is we have to make difficult decisions every day about how we are going to allocate resources. That's one of the things that makes this job so important and so difficult.

Mr. PERLMUTTER. One of the things that I think is also important is we have taken steps to be fiscally responsible. We dealt with a budget early on in February. We are dealing with a budget right now. We are dealing with the supplemental emergency request.

We are able, in those budgets, to put our fingerprints and our values, our budgets reflect our values, and one of the things, that we had a number of bills that came through here today, some things that are going to happen tomorrow, is back in February, we increased benefits to veterans like hasn't been done in the 77 years of the Veterans Administration, because we recognized the service and the sacrifice that these men and women made for our country.

We have increased their benefits; instead of scrimping along and they get the last little bits, we are increasing those benefits. We are working on the military hospitals, the hospitals. We changed the fingerprint. That's a value that we hold. We added money for renewable energy research. That's another value that we hold. We are increasing money for children's health insurance, another value that we hold dear.

We have done this within these budgets where Republicans in the prior Congress couldn't even pass a budget. We are showing the values of improving the lives of the people in the middle, not the wealthiest 1 percent, but the hard-working people in the middle and the veterans who so valiantly served our country over the many years.

I am just proud to be part of a Congress, part of a class with all of you where we really are changing the direction of this Nation. This is a big ship that we are steering here. It doesn't change very easily, but in the last 3 or 4 months, we made some major changes.

Mr. BRALEY of Iowa. I would just like to encourage all of my colleagues to watch a very special edition of "60 Minutes" this week. It's going to be focusing on the Ironman Battalion, the 133rd, based out of my hometown of Waterloo, Iowa. It is the whole 60 Minutes program. They are currently stationed in Iraq.

A member of the Iowa Legislature, Representative Ray Zirkelbach, has been serving and has missed two sessions of the Iowa Legislature because of the extension of their deployment.

I am very, very proud of the Ironman Battalion. I am in frequent contact with their commanding officer, Lieutenant Colonel Ben Correll, who is also from my district, Strawberry Point. I think it's significant that as we head into this Memorial Day weekend, people like me, my father served in the Marine Corps on Iwo Jima, that affected his entire life, my brother works at a VA hospital in Knoxville, Iowa; it's important that we pause and reflect on these sacrifices that we talk about every day in this Chamber, but also that we honor the brave men and women serving this country.

I think this program is going to do an excellent job of exposing everyday, middle-class Americans who picked up out of their very busy lives to serve this country in its time of need, and I think it will be a very informative and rewarding experience for everyone.

Mr. KLEIN of Florida. I thank you for that close, because as we do approach Memorial Day, we do want to extend our appreciation and our acknowledgment to our families all over the United States whose lives were affected by brave men and women who served our country and made the ultimate sacrifice.

We conclude this evening. I would like to thank my colleagues, Mr. PERLMUTTER, Mr. BRALEY of Iowa and Mr. WELCH, representing our freshmen class. We look forward to, every week, coming back here and giving a little update on what is going on.

We look forward to another busy week, and, of course, a working week at home catching up with our friends and family. Have a nice weekend, everyone, and we will see you soon.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. BILBRAY) is recognized for 55 minutes.

Mr. BILBRAY. Mr. Speaker, I appreciate the chance to speak before the House today, and it's about an issue that many Americans all over this Nation are discussing, are listening about, and, frankly, are very concerned, if not outraged, and that is the proposal before the Senate this week that would actually not only allow, but demand amnesty for 12- to 20 million illegal immigrants in this country while millions wait patiently outside to immigrate into our country legally.

Tonight I am honored to be able to have colleagues here to be able to address the issues and actually talk about what's going on in their districts and address the issue that where does America go from here? How do we stop the Senate from making this terrible mistake? How do we turn the President and the Senate away from the path of amnesty that was followed in 1986, which caused the greatest influx of illegal immigration? How do we get the elite here in Washington to wake up to the fact that you do not stop illegal immigration by announcing to the world that you are now going to reward up to 20 million people who are illegally in the country?

I have the privilege to recognize the gentleman from Texas at this time.

Mr. CARTER. I thank my friend from California for recognizing me on this very important issue to the people of the United States of America, the opening of our borders and the pouring in of somewhere between 12- to 20 million people who have broken the laws of the United States of America.

I want to talk a little tonight about what's going on in my district and what's going on in Texas and what's going on in the country. But, first, I would like to respond to some talk that took place in the last hour, just for a second.

When we talk about gasoline prices, you know, all this talk about gasoline prices, I saw in this last hour, they kept trying to say all this was President Bush's fault. The Democrats are in charge of Congress. They have told us tomorrow that they are an equal branch of government, and that they are, in fact, in charge of this Nation at this time, and they are responsible for these gas prices. It's time to be responsible to go along with your rights. The Democrat majority has something they can do about gas prices, but, of course, let's look at what they have done.

The first thing they did in Six for '06 was take away the incentives to encourage domestic drilling and, in fact, place a tax on gas production, and, thus, decrease the availability of American petroleum to replace our burden on foreign petroleum. They proposed a cut-and-run theory on dealing with the issue in Iraq, which, if we cut and run, would turn over the second largest oil reserve in the world to Islamic terrorists.

They propose now, out of the Senate, to open our borders to the illegal aliens that are already here and to put together a policy which would encourage more illegal aliens to come across our borders and consume 20 million people's worth of oil and gas in this country. These are the things that they are criticizing the Republican minority for causing the gas prices to go up?

But that all just gives you a picture of where we are going right now. Now the Democrats have come out of the Senate, remember, they are the majority in the Senate, too, and they have come out with a proposal to, they say, solve our immigration crisis.

I want to say, and I have told this to the White House, and I have told it to my colleagues here in Congress, and I tell them again, the American people want a solution to the illegal immigrant problem. That's where they see and know the crisis is, and they are saying you have the tools and have had the tools to do something about this problem for a long time, over 20 years, and nothing has been done. The American people see this as a crisis, and they are right.

You know, for 20 years I sat on the bench as a district judge in Texas. When people broke the law, the people of our country, in Williamson County, Texas, they wanted the laws enforced. They called upon our sheriffs and our law enforcement officers to enforce the law, and they called upon our courts and our juries to enforce the law. I am proud to say we did.

This issue is a law enforcement issue as much as any other issue. There are between 12- and 20 million people in this country, we are told by some, came here to start a new life. You don't start a new life by breaking the law, and the American people know that. The American people want something done about it.

The American people want us to defend our sovereign borders of the United States and to tell these people, you cannot break the laws of the United States and then expect to come into this country and get the benefits and the privileges of being a United States citizen. They are unhappy.

When the Senate bill was announced, I believe it was last Friday, before the end of the day and into Monday, we had over 1,000 phone calls, an estimation. I know we had over 400, I think it was, right here in D.C. Then our other two offices were overwhelmed with phone calls, all from citizens who we, you know, who are people of our community, who live and work in our community, and every one of them said this is an outrage. Do not support this concept of amnesty for people who have broken our laws. They have to be responsible for their own behavior. We raise our children to be responsible for their behavior, and we expect them to be.

We tell the American citizens, we set up a series of laws, we call it the rule of law. It is a basic principle of the Republic of the United States that the people respect the rule of law. Without it, democracy and the Republic cannot function. Yet we have proposed a bill that will waive the rule of law for up to 20 million or possibly more than 20 million people that are in this country illegally.

That's just not right, that's just basically old country boy not right to the folks back in Texas and to the folks, I believe, across this Nation. They get up every day, and they abide by the laws of the United States. They pay their taxes. They do the right thing for the right reasons because that's what Americans do. That's the kind of people we want in the country, people who abide by the law.

To just say that it's a good way to start a new part of our population by letting them break the law to become part of our Nation, it just flies in the face of everything America thinks is right. We hear the argument, we are sure they are good people. I am sure they are good people. They are hard-working people. I have lived in Texas all my life, and I have seen this phenomena all my life.

These are hard-working people. I have visited with many of them in my limited Spanish and find them to be people looking for a job and who are hard-working. But it doesn't change the fact that they are starting their life in the United States of America illegally. This is wrong, and the American people know it's wrong.

Mr. BILBRAY. One of the things, I think, people misunderstand when they talk about the amnesty, that people that are here illegally working in the United States are not just violating immigration law. A lot of people don't realize that about 73 to 75 percent of everyone who is here illegally is working illegally because they acquired false documents, stole somebody's ID or identification to work, which is a felony.

The Kennedy proposal in the Senate not only gives amnesty, an exemption from prosecution, for being illegally in the country, but exempts them and gives amnesty for the felony they committed when they used somebody else's identification or used false documentation to acquire a job.

So we have got to remember that we are not only giving amnesty for immigration, we are now proposing that we will pick a certain population to be exempt from a felony violation and not only forgiven for that violation, but to be given a special program, the Z visa, that only those who have broken the law qualify for. Those individuals who have been waiting patiently to immigrate into this country illegally are not allowed, under this proposal, to have the Z option, to go for the Z visa.

That is a concept of rewarding illegal behavior, a little felony illegal behavior, when you are telling those who have not broken our laws that you are not going to offer them the same thing.

□ 2315

Mr. CARTER. Absolutely. And you hit on a very good point, and I thank the gentleman for yielding. The point that you hit on is that there are people that are trying to do it the right way, that have been waiting patiently to do this the right way in countries around this world; not just from our neighbors to the south, but all over this world that have waited patiently to get the opportunity to come to the United States, following the rules in the effort to go to work, enjoying the freedom of the world we live in, and ultimately by doing the right thing, the right way, hopefully become American citizens.

Mr. BILBRAY. Reclaiming my time. I am chairman of the Immigration Caucus, and I am proud that my mother is an immigrant, a legal immigrant. She came here, played by the rules; and, as she reminds me again and again, it is an insult to her and everyone else who played by the rules to gain legal status in this country to watch anybody, let alone the Senate of the United States, announce to the world that they are going to give up to 20 million people the cherished ability to live permanently in the United States and to give them a vehicle towards citizenship.

At this time, I have the honor to yield to the gentlewoman from North Carolina.

Ms. FOXX. I thank the gentleman for taking on the task of serving as chairman of our Immigration Caucus. I appreciate the leadership that you have given to it and I appreciate the comments that you and Congressman CARTER have made tonight. I have several points I would like to make.

The members of our caucus know that I am very keen on the use of language, and that language makes a big difference. And we keep hearing over and over from the supporters of this Senate bill that this is not amnesty. But I think it is important that we define the word "amnesty," so I looked it up under dictionary.com unabridged.

The first definition: a general pardon for offenses, especially political offenses against the government, often granted before any trial or conviction.

And then I like this one, another one from Online Etymology Dictionary: pardon of past offenses, intentional overlooking.

I think that is what we are talking about here. And, again, I think it is important that we define what we are talking about. That is exactly what the Senate is proposing.

Now, the other thing that I want to say is that I am really concerned with the way this bill has come out. It is being debated in pieces. It was written in secret, sprung on us late in the day, and it didn't go through a committee structure as most of our bills do. It was brought straight to the floor of the Senate. The leadership of the Senate, the Democratic leadership of the Senate wanted to cram it through before the Memorial Day holiday.

Those kinds of actions are not the actions of people who are proud of what they are doing. If they were proud of this bill, they would have brought that bill to a committee, they would have debated it, they would have heard the arguments pro and con, and then they would have come up with something that was discussed openly with lots and lots of people. That is the way, as Congressman CARTER says, our Republic operates. We don't operate in secret. We don't do things like that. We don't cram bills through in a hurry, especially when they are so controversial.

You know, you mentioned, we want to talk a little bit about our districts. I live in, I think, the most beautiful area of the world, the Fifth District of North Carolina. I am very blessed to live there. And I live among, I think, the brightest, hardest-working people in the world. And they are very intelligent, very conscientious, very patriotic people. They are upset about this proposal. They don't like it.

Since I came to Congress a little over 2 years ago, I have been telling everybody who would listen, this is the biggest issue in my district, it is the biggest issue in most districts. And why? Because the American people, and again particularly the people in my district, have played by the rules and they understand the importance of the rule of law.

I tell folks over and over what makes this country so special are three things: the rule of law, our moral underpinnings, and our capitalistic way of life. But you can't have moral underpinnings and you can't have the capitalistic system if you don't have the rule of law.

Now, we can do something about illegal aliens who are here in our country. People say, oh, we can't do anything about them. We surely can. What we can do is start enforcing our laws. We have not been doing that. Both Democratic and Republican administrations are guilty of it. I can't forgive our Republican administrations because they are guilty of it, too. But we can close down our borders and we can enforce the laws as they are now. And I think that what we have to do is we have to look at this issue of illegal immigration in a very careful, law-respecting way. The solution doesn't lie in wholesale amnesty.

And the President has said that this bill will treat people with respect. Well, I respect the President, but I have to strongly disagree with him. Because from what I have seen so far, this bill fails to respect the millions of people who have worked within the system and have immigrated to our country legally. And those people who want to come to this country legally, they are doing it the right way. These people have done it the wrong way. We are not going to reward, we cannot reward illegal behavior by uttering platitudes about respect and fairness. Our first principle on immigration reform has to be upholding American laws. If we do not do that, then our system will be fundamentally flawed.

The bill that the Senate is proposing is going to legalize these people immediately. They talk about triggers being in there, but the triggers don't really go into effect. And the triggers are nothing but laws that we have already had in place for a long, long time. And if this bill passes and is signed by the President, we will be, I think, doing severe damage to our country, not just in the short run, because I think that it will be both in the short run and in the long run. There will be a huge battle ahead of us if we pass this bill, because we are going to be facing more and more illegal immigration.

In addition, as I said before, the people of the Fifth District are very bright people. They know amnesty when they see it, and they know that if this bill or something even vaguely like it passes, it is going to dilute the meaning of citizenship in this country, and that is the last thing we want to do. We are the last best hope for freedom in this world; and if we don't enforce our laws and help people come here legally who want to come here, and deal with things on a case-by-case basis, we are simply going to destroy what it is that is wonderful about our country.

Congressman BILBRAY mentioned that his mother was an immigrant but came here legally. My father's parents came from Italy in the early 1900s; my mother's ancestors came much earlier than that from Scotland. But the Ellis Island model was a very, very good model. People had to come here, prove that they were healthy, prove that they either had a job or had a sponsor for them to be here. That worked wonderfully well in this country for a long, long time. And think that we have to have something akin to the Ellis Island experience again in this country, where we know that the people who are coming here are coming here because we need them here or they provide a benefit and they can be independent. They will not have to have public assistance.

Mr. BILBRAY. If I may reclaim my time. I think the one thing we don't talk about enough in this country is that there is this perception that we don't allow very much legal immigration inside.

The United States today, Mr. Speaker, accepts more legal immigration than all the rest of the world combined. We are accepting more legal immigration today than at any other time in the history of our Republic. This country is one of the most gracious and welcoming countries, the most welcoming country in the history of the world. And so we have nothing to apologize for when it comes to accommodating, except for the fact that we made a terrible mistake in 1986.

When you were talking about the definition of amnesty, it actually comes from the Latin word for amnesia. And maybe what the Senate is forgetting in having this amnesia is what happened the last time they proposed this type of amnesty.

Einstein said that insanity is doing the same thing over and over again and expecting a different result. Let's just look at what happened when Mr. KENNEDY, who promised in 1986 this would be the last amnesty that America would ever have, clearly stated, "It will never happen again."

Twenty years ago, we tried this experiment of rewarding illegal immigration. We were promised that it was only going to be 1 million illegals that were given amnesty. It turned out it was 3 million. Now, 20 years later, rather than having 3 illegals in our country we have 12 to 20. Mr. KENNEDY, did your amnesty really eliminate illegal immigration?

I will tell you as somebody who was down at the border. I was actually the chairman of San Diego County on the border, a county of 3 million. The greatest influx of illegal immigration that we have seen in this country happened immediately after the last amnesty. And anyone who says that we are going to stop illegal immigration by announcing to the world that 20 million illegals got rewarded is either ignorant of the facts or willing to fabricate verifications that are absolutely outrageous. And you cannot stop illegal immigration when you announce that you are going to reward it, and the proof is in history. Last time, Mr. KENNEDY, you did this, we had the largest illegal immigration population.

And, frankly, I think there are people who are proposing this amnesty who know what it will do but will not come clean with the American people. And I think the one thing we saw this week, and I think all of us will agree, is that the elite in Washington think that the American people don't understand this issue. Well, the American people understood it. Within 45 minutes after Mr. KENNEDY and the Senators were doing their press conference, the American people started making phone calls, they started e-mailing, they started faxing. They sent a signal to the Senators and they sent a signal to us that, Washington, we are watching and we are not going to fall for it this time. We are going to stand up and defend our grandchildren's birthright, and we are going to start demanding that you start doing the right thing.

And I think the guilt goes both ways. The public is fed up with the Republicans and Democrats, because they have not seen an administration enforce the law. We have to gain credibility that we really can be trusted with the security of this country by being willing to do the right thing and enforce the immigration laws here. And not until we do that, no matter who is President, no matter what party is in power, will the American public trust us to move on with a lot of other agendas.

Ms. FOXX. I just want to ask one question. I think that you have touched on a very important point again, and that is that we here in the House of Representatives are the Representatives of the people. We are the people's House. And I think the Senate is completely out of touch with what the sentiment is in this country.

And I agree with you, the American people get it. The people of my district get it, and they are very, very bright. I think that we need to be listening to those people. And the House generally does listen to the people.

And I hope that they are going to send a very, very strong message to the Senators about how they feel about this, and turn this around in the Senate, because we need this bill to be killed in the Senate and not even come to the House of Representatives to be debated. But I know that we as Republicans are going to have some alternatives that we will be presenting in this House, and I hope that the majority party, which has made so many promises, none of which it has kept in this session of the Congress, will listen to the people and say, we are going to take up legislation that will do what needs to be done, which is protect our borders and provide for national security and give the people a true immigration reform.

□ 2330

Mr. BILBRAY. I appreciate that. And actually, I guess we've got to remember that 11 months ago. I was standing exactly where you are and gave my acceptance speech for being sworn into Congress. And there were 18 candidates for the 50th District in California. And the people of San Diego wanted to send a clear message to Washington that this illegal immigration issue is something that people need to address. And I think today you're hearing not just one district scream loud and clear that they want the illegal immigration issue addressed, but you're seeing people calling from all the districts, calling their Representatives and demanding that we finally do the right thing and not sell out on this issue.

I'd like yield to the gentleman from Texas.

Mr. CARTER. And I thank the gentleman for yielding. And you mentioned that your wife came here as an immigrant, and my wife came here as an immigrant also. And I'd like to share just a little bit of our story because I think it gives us a good comparison to what's being proposed in the Senate today and what we used to operate under in this country when you do it right.

I am very blessed to the fact that my wife, Erica, fell in love with a law student from the University of Texas law school back in 1965. And I happen to humbly be that law student. And we married in 1968.

And to be very honest, I really never even thought about the fact that my wife might have to actually apply to come to the United States after she had married a red-blooded American. You know, I thought that was just the ticket, but quickly found out that wasn't the ticket.

We had to go down to the embassy, and we had to fill out all these papers. We had to have someone pledge $5,000 to ensure that she would have a sponsor who would take care of her when, if she was allowed to enter the United States and ultimately get a green card to be a resident alien of the United States.

She had to take a physical, and as she took a physical with several other women her age, one of whom looked very much like her, when they got the lung exams back, this is a personal thing that happened to us, they came to us and said, I'm sorry, but our exam of your wife's xrays shows that she's got tuberculosis, and she may not enter the United States, which we were newly married. We hadn't even been married a month at that time, maybe a month and a half. We were crushed. And then the doctor came back and said, I'm sorry, we got the wrong xray. This is something we will never forget. And unfortunately, that xray was for another redheaded girl who was in the same physical group that had their physicals, and so I felt very sorry for her, who was also marrying an American, but she was not going to be allowed to come to the United States because she had tuberculosis. But, praise God, it wasn't my wife.

So we paid our fee. We took our physical examination, we had the background check which is required for all people coming into the United States, and then when we arrived in the United States, in those days every year you had to register with the Federal Government. Every person who was not a citizen but had a green card, between January 1 and January 31 you went down to the post office and you filled out a form every year and told the United States Government where you were if you were a green card holder in the United States. We don't have that provision anymore. It went away.

We did all those things. My wife learned American history. She learned the English language. In the meantime, she had three American children, but she still met all the qualifications that you had to have to get to be an American citizen. And in 1976, I was very proud to see my wife raise her right hand and take the oath of allegiance to the United States of America and become a United States citizen. And I am proud of her for many, many reasons, and that's one of them today.

That's how you do it to do it right, to do it legally, and to become part of what this mysterious wonder that is America. It's not to sneak across a border in the middle of the night and hide out as a lawbreaker to make money. That's not the way you're supposed to come into the United States of America.

And as you pointed out, we have a procedure where people legally come here by the millions, and we welcome them.

And let me point one more thing out, and then I'm going to yield back, and that is here about a month ago we had about, I don't know, looked like several hundred people walking around this building with T shirts on that said "Legalize the Irish." And I stopped some of them in the elevator and said, what in the world does that mean? And they said, well, we're all here illegally, and we want to be made legal.

This is not an Hispanic issue. This is an issue for the people who came to Disneyland and never went home. This is the people from all over the world that have overstayed their visas and are staying in the United States, as well as those who come across our borders. They are just as big starting life as a lawbreaker as people who swam the Rio Grande or walked across the desert of Arizona or California or New Mexico in the middle of the night. This is something that is not the right way to become an American citizen, and we can do better than this, and we must. And I yield back.

Mr. BILBRAY. Reclaiming my time. I mean, the American people are such a patient, humanitarian people that maybe sometimes we forget there's a fine line between being the nice guy and being a patsy. My mother immigrated from Australia. She got her citizenship, and she's very proud that she was one of the first Australian war brides to get her citizenship, April 1946. And when she sees that there are not only illegals in the country saying they want to be legalized, they want amnesty, what shocks her is that the United States allows people to be here illegally and demand, demand that America change its laws to accommodate them because they do not want to play by the rules.

What other Nation on Earth would allow people to be illegally in their country and then demand that their duly elected representative government modify its statutes to accommodate them because they do not want to be bothered by following the laws of their host country?

What kind of relationship do we expect to come from a situation to where we accommodate people who come to this country illegally, while we tell those patiently that want to come here legally, sorry, you get put on the back of the list?

And, you know, I'm very impressed. Learning a new language is always a big challenge, and your wife did that. My wife didn't immigrate from a foreign country. She came from New Orleans, and we're still trying to understand some of the things she says. My mother immigrated from Australia, and the Australians are going to have to learn English someday themselves.

But I think the real sad fact is that there are actually people that think that there's some good that can come out of this not only for America, but for the immigrants and immigrants around the world if we think breaking the law is now going to be a standard. If you want to live in a country where their law is bought and sold and shifted around by politicians just for political expediency, there's a lot of countries you can go to. Those countries tend to be poor, downtrodden, and poverty-stricken, and, by the way, happen to be the places that a lot of these illegal immigrants are coming from. But why transfer that corruption from those Third World countries into this country and destroy the mother's milk of freedom, the concept of the rule of law, while at the same time you're saying that the economic backbone of freedom, the middle class, is expendable at the same time?

In fact, there are people that try to accommodate illegal immigration to such a point that this bill that the Senate is proposing will say that an illegal alien qualifies for in-State tuition, even though a United States citizen doesn't qualify. And this really hits me personally, because in the State of California, where I have been a resident since the day I was born, I have paid taxes my entire adult life, I was told that my children, to get in-State tuition, I had to show a personal tax return. But somebody that they suspect is an illegal alien doesn't have to show their personal records; they just have to show utility bills. And when I said, I'll show you my utility bills, I'll show you all the way back to the '70s; oh, excuse me, sir, you don't qualify because we don't think you're illegal.

So if the American people think this is just about illegals and just about, you know, 12- to 20 million, they've got to remember that they are going to be put in a position of having to prove more than somebody who is illegally in this country; that American citizens will become second-class citizens to those who are not even citizens and not even legal. This is how absurd this line goes if you follow Mr. KENNEDY off the edge.

And remember, this is the same man, in 1986, that said no more amnesties anymore. I guarantee it. That is a sad state of affairs that the American people are facing, that same big lie, 20 years later. And it's time we say no.

And I'm so proud, I am so proud to be an American, knowing that the American people called those Senators, e-mailed them, faxed them and wrote them to where the Senate, rather than trying to cram this through this week, were forced to back off and give some time. And now this next week the American people will have more time to read the fine print, read about things like in-State tuition and loans to illegal aliens, and read about what is really in this bill and how bad it really is.

And I'd like to yield back to the gentleman from Texas.

Mr. CARTER. And I thank the gentleman for yielding. There are a lot of interesting things in this bill that common sense tells you that nobody's thinking about this. I'll just give one example. They have told us that there are people that have been waiting legally, and they're going to make sure that these illegals will get behind those people, and it will take approximately 8 years to process these people.

Now, I just sat down and looked at it. If you take the people that are in the pipeline right now, and I don't remember the number, but it's a couple of million, I think, and we're going to process them over 8 years to get them processed in doing it the right way, these are people doing it the right way, and I can tell you this, I know this for a fact. The last time I checked, which was about 3 months ago, those people we were helping who were doing it right processed their papers through the San Antonio office, which is where, our part of Texas, I live just north of Austin, San Antonio office, they were still working on 1999 and 2000. They may be up to halfway to 2001 right now.

So they're 7 or 8 years behind. So they got the number right.

Now they're going to tell us that they're going to take 12 million and instantly process them for a Z visa. About 18 months they say it'll take. So that tells you right off that the standards have got to be different. They have to be different.

And I was asking questions of someone who seemed to have some knowledge of the bill, and he said, well, you take a full handprint, you run it through all the criminal records, and you find out whether they've got a criminal record. Well, if that's so easy, why is the number one answer that we get from the Immigration and Naturalization Service when we call them, why are we delayed, FBI's got to do background checks? These things are extensive. They take a long time. Wait a minute. Take a full handprint and run it through the records. That's what we're told we're going to for these Z visas. That's not enough for the legal people, but it seems to be enough for the illegal people.

How about the fact that we've got diseases south of our southern border which are incurable, like a strain of tuberculosis? Shouldn't everybody that's here have a medical check? Where is it? Is it going to be there? It doesn't sound like it is.

Mr. BILBRAY. Not even mentioned.

Mr. CARTER. Not even mentioned.

So, you know, I think there was some good-hearted people tried, but they tried miserably on this bill. The American people want to take our time and do this right. And right now their concern, if you ask them, you don't hear them say, I want new immigration policy. You hear them say, I want the illegal immigration problem stopped, which means pour the resources to the border, pour the resources to law enforcement, enforce the laws that are on the books. And then when the American people say, you know what, we can trust our government again to enforce the law, that's when they will be willing to say, now let's work with coming up with alternatives to make this whole thing work. And we can do it right the next time.

This is the wrong bill, the wrong time and, as Ms. Foxx pointed out, shoved down our throat by the Democrat majority.

☐ 2345

Mr. BILBRAY. Congressman, you hit on the real point. In a Republic where the governed get to choose the government, trust is an essential component. And there isn't any trust in the American people when it comes to the Federal Government enforcing our immigration laws. There isn't any credibility in the Federal Government when it comes to stopping illegal immigration.

The American people believe, and rightfully so, that special interests manipulate the Federal Government to stop illegal immigration from being controlled in the past, and that unless they really scream loud and start holding elected officials accountable at the polling box, that they are going to continue to have that type of corruption delivered to them when it comes to the immigration issue.

I want to just say clearly, a lot of people say why am I feeling so strong on this concept of amnesty? Why can't we just do it one more time? Let me tell you something. I have talked to people south of the border and in Third World countries all over the world. And if people would take the time to listen.

To give an example, a congressman in Zacatecas, Mexico, a Mexican congressman, says to me, Look, BRIAN, you know you have got to educate these people because we all down here know you are going to give amnesty again. They are all going to be U.S. citizens. Why do you think they are coming up illegally? They know you are going to reward them.

You go down to places like Central America. They say, Look, we are told come on up now. America is going to give us amnesty. We are going to become citizens. The way to America is come illegal. That message is being heard around the world. We need to send a clear and defined message that says no more amnesty, no more rewards for illegal behavior. You want to be an American? You follow the law and play by the rules. If you are not willing to do it, we will never give amnesty again. And, believe me, if we send that clear message, if we stop this amnesty, people around world will finally understand, no, it is no longer the option to come here illegally. You have got to play by the rules.

And then and only then will we see the ability to control not just our border; but our neighborhoods, our jobs, our parks, our hospitals, our schools, are finally going to be ours, and those that we choose to be our neighbors, not somebody who snuck in and stole away in the middle of the night.

I am so honored to stand here today with you, sir. I appreciate the hard work that you have given the people of Texas and your district, and I look forward to working with you to make sure that we present a workable, enforceable immigration policy that will stop illegal immigration and not allow this proposal in the Senate to move in and allow another illegal immigration wave being caused by another ill-fated amnesty scheme. Thank you very much.

Mr. CARTER. If the gentleman would yield, I am very honored to appear here with you, Mr. Chairman, with all the great work you are doing on the Immigration Caucus trying to come up with a solution to this illegal immigration in this country. I salute you and all of our colleagues who join you in this effort to come up with reasonable solutions for a very difficult problem.

I want to join you in saying to the world, we are asking the rule of law to prevail. It's very simple. This Nation was built on the rule of law. Let the rule of law prevail. And the rule of law does show compassion on the poor and the downtrodden, but it has to exist or they have no protection. And if we start to tear down the rule of law, it is going to be as harmful to those who are downtrodden and poor as it is to the richest man in the world because the rule of law is the basis of our Republic.

So I reach out to the Hispanic community who feels like this is targeted to them and say, no, it is targeted to all who come into our country illegally. I reach out to those friends back home that say be compassionate, and say to them we can be compassionate. Let's get law and order back in our land and then let's show compassion. But law and order must come first. It is what this country was built on.

Mr. BILBRAY. I would like to close, Mr. Speaker, by announcing that the American people have really spoken this week, stopped the Senate from forcing something through the Senate. And not only that, they have sent the message to their Members of the House of Representatives. And I would like to announce today that this week, because of all the reaction and the backlash against the Senate amnesty scheme, five new Members have joined the Immigration Reform Caucus in the House of Representatives. And I am very happy to welcome new Members in that are committed and working hard to be able to finally do the right thing on illegal immigration and start enforcing our laws the way the American people want to do; securing our borders and securing our neighborhoods and securing our future for our grandchildren.

RECESS

The SPEAKER pro tempore (Mr. COURTNEY). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0803

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ARCURI) at 8 o'clock and 3 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2317, LOBBYING TRANSPARENCY ACT OF 2007 AND PROVIDING FOR CONSIDERATION OF H.R. 2316, HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–167) on the resolution (H. Res. 437) providing for consideration of the bill (H.R. 2317) to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes and providing for consideration of the bill (H.R. 2316) to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2206, U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–168) on the resolution (H. Res. 438) providing for consideration of the Senate amendment to the bill (H.R. 2206) making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007 and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Hulshof of Missouri (at the request of Mr. Boehner) for today on account of personal reasons.

Mr. Oberstar of Minnesota (at the request of Mr. Hoyer) for today after 4 p.m. and the balance of the week on account of a family funeral in Minnesota.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kind) to revise and extend their remarks and include extraneous material:)

Mr. Kind, for 5 minutes, today.

Mr. Matheson, for 5 minutes, today.

Mr. McDermott, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Mr. Braley of Iowa, for 5 minutes, today.

Mr. Wynn, for 5 minutes, today.

Ms. Woolsey, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Mr. Moran of Virginia, for 5 minutes, today.

Ms. Jackson-Lee of Texas, for 5 minutes, today.

Mr. Davis of Illinois, for 5 minutes, today.

Mr. Inslee, for 5 minutes, today.

Mr. Cummings, for 5 minutes, today.

(The following Members (at the request of Mr. Bishop of Utah) to revise and extend their remarks and include extraneous material:)

Ms. Granger, for 5 minutes, today.

Mr. Flake, for 5 minutes, today.

Mr. Franks of Arizona, for 5 minutes, today.

Mr. Walberg, for 5 minutes, today.

Ms. Foxx, for 5 minutes, today.

Mr. Duncan, for 5 minutes, today.

Mr. Conaway, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 33. An act to redesignate the Office for Vocational and Adult Education as the Office of Career, Technical, and Adult Education; to the Committee on Education and Labor.

S. 375. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes; to the Committee on Natural Resources.

ADJOURNMENT

Mr. WELCH of Vermont. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes a.m.), the House adjourned until today, Thursday, May 24, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1940. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1941. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Public Access to HUD Records Under the Freedom of Information Act (FOIA) and Production of Material or Provision of Testimony by HUD Employees [Docket No. FR-5015-F-02] (RIN: 2501-AD18) received April 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1942. A letter from the Assistant to the Board, Federal Reserve System (Board), transmitting the Board's final rule — Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks [Docket No. R-1279] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1943. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Illinois [EPA-R05-OAR-2007-0138; FRL-8302-5] received April 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1944. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices and Communication Protocols for Public Utilities (Docket No. RM05-5-003; Order No. 676-B) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1945. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 3 (RIN: 3150-AH98) received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1946. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Chemical Weapons Convention Regulations: UDOC "Change in Inspection Status Form;" Amendments to Records Review and Recordkeeping Requirements; Additions to the List of States Parties to the Chemical Weapons Convention (CWC) [Docket No. 060831231-7030-02] (RIN: 0694-AD53) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1947. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Death and Estates. [Public Notice: 5582] (RIN: 1400-AC24) received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1948. A letter from the Acting Assoc. Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations; Iranian Transactions Regulations — received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1949. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Allowances and Differentials (RIN: 3206-AL07) received April 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1950. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No. 04011-2010-4114-02; I.D. 041707E] received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1951. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS); U.S. Atlantic Billfish Tournament Management Measures [Docket No. 070307055-7099-02; I.D. 022607F] (RIN: 0648-AV25) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1952. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Total Allowable Catches for Georges Bank Cod, Haddock, and Yellowtail Flounder in the U.S./Canada Management Area for Fishing Year 2007 [Docket No. 070227048-7091-02; I.D. 020807C] (RIN: 0648-AU63) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1953. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2007 Georges Bank Cod Hook Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch [Docket No 070322064-02; I.D. 030607E] (RIN: 0648-AV20) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1954. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2007 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch [Docket No. 070321063-7098-02; I.D. 031607E] (RIN: 0648-AV22) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1955. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Correspondence with the Madrid Processing Unit of the United States Patent and Trademark Office [Docket No.: PTO-T-2007-0005] (RIN: 0651-AC11) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1956. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Claims Collection (RIN: 0991-AB18) received March 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1957. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Salary Offset (RIN: 0991-AB19) received March 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1958. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Certification and Funding of State and Local Fair Housing Enforcement Agencies [Docket No. FR-4748-F-02] (RIN: 2529-AA90) received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1959. A letter from the Administrator, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3274-EM in the State of Indiana, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

1960. A letter from the Director of Reg Management, Department of Veterans Affairs, transmitting the Department's final rule — Administration of VA Educational Benefits — Centralized Certification (RIN: 2900-AL43) received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1961. A letter from the Director of Reg Management, Department of Veterans Affairs, transmitting the Department's final rule — Medical: Informed Consent — Designate Health Care Professionals to Obtain Informed Consent. (RIN: 2900-AM21) received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1962. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Child Care and Development Fund State Match Provisions (RIN: 0970-AC18) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1963. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—-Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2007-36) received May 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1964. A letter from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting the Administration's final rule — Privacy and Disclosure of Official Records and Information [Docket No. SSA 2006-0074] (RIN: 0960-AE88) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2199. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certain improvements in the treatment of individuals with traumatic brain injuries, and for other purposes; with amendments (Rept. 110–116). Referred to the Committee of the Whole House on the State of the Union.

[May 24 (legislative day of May 23), 2007]

Ms. CASTOR: Committee on Rules. House Resolution 437. Resolution providing for consideration of the bill (H.R. 2317) to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes and providing for the consideration of the bill (H.R. 2316) to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes (Rept. 110–167). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 438. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2206) making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes (Rept. 110–168). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WYNN (for himself, Mr. Turner, Mr. Engel, Mr. Pallone, Mr. Kennedy, Mr. Inslee, Mr. Butterfield, Mr. Weiner, Mr. Hastings of Florida, and Mr. Carnahan):

H.R. 2447. A bill to establish an Energy and Environment Block Grant Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHL of New York (for himself and Mr. Sali):

H.R. 2448. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal excise tax on highway motor fuels when the weekly United States retail gasoline price, regular grade, is greater than $3.00 per gallon; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself, Mr. Hinojosa, Mrs. Biggert, and Mr. Kind):

H.R. 2449. A bill to reauthorize part D of title II of the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mrs. TAUSCHER:

H.R. 2450. A bill to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243); to the Committee on Foreign Affairs.

By Mr. OBEY (for himself and Mr. McGovern):

H.R. 2451. A bill to provide for the redeployment of United States Armed Forces and defense contractors from Iraq; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mr. LoBiondo, Ms. Bordallo, Mr. Grijalva, Ms. Norton, Mr. Nadler, Mr. DeFazio, Mrs. Maloney of New York, Mr. Lantos, Mrs. McCarthy of New York, Mr. Saxton, and Mr. Bartlett of Maryland):

H.R. 2452. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOUCHER (for himself, Mr. Cannon, Mr. Boren, Mr. Sullivan, Mr. Clay, Mr. Carnahan, Mr. Chabot, and Mr. Jordan):

H.R. 2453. A bill to protect consumers from discriminatory State taxes on motor vehicle rentals; to the Committee on the Judiciary.

By Mr. BURGESS:

H.R. 2454. A bill to include B20 biodiesel blends as an alternative fuel for corporate average fuel economy purposes; to the Committee on Energy and Commerce.

By Mr. CARTER (for himself, Mr. THORNBERRY, Mr. NEUGEBAUER, and Ms. GRANGER):

H.R. 2455. A bill to amend title II of the Social Security Act to prohibit the sale, purchase, and display to the general public of the Social Security account number; to the Committee on Ways and Means.

By Mr. LINCOLN DAVIS of Tennessee:

H.R. 2456. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Ways and Means.

By Mr. ELLISON (for himself, Mr. BACA, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BRALEY of Iowa, Ms. CARSON, Ms. KILPATRICK, Ms. CLARKE, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FILNER, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. KAGEN, Ms. KAPTUR, Mr. KIND, Ms. LEE, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MEEK of Florida, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. SIRES, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WALZ of Minnesota, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. HODES, and Ms. WOOLSEY):

H.R. 2457. A bill to amend the National Voter Registration Act of 1993 to require States to permit individuals to register to vote in an election for Federal office on the date of the election; to the Committee on House Administration.

By Mr. EMANUEL (for himself, Mr. CAMP of Michigan, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. RAMSTAD, Mr. BISHOP of New York, Mr. MCDERMOTT, Mr. WELLER, Mr. LARSON of Connecticut, and Mr. COHEN):

H.R. 2458. A bill to amend the Internal Revenue Code of 1986 to consolidate the current education tax incentives into one credit against income tax for higher education expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself and Mr. KING of New York):

H.R. 2459. A bill to amend the Internal Revenue Code of 1986 to provide individuals a deduction for certain mass public transportation expenses; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. HAYES, Mr. MORAN of Kansas, and Mr. ISSA):

H.R. 2460. A bill to protect the welfare of consumers by prohibiting price gouging by merchants with respect to gasoline and other fuels during certain abnormal market disruptions; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2461. A bill to amend the Internal Revenue Code of 1986 to permit distributions from individual retirement plans to be contributed to 529 plans without including the distribution in gross income; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 2462. A bill to amend the Farm Security and Rural Investment Act of 2002 to promote growth and opportunity for the dairy industry in the United States, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. RYAN of Wisconsin, and Mr. LEVIN):

H.R. 2463. A bill to amend the Internal Revenue Code of 1986 to extend the special rule for recognition of gain on dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy; to the Committee on Ways and Means.

By Mr. MATHESON (for himself, Mrs. CAPPS, and Mr. KING of New York):

H.R. 2464. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Energy and Commerce.

By Mr. PETRI:

H.R. 2465. A bill to allow for the consolidation of Federal student loans into a single direct income-contingent loan repayment program; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. FORBES, and Mr. CHABOT):

H.R. 2466. A bill to amend title 18, United States Code, to prevent gang crime, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRES (for himself, Mr. PALLONE, Mr. PASCRELL, Mr. ANDREWS, Mr. HOLT, Mr. PAYNE, Mr. ROTHMAN, Mr. SAXTON, Mr. LOBIONDO, Mr. FRELINGHUYSEN, and Mr. FERGUSON):

H.R. 2467. A bill to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. VELÁZQUEZ (for herself, Mr. JEFFERSON, Mr. MCNULTY, Mr. GRIJALVA, Mr. SERRANO, Mr. CLAY, Ms. BERKLEY, Ms. SUTTON, Ms. SHEA-PORTER, and Mr. PAYNE):

H.R. 2468. A bill to amend the Public Health Service Act to provide for activities to increase the awareness and knowledge of health care providers and women with respect to ovarian and cervical cancer, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WHITFIELD (for himself and Mr. JONES of North Carolina):

H.R. 2469. A bill to provide a biennial budget for the United States Government; to the Committee on the Budget, and in addition to the Committees on Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Ms. BERKLEY, Mr. VAN HOLLEN, Mr. ELLISON, Mr. LAMPSON, Ms. MOORE of Wisconsin, Mr. PASCRELL, Mr. CLEAVER, Mr. BOSWELL, Mr. PAYNE, Mr. GUTIERREZ, Mr. MORAN of Virginia, Mr. AL GREEN of Texas, Ms. LINDA T. SÁNCHEZ of California, Ms. MCCOLLUM of Minnesota, Ms. LEE, Mr. NADLER, Mr. HOLT, Mr. BISHOP of Georgia, Mr. MILLER of North Carolina, Mr. BRADY of Pennsylvania, Ms. CARSON, Mr. SNYDER, Ms. SUTTON, Mr. KUCINICH, Mrs. BOYDA of Kansas, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK, Mrs. MALONEY of New York, Ms. NORTON, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. GORDON, Mr. COHEN, Mr. HARE, Mr. SCOTT of Virginia, Mr. HOLDEN, Ms. BORDALLO, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Mr. HASTINGS of Florida, Ms. WASSERMAN SCHULTZ, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. DAVIS of Alabama, Mr. RUPPERSBERGER, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. FATTAH, Mr. BERRY, Mr. HONDA, Mr. KILDEE, Mr. DOYLE, Mr. LANTOS, Mr. ROSS, and Mr. ELLSWORTH):

H. Con. Res. 155. Concurrent resolution recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; to the Committee on Oversight and Government Reform.

By Mr. FALEOMAVAEGA:

H. Con. Res. 156. Concurrent resolution expressing support for the Declaration on the Rights of Indigenous Peoples and urging the United States Ambassador to the United Nations General Assembly to adopt without amendment the Declaration as approved by the United Nations Human Rights Council on June 29, 2006; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH (for himself and Mr. NUNES):

H. Con. Res. 157. Concurrent resolution supporting the research and development in the State of California of biodiesel and other biofuels from agricultural products and byproducts; to the Committee on Science and Technology.

By Ms. BALDWIN (for herself and Mr. LEWIS of Georgia):

H. Res. 431. A resolution recognizing the 40th anniversary of Loving v. Virginia legalizing interracial marriage within the United States; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H. Res. 432. A resolution providing for enclosing the visitors' galleries of the House of Representatives with a transparent and substantial material; to the Committee on House Administration.

By Mrs. CAPPS (for herself and Mrs. CUBIN):

H. Res. 433. A resolution supporting the goals and ideals of National Peripheral Arterial Disease Awareness Month; to the Committee on Energy and Commerce.

By Ms. DEGETTE (for herself, Mr. CUMMINGS, Ms. KILPATRICK, Mr. UDALL of Colorado, and Mr. WATT):

H. Res. 434. A resolution expressing the sense of the House of Representatives that Pasqualine J. Lawson of Denver, Colorado, an African American woman who valiantly served her country in the Army Air Corps during World War II and serving as a hospital neuropsychiatric team member, was unfairly passed over for promotion and should have held the grade of technical sergeant, rather than private first class, upon her discharge from the service on January 2, 1946; to the Committee on Armed Services.

By Mr. KLEIN of Florida (for himself, Mr. MACK, Mr. BURTON of Indiana, Mr. MCCAUL of Texas, Mr. SCOTT of Georgia, Mr. KIRK, Mr. BOUSTANY, Mr. LANTOS, Ms. BERKLEY, Mr. WEXLER, Mr. CANTOR, Ms. WASSERMAN SCHULTZ, Mr. CARNAHAN, Mr. CROWLEY, Mr. ANDREWS, Mr. ROTHMAN, Ms. WATSON, Mr. ISRAEL, Mr. BERMAN, Mr. SIRES, Mr. LYNCH, Mr. FOSSELLA, Ms. BEAN, Mr. FORTUÑO, Mr. MCCOTTER, Mr. HASTINGS of Florida, Mrs. BONO, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. ACKERMAN, Ms. SCHWARTZ, Mr. CHABOT, Mr. CARNEY, and Mrs. MYRICK):

H. Res. 435. A resolution expressing concern relating to the threatening behavior of the Iranian regime and its leader Mahmoud Ahmadinejad, and the activities of terrorist organizations sponsored by that regime in Latin America; to the Committee on Foreign Affairs.

By Mr. SNYDER (for himself, Mr. BOOZMAN, Mr. BERRY, and Mr. ROSS):

H. Res. 436. A resolution recognizing the 100th anniversary of the University of Central Arkansas; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

70. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a resolution memorializing the Congress of the United States to demand that Ethiopia meet its obligations under the Universal Declaration of Human Rights; to the Committee on Foreign Affairs.

71. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial No. 2008 urging the Congress of the United States to take immediate action to allow the Arizona Game and Fish Commission to recover the Kofa National Wildlife Refuge Desert Bighorn Sheep population; to the Committee on Natural Resources.

72. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial No. 1001 urging the Congress of the United States to repeal federal tax withholding on certain payments made by government agencies; to the Committee on Ways and Means.

73. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution No. 9 supporting the U.S. Mayors Climate Protection Agreement; jointly to the Committees on Agriculture, Energy and Commerce, and Natural Resources.

74. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution No. 10 opposing the President of the United States' Iraq policy and urging the President and the Congress of the United States to take actions relative to veterans' benefits and the war in Iraq; jointly to the Committees on Armed Services, Veterans' Affairs, and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Ms. LEE.

H.R. 223: Mr. DOOLITTLE and Mr. HUNTER.

H.R. 278: Mr. FORTENBERRY and Mr. TERRY.

H.R. 303: Mr. ENGLISH of Pennsylvania.

H.R. 380: Mr. PETERSON of Minnesota.

H.R. 406: Ms. CASTOR.

H.R. 551: Ms. GRANGER, Mr. GOHMERT, and Mr. HINOJOSA.

H.R. 554: Mr. TIAHRT and Ms. LEE.

H.R. 562: Mr. GORDON.

H.R. 612: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. TIM MURPHY of Pennsylvania.

H.R. 619: Mr. SMITH of Washington, Mr. LOEBSACK and Mr. MICHAUD.

H.R. 676: Mrs. JONES of Ohio.

H.R. 677: Mr. PICKERING.

H.R. 687: Mr. PRICE of North Carolina, Mr. CAPUANO, Mr. WU, Ms. ROS-LEHTINEN, and Mr. PICKERING.

H.R. 690: Mr. LOEBSACK, Mr. COSTELLO, Mr. HONDA, and Mr. ALLEN.

H.R. 695: Mr. MCNULTY and Ms. ROYBAL-ALLARD.

H.R. 699: Mr. HASTINGS of Washington.

H.R. 728: Mr. COHEN.

H.R. 741: Ms. SHEA-PORTER.

H.R. 743: Mr. WEXLER.

H.R. 784: Mr. MATHESON and Mr. TIAHRT.

H.R. 861: Mr. FRANKS of Arizona.

H.R. 864: Mr. ETHERIDGE and Mr. PICKERING.

H.R. 869: Mr. PASTOR.

H.R. 882: Ms. MATSUI and Mr. PICKERING.

H.R. 885: Mr. SCHIFF, Mr. WEXLER, Mr. LEVIN, and Mr. ENGEL.

H.R. 897: Ms. MCCOLLUM of Minnesota.

H.R. 914: Mr. BURTON of Indiana.

H.R. 923: Mr. FILNER, Mr. LAMPSON, and Mr. MEEHAN.

H.R. 943: Mr. GERLACH.

H.R. 954: Mrs. GILLIBRAND, Mr. WEINER, and Ms. SLAUGHTER.

H.R. 962: Ms. LEE.

H.R. 971: Mr. LAMPSON and Ms. FALLIN.

H.R. 980: Mr. DINGELL, Mr. RUPPERSBERGER, Mr. PETERSON of Minnesota, Mr. ENGEL, Mrs. CHRISTENSEN, Ms. WATSON, Ms. LEE, Mr. KENNEDY, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. ISRAEL, Mr. ACKERMAN, and Mr. WHITFIELD.

H.R. 983: Mr. JORDAN and Mr. DAVIS of Kentucky.

H.R. 1010: Mr. WYNN.

H.R. 1026: Mr. THOMPSON of California, Mr. FLAKE, and Mr. MEEKS of New York.

H.R. 1029: Ms. JACKSON-LEE of Texas and Mr. CASTLE.

H.R. 1034: Ms. MOORE of Wisconsin and Mr. STEARNS.

H.R. 1043: Mr. LARSON of Connecticut, Mr. GERLACH, and Mr. CUMMINGS.

H.R. 1049: Mr. TIAHRT.

H.R. 1064: Mr. PAYNE, Mr. SERRANO, Mr. LEWIS of Georgia, and Ms. CASTOR.

H.R. 1069: Mr. UDALL of Colorado.

H.R. 1078: Mr. PICKERING and Mr. HONDA.

H.R. 1102: Mr. MITCHELL.

H.R. 1103: Mrs. NAPOLITANO, Ms. KILPATRICK, Ms. NORTON, Mr. CUMMINGS, and Mrs. MALONEY of New York.

H.R. 1105: Mr. GORDON.

H.R. 1107: Mr. RAHALL and Mr. TIAHRT.

H.R. 1110: Mr. MICHAUD, Mr. JEFFERSON, Mr. HALL of New York, Mr. WU, Mr. BUCHANAN, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, Mr. TURNER, and Mr. LANGEVIN.

H.R. 1157: Mr. DONNELLY, Mr. JACKSON of Illinois, Mr. LAMPSON, Mr. LANTOS, and Mr. GUTIERREZ.

H.R. 1177: Mr. WALDEN of Oregon and Mr. WELCH of Vermont.

H.R. 1178: Ms. MCCOLLUM of Minnesota.

H.R. 1188: Mr. RYAN of Ohio.

H.R. 1222: Mr. GORDON.

H.R. 1223: Mr. GORDON.

H.R. 1225: Mr. TIERNEY and Ms. SCHAKOWSKY.

H.R. 1237: Mr. GINGREY, Mrs. MCCARTHY of New York, and Mr. PICKERING.

H.R. 1239: Mr. TIAHRT.

H.R. 1248: Mr. HOLT.

H.R. 1252: Mr. HASTINGS of Florida.

H.R. 1259: Mr. CUMMINGS.

H.R. 1282: Mr. HINOJOSA, Mr. CARNEY, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1293: Mr. ALLEN, Mr. DOYLE, Mr. Fortuño, Mr. WELLER, Mr. PERLMUTTER, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1303: Ms. LEE.

H.R. 1322: Mr. CAPUANO, Mr. CUMMINGS, Ms. HIRONO, Mr. NADLER, Mr. SARBANES, and Mr. YARMUTH.

H.R. 1354: Mr. SAXTON.

H.R. 1359: Mr. STEARNS.

H.R. 1385: Ms. LEE.

H.R. 1414: Mr. JACKSON of Illinois.

H.R. 1415: Mr. OBERSTAR.

H.R. 1416: Mr. OBERSTAR.

H.R. 1422: Mr. GILCHREST and Mr. GRIJALVA.

H.R. 1430: Mr. CRAMER and Mr. BILBRAY.

H.R. 1439: Mr. BOOZMAN, Mr. GARRETT of New Jersey, and Mr. BOREN.

H.R. 1459: Mr. FEENEY, Mrs. MCMORRIS RODGERS, Mrs. WILSON of New Mexico, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. PICKERING.

H.R. 1470: Mr. TIM MURPHY of Pennsylvania.

H.R. 1475: Mr. HALL of New York and Ms. NORTON.

H.R. 1481: Mr. TIAHRT.

H.R. 1527: Mr. TIAHRT.

H.R. 1543: Mr. FORTENBERRY.

H.R. 1551: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1560: Mr. PICKERING.

H.R. 1566: Ms. NORTON.

H.R. 1589: Mr. TIAHRT.

H.R. 1600: Mr. DICKS, Mrs. WILSON of New Mexico, Mr. RUPPERSBERGER, Mr. FORTUÑO, and Ms. LEE.

H.R. 1608: Mr. ROTHMAN, Ms. MCCOLLUM of Minnesota, and Mr. KUCINICH.

H.R. 1614: Mr. HOLT, Mr. HINCHEY, Mr. HASTINGS of Florida, Mrs. LOWEY, Mr. MCDERMOTT, and Mr. ABERCROMBIE.

H.R. 1634: Mr. MCDERMOTT, Ms. MATSUI, and Mr. GRIJALVA.

H.R. 1647: Mr. WALDEN of Oregon, Mr. CRAMER, Mr. GORDON, Mr. WALSH of New York, Mr. PICKERING, Mr. MATHESON, Mr. KAGEN, and Mr. MARKEY.

H.R. 1650: Mr. GILLMOR.

H.R. 1655: Mr. PRICE of North Carolina.

H.R. 1660: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1687: Mr. LEWIS of Georgia and Mr. ROGERS of Michigan.

H.R. 1728: Mr. CUMMINGS.

H.R. 1731: Mr. GEORGE MILLER of California.

H.R. 1732: Mr. GONZALEZ.

H.R. 1738: Mr. BOOZMAN, Mr. TOWNS, Ms. BORDALLO, Mr. JACKSON of Illinois, and Mr. CUMMINGS.

H.R. 1747: Ms. LORETTA SANCHEZ of California.

H.R. 1759: Mr. ROGERS of Michigan.

H.R. 1801: Mr. MORAN of Virginia.

H.R. 1821: Mr. Larsen of Washington.

H.R. 1843: Mr. Tiahrt and Mrs. Jo Ann Davis of Virginia.

H.R. 1845: Mr. Thompson of Mississippi, Mr. Costello, Mr. Peterson of Pennsylvania, Mr. Grijalva, Mr. Pickering, and Mr. Pastor.

H.R. 1846: Mrs. Christensen and Mr. Thompson of Mississippi.

H.R. 1852: Mr. Cummings, Mr. Welch of Vermont, and Ms. Eshoo.

H.R. 1876: Ms. Eshoo.

H.R. 1884: Mr. Rogers of Kentucky and Mr. Pickering.

H.R. 1889: Mr. Kennedy.

H.R. 1893: Ms. Castor.

H.R. 1903: Ms. Carson, Mr. Gordon, Mr. Payne, and Mr. Kildee.

H.R. 1908: Mr. Smith of Washington.

H.R. 1909: Mr. Baca.

H.R. 1921: Mr. Cummings.

H.R. 1926: Mr. Langevin, Mr. Pickering, and Mr. Kennedy.

H.R. 1932: Mr. Pickering and Mr. Boren.

H.R. 1938: Mr. Gonzalez.

H.R. 1940: Mr. Duncan.

H.R. 1943: Mr. Honda, and Ms. Castor.

H.R. 1952: Mr. Payne and Mr. Boren.

H.R. 1953: Mr. McGovern.

H.R. 1964: Mr. Mitchell.

H.R. 1968: Mr. Payne, Mr. Reyes, and Mr. Ellison.

H.R. 2015: Mr. Klein of Florida, Mr. Larson of Connecticut, Ms. Berkley, Mr. George Miller of California, and Ms. Slaughter.

H.R. 2016: Mr. Blumenauer and Ms. Schakowsky.

H.R. 2020: Mr. Carney.

H.R. 2035: Mr. Sali.

H.R. 2038: Mr. Shimkus.

H.R. 2040: Mrs. Jones of Ohio, Mr. Fattah, Ms. Lee, Mr. Brady of Pennsylvania, Mrs. McCarthy of New York, and Ms. Castor.

H.R. 2052: Mr. Marshall and Ms. Schakowsky.

H.R. 2054: Mr. Boswell.

H.R. 2060: Mr. Larsen of Washington, Mr. Serrano, Ms. Schwartz, Mr. Murphy of Connecticut, and Mr. LaHood.

H.R. 2063: Mr. Markey, Mr. Saxton, and Mr. Michaud.

H.R. 2064: Mr. Perlmutter, Mr. Moran of Virginia, Mrs. Jones of Ohio, Mr. Jefferson, Ms. Giffords, Mrs. Maloney of New York, Mr. Smith of Washington, Mr. Allen, and Mr. Cohen.

H.R. 2086: Mr. Boozman and Mr. Sullivan.

H.R. 2102: Mr. Putnam, Mr. McCotter, and Mr. Blumenauer.

H.R. 2129: Mr. Brady of Pennsylvania, Mr. Johnson of Georgia, Mr. Serrano, Mr. Frank of Massachusetts, Mrs. Maloney of New York, Mr. Hare, Mr. Meek of Florida, Mr. Cummings, Mr. Welch of Vermont, Mr. Hastings of Florida, Ms. Roybal-Allard, Mr. McNulty, Mr. Olver, Mr. Farr, Mrs. Capps, and Mr. Hinchey.

H.R. 2134: Mr. Pickering.

H.R. 2137: Mr. Crowley.

H.R. 2138: Ms. Zoe Lofgren of California, Mr. Gordon, Mr. Jordan, and Mr. Calvert.

H.R. 2147: Mr. Van Hollen.

H.R. 2149: Mr. Payne and Mr. Cohen.

H.R. 2158: Mrs. Drake and Mr. Shays.

H.R. 2159: Mr. Moran of Kansas.

H.R. 2165: Mr. Chandler, Ms. Sutton, Mr. Rush, and Mrs. Davis of California.

H.R. 2169: Mr. Engel, Mr. Wu, Ms. Solis, Ms. Norton, and Mr. Capuano.

H.R. 2188: Mr. Moore of Kansas.

H.R. 2199: Mr. Cummings, Mr. Tim Murphy of Pennsylvania, and Mr. Spratt.

H.R. 2204: Mr. Kucinich, Mrs. Davis of California, Ms. Linda T. Sánchez of California, Mr. Yarmuth, and Mr. Engel.

H.R. 2205: Mr. Latham and Mr. Johnson of Illinois.

H.R. 2208: Mr. Rahall.

H.R. 2210: Mr. Towns, Mr. Payne, Ms. Norton, Mr. Thompson of Mississippi, and Mr. Hinojosa.

H.R. 2211: Mr. Mack.

H.R. 2233: Mr. George Miller of California.

H.R. 2253: Mr. Sessions.

H.R. 2274: Mr. Burton of Indiana.

H.R. 2283: Ms. Lee.

H.R. 2284: Mr. Braley of Iowa.

H.R. 2289: Mr. Payne, Mr. Davis of Illinois, Mr. Hare, Ms. Clarke, and Mr. Cohen.

H.R. 2295: Mr. Pickering, Mr. Gordon, Ms. Castor, Mr. McCaul of Texas, Mr. Larsen of Washington, Mr. Castle, Mr. Boren, Mrs. Cubin, and Mr. Langevin.

H.R. 2302: Mr. Feeney.

H.R. 2303: Mr. Putnam and Mr. Carter.

H.R. 2327: Mr. Wynn, Mr. McNulty, Mr. Van Hollen, Mr. Cleaver, Mr. Cummings, Mr. George Miller of California, Mr. Gonzalez, Mr. Frank of Massachusetts, and Mr. Stark.

H.R. 2329: Mr. Walz of Minnesota.

H.R. 2335: Mr. Heller and Mr. Dent.

H.R. 2343: Mr. Larson of Connecticut, Mr. Edwards, Mr. Bishop of Georgia, Mr. Clay, Mr. McCotter, and Mr. LaHood.

H.R. 2359: Mr. Braley of Iowa.

H.R. 2360: Mrs. Drake.

H.R. 2364: Mr. Holt and Mr. DeFazio.

H.R. 2365: Mr. Spratt, Mr. Campbell of California, Mr. Wamp, Mr. Cannon, Mr. Ramstad, and Mr. Duncan.

H.R. 2366: Mr. Ellsworth.

H.R. 2368: Mr. Wamp, Mr. Thornberry, Mr. Cole of Oklahoma, Mr. Bilbray,. and Ms. Granger.

H.R. 2371: Mr. Serrano.

H.R. 2372: Ms. Woolsey.

H.R. 2373: Mr. Brady of Pennsylvania.

H.R. 2400: Mr. Gilchrest.

H.R. 2401: Mrs. Christensen, Ms. Norton, Ms. Kaptur, and Mr. Rangel.

H.R. 2402: Mr. Marshall, Mr. Bishop of Georgia, and Mr. Peterson of Minnesota.

H.R. 2407: Mr. Weiner, Mr. Crenshaw, and Mr. Marshall.

H.R. 2417: Mr. Doyle, Mr. Gonzalez, and Mr. Souder.

H.R. 2432: Mrs. Cubin, Mr. Akin, Mr. Forbes, Mr. Pickering, Mr. Westmoreland, and Mr. Boozman.

H.R. 2434: Mr. Brady of Pennsylvania and Mr. Kuhl of New York.

H.J. Res. 5: Ms. Hirono.

H.J. Res. 12: Mr. Shimkus and Mr. Souder.

H. Con. Res. 6: Ms. Hirano.

H. Con. Res. 21: Mr. David Davis of Tennessee and Mr. Braley of Iowa.

H. Con. Res. 70: Ms. Moore of Wisconsin.

H. Con. Res. 75: Mr. McNulty.

H. Con. Res. 94: Mr. Honda, Mr. Grijalva, and Mr. Cohen.

H. Con. Res. 125: Mr. Capuano, Ms. Corrine Brown of Florida, Mr. Boustany, Mr. Pearce, Mr. Aderholt, Mr. Barrett of South Carolina, Mr. Feeney, and Mr. Cohen.

H. Con. Res. 130: Mr. Lewis of Georgia, Ms. Lee, and Ms. Schakowsky.

H. Con. Res. 133: Mr. Israel, Mr. Saxton, and Mr. Matheson.

H. Con. Res. 142: Mr. Rogers of Michigan, Mr. Ferguson, Mr. English of Pennsylvania, Mr. Gilchrest, Mr. Serrano, Mrs. Maloney of New York, Mr. Dent, Mr. Israel, Mr. Kuhl of New York, Ms. Pryce of Ohio, Ms. Berkley, Mr. Buchanan, Mr. Rangel, Mr. Gallegly, Mr. LaHood, Mr. LaTourette, Ms. Ginny Brown-Waite of Florida, Ms. Clarke, Mr. Hinchey, Mr. Hodes, Mr. Inslee, Mr. Langevin, Ms. Matsui, Mr. Bartlett of Maryland, and Mr. Olver.

H. Con. Res. 151: Mr. Wolf.

H. Res. 111: Mr. Ruppersberger and Mr. Rangel.

H. Res. 137: Mr. Fossella.

H. Res. 154: Mr. Taylor, Mr. Lincoln Davis of Tennessee, Mr. Gordon, Mr. Rangel, Mr. Rush, Mr. Berman, and Mrs. Jones of Ohio.

H. Res. 163: Mr. Farr and Mr. Blumenauer.

H. Res. 186: Mrs. Napolitano.

H. Res. 232: Mr. Pickering.

H. Res. 233: Mr. Reynolds.

H. Res. 241: Mr. Moore of Kansas and Ms. Hooley.

H. Res. 257: Mr. Lincoln Davis of Tennessee, Mr. Berman, Mr. Filner, Mr. Higgins, Mr. Bishop of Utah, Mr. Ruppersberger, Mr. Kuhl of New York, and Ms. Castor.

H. Res. 281: Mr. Patrick Murphy of Pennsylvania and Mr. Calvert.

H. Res. 282: Mr. Jackson of Illinois, Mr. Langevin Mr. Olver Mr. Kennedy Mr. Al Green of Texas, Mr. Doggett Mr. Boucher, Mr. Pomeroy, Mr. Boyd of Florida, Mr. Crowley, Mr. Bishop of Georgia, Mr. Matheson, and Mr. Ackerman.

H. Res. 384: Mr. Baker and Mr. Udall of Colorado.

H. Res. 395: Mr. Sessions and Mr. Boozman.

H. Res. 397: Mr. Bilirakis.

H. Res. 401: Mr. Souder.

H. Res. 412: Mrs. Myrick.

H. Res. 417: Mr. McDermott, Mr. Hodes, Ms. Harman, Mr. Marshall, Mr. Udall of Colorado, Mr. Michaud, Ms. DeLauro, Mr. Murphy of Connecticut, Mr. McNerney, and Mr. Doyle.

H. Res. 422: Mr. Reichert, Mr. Holt, Mr. Capuano, Mr. Hoyer, Mr. Carnahan, Mr. Goodlatte, Ms. Woolsey, Mr. Berman, Mr. Lynch, Ms. Schwartz, Mrs. Davis of California, Mr. Wolf, Mr. Pascrell, Ms. Clarke, Ms. Roybal-Allard, and Mr. Stark.

H. Res. 426: Mr. Price of North Carolina and Mr. Grijalva.

H. Res. 430: Mr. Udall of New Mexico.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1649: Mr. Moran of Virginia.

H.R. 2060: Mr. Deal of Georgia.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

27. The SPEAKER presented a petition of the Commission of the City of Lauderdale Lakes, Florida, relative to Resolution No. 07-31 requesting that the Congress of the United States increase funding for the Community Development Block Grant (CDBG); to the Committee on Financial Services.

28. Also, a petition of the Commission of the City of Lauderdale Lakes, Florida, relative to Resolution No. 07-32 requesting that the Congress of the United States increase funding for the No Child Left Behind program; to the Committee on Education and Labor.

29. Also, a petition of the Commission of the City of Lauderdale Lakes, Florida, relative to Resolution No. 07-33 establishing a

specific fund for Targeted Healthcare for children and pregnant women; to the Committee on Energy and Commerce.

30. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 43 requesting that the movie industry consider a ban on smoking in movies rated G, PG or PG-13 in order to avoid influencing children and young adults to begin smoking; to the Committee on Energy and Commerce.

31. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-326-07 urging the Florida Legislature to ban or regulate the use of trans fats at restaurants and bakeries; to the Committee on Energy and Commerce.

32. Also, a petition of the Council of the District of Columbia, relative to Council Resolution No. 17-156, "Sense of the Council in Support of Amending the Home Rule Charter to Increase the Pay of the Chief Financial Officer, Dr. Natwar M. Ghandi, Emergency Resolution of 2007"; to the Committee on Oversight and Government Reform.

33. Also, a petition of the Board of Supervisors of the County of Tehama, California, relative to a resolution opposing H.R. 811, the Voter Confidence and Increased Accessibility Act and S. 559, the Vote Integrity and Verification Act; to the Committee on House Administration.

34. Also, a petition of the County of El Dorado, California, relative to a resolution opposing H.R. 811 amending the Help America Vote Act of 2002; to the Committee on House Administration.

35. Also, a petition of the Commission of the City of Lauderdale Lakes, Florida, relative to Resolution No. 07-30 requesting that the Congress of the United States fully fund the Community Oriented Policing Program (COPS); to the Committee on the Judiciary.

36. Also, a petition of the City Commission of the City of Sunny Isles Beach, Florida, relative to Resolution No. 2007-1094 requesting fair treatment for the one hundred and one Haitian asylum seekers who recently arrived ashore on Hallendale Beach, Florida; to the Committee on the Judiciary.

37. Also, a petition of the City of North Miami, Florida, relative to Resolution No. R-2007-64 expressing support of the Haitian Immigrants Based on the "Wet-Foot/Dry-Foot" Policy and urging the President of the United States and the Congress of the United States to rescind the discriminatory immigration policies against Haitian Immigrants and calling for the equal treatment of all immigrants; to the Committee on the Judiciary.

38. Also, a petition of the City of Coconut Creek, Florida, relative to Resolution No. 2007-19 urging the Federal Government and the Legislature of the State of Florida to take any and all action necessary to preserve and protect the levee system surrounding Lake Okeechobee; to the Committee on Transportation and Infrastructure.

39. Also, a petition of the Board of Commissioners of Armstrong County, Pennsylvania, relative to a resolution urging the Congress of the United States to place a moratorium on new free trade agreements; to the Committee on Ways and Means.

40. Also, a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-07-86 encouraging all parties interested and involved in the New Orleans health care delivery decision making process to work collaboratively to develop a joint, state-of-the-art LSU/Veterans Administration Hospital within the confines of the New Orleans Downtown Medical District; jointly to the Committees on Energy and Commerce and Veterans' Affairs.

EXTENSIONS OF REMARKS

ONCOLOGY NURSING MONTH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mrs. CAPPS. Madam Speaker, I rise today to call attention to the important and essential role that oncology nurses play in providing quality cancer care and to recognize May as "Oncology Nursing Month." Oncology nurses are the health professionals involved in the administration and monitoring of chemotherapy and managing the associated side-effects patients may experience. As anyone who has ever been treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial, and supportive care to patients and their families. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment. In short, they are integral to our Nation's cancer care delivery system.

Cancer is a complex, multifaceted and chronic disease. People with cancer are best served by a multidisciplinary health care team specializing in oncology care, including nurses who are certified in that specialty. One in three women and one in two men will receive a diagnosis of cancer at some point in their lives, and one out of every four deaths in the United States results from cancer. Today, more than two-thirds of cancer cases strike people over the age of 65, and the number of Medicare beneficiaries is projected to double in the coming years. Last year approximately 138,680 people in California were diagnosed with cancer and another 55,960 lost their battles with this terrible disease.

Since 1975, the Oncology Nursing Society (ONS) has been dedicated to excellence in patient care, teaching, research, administration, and education in the field of oncology. ONS is the largest organization of oncology health professionals in the world, with more than 35,000 registered nurses and other health care professionals. The Society's mission is to promote excellence in oncology nursing and quality cancer care. I am pleased that ONS has 19 chapters in California which support oncology nurses in their efforts to provide high quality cancer care to patients and their families throughout our state. I commend ONS and its members for their steadfast commitment to improving and ensuring access to quality cancer care for all people with cancer.

I am proud to support the goals and ideals ONS and I urge my colleagues to join me in recognizing oncology nurses for their communities not only in May, but year-round.

THE JOHN R. JUSTICE PROSECUTORS AND DEFENDERS INCENTIVE ACT OF 2007

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I am pleased to join my colleagues in supporting the John R. Justice Prosecutors and Defenders Incentive Act, a bill that will help local governments to recruit and retain talented young people to their district attorney and public defender offices.

Tuition has been rising steeply at law schools across the country, increasing more than 130 percent at private law schools since 1990. Unfortunately, scholarships and pay at part-time jobs have simply not kept up. As a result, students have been forced to take on additional debt in order to afford a legal education. By 2006, the average law student graduated with nearly $80,000 of debt. Eighty thousand dollars would have bought a nice big house in Los Angeles in my parents' day!

But this debt load affects more than just the credit scores and disposable incomes of recent graduates. It affects their career choices. Young people bearing the burden of eighty and hundred thousand dollar debts must seek jobs that will provide enough income to allow them to make their loan payments as well as pay for transportation, rent, food, clothing, healthcare, and other necessities.

However, many government and public service jobs do not provide this level of pay to starting lawyers. Some locales can only afford to pay starting attorneys $36,000 a year (even while the top New York law firms pay their starting attorneys $140,000 or more). It's no surprise, then, that an entire generation of bright young people can't afford to consider the possibility of becoming a district attorney or a public defender.

That is why I am pleased to join the American Bar Association, the National District Attorneys Association, and the National Legal Aid and Defender Association in support of this important bill, which will provide student loan repayment assistance to borrowers who remain employed for at least 3 years as state or local criminal prosecutors or state, local, or federal public defenders.

We want and need the best and brightest to join these professions. Indeed, public trust in the justice system requires trust in the attorneys tasked with prosecuting and defending the accused. I am proud to support local and state attorneys in enforcing their laws and proud to support this bill.

CONGRATULATING THE WE THE PEOPLE TEAM FROM FINDLAY HIGH SCHOOL

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. JORDAN of Ohio. Madam Speaker, I am honored to highlight the outstanding achievements of a group of young scholars from my congressional district.

Last month, Findlay High School students Christina Back, Anthony Baratta, Kyle Collette, Meghan Gannon, Jessica Gephart, Bryant Hendriksen, Emily Janowiecki, Stephen Kostyo, Jaime Malloy, Debra McCaffrey, Jade Mummert, Will Olthouse, Nicholas Rackley, Michael Sears, Caroline Solis, Stephen Strigle, Rebecca Walter, and Matthew Wiseman represented the State of Ohio in the national finals of the We the People: The Citizen and the Constitution program. They joined more than 1,200 students from across the country at this three-day competition in Washington.

Authorized by act of Congress, the We the People program allows high school students to develop in-depth knowledge and understanding of the fundamental principles and values of our republic. Students testify at mock congressional hearings before a panel of experts, answering questions that test their understanding of the Constitution and their ability to apply that knowledge. Columnist David Broder has described the national competition as "the place to have your faith in the younger generation restored."

These 18 students continue a long tradition of success for Findlay High School in this competition. I commend them for their hard work—along with the efforts of their teacher Mark Dickman, who helped them prepare for the local, state, and national competitions. In addition, I salute the tireless work of Jared Reitz, the state coordinator for We the People, and district coordinator Libby Cupp.

Madam Speaker, all of Ohio can take great pride in the performance of these scholars, who are excellent role models for their peers. They are perfect examples of all that is right in our education system today, and are to be commended for a job well done.

COMMEMORATING AZERBAIJAN'S REPUBLIC DAY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. BURTON of Indiana. Madam Speaker, I rise as a senior member of the House Foreign Affairs Committee and member of the House Azerbaijan Caucus, to honor the people of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Republic of Azerbaijan—a strong strategic partner and ally not only to the United States but also among the democratic nations of our world—as they prepare to celebrate Republic Day on May 28.

Republic Day commemorates the day Azerbaijan first declared independence from the Russian Empire in 1918—becoming the first ever Muslim democratic republic. Although the Azerbaijan Democratic Republic only lasted 2 short years, succumbing to Soviet forces in 1920, in its 2 years of independence Azerbaijan made great strides in areas such as state building, education, and economic growth. The Azerbaijan Democratic Republic was even ahead of the United States in terms of granting suffrage to women; which didn't happen here in the U.S. until 1920.

Azerbaijan's second opportunity for freedom and independence began in 1990 when Azerbaijanis began openly gathering in protest against Soviet rule. Tragically, January 1990 will forever be known to all Azerbaijanis as Black January, as these peaceful demonstrations were crushed by Soviet intervention at a cost of over a hundred and thirty civilians' lives.

Yet even in the face of such brutality Azerbaijanis never gave up their dream of freedom and independence and following the final collapse of the Soviet Union, Azerbaijan quickly declared its re-independence.

By August 30, 1991, a free Azerbaijan's Parliament adopted the Declaration on the Restoration of the State of Independence of the Republic of Azerbaijan, and on October 18, 1991, the Constitution was approved.

Having lived under Soviet rule, the people of Azerbaijan have a great appreciation of living in a democratic civil society and since its re-independence, the Republic of Azerbaijan has been an invaluable ally in the Global War on Terror; committing both their human resources and their leadership to the fight. Azerbaijan was among the first nations—Muslim and non-Muslim—to offer unconditional support to the United States in the war against terrorism; providing airspace and the use of its airports for Operation Enduring Freedom in Afghanistan. Today, Azerbaijan peacekeeping troops continue to serve with distinction in Kabul under the leadership of the International Security Assistance Force.

Azerbaijanis have also fought shoulder-to-shoulder with our troops in the second front in the war against terrorism, Iraq. In fact, Azerbaijan—in another first—was the first Muslim nation to join the Coalition and send troops to Iraq.

Finally, Azerbaijan has joined all 12 international conventions on counter-terrorism and continues to support regional cooperation on fighting terrorism through numerous local agreements as well as its participation in the activities of regional organizations such as NATO, the Organization for Security in Europe and others.

Azerbaijan has also assumed an important political role in the fight against terrorism and tyranny. As a founding member of the GUAM Organization for Democracy and Economic Development—whose namesake members include Georgia, Ukraine, Azerbaijan and Moldova—Azerbaijan has been a leading voice on enhanced regional economic cooperation through development of a Europe-Caucasus-Asia transport corridor; and a facilitator for discussion on various levels of existing security problems, promoting conflict resolution and the elimination of other risks and threats, such as illegal trafficking and border security.

I believe that the past several years have proven that the people and government of Azerbaijan are committed to democracy. They have taken a bold and courageous stand for freedom and democracy by committing troops and resources to the fights in Afghanistan and Iraq. They have expended their political capital to bring different nations together in their region, and abroad, to peacefully organize and build, through democratic institutions and commerce, a safer world.

Madam Speaker, I would ask all of my colleagues to join me now to thank the people of Azerbaijan for their friendship, to congratulate them on the 89th Anniversary of Republic Day and to renew our commitment to further develop and strengthen the bonds between our two peoples.

AIR INDIA INQUIRY QUESTIONED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. TOWNS. Madam Speaker, recently a Canadian writer and editor named Dr. Awatar Singh Sekhon, Managing Editor of the International Journal of Sikh Affairs, wrote a detailed response to an article about the 1985 Air India bombings. As you know, those bombings continue to be controversial more than 20 years later and the Canadian government is launching yet another inquiry into the matter.

Dr. Sekhon's quite comprehensive letter, which was written in response to an Edmonton Sun article, is very detailed. It makes a very strong argument and brings up a lot of very important information on the case. Before I put it into the Record, I will attempt to summarize the highlights.

Dr. Sekhon points out that Indian diplomat Mani Shankar says that in 1984, the year before the bombing, the Indira Gandhi government in India commissioned him "to portray Sikhs as terrorists." This directive occurred before Operation Bluestar, the June 1984 attack on the golden Temple in amritsar (the seat of Sikhism) and several other Sikh Gurdwaras around Punjab, in which 20,000 Sikhs, including over 100 Sikh youth ages 8 to 13, were killed and the Sikh holy scripture, the Guru Granth Sahib, was desecrated by being shot with Indian Army bullets. The orders for that operation were given in January 1984, according to the Sikh Bulletin, October–November 1985. The Air India operation was part of that campaign. In addition, the newspaper Hitavada reported that the Indian government paid the late governor of Punajb, Surendra Nath, the equivalent of $1.5 billion to foment terrorist activity in Punjab and Kashmir.

Dr. Sekhon refers to the first hijacking of an Air India plane by two Brahmin brothers named Pandey to secure Indira Gandhi's release from jail. He notes the penetration of Canada by Indian intelligence in the 1980s.

The letter cites both Zuhajr Kashmeri and Brian McAndrew's excellent book Soft Target and former Canadian Member of Parliament David Kilgour's book Betrayal: The Spy That Canada Forgot. Both show India's responsibility for the bombing. Kashmeri and McAndrew cite the Canadian Security Intelligence Service (CSIS), which said, "if you really want to clear the incidents quickly, take vans to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved."

Kilgour writes that a Canadian-Polish double agent was approached by an East German named Udo Ulbrecht, who was working with people affiliated with the Indian government, to participate in a second bombing, but he declined to be part of it and the plot never came off. Dr. Sekhon rightly asks why neither Kashmeri, McAndrew, nor Kilgour has been asked to testify in the current inquiry. He also requests that the Indian diplomatic and intelligence personnel who were declared persona non grata in Canada in the wake of the Air India bombing be summoned back to testify before the inquiry.

He notes the mass killings of Sikhs, Christians, Muslims, Assamese, Tamils, and other non-Brahmin minorities by the Indian government Their effort to portray the Sikhs, especially those who speak out peacefully and democratically for an independent Khalistan, as terrorists is a pretext for this "ethnic cleansing."

He quotes my colleague, the gentleman from California, who said in this chamber that for Sikhs and Kashmiris, "India might as well be Nazi Germany." The late General Narinder Singh said that Punjab was a police state. This has been an extension of the India government's strategy that was outlined in a memo in 1947 in which India's first Home Minister V.B. Patel described the Sikhs as "a lawless people" and "a criminal tribe." In other words, the Indian government was trying to discredit and destroy the Sikhs almost from the moment of independence.

Madam Speaker, the time has come to stop our aid and trade with this repressive regime and to demand self-determination for the Sikhs of Punjab, Khalistan, the Muslims of Kashmir, the Christians of Nagalim, and all the people seeking freedom in South Asia. The essence of democracy is the right to self-determination, not an ongoing half-century effort to kill your minority citizens.

I would like to place Dr. Sekhon's letter into the Record at this time for the information of my colleagues.

THE SIKH EDUCATIONAL TRUST,
INTERNATIONAL JOURNAL OF SIKH AFFAIRS,
Edmonton, Alberta, Canada, May 9, 2007.

Ret Air India Flight 182 (Toronto—Montreal—London—Delhi),
June, 23 1985: Enquiry of Justice John Major

DEAR SIR, My writing to you relates with some minor and major comments related to the subject, and also on "Air India's Shared Tragedy Lost in the 'SILOS' between two nations by George Abraham (The Edmonton Journal, 8th May, 2007)."

I would like to comment on Abraham's writing "Prime Minister (Brian) Mulroney had telephoned his condolences to his Indian counterpart, Rajiv Gandhi—an act that was based on a fundamental misunderstanding of who, exactly, had been victimized, and who, in fact, was to blame." Mr. Abraham seems to be in the grip of part of the problem. As a Canadian national and belonging to the Canadian Sikh community, it appears to me that 'telephoning to the prime minister of a country, which had betrayed Canada and the international community in 1974 (explosion of a nuclear device prepared from the by-product of a Candu reactor technology for peaceful and medical purposes) by the Right Hon. Prime Minister of Canada' was far more important than about 90 percent of the Canadian passengers of the ill-fated aircraft. It, certainly, is new information that has come out in Justice Major's enquiry. What a pity our Canadian prime minister, who put Rajiv Gandhi first rather than thinking and offering his condolences to the Canadian Sikhs and the victimized families. This act of Prime Minister Mulroney will never be forgotten by the Canadian Sikhs. Earlier, his predecessor, Charles Joseph Clark, had said to the journalists that "if you want more information about Sikhs, go and call these numbers (of the Indian Consulate Toronto and High Commission in Ottawa):" What an unacceptable act of the prime minister, who hands out the telephone numbers of a foreign mission to get information about Canadian Sikhs. Should we, the Canadian Sikhs who have been in Canada over a century, imply that our Canadian administration has no idea of its Sikh Canadians; or, a foreign mission in Canada has more information about the Canadian Sikhs, especially when the Indian Constitution 1950, Article 25, has eliminated the 'Sikh Identity and Sikh Faith'. The latter is one of the six major faiths of our world.

Does George Abraham know that Mani Shanker Iyer, an Indian diplomat, said, "In early 1984, to the hearing of all, mentioned that at the instance of Indira Gandhi, he was given an unpleasant job of portraying Sikhs as terrorists." A few days later, Iyer stated that, "against his wishes he had done the job?" This was before "Operation Bluestar, the orders for which had been delivered in January 1984" (The Sikh Bulletin, October-November 2005, p. 11; *editor@sikhbulletin.com).*

Based on the two previous enquiries and the present one which is going on, it appears to me that nothing extraordinary will come from these enquiries, because the major things which might yield substantial information and which might reveal the real cause of the 'Air India Explosion of Flight 182' will never find a place in the enquiry that is going on. Some of the points that, as I believe, have not been discussed so far, are summarized below:

1. Why Mr. Zuhaire Kashmeri and Mr. Brian McAndrew, two Canadian journalists, who gave their views in their title, Soft Target India's Intelligence Service and its Role in The Air India Disaster 1989 first ed. and 2005 second ed. ISBN 10:1–55028–904–7 and 13: 978–1–55028–904–6, have not been called to testify before the enquiry commission?

2. Why Hon. David Kilgour, former member of parliament, Speaker of the House of Commons, former Secretary of State for Asia and Africa, and the author of the title BETRAYAL THE SPY CANADA ABANDONED 1994 Prentice Hall Canada Inc., Scarborough, ON ISBNO–13–325697–9, the title that contained Chapter 9 and 10, A Bizarre Episode in Rome and A Battle For Canada, pp.129–163, has not been asked to testify? Hon. Kilgour writes "One day, while reading a German newspaper, I spotted the photograph and description of a wanted terrorist. I would have known that face anywhere. It was the man who had conducted the meeting in Rome, plotting to bomb some Air India flight. I was quite positive it was him; his name was Udo Ulbrecht or Albrecht, wanted for many terrorist attacks and kidnappings in West Germany and Western Europe. I was upset by the whole thing and decided I wanted out of West Germany as soon as I had done my time." In Hon. Kilgour's title, he further writes "He was greeted in English, heavily accented with German, and led into a larger room where a number of men were already seated and smoking. There were two Sikhs wearing traditional turbans, another pair who looked Italian, Paszkowski and the German, who chaired and greeted them in English as all of them spoke the language with differing levels of fluency. The German spoke of the need for international co-operation and how important the mission was for each of their respective governments. He stressed that the group must work closely together. "Some of the tasks," he said, "might appear strange or even incomprehensible to you. Don't worry about that. Let it be the concern of those who sent you here. Your role is to carry out orders to the letter without asking questions." Everyone sat quietly and listened intently. "The job at hand is, with the use of explosives, to blow up an Air India plane in Europe. Lives will be lost but we must not think about it . . . Each of you will be supplied with documents allowing you to move freely in Europe, weapons, explosives, money and detailed instructions. I will meet with each of you personally to supply you with all these. Wait for me and be prepared for action at any time."

3. Under the guise of 'Democracy', the Indian administrations of post-15th of August, 1947 era ((JL Nehru to Manmohan Sinh) and before becoming the political masters of the British Empire later known as the British India Empire, the Brahmins/Hindus (neither a religion nor a culture; see Dalit Voice, Dalit Sahitya Akademy, Bangore, and other Sikh and non-Sikh academics), betrayed the international community and the Sikhs of Punjab, now the State of Punjab (under the occupation of the alleged Indian democracy, since the 15th of August, 1947). It must be noted that the Sikh Raj of monarch Ranjit Singh, 1799 to 14th March, 1849, was the first Secular and Sovereign country of South Asia. The Sikhs lost to the British Empire's forces led by General Gilbert on the 14th of March, 1849. As such, the "Struggle To Regain Their Lost Sovereignty, Independence and Political Power of the Sikhs began, by peaceful means taught by their 10 Masters/Gurus (from Guru Nanak Sahib to Guru Gobind Singh ji) right on the day they lost to the British Empire's forces." "The new territory of the British Empire remained 'status less' but on the 29th of March, 1849, the British agent made a proclamation that the newly conquered 'Sikh Raj' is "annexed" but not "amalgamated" to the British Empire for the 'administration purpose only'. It should be noted that the status of the Sovereign and Secular Sikh Raj of Monarch Ranjit Singh remained as "annexed" territory and 'not' the art of India under British Empire or the time British exit from India on the 15th of August, 1947. It should also be noted that there did not exist the word 'India' in any dictionary or Encyclopedia of the English language until the British agent made the annexation of The Sikh Raj to the British Empire on the 29th of March, 1849. As such, the existence of the 'Indian nationality' until the 29th of March, 1849, was out of question. The Sikhs were 'never' Indian nationals, as evident from the Indian Constitution 1950, Article 25. The Constitution which Sikhs' elected representatives 're-jected' in its draft and final forms in the Indian parliament in 1948, the 26th of November, 1949, 1950 and more recently on the 6th of September, 1966. The Canadian news media, along with the international news media and major democratic administrations like the United Kingdom., Canada, United States, Australia, etc., never paid any attention on the "Sikhs" Struggle for Independence" for the reason only known to themselves. Volumes of books and tens of tons news dispatches have been made by the journalists virtually 'devoid' of the Sikhs' Struggle for Sovereignty and Sikhs' status in the Indian Constitution 1950 Article 25. which proclaimed the alleged Indian state as the Republic of India.

Under the umbrella of democracy (or Brahmins autocracy), India has killed more than 2.3 to 3.2 million Sikhs; over 500,000 Muslims in general; more than 100,000 Muslims of the Internationally Disputed Areas of Jammu and Kashmir; over 300,000 Christians; tens of thousands of Dalits; 15,000 Tamils, thousands of Assamese and other non-Brahmin, non-Hindu minorities, since 15th August, 1947. What kind of democracy in India is this which kills its own citizens? There are other democracies in our world, like the United States, Canada, United Kingdom, Australia and others. Has anyone of these countries killed its own citizen(s)? How many Brahmins, Hindus or pro-Brahmins India and its armed forces killed since its inception?

I would like to hear from the journalists like Madam Kim Bolan on the genocides of the Sikhs, Muslims, Christians, Kashmiris and other non-Brahmin and non-Hindu minorities carried out by the Indian democracy? Does she have any information or has she written even a single word on India carrying out genocides of non-Brahmin and non-Hindus since the 15th of August, 1947? Or, else she loves writing against the Sikhs.

For Madam Kim Bolan and her national and international colleagues written specifically or generally on the 'fake hijacking' carried out by the RAW of India (they must examine the archives of the All India Radio, if they pretend to be unaware of the activities of the Indian personnel of RAW and other agencies).

The author was wondering if Madam Kim Bolan and her journalistic colleagues know that the 'first hijacking' of South Asia' was carried out by two 'Brahmin' brothers (the Pandey brothers), to secure the release of their Congress leader Indira Gandhi from a jail. Indira Gandhi awarded them, the Brahmins, with her Congress' nominations to the UP Legislative Assembly. These criminals were made the 'law makers'. When criminals are made the law makers intentionally, then what could be expected in a democratic country, so to speak?

Madam Kim Bolan and other journalists must read Congressman Dan Rohrabacher of California's remarks appeared in the United States Congressional Records of the House of Representatives that "For the Sikhs, Christians, Muslims and other non-Hindu minorities, India might as well be a Nazi Germany."

4. A community, which is less than 15 percent of the total population of India, i.e., the Brahmins, Hindus and pro-Brahmins (3+12=15 percent), deceived and betrayed the Sikhs of the Sikh Raj of monarch Ranjit Singh, robbed them from their land (partitioned on

the 15th of August, 1947) in the day light, along with the Sovereign people of states like Assam, Jammu and Kashmir, Hyderabad, Faridkot (now in Punjab), Bikaner (now in Rajasthan), Dalits (who are still used to remove the human waste from the households and public places of India), Adivaasis, etc.

5. The journalists and writers like Kim Bolan, George Abraham, Martin Collacott, Ian Mulgrew, Bharti Mukeherjee, Clark Blaise, Bill Moyer, etc., are virtually devoid of the 'Sikhs' history from the Sikhs' point of view'. They are known as staunchly anti-Sikh writers and do not get along with the Canadian and/or American Sikhs, simply because they are 'devoid' of the Sikh history. Indeed, they are well known anti-Sikh writers. Why are they anti-Sikhs and write against the Sikhs, it is only known to them. They cannot exonerate themselves from the 'anti-Sikh' renowned journalists or writers for the reasons only known to them.

6. Madam Kim Bolan and other Canadian journalists, with the exception of well respected Zuhaire Kashmeri and Brian McAndrew, never understood the Canadian Sikh psyche. Why is it so? Only Madam Kim Bolan, other journalists and one Narula of the Asia Watch may explain their position, if they so desire.

7. It goes without doubt that Indian intelligence penetrated Canada in 1980s. This was done to provide cover for the Indian administration's intended 'attack on the Sikhs' Darbar Sahib Complex (mistakenly known as the Golden Temple Complex), which includes the Supreme Seat of Sikh Polity, The Akal Takht Sahib, Amritsar, in the name of a brutal Indian military "Operation Bluestar" of June, 1984. This was not only an 'undeclared' war on the Sikh Nation, Punjab, but it was carried out to 'Exterminate The Sikh Identity and The Sikh Faith'. One may ask the question did Indian administration succeed? The answer is 'No'; it failed miserably. Their penetration made the life of the Sikhs of Canada no less than a hell. Did anybody, especially the Canadian journalists, with two exceptions, pay any attention to Sikh nationals of Canada? Every Sikh, who is the follower of the Sikh religion, believes in the Canadian way of life, Canadian law, Canadian policy of multiculturalism provided by the administration of the Right Honourable Pierre Elliot Trudeau and Canadian values. Whereas, the Indian administration deliberately made the Sikhs as 'terrorists'; on the 10th of October, 1947, just 7-weeks post of the 15th of August, 1947; the Indian administration of JL Nehu and VB Patel and their man, Chandulal Trivedi in Punjab 'declared' the "Sikhs as lawless people" in a secret memo. The writer is citing only a few major points out of numerous.

8. Considering the penetration of Indian intelligence in 1980s, not only the RAW personnel (Research and Analysis Wing), but the Indian administration made use of Sikhs, especially Akalis like Gurcharan Singh Tohra, Harchand Longowal, Balwant Ramoowalia, Prakash Singh Badal, Balwant Singh, Dr Jagjit Singh Chohan (now deceased), Maj-Gen Jaswant Bhullar, M S Sidhu, Didar Singh Bains of the United States, Prabhu Dayal Singh, Harjinderpal Singh Nagra and Akalis (correspondence between R K Dhawan of 1, Safdarjang Road, New Delhi; the 30th of January—April 25, 1984; please see Chakravyuh Web of Indian Secularism by Gurtej Singh 2000 ISBN81-85815-14-3).

When democratic administrations employ their 'state intelligence' against their own citizens, then what is the guarantee that any individual or state appointed commission will find a way to deliver its 'just' judgment?

I could write more but I should conclude my writing by elaborating that (i) the Indian missions' employees/intelligence workers, who have since been declared persona non grata or left Canada should be summoned back by the commission to question them. I have my doubts that the 'Diplomatic Immunity' may play its stumbling block's role and nothing constructive will come out from any commission; (ii) the Indian administrations' notoriousness is responsible for the Air India disaster of 1985; (iii) in fact, there should be an International Commission to explore and examine the terrorism, persecution, atrocities, human rights violations, and genocides committed by the democratic India. I am of the opinion that Sirdar Gurtej Singh, IAS & IPS (formerly), Professor of Sikhism and Editorial Advisor of the International Journal of Sikh Affairs ISSN 1481-5435 may shed much needed light to the Commission of Justice John Major. All in all, Indian administrations have been responsible not only of the Air India Flight 182, but also of other humanitarian problems, such as Manorama of Assam, who was raped by the Indian Armed personnel in Assam (Assam situation discussed at the 5th United Nations Human Rights Council, Geneva, Switzerland in March 2007).

Best wishes and warmest regards.

Sincerely,

AWATER SINGH SEKHON,
Managing Editor and Acting Editor in Chief.

PERSONAL EXPLANATION

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. HULSHOF. Madam Speaker, unfortunately, I missed last night's rollcall votes. Had I been present, I would have voted "aye" on H.R. 698, the Industrial Bank Holding Company Act of 2007 and "aye" on H.R. 1425, to designate the facility of the United States Postal Service in Odessa, Texas, as the "Staff Sergeant Marvin "Rex" Young Post Office Building."

ON MOTION TO TABLE THE RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2007

Mr. BLUMENAUER. Madam Speaker, I do not support the motion to table the Resolution regarding Representative MURTHA. My vote is not a statement of judgment on the allegations since I don't know the facts about what happened, and that's exactly the point. The issue deserved debate or a referral to the Ethics Committee. If Tom DeLay had been accused of threatening a Democrat on the House floor, I would expect the same. A discussion of a potential violation of House Rules is in order if we are going to be the most ethical and transparent Congress in history.

CONGRATULATING ROMAN YAVICH

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Mr. Roman Yavich of the University of Colorado, Boulder. Mr. Yavich is an economic development student and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Mr. Yavich and wishing him the best in his future endeavors.

INDIAN POLICEMAN IN GOLDEN TEMPLE WITH A REVOLVER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TOWNS. Madam Speaker, Indian policeman in temple with revolver is not the solution to a game of Clue, it's the latest outrage out of India. As we approach the 23rd anniversary of India's brutal military attack on the Golden Temple, the center of the Sikh culture and religion, an undercover Indian policeman was found carrying a revolver into the Golden Temple, where these kinds of weapons are prohibited. It was discovered when the gun fell out of his pocket. I shudder to think what he may have been intending to do with it.

The chief minister of Punjab, Paraksh Singh Badal, did nothing about this outrage because he is in bed with the Indian Government and in opposition to his Sikh constituents. This desecration of the Golden Temple is outrageous and a reminder that India remains an occupying power in the Sikh homeland, Punjab, Khalistan, which declared its independence on October 7, 1987.

The Council of Khalistan has published an open letter deploring this desecration of the Sikh nation's most sacred site. It notes that this is part of the Indian Government's ongoing effort to destroy the Sikh religion and demands that the jathedar of the Akal Takht, Joginder Singh Vedanti, censure chief Minister Badal for his part in allowing this to occur.

We cannot continue to support such actions. They violate the fundamental religious freedom that all free people enjoy. We must take strong action. Cutting off aid and trade until these kinds of atrocities end would be a good first step. And we should demand a free and fair vote in Khalistan, in Kashmir, in Nagaland, and wherever the people seek freedom on the subject of independence. Self-determination is the essence of democracy.

INDIAN POLICEMAN CAUGHT AT AKAL TAKHT SAHIB WITH REVOLVER

Just a few days ago, the Tribune of Chandigarh reported that an Indian policeman was caught with a revolver at the Akal Takht Sahib. His revolver fell on the ground. He was manhandled by the Sikhs there.

No one is allowed to take firearms inside the Golden Temple. By doing so, this policeman violated the Maryada of the Golden Temple. The shameful Akali government has allowed undercover policemen to desecrate the Golden Temple. The Khalsa Panth condemns this with full force.

Chief Minister Parkash Singh Badal should be removed from his position and the Akal Takht Jathedar should censure him for his sacrilege and violating the Rehat Maryada of the Akal Takht.

The Indan government is determined to destroy the Sikh religion by any and all means. They are trying to create sects in the Sikh religion, such as Dera Sucha (Jhutha) Sauda, Nirankari, Radswami, and other such cults. After Guru Gobind Singh there is no living guru, as the heads of these sects claim to be. That is contrary to the Sikh religion. It is blasphemous. These Deras are a cancer on the Sikh religion. They must not be allowed to spread their cancer and the violence that they bring among the Sikhs.

Guru Gobind Singh Sahib bestowed the guruship on the Guru Granth Sahib and for political decisions transferred power to the Panj Piaras (the Five Chosen Ones.) This desecration of Sikhism cannot be allowed to continue. It will only stop when we free Khalistan from Indian occupation.

Badal blames Captain Amarinder Singh for this situation. He cannot shirk his own responsibility. As Chief Minister, he is responsible for law and order. He should prosecute this baba and such cult leaders and close all Deras in Punjab. If he won't do it, the Khalsa Panth will and we will find new leaders who can serve the interests of the Khalsa Panth, not the Indian government.

Sikhs should have known better. In 1984, it was this Akali party and this Akali leadership of Badal, Tohra, and Longowal who invited the Indian army into the Golden Temple. If anyone attacks the Golden Temple, Sikhs can never forgive or forget it. The Congress Party attacked the Golden Temple; they should not be supported by the Khalsa Panth. It was the Akalis who invited them in. They should also be rejected. We need new Sikh leadership which can deliver a sovereign, independent Khalistan to the Sikh Nation.

Power resides in the Khalsa Panth. Sikhs in Punjab must shoulder their responsibility. Get rid of the present Akali leadership and establish a new Sikh leadership. If we do not, if we let this leadership linger, our misery is prolonged and the Sikh Nation suffers more. It is time to stand up and free the Sikh homeland, Punjab, Khalistan.

In 1986, the Sarbat Khalsa was called. The Sarbat Khalsa formed the Panthic Committee under the leadership of Baba Gurcharan Singh Manochahal (who was later murdered by the Indian government.) It passed a resolution for Khalistan on April 29, 1986. The Panthic Committee formally declared independence on October 7, 1987. It established the Council of Khalistan at that time to serve as the government pro tempore of Khalistan and appointed this humble sewadar as President of the Council of Khalistan.

For the past 20 years, I have worked very hard, along with all the advisors and supporters of the Council of Khalistan, to achieve our objective of sovereignty for Khalistan. Any major event in Punjab since 1984 has been documented in the Congressional Record in statements by various Members of Congress. We thank them for their support for the independence of Khalistan. Congressional hearings were held in the U.S. Congress by Rep. Ben Blaz, Rep. Dan Burton, and others on human-rights violations and the independence of Khalistan. Special orders of the U.S. Congress on human-rights violations and the independence of Khalistan have been conducted. The Indian government is trying to alter the Sikh history in Punjab since 1984. They will not succeed because it is preserved in the library of the U.S. Congress. It will lie there safely for a long time. Students of history will find the true story of what happened to the Sikh Nation since 1984.

Khalsa Ji, the time has come for Sikhs to unite and free Khalistan. Remember the words of Guru Gobind Singh, "I grant sovereignty to the humble Sikhs." Freedom is the birthright of all people and nations. It is also granted by our Gurus. The Indian government is so afraid that it is planting agents in Gurdwara committees and organizations that fight for Khalistan. It is creating Deras and planting agents in the Golden Temple to try to stoke violence. It is arresting Sikh activists for protesting a statue of the repressive, murderous Beant Singh, who was responsible for the murder of over 50,000 Sikhs and the secret cremation of their bodies by declaring them "unidentified", as well as the murders of Sardar Jaswant Singh Khalra, who exposed that brutal policy, and Jathedar Gurdev Singh Kaunke, or for making pro-Khalistani speeches and raising the flag of Khalistan. Beware of Sikh leaders who do the bidding of the Indian government.

Just the other day in the Southall Gurdwara in the United Kingdom, Sikh youth took control of the stage when the present management, which is under the control of the Indian Embassy, refused to do Ardas for Shaheed Bhai Kanwaljit Singh, who was killed by followers of the cult leader Ram Rahim when he went to confront them. We must replace these management committees with pro-Sikh, pro-Khalistani managements.

Khalsa Ji, the time has come. Take responsibility and rise to the occasion. Work for the freedom of Khalistan so that the Sikh religion can flourish and the Sikh Nation can live with honor and dignity. Only then can the future of the Khalsa Panth be bright. Remember the words of the former Jathedar of the Akal Takht Sahib, Professor Darshan Singh, that "If a Sikh is not a Khalistani, he is not a Sikh." Let us show true Sikh spirit. We must rise up and free Khalistan now.

HONORING THE 50TH ANNIVERSARY OF THE WILLIAMSON-SODUS AIRPORT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in honor of the 50th anniversary of the Williamson-Sodus Airport. The airport's history dates back to May 9, 1957, when members of the Williamson Flying Club, Inc. purchased a half-mile parcel of land in the Town of Sodus.

The Williamson-Sodus Airport was an 1,800-foot runway that was seeded in July 1957. Over the years the runway was upgraded and is now a 3,800 ft. hard-surface asphalt runway with modern lighting and taxiways and is always under improvement. Operated by the Williamson Flying Club, Inc., the Williamson-Sodus Airport has tremendously grown to serve the various needs of the community.

One of the airport's functions is to serve as a "reliever" airport for the Greater Rochester area. The airport is also utilized by local industries as well as the United States Coast Guard.

On behalf of the citizens of the 25th Congressional District of New York, I congratulate the Williamson-Sodus Airport for its 50 years of operation and achievements.

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 385, to suspend the rules and pass H.R. 1425, the Staff Sergeant Marvin "Rex" Young Post Office Building, I was unavoidably detained and unable to vote. Had I been present, I would have voted "aye."

CONGRATULATING DARIA VAN TYNE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Daria Van Tyne of Vassar College. Ms. Van Tyne is a biology student and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Van Tyne and wishing her the best in her future endeavors.

23RD ANNIVERSARY OF GOLDEN TEMPLE ATTACK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TOWNS. Madam Speaker, the beginning of June marks the 23rd anniversary of India's military attack on the Golden Temple in

Amritsar, which is the seat of the Sikh religion. It occurred from June 3 through June 6, 1984. Many other Sikh Gurdwaras were attacked at the same time in what was known as Operation Bluestar, which killed over 20,000 Sikhs. That was the beginning of a genocide in which over 250,000 Sikhs were killed.

During the attack, young Sikh boys, ranging in age from 8 to 13 years old, were taken outside and shot to death. Other soldiers bravely shot bullets into the Sikh holy scriptures. As Sant Jarnail Singh Bhindranwale, who was killed in the attack, predicted, it laid the foundation for the liberation of the Sikh homeland, Khalistan.

This brutal attack was a desecration of the Sikh religion and culture and a bitter reminder that there is no place for Sikhs or other minorities in Hindu India. They are simply used for the greater glory of the Brahmins.

The Council of Khalistan, which will be leading a commemorative demonstration across from the White House on June 2, has published an excellent open letter on the massacre.

If we want to put an end to ongoing repression, Madam Speaker, we should support independence for all the nations of South Asia. We should go on record in support of a free and fair plebiscite, monitored, on the question of independence for Khalistan, Kashmir, Nagaland, and all the nations of the subcontinent. We should stop trading with India and providing it aid until it respects the basic right to self-determination and all human rights for all its people, whether Brahmin or Dalit, whether Hindu, Sikh, Christian, Muslim, or whatever. We send India development aid, Madam Speaker, and it puts just 2 percent of its development budget to education and just 2 percent to health, but 25 percent to nuclear development! Remember that India began the nuclear escalation in South Asia.

23RD ANNIVERSARY OF GOLDEN TEMPLE ATTACK

DEAR KHALSA PANTH: Next month marks the 23rd anniversary of the Indian government's brutal attack and desecration of Darbar Sahib, the Golden Temple complex in Amritsar. Sikhs must never forget or forgive this atrocity. Remember that the Indian troops shot bullet holes into an original copy of the Guru Granth Sahib, written in the time of the Gurus. They took over 100 young Sikh boys, ages 8 to 13, out into the courtyard of the complex and asked them if they supported Khalistan. When they answered "Bole So Nihar", they were shot to death. Thirty seven (37) other Gurdwaras were simultaneously attacked. In all, more than 20,000 Sikhs were killed in that operation. This kind of brutality makes it clear that there is no place for Sikhs in India.

Since that horrible four-day operation, which took place from June 3 through 6, 1984, over a quarter of a million Sikhs have been murdered at the hands of the Indian government, according to figures compiled by the Punjab State magistracy and human-rights groups. More than 52,000 are being held as political prisoners, according to a report by the Movement Against State Repression. They are held without charge or trail, many since 1984. We demand the immediate release of all political prisoners and a full accounting for those who may have died in custody.

Instead, our highest institutions—the Golden Temple, the Punjab government, the Akali Dal, and others—remain under Indian control. Our homeland, Khalistan, remains under Indian occupation 20 years after declaring its independence from India. Half a million Indian troops continue to enforce the peace of the bayonet in Punjab, Khalistan.

Remember the words of Narinder Singh, a spokesman for the Golden Temple, to America's National Public Radio: "The Indian government, all the time they boast that they are democratic, that they are secular, that they have nothing to do with a democracy, nothing to do with a secularism. They just kill Sikhs just to please the majority."

Sant Bhindranwale told us that the attack would "lay the foundation of Khalistan." Indeed, it did. On October 7, 1987, Khalistan declared its independence. We must use this anniversary to rededicate ourselves to reclaiming that freedom that is our birthright.

In 1986, Harcharan Singh Longowal struck the Rajiv-Longowal Accord, in which India promised to return the capital city of Chandigarh, which Sikhs built, and the Punjabi-speaking areas of Himachal Pradesh and Haryana, which were kept out of Punjab in 1965. Twenty-one years later, India has not kept that promise.

India has a long history of not keeping its promises. It promised the people of Kashmir a plebiscite on their status in 1948 and the vote has never been held. Nor has it kept its promises to the people of Nagaland. Instead, Nehru said that even if he had to put a soldier under every tree, he would never allow a free Nagaland. The Indian government has killed over 90,000 Kashmiri Muslims, over 300,000 Christians in Nagaland, tens of thousands of Muslims and Christians elsewhere in the country, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities. Tens of thousands more of them continue to be held as political prisoners, according to Amnesty International. Is that a democracy? These facts underline the necessity to free our homeland, Khalistan, now, and to support freedom for all the people of South Asia.

Remember the words of Guru Gobind Singh, "In grieb Sikhin ko deon Patshahi." ("I grant sovereignty to the humble Sikhs.") Freedom is the birthright of all people and nations. It is also granted by our Gurus.

When I visited Pakistan in November for Guru Nanak's birthday, the Prime Minister of Pakistan, Shaukat Aziz, offered to build a road from Kartarpur (where Guru Nanak left this world) to the border if India will build their portion. They even offered to build a fence if India wants one. With this road, Sikhs could go, and visit this holy site with no visa. The Akalis could build this road themselves, but they have not done it so far. The spineless Akalis continue to be lapdogs of Delhi. How could the Akalis join with the BJP (the political arm of the RSS) to form a government when the BJP is determined to destroy the Sikh religion by any and all means at their disposal? We must end Indian control of our government, society, and institutions. That control is what the Golden Temple attack was designed to cement. We must stand up and say no. Remember Maharajah Ranjit Singh, who led a powerful, secular Sikh state that was independent from 1765 to 1849. Let us have a new birth of freedom, in our homeland, Khalistan.

The Indian government is scared of the Sikh Nation's aspiration for freedom. Recently, it set off an incident in which Baba Gurmit Ram Rahim Singh dressed up as Guru Gobind Singh and advertised in the newspaper, offering to give Amrit to anyone, a function reserved for the Panj Piaras after Guru Gobind Singh baptized them. In addition, it recently put up a statue of Beant Singh, former Chief Minister of Punjab, who presided over the killing of a majority of the 250,000-plus Sikhs who have been murdered. Simranjit Singh Mann and Wassan Singh Zaffarwal were arrested for peacefully protesting the statue. In 2005, 35 Sikhs were arrested for making speeches and raising the flag of Khalistan. All these repressive acts are in the spirit of the Golden Temple attack and continue the repression. They are evidence that we must free Khalistan now.

Let us remind the Indian government that we have not forgotten the atrocities committed against the Khalsa panth at the Golden Temple and from then on. It is time to reclaim our freedom. India must act like the democracy it claims to be and grant a free and fair plebiscite on the issue of Khalistan under international supervision. It must stop arresting Sikh activists for peaceful political activity. And we must honor the spirits of Bhindranwale and all the others killed at the Golden Temple and the 37 other Gurdwaras by launching a Shantmai Morcha to liberate our homeland, Khalistan, once and for all. Until then, we will continue to suffer under India's brutal repression. Let's see to it that our Sikh brothers and sisters finally enjoy the glow of freedom. I ask Sikhs of all shades and political affiliations to join hands to free Khalistan. Remember the words of the former Jathedar of the akal Takht Sahib, Professor Darshan Singh, that "If a Sikh is not a Khalistani, he is not a Sikh."

Sincerely,

DR. GURMIT SINGH AULAKH,
President,
Council of Khalistan.

HONORING THE ONONDAGA COMMUNITY COLLEGE LAZERS MEN'S LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the Onondaga Community College Lazers Lacrosse team, 2007 National Junior College Athletics Association Men's Lacrosse Champions. Onondaga Community College, OCC, defeated Nassau Community College by a score of 21–14, giving the school their second consecutive men's lacrosse national title.

The Lazers have an excellent track record in college lacrosse. For the past 7 consecutive years, the Lazers have won the Mid-State Athletic conference title, for the last 3 years they have been Region III Champions, and for the last 2 years they have been undefeated and national champions. The OCC Lazers Men's Lacrosse program has produced 23 All Americans, and 27 Lacrosse Coaches Association Academic All Americans. With their display of outstanding athleticism in going undefeated and winning national championships two seasons in a row, OCC has certainly established itself as one of the best junior college lacrosse teams in history.

On behalf of the entire 25th Congressional District, I congratulate these young men on their outstanding athletic achievement and praise Head Coach Chuck Wilbur, and Assistant Coaches Mike Villano, Joe Villano, and

Chris Brim on their team's success. I look forward to another exciting year when the Lazers take the field to defend their title in 2008.

No. 1, Brooks Robinson; No. 2, Jerome Thompson; No. 3, Dan Casciano; No. 4A/37H, Jeremy Thompson; No. 5, Holdon Vyse; No. 6, Lee Nanticoke; No. 7, Jack Redmond; No. 8, Kent Squires-Hill; No. 9, Nick Larocca; No. 10, Logan Kane; No. 11, Isaiah Kicknosway; No. 12, Thomas Anthis; No. 13, Andy Lamb; No. 14, Joe Taylor; No. 15, Lee Thomas; No. 16, Bill Walton; No. 17, Ross Bucktooth; No. 18, Sean Griffin; No. 19, Pat DiMatteo; No. 20, PJ Motondo; No. 21, Nick Kazimer; No. 22, Cody Jamieson; No. 23, Keith Tomazic; No. 24, Tyler Hill; No. 25, Cody Dummer; No. 26, Adam Rivers; No. 27, Kasey Fellows; No. 28, Josh Groth; No. 29, Steve Prosonic; No. 30, Kris Frier; No. 31, Wade Bucktooth; No. 32, Kyle Wenzel; No. 33, Padraic McKendry; No. 34, Pat Dwyer; No. 35, Brian Buckley; No. 36, Fred Bush; No. 38, Kyle Turbe; No. 39, James Synowiez; No. 40, John Stanistreet; No. 41, Mike Fahey; No. 42, Spencer Mallia; No. 43, Greg Haney; No. 44, Sean McCauliffe; No. 45, Dustin Jacobsen; No. 48, Clinton Kennedy.

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 384, to suspend the rules and pass H.R. 689, the Industrial Bank Holding Company Act, I was unavoidably detained and unable to vote. Had I been present, I would have voted "aye."

CONGRATULATING KAMLEH SHABAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Kamleh Shaban of Doane College. Ms. Shaban is a public health student and a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Shaban and wishing her the best in her future endeavors.

INDIA MUST STOP PROMOTING SECTARIAN VIOLENCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TOWNS. Madam Speaker, India is again promoting sectarian violence in pursuit of its continued control of the Sikhs and other minorities. A fake baba named Baba Gurmit Ram Rahim Singh, who is sponsored by the Indian government, created a sect called Dera Sacha Sauda, one of many sects set up to divide the Sikh people. He took out a newspaper ad in which he dressed up as Guru Gobind Singh and offered to perform the rite of Amrit, which not anyone can perform, for anyone who contacted him. Performing this rite is reserved for specific religious leaders.

This ad caused massive protests, as it was an insult to the Sikh religion. Those demonstrations turned violent. A man named Kanwaljit Singh was murdered by the followers of the Dera when he went there to confront them about Ram Rahim's behavior.

This marks an ongoing practice of promoting violence in the minority communities so as to divide and rule them. As they did in Gujarat a few years ago, the Hindu government set in motion bloodshed to keep the minority community—Muslims then, Sikhs now—divided.

Madam Speaker, this is reprehensible, unacceptable, and undemocratic. It is outrageous behavior for any government and it should not be supported by countries like ours. We must stop aid and trade with India and we must support freedom for Khalistan and the other nations seeking their freedom from Indian rule.

The Council of Khalistan put out a good press release condemning the Indian government's incitement of sectarian violence.

COUNCIL OF KHALISTAN CONDEMNS PROMOTION OF SECTARIAN VIOLENCE BY INDIA

WASHINGTON, DC, May 16, 2007.—The Council of Khalistan condemned the recent violence in Punjab, sparked by an advertisement in the newspaper by Baba Gurmit Ram Rahim Singh, the head of Dera Sacha Sauda, in which Baba Gurmit Ram Rahim Singh dressed as Guru Gobind Singh and advertised that he would give Amrit to anyone who asked. This is reserved only for the Panj Plaras. This is an insult to the Sikh religion and clearly backed by the Indian government, said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government pro tempore of Khalistan, which leads the struggle for Khalistan's independence.

"There are no Deras or sects in the Sikh religion. There is only one Sikh religion and Sikh Nation," said Dr. Aulakh. "Fake Babas like Baba Gurmit Ram Rahim Singh are part of the Indian government's ongoing effort to weaken the Sikh religion and prevent Sikhs from achieving freedom," he said,

Next month marks the anniversary of the Golden Temple massacre, Dr. Aulakh noted. During that attack, young boys ages 8 to 13 were taken outside and asked if they supported Khalistan, the independent Sikh country. When they answered with the Sikh religious phrase "Bole So Nihal," they were shot to death. The Guru Granth Sahib, the Sikh holy scriptures, written in the time of the Sikh Gurus, were shot full of bullet holes and burned by the Indian forces.

Former President Bill Clinton wrote in the foreword to Madeleine Albright's book that Indian forces were responsible for the massacre of 38 Sikhs in 2000 in the village of Chithisinghpora. Recently, two leading Sikh activists were arrested for peacefully protesting the construction of a statue to honor Beant Singh, the late Chief Minister who presided over the murder of tens of thousands of Sikhs. In 2005, 35 Sikhs were arrested for making speeches and raising the flag of Khalistan. Sikh farmers are forced by the government to buy supplies and seeds for unaffordably high prices and forced to sell their crops well below market prices.

"These incidents show that we need to free our homeland, Khalistan," said Dr. Aulakh. "Remember what former Akal Takht Jathedar Professor Darshan Singh said: 'If a Sikh is not a Khalistani, he is not a Sikh.'"

A report issued by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA) even though it expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Additionally, according to Amnesty International, there are tens of thousands of other minorities being held as political prisoners. MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian government has murdered over 250,000 Sikhs since 1984. more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

"Only in a free Khalistan will the Sikh Nation prosper and get justice," said Dr. Aulakh. "When Khalistan is free, we will have our own Ambassadors, our own representation in the UN and other international bodies, and our own leaders to keep this sort of thing from happening. We won't be at the mercy of the brutal Indian regime and its Hindu militant allies," he said. "Democracies don't commit genocide. India should act like a democracy and allow a plebiscite on independence for Khalistan and all the nations of South Asia," Dr. Aulakh said. "We must continue to pray for and work for our God-given birthright of freedom," he said. "Without political power, religions cannot flourish and nations perish."

TRIBUTE TO ASH GROVE CHRISTIAN CHURCH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Ash Grove Christian Church in rural Windsor, IL, on the 175th anniversary of its founding. The church will be celebrating this historic occasion with a special service and program on June 3, 2007.

Ash Grove Christian church was founded in June of 1832 with John Storm Sr. as pastor. The church started with only 18 members. Ash

Grove Christian Church is the oldest Christian Church in Shelby County and one of the oldest Christian churches in the entire State of Illinois.

Today, the congregation of Ash Grove Christian Church still holds traditional Sunday morning worship services with Jim Dona as pastor.

I am pleased to congratulate Ash Grove Christian Church on this blessed occasion. My prayers will be with the congregation as they celebrate this anniversary. May God continue to bless Ash Grove Christian Church.

COUNCIL OF KHALISTAN WRITES TO CANADIAN JUSTICE MINISTER ABOUT AIR INDIA INVESTIGATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TOWNS. Madam Speaker, as you mow, the government of Canada has undertaken another investigation into the 1985 Air India bombing. Recently, the Council of Khalistan wrote to the Canadian Justice Minister about that investigation.

The letter states that "the Indian government continues to try to blame Sikhs for this atrocity, despite the fact that Ripudaman Singh Malik and Ajaib Singh Bagri were acquitted by a Canadian judge, who said that the witnesses against them were not credible." In the letter, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, notes that the Canadian Security Investigation Service (CSIS) said at the time, "if you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they were involved."

The Indian Consul General in Toronto, Mr. Surinder Malik, pulled his wife and daughter off the flight at the last minute. A friend of his who was a car dealer also cancelled his reservation suddenly. Mr. Malik called in a lot of information about the case before the incident was even public knowledge, including a tip to look for an "L. Singh" on the passenger manifest. "L. Singh" was the name under which one of the bombers held his tickets. The other was "M. Singh." Later, a man named Lal Singh told the press that he was offered "two million dollars and settlement in a nice country" to give false testimony in the case—an offer that Mr. Singh declined. It seems that, as Zuhair Kashmeri and Brian McAndrew, the Canadian journalists who wrote the definitive book on the case, Soft Target, noted, "[Consul General] Malik knew more details about the two blasts than did the police investigators." How did this Indian government official know so much so soon?

He also admitted that he fed information to the Toronto Globe and Mail to make a stronger case to blame the Sikhs for the bombing. This was part of a coordinated Indian government effort to paint the Sikh community as terrorists.

It is also worth noting that the Sikh group on whom India has placed the blame all these years is a group called Babbar Khalsa. It is heavily infiltrated by the Indian government. So by trying to blame Babbar Khalsa, the government is essentially taking the blame itself.

I recommend to all my colleagues that they read this informative letter.

This is just further proof, if any is needed, that India is a regime that will carry out acts of terror to promote its own political objectives. Remember that India has killed more than a quarter of a million Sikhs, according to the Punjab State Magistracy, and hold over 52,000 of them as political prisoners, according to the Movement Against State Repression. As I have asked before, why does a democracy need a Movement Against State Repression anyway? Amnesty International reports that tens of thousands of other minorities are held as political prisoners in India, and it has killed over 90,000 Kashmiri Muslims, over 300,000 Christians in Nagaland, and tens of thousands of other minorities as well.

Why should the American people and government support such a government, especially at a time when we are putting our young people on the front lines to fight against terrorism? The time has come to cut off our aid to Indian, end our trade with them, and put Congress on record in support of the freedom movements there. This is the way to peace, freedom, prosperity, and stability in South Asia, Madam Speaker.

COUNCIL OF KHALISTAN,
Washington, DC, May 16, 2007.
Hon. ROBERT DOUGLAS NICHOLSON,
Justice Minister of Canada,
House of Commons, Ottawa, Canada.

DEAR MINISTER NICHOLSON: I am writing in regard to your new inquiry into the Air India Flight 182 bombing of 1985. I see no purpose for this ongoing inquiry. As you know, the Indian government continues to try to blame Sikhs for this atrocity, despite the fact that Ripudaman Singh Malik and Ajaib Singh Bagri were acquitted by a Canadian judge, who said that the witnesses against them were "not credible."

Shortly after the bombing occurred, two Canadian journalists, Zuhair Kashmeri of the Toronto Globe and Mail and Brian McAndrew of the Toronto Star, wrote an excellent book on the case entitled Soft Target, which proves that the Indian government itself carried out the bombing. This finding is confirmed in a book by former Member of Parliament David Kilgour entitled Betrayal: The Spy Canada Abandoned. I urge you to call Mr. Kashmeri and Mr. Mcandrew as witnesses in the inquiry.

Soft Target shows how the Indian regime bombed its own airliner in 1985, killing 329 innocent people, to justify further repression against the Sikhs. The book quotes an investigator from the Canadian Security Investigation Service as saying, "If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved."

Among many other things, they note that the Indian Consul General in Toronto, Mr. Surinder Malik (no relation to Ripudaman Singh Malik), called in a detailed description of the disaster just hours later when it took the Canadian investigators weeks to find that information. He told them that they should check the passenger manifest for an "L. Singh" because he was responsible—before there was any public knowledge of the bombing!

According to Wikipedia, on June 20, 1985, two days before the flight, "at 1910 GMT, a man paid for the two tickets with $3,005 in cash at a CP ticket office in Vancouver. The names on the reservations were changed; 'Jaswand Singh' became 'M. Singh' and 'Mohinderbel Singh' became 'L. Singh.'". Note that this is the same name that Consul General Malik told investigators to look for—"L. Singh."

It would later come out in newspaper reports that a Sikh named Lal Singh told the press that he was offered "two million dollars and settlement in a nice country" by the Indian regime to give false testimony in the case.

Consul General Malik had also pulled his wife and daughter off the flight suddenly at the last minute, on the feeble excuse that the daughter had a paper for school. A friend of Consul General Malik's who was a Car dealer also cancelled at the last minute.

According to Kashmeri and McAndrew, "Curiously, [Consul General] Malik knew more details about the two blasts than did the police investigators. . . . Malik said that while one of the suspects was booked to Japan, the other was booked to Toronto and onwards to Bombay. He also said that the two checked their bomb-laden bags but did not board the flight themselves. In sum, Malik had painted a scenario of the double sabotage operation that was a near perfect account of what the Mounties would take weeks to fathom.

[Consul General] Malik continually fed the Globe information pointing to Sikh terrorists as the source of the bombs. He was behind another story six days after the crash, this one headlined 'Air-India pilot reported given parcel by Sikh.'." Kashmeri and McAndrew also wrote, "Malik pressured the Globe to publish this story, adding that it could be used to make a stronger case for blaming the Air-India and Narita bombings on the Babbar Khalsa leader. Malik also decried the Canadian system of justice for failing to come up with a quick solution to the bombings. 'In India we would have had a confession by now. You people have too many civil and human-rights laws,' he complained."

The Sikh organization that the Indian government said was responsible, Babbar Kahlsa, is and was then heavily infiltrated by Indian government operatives at very high levels of the organization. The main backer of the group had received a $2 million loan from the State Bank of India just before the plane was attacked, according to Soft Target. The year after the bombing, three Indian consuls general were asked to leave the country.

In his book, Kilgour wrote that Canadian-Polish double agent Ryszard Paszkowski was approached to join a plot to carry out a second bombing. The people who approached Paszkowski were connected to the Indian government.

Yet the Indian government continues to apply pressure to find some Sikhs guilty of the bombing. I am sure that your inquiry will be conducted with fairness and justice. I hope that you will find the real culprits and put this matter to rest. The bombing was an Indian government operation from the beginning.

If there is anything I can do to assist you, please feel free to contact me.

Sincerely,

DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

CONGRATULATING DR. SIGMUND ROTHSCHILD

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Dr. Sigmund Rothschild of the University of Colorado at Denver. Dr. Rothschild is a music scholar and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Dr. Rothschild and wishing him the best in his future endeavors.

CELEBRATING 100TH BIRTHDAY OF MRS. MARY PAULINE CUNNINGHAM McNEAL

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Ms. PRYCE of Ohio. Madam Speaker, I rise today to honor Mary Pauline Cunningham McNeal, and pay tribute to her on her 100th birthday, July 9, 2007. Born in Madison County, OH, Mrs. McNeal now resides in London, OH. She will gather with her loved ones on July 8, 2007 to celebrate her 100th birthday.

Mrs. McNeal continues to impress her children, grandchildren, great-grandchildren, and even great-great grandchildren, with her active lifestyle that includes cooking, yard maintenance, and bingo four to six times a week. As a member of the St. Paul African Methodist Episcopal Church, she seldom misses Sunday services, and participates in their annual chicken and noodle dinner. Mrs. McNeal is also well-known for her delicious lemon pies and her famous chicken pie casseroles.

Mrs. McNeal's vibrant personality and active lifestyle make her an important part of our community. Mrs. McNeal serves as an inspiration and joy to those who know and enjoy her friendship and love. On this very special occasion, I salute this amazing woman for her long life, and her dedication to her family and her church.

RECOGNIZING THE 75TH ANNIVERSARY OF THE CITY OF BERKLEY, MICHIGAN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the City of Berkley, in Oakland County, MI, which is celebrating its 75th anniversary this week. This City's rich history and enduring perseverance serves as a shining example of the mettle of all Michiganders.

Before being established as a village in 1823, Berkley was part of a vast forest and swamp teeming with quicksand and other perils. Despite these hardships, settlers pressed on through the wilderness outside of Detroit to stake their claims in Berkley. By 1832, the burgeoning number of settlers arriving in Detroit warranted a stagecoach route that ran through Berkley on the way to Pontiac.

Berkley, along with many other communities, suffered through many adversities during the Great Depression. However, the village met those challenges head on and established a pay-as-you-go plan, spending only what it took in, in order to continue to govern responsibly. Many of the residents became active in local politics, and upon learning of the benefits of becoming a city, the discussion commenced.

After a year of debate and preparation, the residents of Berkley adopted a city charter, and elected a mayor and six commissioners. On May 23, 1932, now with a population of 6,000, the City of Berkley was established. With Detroit opening up its factories to produce materials at the onset of World War II, the residents of Berkley joined in the war effort. In 1946 Berkley had spent more for constructing new facilities and factories than any other city in Oakland County.

Madam Speaker, today Berkley is a vibrant community in Oakland County that is home to over 15,000 residents, a state-of-the-art library, and a bustling downtown district. I congratulate them on their 75th anniversary and wish the residents many more years of prosperity.

PUNJAB CHIEF MINISTER ATTACKED FOR ANTI-SIKH BEHAVIOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TOWNS. Madam Speaker, recently it has been discovered that the Chief Minister of Punjab, Parkash Singh Badal, went and met with a Punjabi cult leader named Gurmit Ram Rahim Singh, who claimed to be a baba and was recently in the news for dressing up as the last Sikh guru, Guru Gobind Singh, and offering Amrit to anyone who called. Amrit is a very sacred ceremony in the Sikh religion and it cannot be done by just anyone. Ram Rahim also has murder and rape charges pending against him. Yet Mr. Badal went to him and bowed, seeking votes. Ironically, Ram Rahim came out for Mr. Badal's political opponents, the Congress Party.

As Chief Minister, one of Mr. Badal's chief responsibilities is maintaining law and order. Yet he seeks support from this fake religious leader instead of prosecuting him for the damage he has done to the Sikh community and to Punjab.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has issued a press release condenming Badal's activities. It shows that chief Minister is allied with the Indian government against the Sikh people. Remember that when Badal was chief Minister before, he presided over the most corrupt government in Punjab's history. They even renamed bribery "fee for service." His wife could tell the amount of money in a bag just by picking it up.

Only by freeing themselves of Indian rule will the Sikhs be able to rid themselves of this kind of anti-Sikh leadership. The U.S. government can help by stopping aid and trade with India until criminals such as Ram Rahim are prosecuted and all human rights are observed and by putting ourselves on record publicly in support of self-determination for the Sikhs of Punjab, Khalistan, the Muslims of Kashmir, the Christians of Nagalim, and all the people seeking freedom in South Asia in the form of a free and fair vote. Isn't that the democratic way? The people of Kashmir were promised a vote on their status in 1948. They're still waiting.

COUNCIL OF KHALISTAN DEPLORES ANTI-SIKH BEHAVIOR OF PARAKSH SINGH BADAL

WASHINGTON, DC, May 22, 2007.—The Council of Khalistan condemned the behavior of Punjab Chief Minister Parkash Singh Badal. It has recently surfaced that before the Punjab elections, Badal and his son Sukhbir went to meet with Baba Gurmit Ram Rahim Singh, leader of the Dera Sacha Sauda cult which has brought about so much strife in Punjab. While there, they bowed their heads to Ram Rahim. A Sikh is not supposed to bow except to the Guru Granth Sahib. This is the moral degeneration of the Akali leadership.

Ironically, despite Badal's begging and pleading, Ram Rahim supported the Congress Party in the recent elections in Punjab. Now Badal is blaming his predecessor, Captain Amarinder Singh, for the problem. Badal didn't even get votes out of his shameful actions. Perhaps it's time he paid attention to the Sikhs who elected him rather than the anti-Sikh BJP, his coalition partner, and the leaders in Delhi.

Badal is the Chief Minister. As such, he is responsible for law and order. Yet he refused to prosecute this fraudulent baba pretending to be Guru Gobind Singh. There are pending charges of murder and rape against Ram Rahim. Why does Badal kowtow to him?

"There are no Deras or sects in the Sikh religion. There is only one Sikh religion and Sikh Nation," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Fake Babas like Baba Gurmit Ram Rahim Singh are part of the Indian government's ongoing effort to weaken the Sikh religion and prevent Sikhs from achieving freedom," he said. "Sikh leaders should not be dignifying them. Badal should be prosecuting this fraudulent baba for these despicable acts:'

"Badal's conduct is shameful for a Sikh leader," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "This shameful conduct shows that Badal is under the complete control of the Indian government, rather than working for the Sikhs. We must free ourselves of corrupt, anti-Sikh leaders like Badal and his friends by liberating Khalistan," he said. "Remember what former Akal Takht Jathedar Professor Darshan Singh said: 'If a Sikh is not a Khalistani, he is not a Sikh.'"

A report issued by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA) even though it expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Additionally, according to Amnesty International, there are tens of thousands of other minorities being held as political prisoners. MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

"The Sikh masses must rise to the occasion and establish new leadership that works for the interest of the Khalsa Panth and abides by Sikh tradition," said Dr. Aulakh. "Badal and his son have betrayed the Sikh Rehat Maryada, Sikh principles, and Sikh tradition. Their leadership must be rejected for the interests of the Khalsa Panth. The Jathedar of the Akal Takht must censure him for violating the Sikh Rahat Maryada, betraying the Sikh Nation, and defaming the Sikh religion," he said. "Incidents like this test the resolve of the Sikh Nation. The Khalsa Panth will never allow the cult babas to dare to compare themselves with our revered Guru Gobind Singh Sahib, who sacrificed his whole family for the Chardi Kala of the Khalsa Panth," said Dr. Aulakh. "Remember Guru Gobind Singh's words: 'Sava lath se ek laraon, tabe nam Gobind Singh kahaon.' Also remember Guru's blessing, 'In grieb Sikh in ko deon patshahi.' Only a free Khalistan will put a stop to occurrences like this. We must continue to pray for and work for our God-given birthright of freedom," he said. "Without political power, religions cannot flourish and nations perish. The time is now to free Khalistan."

[From the Panthic Weekly, May 17, 2007]

BADAL AND FAMILY ARE SACHA SAUDA PREMIS: CULT SPOKESMAN

Amritsar Sahib (KP)—At a news conference organized by the Sacha Sauda Cult, photographic evidence was released indicating that as recent as January of 2007, Shiromani Akali Dal's president Parkash Badal, his son Sukhbir Badal, and other Akalis met with the dehdahri-cult guru Ram-Rahim and asked for his blessings.

This announcement was made after a large Sikh conclave held at Takht Sri Damdama Sahib called upon the Sikh Nation to socially boycott the entire Sirsa cult, and demanded the Punjab and Haryana Governments to take stern action against the cult leader.

Panthic observers doubt any action would be taken by the Akal Takht Jathedars against the Badals, nor will the Punjab Government take action against the cult. Parkash Badal's cozy relationship between the Sauda leader and other similar cults is now a widely accepted fact.

The recent softening of the tone by Jathedar Joginder Singh Vedanti is an indication that he does not want to ruffle the feathers of his Akali bosses. The recent call for a boycott was not what Vedanti wanted—as evidenced by his silence at the meeting—instead pressure from Jathedar Balwant Singh Nandgarh and the Sikh Sangat left him no other option. Observers predict ultimately it would be the Sikh Sangat that will rise up against the onslaught of derawaad that has been flourishing in Punjab under the Akali administration. Photos such as the above should be ample proof for the agitating Sikh Sangat which side of the fence the Akalis and their puppet Jathedars are really standing on.

HONORING COLONEL KATHLEEN M. SPENCER ON HER RETIREMENT FROM THE U.S. AIR FORCE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize and honor Colonel Kathleen M. Spencer, a soldier who has served her country with honor and distinction. Colonel Spencer is retiring at the end of this month following 30 years in the United States military.

First commissioned in the U.S. Air Force on June 23, 1977, Colonel Kathleen M. Spencer received her B.S., cum laude, from the University of Massachusetts. Upon her entry into the Air Force, she was commissioned a munitions officer.

Colonel Spencer served honorably in 16 different assignments throughout the United States, including a 3-year stint in Germany. She will complete her military career as the Chief of Munitions at Hickam Air Force Base, Honolulu, Hawaii.

During her career, Colonel Spencer served as a munitions maintenance officer and supervisor, as a munitions staff officer and an instructor to Squadron Officer School. She has also held multiple commander positions, served as a military assistant to the Executive Secretary in the Pentagon, as a chief of logistics, and deputy director.

Retiring with numerous decorations for her years of service, Colonel Spencer is especially proud of her Meritorious Service Medal with four oak leaf clusters, her Air Force Commendation medal with two oak leaf clusters, and the Air Force Achievement Medal.

Madam Speaker, it is service members like Colonel Spencer who help make our military the finest fighting force in the world. This Congress congratulates Colonel Spencer on her retirement and wishes her the best in her future endeavors.

HONORING STEPHEN E. MILLARD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to remember the life of Stephen E. Millard, who passed away on Saturday, May 19th, 2007, and to offer his family and friends my sympathies as they grieve and reflect on their time spent with him. In his passing, Steve leaves us all with occasion to consider our own pursuits of integrity and honesty as we remember a life distinguished by both.

Steve Millard came to Colorado's Second Congressional District late in life and, at the age of 40, began a career in professional journalism with the Boulder Daily Camera. In a fairly quick manner Steve transitioned to the editorial staff of the paper and then to a well-suited perch as the editorial-page editor, which is perhaps the professional position for which he will be best remembered. Steve's editorial writing was remarkable not only for its deep well of knowledge and insight, but also for its adherence to logic and restraint. His arguments were the results of intellectual curiosity and clear thinking, not the pursuit of a political agenda. Steve chose to provoke thought with reason and forceful writing which, in a time of increased media and political sensationalism, is a sobering reminder of the public trust held in our journalists and public servants.

As his family reminds us in a May 22 eulogy in the Boulder Daily Camera, Steve Millard lived his life by those same terms, setting an example of integrity, honesty, and intellectual curiosity for those who had the pleasure of knowing him. For members of the Boulder community and readers of the Boulder Daily Camera, he reminds us of the importance of engaging in issues as an informed, thoughtful citizen. As his family and friends mourn their loss, I hope my colleagues will join me in praising Stephen Millard's example and recognizing his contribution to the public discourse.

CONGRATULATING CASEY LEEK

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Casey Leek. Ms. Leek is a student of anthropology and a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Leek and wishing her the best in her future endeavors.

RECOGNIZING ELENI P. KALISCH

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. WOLF. Madam Speaker, I rise today to bring the attention of the House to the exceptional work of Eleni P. Kalisch at the Federal Bureau of Investigation. It has come to my attention that she will stepping down as assistant director of the Office of Congressional Affairs and I want to take this opportunity to recognize her leadership within the FBI, and dedication to her work with the Science-State-Justice-Commerce (SSJC) Appropriations subcommittee, which I chaired during the 109th Congress.

FBI Director Robert Mueller recently stated that Eleni "has been directly involved in every issue facing the FBI over the past five years. . ." and that "as an advocate for the FBI and its mission, Eleni's abilities and professionalism have earned her the respect of both lawmakers and colleagues." I could not agree more with Director Mueller. Eleni worked with the SSJC subcommittee not only to increase resources for the FBI, but to help transform the FBI from an organization focused on arresting criminals to one focused on terrorism prevention after the September 11, 2001, terrorist attacks that forever changed America. Eleni's public service deserves to be recognized.

During her tenure as assistant director of Congressional Affairs the FBI received funding from Congress to establish more than 100 joint terrorism task forces; increase the number of translators by 82 percent, including a 284 percent increase in Arabic translators since FY 2001; enhance the FBI's capability to communicate classified information with the intelligence community and state and local law enforcement; increase the number of legal attaché offices from 44 to 57; increase training for new agents to include classes on terrorism investigate techniques; establish field intelligence groups in every field office, and hire thousands of new agents and analysts.

While I was chairman, we also conducted vigorous oversight of the FBI and Eleni was cooperative and essential in preparatory work to help facilitate FBI transformation hearings each year in addition to the annual budget hearings. Her professionalism and willingness to ensure that the committee had all appropriate information was superior. I also want to recognize Eleni's work with Congress to help enact the PATRIOT Act Reauthorization and Intelligence Reform acts.

In short, Eleni has been a great asset to the FBI, has served the director well, and been an excellent resource for Congress. I wish Eleni the best in her future endeavors and ask that my colleagues join me in thanking Eleni for her hard work and dedication.

IN HONOR OF TIMOTHY J. CRADDOCK, MARGUERITE GABRIELE, JESSICA E. SHAY, AND AVI M. WOLFSON AS THE RECIPIENTS OF UNDERGRADUATE RESEARCH FELLOWSHIPS AT THE UNIVERSITY OF TEXAS AT AUSTIN

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. SESSIONS. Madam Speaker, I rise to acknowledge the accomplishments of Timothy J. Craddock, Marguerite Gabriele, Jessica E. Shay, and Avi M. Wolfson as the recipients of this year's Undergraduate Research Fellowships at the University of Texas at Austin. They have been selected to receive scholarships to pursue research in their respective areas of interest.

The University of Texas in Austin offers financial support for students who undertake scholarly research projects through Undergraduate Research Fellowships. Since its inception in 1996, the fellowship has remained committed to enriching academic experiences by providing 236 students with over $200,000 over the past 10 years to support efforts in their area of study.

After competing in a rigorous application process that included resume submissions, itemized budget proposals, and faculty recommendations, these four outstanding students from the 32nd District of Texas were selected. They were chosen with the anticipation that their efforts would assist in future studies of the field and contribute to the researchers' disciplines. The high caliber of these students' achievements is truly impressive and for that I wish to acknowledge them to my congressional colleagues.

It is my honor to recognize these students. The people of the 32nd District of Texas are proud of their successes. I wish the recipients the best of luck in both present and future endeavors.

TRIBUTE TO THE LATE JOSE LUIS FLORES, SR., 1922–2007

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. GONZALEZ. Madam Speaker, it is with great sadness that I rise today to recognize the passing of a distinguished Texan and member of the San Antonio community, Mr. Jose Luis Flores, Sr. Mr. Flores passed away on Wednesday, May 16, 2007 at the age of 84. He was a friend, a husband, a father, and an inspiration to many in San Antonio, and he will be missed.

Mr. Flores's life was devoted to service to both his community and our country. He was an active parishioner of his church for 47 years, worked tirelessly to improve the lives of others by serving in the Civilian Conservation Corps, and courageously served our nation during the Second World War. For these reasons, we'll forever be grateful for all that he did on behalf of others, and San Antonio will deeply miss one of its native sons.

His life of service epitomizes the word "American." He gave back to his community and served his country to the best of his ability with the hope that he could better the lives of others. His life and legacy provide a great example for all that we as a Nation to strive to accomplish, and he will be missed by all who were lucky enough to know him.

HONORING CITY TILE AND FLOOR COVERING COMPANY'S 50 YEARS IN BUSINESS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to congratulate Doug Young and City Tile and Floor Covering Company on its 50th anniversary. The Murfreesboro, Tennessee, store began with fewer than five staff and now has about 20 employees and 30 subcontractors.

Doug's father, Andrew Young, was a partner in the business and brought Doug in as a partner shortly before he passed away. In 1978, after college and a tour in the U.S. Army, Doug became the sole proprietor of the business while in his late 20s.

Today, Doug's son, Andrew; brother, Rule; and son-in-law, Jerry Clark, are future partners-in-training. Doug says the tremendous amount of trust that exists in having a family business is the way to go. That trust exists not only inside the business, but also for City Tile and Floor Covering Company customers, as well. Doug's family has provided any type of flooring you can imagine for current generations, their parents and grandparents.

Doug lived down the street from me as we were growing up, so I have had the opportunity to watch and admire as Doug has developed his business and raised his family. Doug, I wish you and your family business many more happy milestones.

CONGRATULATING AMY KUENKER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Amy Kuenker of the College of William and Mary. Ms. Kuenker is a teaching student and a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Kuenker and wishing her the best in her future endeavors.

IN TRIBUTE TO ANDREW R. RENEAU

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to the life and work of Mr. Andrew Reneau, a highly-respected and deeply principled Milwaukee attorney and Family Court Commissioner. Mr. Reneau died on May 6, 2007, at the age of 90.

Andrew R. Reneau was one of two African Americans to graduate from the University of Wisconsin in 1942. Upon graduation, the only work he could find was as a metal chipper at the Allis Chalmers foundry. After sustaining a serious eye injury, Mr. Reneau went back to school. A coin toss determined whether Mr. Reneau should become a mortician or go to law school. In 1946, Andrew Reneau earned a law degree and was the only African American in his Marquette University graduating class.

Mr. Reneau began a successful private law practice serving people from all over the city, conversing both in Polish and Italian with his clients. In 1976, Reneau became an Assistant Family Court Commissioner. He was named the first African American Family Court Commissioner in 1978, serving until his retirement in 1995. Andrew Reneau was a NAACP chapter president, the first editor of The Globe newspaper, and was active with the Boy Scouts of America Council and the YMCA. He was a founding member of St. James United Methodist Church and involved in the National Conference of Christians and Jews. A proud graduate of UW and Marquette, he lectured on family law at both law schools.

The grandson of slaves, he was born in Pontotoc, Mississippi in 1916, the youngest of eight children. The family moved to Beloit, WI, when he was 2 seeking better opportunities. Due to ill health, Mr. Reneau was unable to attend grade school for several years thus delaying graduation from high school until age 21.

Mr. Reneau met the former Phyllis Cabell at a church convention in St. Paul, Minnesota, and they were married after he graduated from UW. Phyllis Reneau supported the family by working at a foundry while he attended law school. Phyllis Reneau passed away in 1995. Reneau family survivors include sons David, Paul, Joseph, and Peter; grandchildren; and great-grandchildren.

Madam Speaker, in Andrew Reneau's death Milwaukee has experienced a profound loss. Today, I thank him and his family for their immeasurable achievements, I mourn his loss and I salute his legacy.

FREEDOM FOR NORMANDO HERNÁNDEZ GONZÁLEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to inform Congress about Normando Hernández González, a valiant prisoner of conscience in totalitarian Cuba.

Mr. Hernández, an independent journalist and the director of the Camagüey College of Independent Journalists in Cuba, has been a chronicler of truth amid the lies and deceit of the Cuban totalitarian regime. Because he is a journalist who exposed the deplorable conditions, ruthless repression and failed policies of the totalitarian tyranny, Castro's thugs have continuously harassed Mr. Hernández. He has been detained and released miles from his home on various occasions and his telephone service has been cut off since June 15, 2002. In Cuba, men and women who seek truth or freedom are considered enemies of the state.

In March 2003, as part of the tyrant's heinous island wide crackdown on peaceful pro-democracy activists, Mr. Hernández was arrested by the tyranny. In a sham trial, he was sentenced to 25 years in the totalitarian gulag, for the crime of preparing reports, in which he attacked the health system, and the education provided in this country, questioned the justice system, tourism, culture, agriculture. Following his incarceration, Mr. Hernández has been kept is solitary confinement and allowed only 4 hours of sunlight a week. All communication with his family has been severely restricted and according to Yarai Reyes, his wife, he has been fed rotten food, refused all medical care and has been kept in a cell with no electricity.

When Mr. Hernández participated in a hunger strike to protest the deplorable prison conditions, he was transferred to another prison over 400 miles away from his family and loved ones. In this prison, he languishes in a rat and insect infected dungeon which he shares with common prisoners, many of which are considered dangerous and unstable. Mr. Hernández is routinely beaten and denied access to the outside world.

Madam Speaker, on April 30, 2007, the PEN American Center, which works to advance literature, defend free expression, and to foster international literary fellowship, named Mr. Hernández the recipient of its 2007 PEN/Barbara Goldsmith Freedom to Write Award honoring international literary figures that have been imprisoned or persecuted for defending the basic human right of expression. Let me be clear, Mr. Hernández is confined in an infernal dungeon for reporting truth instead of the mandated lies of the dictatorship in Cuba.

My colleagues, it is unconscionable and condemnable that just miles from our shores, a grotesque gangster regime keeps thousands behind bars simply for supporting freedom and democracy. I ask all members of this great Congress to demand with one, united, voice, the immediate release of Normando Hernández Gonzalez and every political prisoner in totalitarian Cuba.

IN HONOR OF THE STUDENT GRADUATES OF PARAMUS' D.A.R.E. PROGRAM AT EAST BROOK MIDDLE SCHOOL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. GARRETT of New Jersey. Madam Speaker, today, the Paramus Police Department will hold its D.A.R.E. graduation ceremony with the students of East Brook Middle School. More than 140 students are participating in this important program that gives young people the support they need to say no to drugs, underage drinking, and gang violence.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. It uses positive peer pressure to help children defeat the negative cultural influences that bombard them daily.

I am proud of the young boys and girls who participated in this program at East Brook Middle School, and I would like to recognize them all for taking this step toward positive citizenship:

Pankti Acharya, Omar Al-Rashdan, Danielle Ambrose, Elias Atie, Benjamin Audi, Amanda Aydin, Joseph Bacich, Matthew Barbara, Timothy Barkho, Adam Basner, Brianna Behrens, Christopher Billera, Lindsay Braverman, Vince Calupad, Eric Carminio, Tyler Casamenti, Alexa Cascione, Jessica Chakonis, Winnie Chau, Hae Chang Cheong, Daniel Choi, Emily Colasante, Matthew Criscione, Erica Cruz, Nicolas Datz, Dean Delucia, Michael DeSimone, Lillian Do, Timothy Dungan, Jermiah Emmenuel, Shannon English, Veronique Falkovich, Kenny Frohnapfel, Gia Fuerte, Cayla Gao, Kaitlyn Garcia, Miny Ge, Eric Giannantonio, Harlee Glock, Zoe Gnecco, Keisuke Goto, Tance Gozukucuk, Nicholas Gramuglia, Daniel Grisanti, Rebekah Guidroz, Aris Gungormez, Leila Hassak, Sabrina Helm, Erik Helstrom, Adriana Hemans, Kellie Heom, Darius House, Phillip Huffman, Yoon Jeong Hwang, Jaime Iacono, Suguru Ikeda, Alen Jo, Laila Jouejati, Erica Kato, Ji Soo Kim, Ah Young Kim, Victor Kim, Alexandra Kipp, Caroline Kordell, Theodore Koutros, Karen Kouyoumdjian, Anna Kuriakose, Richard Labarbiera, Kevin Lannigan, Stephanie Lasprilla, Paul Lawton, Sarah Lee, Jun Oh Lee, Monica Lehner, Andrew Licini, John Lukert, Aysia Luna, Melissa Lynch, Fabio Macias, Yu Maruyama, David Medvitz, Samuel Melendez, Paul Meyer, Matthew Miller, Koji Minoda, Edwin Montalvo, Bryan Mosquera, Heather Murphy, Stephen Obregon, Timothy Oechsner, Kevin Oh, Yula Oh, Daichi Omori, Rasha Orfali, Pamela Ospina, Abigail Ovadia, Kyrstie Pagunsan, Sylvia Pak, Michael Paladino, Thomas Palestina, Michelle Park, Dean Park, Mona Park, Sungho Park, Alexandra Pascual, Michael Passarelli, Kinjal Patel, Mitesh Patel, Gina Pecchinenda, Justin Peter, Kishen Pujara, Alejandra Ramirez, Elizabeth Reyes, Julia Reynolds, Colin Richardson, Jerry Rickelmann, III, Kathryn Roque, Gina Ruzhansky, Victoria Savastano, Stephen Scheideler, Gianna Scimeca, Bryan Shin, Olivia Sluka, Dominick Smith, Zachary Smith, Regina Smith, Alexis Stella, Rose Velli, Danielle Villa, Chelsea Virga, Thomas V. onborstel, Corinne Weinzierl, Alison Wolfer, Cindy Wu, Hosun Yoo, Andrew Yoon, Geena Yum, Ariana Zarour, Colette Zarour.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. HONDA. Madam Speaker, on Tuesday, May 22, I was unavoidably detained and was not present for six rollcall votes on that day.

Had I been present I would have voted: "no" on rollcall 390 on agreeing to the Price of Georgia amendment No. 9; "no" on rollcall 391 on agreeing to the Doolittle of California amendment No. 19; "no" on rollcall 392 on agreeing to the Hensarling of Texas amendment No. 30; "no" on rollcall 393 on agreeing to the Neugebauer of Texas amendment; "yea" on rollcall 394 on agreeing to the Neugebauer of Texas amendment No. 4; "no" on rollcall 395 on motion to recommit with instructions for H.R. 1427.

IN MEMORY OF DR. BENEDICT K. ZOBRIST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. SKELTON. Madam Speaker, it is with deep sadness that I inform the House of the death of Dr. Benedict K. Zobrist, the former director of the Harry S. Truman Presidential Library.

Dr. Zobrist was born in Moline, Illinois, on August 21, 1921, son of Benedict and Lila A. Colson Zobrist. He graduated from Moline High School in 1939 and went on to attend Augustana College, but left his studies to join the United States Army in 1942. After serving in World War II and upon discharge from active duty, he returned to complete his college studies. It was at Augustana College that he met Donna Anderson, his future wife. Benedict graduated in 1946 with a bachelor's degree in history and began graduate school at Stanford University. However, he returned to the Midwest to be closer to Donna and on October 23, 1948, they were united in marriage.

Dr. Zobrist resumed his studies at Northwestern University, earning both a master's degree (1948) and a doctor of philosophy degree (1953) in history. After completing his education, Dr. Zobrist joined the staff of Augustana College, where he became a fulltime faculty member in 1960. In 1962, he won a Fulbright Fellowship and studied at Tunghai University in Taichung, Taiwan. He also pursued advanced studies at the East Asia Institute at Columbia University in New York in 1962–63.

Dr. Zobrist moved to Missouri in 1969 to join the staff of the Truman Library in Independence; he became director shortly thereafter. He worked diligently to expand the collections of the library, traveling from coast to coast to meet with members of the Truman administration, as well as other significant figures of that period. Zobrist expanded the work of the Harry S. Truman Library Institute, the not-for-profit foundation associated with the library. He went on to charter a course for the expansion of the Institute's education efforts and its support of the library's operations within the National Archive system. Dr. Zobrist was most proud of instituting "Truman Week", a week long annual celebration held around President Truman's May 8th birthday.

Dr. Zobrist maintained his affiliation with the United States Army as a reservist, and retired as lieutenant colonel. He spent many summers on active duty with the Office of the Chief of Military History in Washington, DC,; he also served as a faculty member at the Command and General Staff College, Fort Leavenworth, and the Army Intelligence School, Fort Bragg.

Madam Speaker, I know the members of the House will join me in extending heartfelt condolences to Donna Anderson Zobrist and their three sons: Karl, Mark, and Erik.

CONGRATULATING SHANA KHADER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Shana Khader of Occidental College. Ms. Khader is a teaching student and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Khader and wishing her the best in her future endeavors.

INTRODUCTION OF THE INCOME-DEPENDENT EDUCATION ASSISTANCE ACT OF 2007

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. PETRI. Madam Speaker, today, I am introducing of the Income-Dependent Education Assistance (IDEA) Act of 2007. This legislation would provide a new consolidation option for federal Stafford student loan borrowers with an improved repayment schedule through direct IRS collection of payments, along with other new protections for borrowers and taxpayers.

I believe that the IDEA Act will address the oft-overlooked side of federal student loan assistance: repayment. For over four decades, most of the discussion regarding federal student loans has primarily focused on making ever-increasing amounts of money available to students to keep up with the rising costs of college tuition.

However, providing students with larger loans to attend college leads to another, more complex challenge after graduation. How should students be expected to repay these taxpayerfunded loans? This is an area that has received relatively little attention until recently. With students graduating with ever-increasing debt loads, averaging over $18,000 this year and projected to continue to rise, students are finding it increasingly difficult to make loan payments on time and in full.

Unfortunately, little has been done by way of providing more flexible repayment options for borrowers after graduation. Traditionally it has been expected that the borrower will pay the amortized loan over a standard period, usually 10 years, with the same repayment amount on day one as on the last day. However, this model of repayment fails to take into account that students often face periods of significant unemployment or underemployment during the first years after leaving college.

As of now, for the most part, the only options available to borrowers are to request a period of forbearance or slip into default, which is bad for both borrower and taxpayers. We simply cannot keep providing more and more money for education if graduates then enter the workforce saddled with payments they can't afford.

While there have been some attempts to provide more diverse repayment options, such as the income-contingent loan repayment program available through Direct Lending that has been in existence for over a decade, borrowers have failed to adopt them, usually due to a lack of information or current program limitations. The bottom line is that Congress needs to develop better repayment alternatives for federal student loan borrowers, especially as students continue to take out larger and larger loans in coming years.

I believe the IDEA Act does just that. This legislation would allow any Stafford loan borrower the ability to consolidate into a direct IDEA loan with a repayment schedule that corresponds to the borrower's income once in repayment. This new schedule requires regular payments; however, it ensures that such payments reflect the borrowers' capacity to repay under their current income status. This feature would be particularly useful for those pursuing lower-income, public-service careers. It also would help relieve some of the stress that borrowers face during periods of unemployment or underemployment following graduation.

Another critical component of this legislation is the direct collection of payments from the borrower through IRS withholdings. By incorporating the IRS directly as the collection entity, the borrower's income is automatically calculated into the repayment system and reduces the odds of fraud or abuse on the part of the borrower or the collection agency. Furthermore, direct IRS collection would simplify the process for borrowers and reduce their paperwork burden as the agency would already have the necessary information on file and in place for processing the payment amounts and schedules. Finally, the IDEA Act stipulates that borrowers that go into default and have exhausted all relief from the loan holder would automatically be consolidated into IDEA loans in order to help them get their payments back on track and avoid costly defaults. Thus the taxpayers' investment will be protected from the damaging effects of borrower default, which currently affects 5.1 percent of federal student loans each year.

Madam Speaker, the IDEA Act is an innovative solution to the growing problem of unmanageable debt loads for students. Students would be able to borrow what they need, up to the current Stafford limits, and later consolidate into IDEA loans knowing that their repayment amounts will be within their income levels and ability to pay. On the other hand, taxpayers can count on those loans being repaid as they are collected through the IRS. This is a responsible approach to a serious and growing problem for student loan borrowers.

HONORING THE LIFE OF REVEREND JOE BAMBERG

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is with a heavy heart that I rise today to recognize and remember an inspirational leader in our community, Reverend Joe Bamberg. Brother Joe left us Monday morning, May 21, at the age of 91. Brother Joe was a selfless leader who will sorely be missed by his family, congregation and community. Our thoughts and prayers remain with Mary, his wife of 63 years, as well as his three children, one grandchild, two great-grandchildren, and his sister.

In his early years, Brother Joe served as a pastor in his native Alabama hometown and as an Army chaplain during World War II. However, beginning in 1947, Brother Joe became the pastor of First Baptist Church of Milton, where he served for 60 faithful years. Reverend David Spencer, who is the current pastor of First Baptist Church, credits Brother Joe for the constant growth of the congregation, saying "He was such a worker, a tireless person. He got out and found people, won people for the Lord, and built up this church."

Brother Joe not only worked to strengthen his own congregation, but also reached out and led efforts to begin five other churches in the community. The purpose of his ministry was simply to lead others to Christianity, regardless of whom they were and which church they attended.

Brother Joe's humility was one of his greatest qualities. As a pastor, he intentionally put others before himself. To account for his character, his wife, Mary said her husband made sure to stand at the same level as his congregation during the service. No matter the circumstance, "Joe never took a day off and he refused many pay raise offers."

In 1980, Brother Joe graciously stepped down from the pulpit; however, he continued to serve as pastor emeritus. Persistent in his work, he continued to assist his community through visiting and preaching at local hospitals and nursing homes.

Brother Joe was truly a servant to the Milton community. Reverend Spencer most accurately describes the great significance of Brother Joe's life, saying, "He was a fixture in this county; I cannot overstate the impact he had on this community and on this church." It is certain that the world has lost a great man. May God rest his soul and continue to bless his family.

HONORING DR. RICHARD COE

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Dr. Richard Coe for his exceptional career in education and his tremendous contributions to the community. Dr. Coe is retiring after nearly four decades as a teacher and administrator, roles in which he served as an inspiration to both students and colleagues alike.

For the past eight years, Dr. Coe has served as the executive director of the Bucks County Intermediate Unit #22. Through his leadership and guidance, this organization has improved the quality of education for students all across Bucks County. His steadfast commitment to students and teachers has motivated educators throughout our community to follow his example of compassionate dedication.

Madam Speaker, Dr. Coe has been devoted to ensuring the education of all children, especially those with special needs. He began his career as special education classroom teacher, later becoming an administrator of special education services. Dr. Coe intimately understands our society's fundamental responsibility to educate our youth. This means helping students overcome obstacles, no matter how great or small. Like all great educators, Dr. Coe can see the potential and ability in every student. Each student is equally special and equally important.

Madam Speaker, Dr. Coe will be missed in his role with the Bucks County Intermediate Unit. But Dr. Coe will leave behind a legacy that will continue to inspire his colleagues. We can all rest assured that retirement will do nothing to hinder Dr. Coe's enthusiasm for education. Dr. Coe has actively served the community with same eagerness and commitment that he has shown in the classroom. A long list of community organizations have benefited from Dr. Coe's service. Madam Speaker, Dr. Coe has been instrumental in the positive development of our youth and our community, and I would like to thank him on behalf of those whose lives he has touched.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, while I was absent from the House of Representative last week due to the birth of my son, I would like to state how I would have voted on the following pieces of legislation if I had been able to be present:

H.R. 1773

To limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

Rollcall No. 349—Yea

H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT

Rollcall No. 351—Nay
Rollcall No. 352—Nay
Rollcall No. 355—Yea
Rollcall No. 364—Nay
Rollcall No. 365—Nay
Rollcall No. 366—Nay
Rollcall No. 367—Nay
Rollcall No. 368—Yea
Rollcall No. 369—Yea
Rollcall No. 370—Nay
Rollcall No. 371—Nay
Rollcall No. 372—Yea
Rollcall No. 373—Yea

H.R. 1427

To reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes.

Rollcall No. 378—Yea
Rollcall No. 379—Yea
Rollcall No. 380—Yea
Rollcall No. 381—Nay
Rollcall No. 382—Yea
Rollcall No. 383—Yea.

CONGRATULATING KRISTA BRUNE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Krista Brune of Princeton University. Ms. Brune is a Latin American and Caribbean studies student and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Brune and wishing her the best in her future endeavors.

TRIBUTE TO OXFORD CENTRAL SCHOOL ARCHERY TEAM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today with great pride to honor the archery team at Oxford Central School in Oxford, New Jersey. This excellent team has already proven themselves by winning the state championship in the National Archery in the Schools Program. They will now go on to compete in Louisville, Kentucky for the National Championship.

The National Archery in the Schools Program has shown that students not only enjoy learning about archery in school but also report higher attendance on days when archery is taught. I am pleased that Oxford Central School has not only embraced this successful program, but also seen such positive results from its implementation.

The Oxford archery team is comprised of 24 outstanding shooters who finished well above their competition in New Jersey. Two of the archers, Kayle Bethune and Sharlette Carey, finished in the top three in the state. They will now go on to compete against archers from 41 other states for the national title. I expect that the Oxford archery team will certainly be a force to be reckoned with during competition.

Their individual performances and overall team accomplishments thus far deserve our most heartfelt congratulations and I wish them the best of luck at the National Championships on June 9th.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. FOSSELLA. Madam Speaker, on roll call no. 395 I was unavoidably detained. Had I been present, I would have voted "yes."

TRIBUTE TO THE EUGENE A. OBREGON AMERICAN LEGION POST 804 ON THE OCCASION OF ITS 60TH ANNUAL MEMORIAL DAY SERVICE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to pay tribute to the Eugene A. Obregon American Legion Post 804 located in East Los Angeles in my congressional district on the occasion of its 60th Annual Memorial Day Service.

Chartered by Congress in 1919, the American Legion was formed as a patriotic wartime veterans' community service organization. Thirty-five years later, the American Legion Post 804 was chartered locally in East Los Angeles.

Post 804 was named after East Los Angeles war hero Private First Class Eugene Arnold Obregon who was killed in Seoul, Korea in 1950 by enemy forces while in the line of duty. Private Obregon served with Company G, Third Battalion, Fifth Marines, First Marine Division (Reinforced) and his death occurred just days before his 20th birthday.

While serving as an ammunition carrier for a machine gun squad, he was pinned down by hostile fire and left his covered position to attend to a fallen Marine, dragging him to safer ground. After seizing the Marine's shoulder rifle, he used his own body as a shield to protect his wounded comrade, firing at the enemy until he was fatally wounded by machine gun fire.

For his courage and selflessness above and beyond the call of duty, Private Obregon was posthumously awarded the United States Congressional Medal of Honor—the highest award for valor in action against an enemy force bestowed upon an individual serving in the Armed Services.

My father, the late Congressman Edward R. Roybal, himself a World War II veteran, was extremely grateful to Private Obregon and the many other men and women who made the ultimate sacrifice in defense of our nation. My father was among the founding members of Post 804, and it was always important to him that Memorial Day be observed with a heartfelt and patriotic tribute to the fallen. If my father were with us today, he would be the first to commend Post 804 for its 60-year tradition of organizing these poignant Memorial Day services.

This year, the American Legion Post 804 will be holding an inspirational 24-hour Memorial Day Patriotic Vigil. It will begin at 10 a.m. on Sunday, May 27 and conclude on Monday, Memorial Day, May 28 at 10 a.m. The conclusion of the vigil will mark the beginning of the Post's Memorial Day service at Cinco Puntos in East Los Angeles, and the entire community has been invited to participate.

Many of the Post's 150 members who will participate in the service know firsthand the toll that war takes on our brave men and women who serve. The Post's membership includes veterans of World War I, World War II, the Korean War, Vietnam, Lebanon, Grenada, Panama, Afghanistan and the Persian Gulf.

In addition to the Post's Memorial Day service, Post 804 supports and sponsors a number of important community events throughout the year, including Veterans Day services at Atlantic Park in East Los Angeles, a toy drive for the Children of Brooklyn Avenue School, school presentations on the American Flag and Patriotism, and voter registration and blood drives.

The Post is also home to Sons of the American Legion Post 804 and the Veterans of Foreign Wars Post 4696, including its Ladies Auxiliary. The Los Angeles Chapter of the Hispanic Airborne Association, the San Gabriel Valley Chapter of the 82nd Airborne Association, and the Rice Patties Jumpers Chapter of 187th Regiment also call the Post home.

Madam Speaker, I salute Post 804 for its patriotic and meaningful work in the community and for steadfastly holding true to its basic tenants to safeguard "the principles of justice, freedom and democracy" and "to promote peace and goodwill on earth . . ." Through its efforts in organizing Memorial Day services and its other important community undertakings, the Post serves as a living memorial to our men and women in uniform who have made the ultimate sacrifice for our country.

I ask my colleagues to join me in recognizing the outstanding work of the Eugene A. Obregon American Legion Post 804 on the occasion of its 60th Annual Memorial Day Service at Cinco Puntos in East Los Angeles, and in commending the Post for its dedication to preserving the memories of our brave soldiers to ensure that we "never forget."

CONGRATULATING ZACHARY BARTER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Mr. Zachary Barter of Brown University. Mr. Barter is a teaching student and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Mr. Barter and wishing him the best in his future endeavors.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Ms. BERKLEY. Madam Speaker, I was unable to vote on rollcall Nos. 397 through 402. Had I been present, I would have voted "aye" on rollcall Nos. 397, 398, 399, 400, 401, and 402.

TRIBUTE TO OUTSTANDING VALPARAISO, INDIANA NOON KIWANIS CLUB VOLUNTEERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to commend nine exceptional individuals from Northwest Indiana who have been recognized as outstanding volunteers by the Valparaiso, Indiana Noon Kiwanis Club.

These individuals are: Judy Back, Elizabeth "Bette" Brown, Bob Buhle, Chelsey Dunleavy, Michele Hale, Sandy Jenkins, Beverly Overmyer, Pat Puffer, and Rob Thorgren. These honorees will be recognized at the Sixth Annual Valparaiso Kiwanis Club Foundation Volunteer Recognition Program, which will be held on Wednesday, May 30, 2007, at the Strongbow Inn in Valparaiso. This annual event recognizes the efforts of outstanding community volunteers and celebrates the spirit of volunteerism in Valparaiso.

Judy Back, of the Salvation Army, has been a constant role model and a true inspiration to her community through her many volunteer efforts. Having served on and chaired many boards throughout the years, Judy has been extremely active in her efforts with the Porter County Angel Tree Program, a program that provides children with gifts and families with food for the holidays. Judy has also been active in many other facets of the Salvation Army, as well as the Purdue North Central Women's Association, of which she was the founding president.

Bette Brown, a retired teacher with the Valparaiso Community Schools, has enriched the lives of countless students over the years. Since her retirement, she has continued to volunteer at Valparaiso High School, serving as front desk person. In this capacity, Bette is in charge of greeting visitors and guiding them on their visits. In addition, she plays an important role in the safety of the students by making sure that all visitors are authorized and accounted for. Furthermore, Bette has been active in the Valparaiso Organization for Learning and Teaching Seniors (VOLTS) program, as well as the Lyric Opera Lecture Corps, a program aimed at introducing children to classical music.

Bob Buhle has served in many capacities for the Hilltop Neighborhood House for several years, including Board President and Vice President. In addition, he has been instrumental in the construction of the Hilltop Community Health Center, as well as a dedicated member of the organization's Board Development Committee and Finance and Audit Committee. Not only has Bob dedicated himself to Hilltop, he has also donated much of his time and efforts to Habitat for Humanity.

Chelsey Dunleavy, a peer tutor in the Life Skills Program at Valparaiso High School, has served as President of the HOPE Club for the past two years. As a volunteer in the Life Skills Program, Chelsey devotes her spare time to helping students with special needs. As President of the HOPE Club, she plans and supervises activities and events and does so in a manner that allows everyone to participate. Chelsey is also very active in her church, where she teaches Sunday school, as well as in various other programs at Valparaiso High School. In performing any tasks, Chelsea is known for her ability to excel far beyond any expectations, and more impressively, to do so without expecting anything in return.

An avid runner, Michele Hale, has been a volunteer with Opportunity Enterprises for the past seven years. Pairing her love for long-distance running with her commitment to serve her community, Michele leads the Opportunity Enterprises' Lake County Marathon Training Team and also serves as the organizer for an annual charity bike run. Michele also serves as President of the Calumet Region Striders and contributes much of her efforts to the Cancer Foundation, the Muscular Dystrophy Association, and Saint Jude's Children's Hospital.

Sandy Jenkins, a volunteer for the Porter Auxiliary, has contributed countless hours to the organization and the people it serves. While her primary duty is to provide information for visitors at the front desk, Sandy has always welcomed additional responsibilities with the Auxiliary and has served in a secretarial capacity and in public relations as well. For her efforts and her unwavering dedication to the Porter Auxiliary, Sandy has even been featured in the Stay Healthy magazine.

A volunteer with the Independent Cat Society, Beverly Overmyer has fully dedicated herself to the organization. Among other roles, Beverly has served on the Board of Directors, as Corresponding Secretary, writer for the Mewsletter, room parent, co-chair of the public relations committee, and in many fundraising capacities. Though extremely committed to the Independent Cat Society, Beverly also finds time to volunteer for the Taltree Arboretum, where she serves as an instructor and prepares materials for field trips, and is very active in the Kankakee Valley Historical Society.

Pat Puffer is being honored for her many efforts in the community, most notably, her work with the Porter-Starke Services Foundation. Pat has served the foundation in various capacities, such as board member and sponsorship and silent auction committee member for the Art of Healing Gala. Passionate about her service to the community, Pat has been involved not only with Porter-Starke, but with numerous other organizations and fundraising efforts, including: the Valparaiso Ethics Committee, Parkinson Style Show, American Heart Association, Valparaiso YMCA, Children's Museum of Valparaiso, United Way of Porter County, Crisis Center, Boys and Girls Club, American Cancer Society, and Special Kids Special Needs, to name a few.

Rob Thorgren has been a volunteer with the Valparaiso YMCA for the past five years. A leader within the organization and his community, Rob has served in many capacities with the YMCA. He has served on the Board of Directors, as a Strong Kids Campaigner, and as a special events volunteer. Additionally, he has served as a member of the Capital Campaign Development Committee and the Building Committee for the new Valparaiso Family YMCA.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding individuals on their recognition as honored volunteers by the Valparaiso Kiwanis Club Foundation. Their years of service and dedication have played a major role in shaping the future of Northwest Indiana, and each of the honorees is truly an inspiration to us all.

TRIBUTE TO DEBORAH COHN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize the fine work of Deborah Cohn, Deputy Commissioner for Trademark Operations at the United States Patent and Trademark Office (USPTO), for her leadership in promoting government telework. As a result of her ingenuity and perseverance with this program, Ms. Cohn spearheaded the development of the USPTO's telework program at a time when telework was unconventional, and her efforts have paid off as the program is among the most successful telework programs within the Federal workforce.

This year, the Trademark Work at Home (TWAH) program is celebrating its 10th anniversary. Established in March of 1997, TWAH began as a pilot program with 18 telework volunteers. Today, TWAH is the most successful and progressive program in the Federal Government, involving 85 percent of eligible trademark examining attorneys, who work 4 days per week at home.

The USPTO, located in my congressional district in Alexandria, VA, has received many distinguished awards for opening doors to its telework program. These include the most recent 2007 Work-Life Innovative Excellence Award from the Alliance for Work-Life Progress—the highest honor offered by the organization, which was created to showcase programs and policies that demonstrate excellence in promoting work-life effectiveness while achieving institutional goals. Other notable awards include those from the Metropolitan Washington Council of Governments, the Telework Exchange, the MidAtlantic Telework Advisory Council, and the International Telework Association and Council.

The Trademark telework program is a successful model for other governmental agencies. Combining management by objective with hoteling results in proven space and related cost savings for the agency. The program also demonstrates that flexibility of schedules and location enables employees to maximize their working efficiency, which is reflected in production gains by its participants and the Office. The extremely low attrition rate experienced by the TWAH participants shows that agencies facing recruitment and retention problems would be well-served by offering telecommuting options, similar to those of the USPTO, to attract and retain qualified workers.

I have been a longtime advocate of commuter friendly policies such as telecommuting. Proven benefits include helping to offset the high price of gasoline, continuity of operations in the case of a future threat or disaster, improved air quality, reduction in traffic congestion, increased employee productivity and work quality, improved employee morale, and employee cost savings. As the Nation's largest employer, the Federal Government should be the leader in telework policy. The USPTO serves as the gold standard for the Federal Government thanks to the efforts of Deborah Cohn.

Ms. Deborah Cohn is a graduate of The American University and George Mason University School of Law. She began her career at the USPTO in 1983 as a trademark examining attorney, was promoted to senior attorney and then managing attorney, and then joined the Senior Executive Service as a Trademark Law Office Director in 2001. Ms. Cohn was named Deputy Commissioner for Trademark Operations in 2005 whereby she currently oversees the examination and processing of applications throughout the trademark operation and works with other USPTO business units in achieving agency goals.

Throughout her legal career at the USPTO, Ms. Cohn has been involved in work-life improvement initiatives. She is a former Council of Excellence in Government fellow where she first began developing the TWAH program. Ms. Cohn is a sought after resource, speaker, and expert on the development and management of telework programs.

I ask my colleagues to join me in commemorating Ms. Cohn's efforts in making the USPTO's telework program the most successful program within the Federal Government. I also ask my colleagues to join me in celebrating the 10th anniversary of the Trademark Work at Home program.

CONGRATULATING THE AMBASSADOR OF GREECE TO THE UNITED STATES, MR. ALEXANDROS MALLIAS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Ms. BERKLEY. Madam Speaker, I rise to congratulate the Ambassador of Greece to the United States, Mr. Alexandros Mallias, who was recently honored by the B'nai B'rith International Center for Jewish Culture for his commitment to advancing Jewish-Greek relations.

As part of its "Odyssey of the Jews of Greece" series of cultural events, B'nai B'rith International recognized the efforts of Ambassador Mallias in working with American Jewish organizations to promote a closer relationship between Greece and Israel. B'nai B'rith Executive Vice President Dan Mariaschin expressed the organization's gratitude to Ambassador Mallias and highlighted the long history of the Jewish people in Greece.

On a personal note, my own family was part of that history. My great grandparents and maternal grandmother emigrated from Greece to the United States, and many of those family members they left behind in the Jewish community of Thessaloniki perished at the hands of the Nazis during the Holocaust.

I would like to congratulate Ambassador Mallias, and insert his remarks into the Record.

(A) Relations Between Greeks and Jews Through the Centuries

Greeks and Jews are connected by history, geography, monotheistic religions, philosophy, trade, social sciences, arts.

The two peoples have been interacting since the beginning of recorded history. There is recorded presence of Jews in the Greek world, what Jews first named Gentiles, centuries before Christ. The presence of Jewish community in Thessaloniki, the capital of Macedonia, goes back to the 2nd century B.C.

The most important sites of Christianity in the Holy Land are under the supervision of the Greek Orthodox Patriarchate. It is a unique and the most ancient surviving institution on earth.

Over the years, Greece has forged strong ties with Israel. Bilateral relations are at a very good level. Political, economic and cultural relations have gained their own dynamic.

(B) Holocaust

During the Second World War, Greek Jews shared the fate of their fellow Jews all over the continent in the hands of the Third Reich.

According to the Central Board of Jewish Communities in Greece: "When, during the German occupation, the hateful campaign against the Jews started, their Christian compatriots showed compassion and solidarity."

Archbishop of Greece Damaskinos declared: "We are all Jews." He filed to the German Authorities 2 petitions asking them to stop the persecution of the Jews. The petitions were undersigned by 29 leading cultural institutions and professional bodies of the country, including the Academy of Athens. Many ordinary Greeks in rural Greece and big cities risked their lives and the lives of their families by sheltering Greek Jews.

Fortunately, the decimated Greek Jewish community with the assistance of the state and energized by its unique spiritual inheritance survived the massacre of the Holocaust. Today the Greek Jews have reclaimed their rightful position among the most dynamic and progressive segments of the Greek society.

The message of the Holocaust: Never Again.

(C) Indicative Measures Adopted by the Greek State.

First post World War II Greek Government was the first among European countries to pass legislation for the restitution of the property confiscated by the German occupation Forces. Unclaimed property did not revert to the state but was given to the Jewish Community.

Designation by Law 3218/2004 of the 27th of January as the day of Remembrance of the Holocaust. Legislation was praised by many members of the U.S. Congress.

Greece became a full member of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (Cracow Session 12-18 November 2005).

Memorials have been erected in many cities throughout Greece.

Public TV often shows documentaries and historical series on the Holocaust.

Since school year 2005–2006, the Holocaust is included in the curriculum of the third grade Lyceum (age 17–18 years old) entitled "War crimes—the Holocaust" and students are tested at the end of the school year.

An extensive revision of textbooks is being undertaken by the Pedagogical Institute. A new textbook and teachers' guidelines will be issued next year. Textbooks of primary and secondary education are also being revised.

(D) Historic Perspective

Greece has firmly condemned pronouncements by the Iranian President calling for Israel to be wiped-off the map and denying the indisputable fact of the Holocaust. How would anyone deny this fact when the Greek-Jewish community almost vanished during the German occupation of Greece?

The unique historic perspective of the Jewish people guarantees that the issue of Macedonia is well understood. After all, one of the most ancient and flourishing Greek-Jewish communities is in Thessaloniki. Jews from Macedonia who after WW II emigrated to Israel or the U.S. are proud for their Greek inheritance.

History transcends national borders. It belongs to all of us. Political differences cannot justify the distortion of history in any form. Greeks and Jews understand that.

IN HONOR AND MEMORY OF ARMY SERGEANT CASEY W. NASH

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Army Sergeant Casey W. Nash, who died the eighteenth of May two-thousand seven in support of Operation Iraqi Freedom.

Sergeant Nash and two other soldiers were killed by an improvised explosive device in Tahrir, Iraq. He died of serious injuries when the roadside-improvised explosive device detonated near his unit. Sergeant Nash enlisted in the Army in February 2003, shortly after graduating from Eastern Technical High School, where he played football. Casey was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division at Fort Hood, Texas. Casey served as a fire support specialist and his duties included mapping coordinates and driving a Humvee. He was serving his second tour of duty in Iraq.

Casey Nash was born in Pasadena, Texas, and moved to Middle River, Maryland with his family when he was a child. He attended Victory Villa Elementary School and Middle River Middle School before attending Eastern Technical High School. Casey moved to Essex, Maryland with his mother, Sandra Nash, and his sister while he was in high school.

The Eastern Technical High School alumnus is succeeded by his father, Lewis Nash, his mother, Ms. Sandra L. Nash, his sister, Sara Nash, and many family members in Middle River and Essex, Maryland.

Madam Speaker, today I ask that you join with me in honoring the life of a man truly dedicated to serving his Country.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. LARSON of Connecticut. Madam Speaker, I regret that I did not vote on rollcall vote No. 400, on May 22, 2007. Had I been present, I would have voted: "Yea" on rollcall No. 400 on the motion to suspend the rules and pass H.R. 2399, to amend the Immigration and Nationality Act to combat the crime of alien smuggling and related activities and for other purposes.

IN TRIBUTE TO TERESA KIRKEENG-KINCAID

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. LAHOOD. Madam Speaker, I rise today to pay tribute to Teresa Kirkeeng-Kincaid, a remarkable civil servant who dedicated her entire career to making her community, the Illinois River basin, the Upper Mississippi River Region and her Nation a better place. Teresa passed away last week at the young age of 48, after a courageous battle against cancer. Her legacy, however, will continue long into the future. Teresa dedicated her entire professional life to working for the Federal Government. I have long believed that government service is a high and important calling. The hours are often long, the pressures are great, and the monetary compensation is frequently lower than what is available in the private sector. Teresa was one of those individuals who was more concerned with making a difference than making a fortune. Teresa joined the U.S. Army Corps of Engineers as a civil engineer with the Rock Island District in 1981, and continued with the Corps for 26 years. In that time, she served in many roles, including Assistant Chief of the Planning, Program and Project Management Division.

During her two and a half decades of service, Teresa earned a reputation on the Illinois River basin, the Upper Mississippi Region and across the Nation as a public servant of great dedication and integrity. She played a leadership role in formulating navigation, flood damage, and ecosystem restoration projects throughout the entire Upper Mississippi River basin. She was the "go to person" throughout the Corps of Engineers on numerous planning issues. The team she led reestablished the Corps' Planning Associates program to train future planners for the Corps, a legacy that will last for many decades.

I had the occasion to meet Teresa several times, and know the very high regard in which she was held by her co-workers, her countless friends, and her loving family. It is my hope they will take solace in the fact that through more than two decades of doing the day-today work of democracy, Teresa Kirkeeng-Kincaid truly earned the title of "hero."

"DEAMONTE'S LAW," H.R. 2371

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. CUMMINGS. Madam Speaker, I rise today to announce that I have introduced "Deamonte's Law," H.R. 2371, a bill to establish a dental home for every American child by increasing dental services in community health centers and training more individuals in pediatric dentistry.

The legislation is named for Deamonte Driver, a 12-year-old Maryland boy who died on February 25, 2007, when a tooth infection spread to his brain. A routine dental checkup might have saved his life, but Deamonte was poor and homeless and he did not have access to a dentist.

When I learned of this senseless tragedy, I was deeply shaken. I simply cannot comprehend how, in this country where we have sent a man to the moon, we let a little boy's teeth rot so badly that his infection became fatal..

I often say that as adults, we have a responsibility to provide for and protect our children—and we failed to meet that responsibility for little Deamonte.

I think we all should be ashamed by that fact. I know I am.

That is why I have made a commitment to addressing this issue from every angle. I knew that if Deamonte was suffering in my home state of Maryland, other little boys and girls like him were probably also suffering.

To be clear, Deamonte's case was rare and extreme; however, even the most casual investigation reveals that children across the country are living with painful, untreated tooth decay, many of them dangerously close to acquiring life-threatening infections.

The Centers for Disease Control and Prevention reports that tooth decay in baby teeth has increased 15 percent among United States toddlers and preschoolers 2 to 5 years old, between 1988 to 1994 and 1994 to 2004;

Tooth decay is the single most common childhood chronic disease, and it disproportionately affects poor and minority children;

Eighty percent of dental decay occurs in just 25 percent of children; and

Parents are three times more likely to report that their children's dental needs are unmet, when compared with general medical care needs.

A silent epidemic of dental disease is plaguing our children, and our inability to address this issue has had horrifying effects.

That is why I have introduced "Deamonte's Law," H.R. 2371, which would address two critical factors contributing to the inability of children like Deamonte to access a dentist:

"Deamonte's Law" would ensure that children like Deamonte have access to dental services in the communities where they live. Community health centers provide a health safety net to underserved areas, such as rural and urban communities; however, an estimated 42 percent have gaps in their capacity to provide dental care. "Deamonte's Law" would address this issue by establishing a 5-year, $5 million pilot program to provide funds for dentists, equipment and construction for dental services at community health centers. The program would also provide support for contractual relationships between centers and private practice dentists.

"Deamonte's Law" would also address the dentist shortage. The U.S. Department of Health and Human Services estimates that there is a shortage of 4,650 dentists—and pediatric dentists are even more scarce. "Deamonte's Law" would address this issue by establishing a 5-year, $5 million pilot program to enhance training and academic programs in pediatric dentistry, recruit and train dentists to study pediatrics, and provide continuing education for practicing dentists.

The legislation is endorsed by the American Dental Association.

I was joined in introducing this legislation by my colleagues, Chairman HENRY A. WAXMAN of California and Chairman DENNIS KUCINICH of Ohio.

I want to thank both Congressmen for their leadership and dedication to this issue.

On May 2, 2007, at my request, we conducted an oversight hearing entitled, "Evaluating Pediatric Dental Care under Medicaid" to investigate Deamonte Driver's death.

At the hearing, it became apparent that the Centers for Medicare and Medicaid Services has categorically failed to meet its oversight responsibilities with regard to ensuring that state health departments, and the managed care organizations that they contract with, are in compliance with the law.

Section 1905(r)(3) of the Social Security Act ensures that every Medicaid-eligible child will have access to medically necessary dental care under the early and periodic screening, diagnostic and treatment (EPSDT) provision. However, it is evident from our investigation that this has not been the case.

That is why Chairman KUCINICH and I sent letters to CMS Director Dennis Smith and Health and Human Services (HHS) Department Secretary Michael Leavitt to ensure that they are fulfilling their statutory obligation to provide comprehensive dental care to every Medicaid-eligible child.

I remain committed to addressing this problem from every angle, and I would urge all my colleagues to join me by supporting "Deamonte's Law," H.R. 2371.

I want to thank Representatives MILLER, COHEN, GRIJALVA, SERRANO, MCCOLLUM and PAYNE for already cosponsoring the legislation, and I would urge all of my colleagues to join them.

Children's lives are at stake. I can think of no better reason to act with a great sense of urgency.

TRIBUTE TO JESUS ARMAS—HAYWARD CITY MANAGER EXTRAORDINAIRE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Jesus Armas, City Manager of Hayward, CA. Mr. Armas is ending his long and distinguished career with the City of Hayward at the end of June 2007. Mr. Armas, who has been associated with the City for nearly 20 years, was initially Assistant City Manager and since 1993 has held the position of City Manager.

During his tenure, Mr. Armas has assisted the City Council in addressing a number of issues that were outstanding at the time of his appointment as City Manager. Among his first tasks was to help the City Council address the financial challenges facing the City. The City was experiencing declining revenues and a reduction in its fund balance. Working with department heads and with the cooperation and assistance of employees and their associations or unions, various cost-saving measures were presented and adopted by the Council, resulting in a balanced budget. This spirit of cooperation among all members of the organization was employed once again a decade later when a downturn in the economy required another belt tightening,

Mr. Armas has initiated and implemented a number of significant changes, which have made Hayward a better place in which to live and work. Under the City Council's direction, he initiated projects that dramatically transformed downtown Hayward. Construction of a new award-winning City Hall served as a catalyst for significant public and private sector investments in the downtown area. Housing and retail development continue at a fast pace. While many communities in the Bay Area talked about the concept of transit-oriented development, Hayward went beyond the talking stage and caused the concept to become a reality. Mr. Armas describes the transformation of downtown as something he is especially proud of.

Jesus Armas has been the force and vision behind many projects that have enhanced the social, financial and environmental well-being of the City of Hayward. In reflecting on his tenure, Mr. Armas said that beyond the bricks and mortar, what is noteworthy has been the opportunity to work in a diverse community, where differences involving race, ethnicity and languages, are embraced and seen as positive rather than negatives aspects of the community.

Mr. Armas states "I will be eternally grateful to Hayward residents for allowing me to experience a rewarding and enriching professional career," I join the City of Hayward, CA in expressing our profound appreciation to Mr. Armas for his exemplary commitment and dedicated public service.

HONORING THE STATE OF TEXAS FOR ITS CONTRIBUTIONS TO THE NATION'S CIVIL SPACE PROGRAM

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. LAMPSON. Madam Speaker, a resolution honoring the State of Texas for its contributions to the Nation's civil space program.

Whereas the Johnson Space Center (JSC), originally established as the Manned Spacecraft Center in Houston, Texas in 1961 and later renamed in honor of President Lyndon B. Johnson in 1973, continues to lead the National Aeronautics and Space Administration's (NASA) efforts in human space exploration;

Whereas JSC Houston is the home of NASA's Mission Control, the Astronaut Corps, and is the premier center for our nation's human space flight and related scientific and medical research efforts;

Whereas JSC's team of dedicated professionals has made advances in science, technology, engineering and medicine that enable us to explore our world and universe as never before, and to derive unparalleled benefits from that exploration;

Whereas JSC currently employs over 3,200 civil servants that include the NASA astronaut corps and over 12,000 contractor employees, which makes a significant positive economic impact on both the state of Texas and the city of Houston;

Whereas NASA's Explorer School program in Texas brings together educators, administrators, students and families in sustained involvement with NASA's education programs and provides grants to schools to support the purchase of technology tools, online services and in-service support for the integration of technology applications to engage students in advanced science and mathematics investigations;

Whereas NASA's next mission—Space Shuttle Mission STS–117—is scheduled to launch this summer and honors the state of Texas by having 3 hometown astronauts aboard Mission Specialist James F. Reilly of Mesquite and Mission Specialists Patrick G. Forrester and John D. Olivas, both of El Paso; and

Whereas native Texans and Astronauts Robert S. Kimbrough and Shannon Walker have qualified for future space flights as mission specialists, Astronaut Timothy L. Kopra is currently in training at JSC for future flight assignments, Astronaut Michael E. Fossum has flown 1 space flight, and Astronaut Kenneth D. Cockrell has flown on 5 space flights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) Recognize these remarkable achievements to the nation's Civil Space Program by the State of Texas and its residents; and

(2) Congratulate NASA employees, astronauts, students, and teachers, for their ongoing contributions to the advancement of United States engineering, scientific, and aeronautic capacity, ensuring a brighter and stronger future for this Nation.

RECOGNIZING JAMES HATLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize James Hatler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 214, and in earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending James Hatler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

10TH ANNUAL WOMEN IN MILITARY WREATH LAYING CEREMONY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise on behalf of the entire Women's Caucus, Co-Chairs LOIS CAPPS and CATHY MCMORRIS RODGERS and my co-Vice Chair, MARY FALLIN, to honor four women who have served our Nation with honor and distinction. Today, the 10th Annual Women in Military Wreath Laying Ceremony hosted by the Caucus, was held at Arlington Cemetery. The purpose is to honor our Nation's servicewomen and women veterans for their courage and achievements, and to remember the women who have died in service to the United States of America.

SFC Barbara Clavijo, United States Army, distinguished herself by exceptionally meritorious conduct in the performance of outstanding service to the United States as the Multi-National Division Baghdad Force Protection Vulnerability Assessment Team NCOIC, 4th Infantry Division, Camp Liberty, Iraq from December 2, 2005–November 15, 2006 in support of Operation Iraqi Freedom.

While assigned as the Multi-National Division Baghdad Vulnerability Assessment Team NCOIC, SFC Clavijo was directly responsible for the development and execution of the Division's force protection program. Without hesitation and with great enthusiasm, and despite the inherent threats and dangers, she continuously navigated the MND–B's battle space to conduct vulnerability assessments. These assessments required SFC Clavijo to plan, coordinate, and participate in over 125 ground and air movements in support of these missions. During the course of these assessments she was forced to travel many routes known to be covered with Improvised Explosive Devices, IEDs. During one of these assessments she had the unlucky fortune to have her vehicle targeted by an IED. For this reason she was awarded the Combat Action Badge. Her awards also include the Bronze Service Medal, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Drill Sergeant Badge, and Combat Action Badge. I am truly pleased to honor SFC Barbara Clavijo for her service and dedication.

Master Chief Ann L. Tubbs began her career with the U.S. Coast Guard in July 1980 when she graduated from the Coast Guard Training Center in Cape May, New Jersey and was assigned to Coast Guard Station Jonesport in West Jonesport, ME. Later, she was assigned aboard the Coast Guard icebreaker *Glacier* where she made 2 trips to Antarctica as part of Operation Deep Freeze. After leaving *Glacier*, Master Chief Tubbs spent 2 years in Mobile, AL., as a small boat engineer running search and rescue boats in the Gulf of Mexico.

In August 2001, she accepted an active duty position in the Office of Reserve Affairs at Coast Guard Headquarters in Washington, DC. In 2002, she advanced to Senior Chief

Petty Officer and was assigned as the Enlisted Gender Policy Advisor to the Commandant. She advanced to Master Chief Petty Officer on January 1, 2005. She assumed her current job as Special Assistant to the Master Chief Petty Officer of the Coast Guard in October of 2006. Master Chief Tubbs' military awards include the Coast Guard Commendation Medal, the Coast Guard Achievement Medal with Operational Distinguishing Device, the Commandant's Letter of Commendation, the Coast Guard Good Conduct Medal and the Reserve Good Conduct Medal, and the Antarctic Service Medal. I am so pleased to recognize Master Chief Tubb's today.

SSGT Cassie L. Lucero began her career with the Marines in 1998. During her career in the Marines, she has been decorated with numerous medals, including the Joint Service Commendation Medal, Navy and Marine Corps Commendation Medal, three Navy Marine Corps Achievement Medals, two Joint Meritorious Unit Awards, Navy Unit Commendation, Navy Meritorious Unit Commendation, two Good Conduct Medals, National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Korean Defense Medal, Military Outstanding Volunteer Service Medal, and three Sea Service Deployment Awards. It is my pleasure to honor SSGT. Cassie L. Lucero for her service.

CMSGT and Barbara S. Taylor is the Chief of Supply for the United States Air Force Band, Bolling Air Force Base, Washington, D.C. Originally from Kingsport, TN, her military career began in 1982. CMSGT Barbara S. Taylor was assigned to the United States Air Force Heritage of America Band at Langley Air Force Base, Virginia. There, she was both a euphonium and vocal soloist. She was the band's Director of Operations from October 1995 until her reassignment to the United States Air Force Band in January 1997. In 1993 and 1996, Chief Taylor was named the Air Combat Command Band's Noncommissioned Officer of the Year, and in February 1997 she was named the Air Combat Command Noncommissioned Officer of the Year for the band career field. Chief Taylor was also awarded the Commandant's Award at both the Airman Leadership School and the Noncommissioned Officers Academy. I am so honored to recognize Chief Taylor for her dedication to the United States.

Madam Speaker, it is with great admiration and pride that the Congressional Caucus for Women's Issues honors these four servicewomen and their extraordinary accomplishments. In a time when our military faces especially difficult challenges both at home and abroad, these four women have shown exceptional courage, ability and loyalty to the Armed Services of the United States of America. They are true shining examples of the numerous women serving in our military today.

IN TRIBUTE TO THE LATE CAPTAIN PETER CHARLES SIGUENZA, USMC (RET)

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and service of Captain Peter Charles Siguenza, United States Marine Corps (Retired), who passed away on May 17, 2007, just two days after his 87th birthday. He was the first Chamorro to be commissioned as an officer in the Marine Corps. Peter was also a well known public figure on Guam, and a genuinely fine and honest man who consistently gave of himself in service to his community and his fellow Marines. The outpouring of public condolences and accolades in my home district following the news of Peter's passing is indicative of the respect, admiration, and affection the people of Guam had for Peter and his service to his country.

A person's record of military and community service can be extensive and very impressive, but records do not convey the admiration or depth of emotion of the recipients of the service. Peter C. Siguenza was born on May 15, 1920, the second of nine children born to the late Jose and Consolacion Mendiola Siguenza. He attended Seaton Schroeder Junior High School in Hagåtña and graduated from Coronado High School in Coronado, California. He attended San Diego State College for 2 years, from 1940–1942. After the attack on Pearl Harbor plunged the United States into war, Peter, like thousands of young men, enlisted in the Armed Forces. Peter volunteered for the Marine Corps. After completing boot camp, he was assigned to the Third Marine Division. He saw action in New Zealand, Guadacanal, and Bougainville. The division was then ordered to the Marianas to recapture Guam.

Peter was on board the USS *Dupage*, where he and his fellow Marines watched the intense pre-invasion bombardment of the island. He often spoke about how difficult it was to witness the bombing knowing his family was somewhere on the island, but not knowing whether they were safe.

Peter was among those destined to hit the beach at Asan, Guam, and begin the retaking of the island from the Imperial Army of Japan. But he was ordered away from the battle to attend Officer Candidate School before the landing occurred. Peter returned to Guam as a second lieutenant and participated in post-invasion operations to secure the island. He remained on Guam at the end of the war and was assigned to Island Command in 1946.

Peter joined the Marine Corps Reserves and was assigned to the 12th Reserve District in San Francisco after his discharge from active duty. Upon returning to civilian life, Peter returned and completed college, earning a bachelor's degree from St. Mary's College in Moraga, California, in 1949. He then earned a Master of Science degree in Public Administration from the University of Southern California at Los Angeles in 1955. In 2005, he was awarded an honorary doctorate from the University of Guam.

On September 2, 1950, Peter married his sweetheart, Barbara Bordallo. They had three children: Peter, Monica, and Donna.

After retiring as a captain from the Marine Corps Reserves, Peter went to work for the Government of Guam, serving as director of Labor and Personnel under Governors Carlton S. Skinner, Ford Q. Elvidge and Richard B. Lowe. He then entered into federal service and worked at posts throughout the United States. He also served as a personnel management specialist and appeals and grievance examiner with the Department of Defense Dependents Schools in Europe and the Pacific, and as a personnel management and labor relations specialist on the director's staff. After retiring from federal service, Peter went to work as personnel director for Jones and Guerrero Company, Inc., from 1980–1986.

In addition to his military, government, and private sector careers, Peter always found time to serve his community. He served as chairman of the University of Guam's Board of Regents; was on the Board of Trustees of the Guam Community College; was a member and past president of the Guam Chapter of the Third Marine Division Association, the National Association of Federal Employees, the Guam Territorial Society of Washington, D.C., a member and past vice president of the Young Men's League of Guam, and member of the St. Jude Assembly of the Knights of Columbus.

Peter C. Siguenza passed away just 5 days after the passing of former Senator Paul J. Bordallo on May 12, 2007. Both men were my brothers-in-law. The entire Bordallo family mourns the passing of two of its finest members. Peter was a proud and life long Marine, a war hero, a diligent public servant at both the federal and local government levels, a valued professional in the private sector, a devoted Catholic, and an upstanding citizen.

My prayers and condolences are with his wife, Bobbie; his son, Peter C. Siguenza, Jr., the retired chief justice of the Supreme Court of Guam; his daughters and sons-in-law, Monica and Michael Sphar and Donna and Joel Rigler; his grandchildren, Dawn, David, Isaac, and Nathaniel; his siblings, Olivia S. Guerrero, Eduardo C. Siguenza, and Antonio C. Siguenza, and with his other Bordallo brothers- and sisters-in-law.

MENTAL HEALTH MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. DAVIS of Illinois. Madam Speaker, I rise today to remind my colleagues that May is Mental Health Month. I would also like to thank those who have dedicated their lives to mental healthcare.

Now more than ever, we must commit ourselves to full mental health parity. An estimated 26 percent of Americans between the ages 18 and older suffer from a diagnosable mental disorder in a given year. This means that 57.7 million people currently suffer from a mental disorder. Millions who suffer from serious, debilitating, and life altering mental disorders. Mental disorders such as Alzheimer's, Schizophrenia and Bi-Polar Disorder. Nearly two thirds of all people with diagnosable mental disorders do not seek treatment.

The burden of mental illness on health and productivity amongst society in the United States has been underestimated. A massive study conducted by the World Health Organization, The World Bank, and Harvard University, discovered that mental illness, accounts for over 15 percent of the burden of disease in market economies, such as the United States. This is more than the burden caused by cancers.

I am grateful to the Committee on Education and the Workforce for reauthorizing the Older Americans Act. The Older Americans Act supports the mental health needs of the elderly. Nearly 236 elderly people per 100,000 suffer from a mental illness. The highest suicide rate in America is among those aged 65 and older. Elderly men are the demographic area that is most likely to commit suicide. Specifically, I want to ensure that senior citizens have access to mental health services in their respective communities or wherever they receive primary health care services. I would like to commend the Honorable PATRICK KENNEDY for his efforts in providing mental health parity in Medicare. I am pleased that we are beginning to make some headway on this important issue.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2007

Mr. PUTNAM. Madam Speaker, on Tuesday, May 22, 2007, I missed recorded votes due to familial obligations. Please let the record show that had I been here, I would have voted the following way: Roll No. 386—"yea;" roll No. 387—"yea;" roll No. 388—"yea;" roll No. 389—"yea;" roll No. 390—"yea;" roll No. 391—"yea;" roll No. 392—"yea;" roll No. 393—"yea;" roll No. 394—"yea;" roll No. 395—"yea;" roll No. 396—"nay;" roll No. 397—"yea;" roll No. 398—"yea;" roll No. 399—"yea;" roll No. 400—"yea;" roll No. 401—"yea;" roll No. 402—"nay."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 24, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 5

2 p.m.
Judiciary
To continue hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence.
SD–226

JUNE 6

10 a.m.
Judiciary
To hold hearings to examine patent reform, focusing on the future of American innovation.
SD–226

JUNE 7

2 p.m.
Judiciary
To hold hearings to examine S. 453, to prohibit deceptive practices in Federal elections.
SD–226

Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold joint hearings with the House Science and Technology Committee's Subcommittee on Investigations and Oversight to examine the investigation of the National Aeronautics and Space Administration Inspector General.
SR–253

JUNE 12

2:30 p.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine United States trade relations with China.
SR–253

JUNE 13

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending legislation.
SD–562

10 a.m.
Rules and Administration
To hold hearings to examine nominations to the Federal Election Commission.
SR–301

JUNE 27

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs and the Department of Defense, focusing on cooperation on employment issues.
SD–562

SENATE—*Thursday, May 24, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, thank You for this day and for the countless gifts You have showered upon us. You give us love and laughter, faith and fulfillment, hope and happiness, provisions and peace. May we use these blessings to serve You and to bring glory to Your Name.

Almighty God, bless the Senators, staffs, and pages as they strive to do Your will. Give them the wisdom to hear Your voice and the courage to carry out Your commands. Keep them from weariness, doubts, and despair, and give them an abundant harvest in due season.

Finally, Lord, watch over America's youth. Teach them to love the goodness and justice of Your law. Remind them to do justly, to love mercy, and to walk humbly with You. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 24, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will conduct a period of morning business for the next hour, with Republicans controlling the first half. Following that, we will resume consideration of the immigration legislation.

Mr. President, I walked by the President's Room today and said hello to a bunch of Senators in there. They were in there working on the immigration bill, Democrats and Republicans. We don't see enough of that. It was really, for me, a good scene. They were in there and had stacks of papers. They are trying to figure out a way to get through the immigration bill.

We all acknowledge that the immigration system in our country is broken and needs to be fixed. I am not foolish enough to think we are going to make it perfect with this bill, if we can get it out of the Senate. We need to try. We have an obligation to try. That is what is happening on a bipartisan basis.

I want Senators to keep working and see what we can do. There are certain issues, they have told me, they think will give Democrats heartburn and other issues that will give Republicans heartburn. Therefore, they are trying to get an agreement on some amendments, to have a 60-vote margin. That is the way it should be. We should not be in a posture where somebody is filibustering something they don't like. I hope people will be reasonable and continue to work as they have.

I spoke to the distinguished Republican leader late last night, and we talked briefly this morning. We are looking forward to, when the House finishes the emergency supplemental, moving to that as soon as we can. It is an important issue. We have struggled on this now for months. Emotions are high. I think it is time to move on and see what we can do to fund the troops in an appropriate way. So we will keep Members informed. I have told the distinguished Republican leader that I will keep him informed on any word I get from the House.

I have gotten calls, and people are upset that some of their things are not in this piece of legislation. It is very difficult—the President's Chief of Staff, in the first meeting Senator MCCONNELL and I had with Josh Bolten, said: On this issue, I speak for the President. He said: If I don't have authority to speak for the President, I will go back to the President. When he called me, as he has on a number of occasions, and said: I am telling you that if this provision is in the bill, the President is going to veto it, we worked through some of these. We had to take certain things out of the bill. It wasn't a pleasure to do that because Members are affected on both sides. We had some issues that only affected the Senate. The President was unhappy with that. I wish he would let us do what we wanted to do, but we are in a position where that cannot be done.

I hope the bill is in a position where we can fund the troops without a lot of animosity at this stage. People can make whatever statement they want regarding the war, and I am sure that will happen. I think we need to get to this as quickly as we can.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TROOP FUNDING

Mr. McCONNELL. Mr. President, let me echo the remarks of the majority leader on the question of the troop funding bill. It appears as if it is now in a form that is satisfactory to the President and will, in fact, get the necessary funding to the troops for the mission through the end of September.

I share the view of the majority leader that we ought to wrap this matter up at the earliest possible time, as soon as we get it from the House of Representatives, which could even be later today. So I think we are in the same place on wrapping this bill up and getting it down to the President for signature at the earliest possible time.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and the first half of the time under the control of the Republicans and the second half of the time under the control of the majority.

The Senator from Tennessee is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, Senator SALAZAR and I asked the leadership for 30 minutes this morning to discuss Iraq. I thank the leadership for giving us that time.

I ask unanimous consent that the time be allocated in the following way: 5 minutes each for, first, Senator PRYOR, then Senator BENNETT, then Senator CASEY, then Senator GREGG, then Senator ALEXANDER, and finally Senator SALAZAR. If the Chair would let each Senator know when 5 minutes has expired, I would appreciate that.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

IRAQ

Mr. PRYOR. Mr. President, let me say that I am very honored today to join my friends, Senator SALAZAR of Colorado and Senator ALEXANDER of Tennessee, in their efforts to try to restore some nonpartisanship to our discussion on Iraq. I feel very strongly that we should never have a party-line vote on Iraq. We have 160,000 troops on the ground. It is just too important an issue for one party to take one side, the other party to take another side, and for the White House to do one thing and Congress to do another. In fact, we talk often in this Chamber about how there needs to be a political solution inside Baghdad. The truth is, there needs to be a political resolution inside of Washington, DC, when it comes to Iraq.

I am honored to lend my name today to this effort by Senator SALAZAR and Senator ALEXANDER.

One thing I have noticed in the last several weeks and months—maybe in the last year—when it comes to Iraq is that there is a lot of rhetoric. To be honest, that is not helpful. It is not bringing our troops home earlier. It is not providing more stability inside Iraq. It is not allowing Iraq to function as a sovereign nation. We need to tone down the rhetoric and roll up our sleeves and work through this together.

I also understand that Senator BENNETT, Senator GREGG, and Senator CASEY have all joined in this effort as well. It is an honor for me to be part of this bipartisan solution.

One of the things we are going to emphasize here is Iraqi accountability. We know that is something which needs to happen inside Iraq. The Iraqis need to take responsibility for their own country. The Iraq Study Group talked about this a lot in the pages of their report, where on page after page they talk about what they believe needs to happen inside Iraq.

So this bill which Senators SALAZAR and ALEXANDER will be filing in the coming weeks talks about diplomatic efforts, about securing Iraq's borders, promotes economic commerce and trade inside Iraq, political support, and it talks about a multilateral diplomatic effort. It talks about milestones and also about redeploying troops. After talking to so many people in my State and around the country, I think that is where America wants us to be. They want a stable Iraq.

It is a little bit like what Colin Powell said: It is the Pottery Barn principle; that is, if you break it, you own it. Well, we went into Iraq, and we have a lot of responsibility there. I think most Americans understand that. They don't like what they see on the front pages of the papers every day or on the evening news, but they do know we have a responsibility inside Iraq, and they want us, in the Senate, in the House, and also at the White House, to show leadership. This is a time for leadership, a time for us to come together on these principles which the Iraq Study Group laid out—not that every one of them is exactly right, but they laid out a lot of principles that I believe many people in this Chamber can rally around and hold on to. If we implement these and make that our national policy, then I think we can get better results on Iraq than we have had in the past.

I know General Petraeus has mentioned that we cannot rely on a purely military solution inside Iraq. I think he is exactly right; I think he is 100 percent right on that. It needs to be a multifronted effort—security, political, economic, and diplomatic. We need to do a lot to help Iraq get back on its feet and become a functioning nation again.

Mr. President, I am honored to join my colleagues in this effort. I invite other colleagues to look at the Salazar legislation and consider joining it as well in the coming weeks.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I am honored to join with my friends in this particular effort. I congratulate the occupant of the chair, Senator SALAZAR, and Senator ALEXANDER for putting this forward. We are seeing people come on board in equal numbers on both sides of the aisle to demonstrate that this is a bipartisan effort.

Some might say this is an attack on the President's plan. I do not see it in that fashion at all. I think this is a demonstration of bipartisan support for an American plan, to see what we can do to get a more stable Iraq.

When I go to Iraq and talk to the experts, they tell me the war is being fought on two fronts: It is being fought in Iraq and in Washington, DC. Al-Qaida has declared Iraq as the front line of their war on the "great satan," which to them is the United States of America. The battle being fought in Washington, DC, has to do with America's resolve in standing up to al-Qaida. The word that is going out from Osama bin Laden in his audiotapes, and the letters that are being circulated, is that if we can just hold on long enough, the battle will be resolved in Washington, DC, as the Americans decide they no longer want to continue the fight.

By demonstrating in a bipartisan fashion that the Senators of the United States are willing to talk about long-term commitments and long-term solutions, we are making our contribution to winning the war in Washington. General Petraeus has been charged with the security portion of the war in Iraq. The Iraqi Parliament and the Iraqi Government themselves must deal with the political problems in Iraq. We must not let them down by partisan bickering in Washington that encourages al-Qaida to believe America will walk away from its responsibilities.

This piece of legislation is not about name calling or blaming for past mistakes. There is no question there have been past mistakes. We will let the historians sort that out. Our responsibility is to do today what is needed to bring about an eventual proper resolution.

In every war America has been in, there have been times of darkness, times of despair. Think about Abraham Lincoln and what he faced with the continuing bad news from the front in his effort to keep the Union together. Think about World War II and the bad news that came out of the first encounters in North Africa and some of the other American efforts where we were repulsed. If we had all said we are going to turn our backs on this and walk away, we would not have the kind of world of peace we have received as a result of our efforts in those wars.

Now is the time for the Congress to say: Regardless of what may or may not have been a mistake in the past, we still have to stand together and move forward on the basis of intelligent analysis, and we are using as our starting point as that analysis the Iraqi Study Group. The President is not hostile to this. I think he is open to it, and I think it is incumbent upon the Congress to say to him: Look for new solutions, but base them on sound analysis, and if you will, we will be with you, we will move forward in a bipartisan manner to see to it America does not fail in Iraq.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I am honored today to join in a bipartisan initiative to introduce legislation based upon the recommendations of the Iraq Study Group. I proudly stand with my distinguished colleagues—you, Mr. President, as well as Senators ALEXANDER, BENNETT, PRYOR, and GREGG—in affirming that this bill will offer a new way forward for the United States in Iraq.

The detailed recommendations contained in this bill offer a comprehensive blueprint for renewed diplomacy, restructured economic assistance, and a redeployment of U.S. military forces in Iraq to emphasize training and equipping of Iraqi security forces, conducting limited counterterrorism missions, and protecting our own forces.

These recommendations were issued in December 2006, over 5 months ago, but, if anything, their utility is even more apparent today.

Our troops should not be refereeing a civil war. And so this Congress and the President must come together—must come together—to form and to forge a new path. The Iraq Study Group's final report is the only comprehensive plan on the table to do that.

I approach this bill from a slightly different perspective than some of my cosponsors. In fact, I cosponsored the Reid resolution to change our direction in Iraq, with a goal of completing that redeployment no later than March of 2008. That position has been reflected in the votes I have cast, the questions I have asked as a member of the Foreign Relations Committee at hearings, and the statements I have delivered on the Senate floor. I strongly opposed the President's decision to escalate the number of combat troops in Iraq. For that reason, I voted for the first supplemental bill sent to the President's desk which called for a more restricted U.S. military mission and a phased redeployment of our combat forces from Iraq.

A majority of Congress has made clear their desire to change course. Yet unless we achieve a more bipartisan consensus in the Congress that change is necessary, an impasse will continue and our troops will continue to pay the price. It is for that reason I believe the Iraq Study Group's prescribed course of action represents our best hope for a bipartisan consensus in an approach to wind down this combat role in Iraq and successfully transition our mission there.

The members of this Iraq Study Group included foreign policy and military experts, as well as other distinguished Americans with impressive experience in public service.

There is no challenge greater than determining how the United States can salvage our effort in Iraq in a manner that protects our core national interests, that does right by the Iraqi people, and enables our troops, who have accomplished every mission they have been given over the past 4 years, to come home finally.

After months of study and focused deliberations with almost 200 experts, including leading U.S. and Iraqi Government officials and regional scholars, the Iraq Study Group released last December a detailed report with 79 recommendations. This report prescribed a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with regional neighbors and the international community in a collective effort to bring stability to Iraq.

There are a few recommendations in the Iraq Study Group report that I, in fact, disagree with personally. But the comprehensive plan put forth by the group, and particularly the elements emphasized in our bill, represents the best thinking we have on how to resolve the Iraq dilemma in the long run.

Time is running out to change course in Iraq. In Pennsylvania, 166 men and women have died. Yesterday we learned 9 Americans were killed in a series of attacks across Iraq. Meanwhile, we continue to search for two American soldiers taken hostage, and at the same time we hear the grim news that the body of a third missing U.S. soldier was identified yesterday.

It is time for a change, and I know of no more detailed proposal, no more exhaustively researched set of recommendations and findings and no more comprehensive solution than that offered by the Iraq Study Group. This bill, brought forward by a bipartisan group of Senators, with a diverse set of perspectives and opinions, transforms the recommendations of this group into the declared policy of the U.S. Government.

This bill offers our best chance to forge a change of direction at long last in Iraq and to do so in a fashion that, indeed, brings our Nation together.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I join my colleagues this morning especially in thanking and congratulating the Senator from Colorado and the Senator from Tennessee for bringing forward this approach. There is no question but that we are going to begin disengaging from Iraq. The question is: Is that disengagement going to be done in a manner which strengthens our security as a nation or is it going to be done in a manner which undermines our security as a nation? Are we going to leave an Iraq which is stable enough to govern itself and maintain its own security and have a government that functions or are we going to leave an Iraq which becomes divided into warring factions which may lead to literally a genocidal event with an element of the country which is a client state for Iraq, an element of the country which is a safe haven for al-Qaida, and an element of the country which is perceived as a threat to Turkey?

Clearly, we cannot precipitously abandon the people of Iraq or our own national interests in having a stable Iraq. So we need to look for a process which is going to allow us to proceed in an orderly way and in a way which, hopefully, can start to bring our own Nation together as we try to address this most difficult issue.

Looking to the proposal of the Iraq Study Group is, in my opinion, the appropriate way to proceed. It is interesting that today we are going to see, I believe, the passage of a supplemental bill which will fund our soldiers in the field, which we absolutely have an obligation to do, which, after a lot of pulling and tugging and different ideas being put on the table, has reached a position which, hopefully, will have a consensus vote and will represent a majority which will be able to pass that bill and, thus, fund the soldiers in the field in a manner which has both sides working together, the Democratic leader having endorsed the language and the President having endorsed the language.

But this agreement today which has in it the Warner language, which I supported, is a precursor to the next step, and the next step should be a broader coalition within our political process of developing a plan for disengagement from Iraq that assures the security of the United States and the stability of that country. Thus, I think the step which is being proposed today by the Senator from Colorado and the Senator from Tennessee and is supported by the Senator from Pennsylvania, the Senator from Arkansas, the Senator from Utah, and myself is an effort to set out a blueprint or a path which we can, hopefully, follow in a bipartisan way as we proceed down this road.

The Iraq Study Group did this country an enormous service—former Congressman Hamilton and former Secretary of State Baker—in extensively studying the issue and coming back with very concrete and specific proposals as to how we can, hopefully, effectively deal with settling the Iraq situation.

I congratulate both of these Senators for this initiative. I am happy to join in it. I look forward to it being the template upon which we build a broader coalition which I hope will be bipartisan and which I hope can settle a little of the differences which are so dividing our Nation and which will give not only the Iraqi people the opportunity to have a surviving, stable government, but will give ourselves the direction we need to assure our safety as we move forward in this very perilous time confronting terrorists who wish to do us harm.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Hampshire. I can think of no two Senators on our side of the aisle whose words are listened to more carefully and more respectfully than the Senator from New Hampshire and the Senator from Utah. I salute the Senator from Pennsylvania for his statement and leadership, and the Senator from Arkansas, who spoke so constructively, and especially the Senator from Colorado, who is the principal sponsor of this legislation and whom I am proud to join.

Senator PRYOR is exactly right when he said this morning that it is time for us to stop having partisan votes on Iraq. If I were an American fighting in Iraq, I would be looking back at us and wondering: What are they doing in Washington, DC, arguing and sniping at each other while we are fighting and dying? I would be thinking: If they are going to send us to Iraq to do a job, at least they could agree on what the job is.

We owe it to our troops and to our country to find a bipartisan consensus to support where we go from here in Iraq. We need a political solution in Washington, DC, as much as we need a political solution in Baghdad.

The announcements today by four more Senators, each well respected—Senators PRYOR, BENNETT, CASEY, GREGG—suggests the recommendations of the Iraq Study Group is the way to do that. Three Republicans, three Democrats from the North, South, East, and West, some relatively new Senators, some who have been here a long time, fresh voices, a fresh approach for a fresh attitude for this debate. Before the end of the week, I believe there will be two more Senators—one Democrat, one Republican. Then in June when we return to Washington, the six or the eight of us intend to offer the legislation Senator SALAZAR and I have drafted to implement the recommendations of the bipartisan Iraq Study Group.

Today we are only six, perhaps eight—a modest beginning. But even we six or eight are a more promising bipartisan framework of support for a new direction in Iraq than we have seen for some time in the Senate. Those who know the Senate know we usually do our best and most constructive work when a handful of Senators cross party lines to take a fresh look at a problem, embrace a new strategy, and try to do what is right for our country.

We are not going to put hundreds of thousands of American troops into Iraq. We are not going to get out of Iraq tomorrow, and the current surge of troops in Baghdad, which we all hope is successful, is not by itself a strategy for tomorrow. The Iraq Study Group report is a strategy for tomorrow. It will get the United States out of the combat business in Iraq and into the support, equipment, and the training business in a prompt and honorable way. It will reduce the number of troops in Iraq. Those who stay will be less in harm's way—in more secure bases, embedded with Iraqi forces. Special forces will stay to counter al-Qaida. The report says this could—not must but could—happen in early 2008, depending on circumstances.

The report allows support for General Petraeus and his troops by specifically authorizing a surge, such as the current surge. Because there would still be a significant long-term presence in Iraq, it will signal to the rest of the Middle East to stay out of Iraq.

It aggressively encourages diplomatic efforts. The President of the United States has spoken well of this report recently, and embraced parts of it, but it is not his plan. The Democratic majority has borrowed parts of the Iraq Study Group report, but it is not the Democratic majority plan. That is why the report has a chance to work. It has the seeds of a bipartisan consensus.

We six or eight, or hopefully more, will introduce our legislation in June, making the recommendations of the Iraq Study Group the policy of our country and inviting the President to submit a plan based upon those recommendations. I hope President Bush will embrace this strategy. I hope more Senators will.

It is ironic for the oldest democracy, the United States, to be lecturing the youngest democracy, Iraq, about coming up with a political consensus when we, ourselves, can't come up with one. This is the foremost issue facing our country. The Iraq Study Group report is the most promising strategy for a solution: getting out of the combat business in Iraq and into the support, equipping, and training business in a prompt and honorable way.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The majority has 20 minutes.

Mr. SALAZAR. Mr. President, I rise this morning, first of all, to congratulate my colleagues. Senator ALEXANDER has worked tirelessly with us in putting together the legislation on the implementation of the Iraq Study Group recommendations. He has been a key leader in trying to pull a group of us together to try to develop a new direction going forward in Iraq. I thank him for his leadership.

I also wish to thank both Senator PRYOR and Senator CASEY for joining us as cosponsors of this legislation. They are people who are trying to search for a solution on the Democratic side, and I very much appreciate their efforts. As for Senator GREGG and Senator BENNETT, I appreciate also their statements, their cosponsorship of this legislation, and their desire to come forward to a solution that might unite us in the Senate on a way forward.

Let me say at the outset that when we think about what it is we are trying to do with respect to Iraq at this point in time, we have a lot of people who are looking backward and saying there are lots of problems, lots of failures that have happened—from prewar intelligence, to decisions going into Iraq, to the prosecution of the war, et cetera—but the fact is we are there now. The fact is, we have 140,000 American troops on the ground in Iraq today. So the real question for us ought to be, as the Congress, how it is we are going to move forward together.

I think in the broadest sense there is not a disagreement on what it is we want. What is the end stake for us in Iraq? We want to bring our troops home. I think we all would like to have our troops back home, reunited with their families and out of harm's way. That is the goal we want to get to. The second goal we want to get to is a stable Iraq and a stable Middle East. The fact is, Iraq does not stand alone. It is in a sea of very difficult political turmoil at this point in time. So we want us to have success in Iraq.

There has been a lot of debate about what it is we ought to have been doing in Iraq over the last several years. But the only group that has taken a significant amount of time and thought through the best way forward in Iraq was the Iraq Study Group. It was this bipartisan group of leaders, led by former Secretary of State James Baker and Congressman Hamilton, as cochairs of a bipartisan commission of elder states men and women, that came up with the most thoughtful, comprehensive approach on the way forward.

The essence of what that report said is that the Iraqi Government has a responsibility to move forward and to meet the milestones that are set forth for success in that report. It says: If you do that, Iraqi Government, we, the United States, are going to be there to help you. On the other hand, if you don't do that, we, the United States, are going to reduce our help to you. It is an effort to put pressure on the Iraqi Government and the Iraqi people to deal with the sectarian violence they have in place and to move forward in a fashion that will create stability in Iraq.

I am hopeful, as we move forward from this day, and by the time we come back from the Memorial Day break, that besides the six Senators who have joined as cosponsors of this legislation, we will have additional cosponsors. At the end of the day, it seems to me that we, as the Congress, have a responsibility to the men and women who are on the ground in Iraq to try to find a common way forward.

On the issue of war and peace, there should not be a Republican and Democratic divide. What we ought to be doing is trying to find a common way forward where we can bring Democrats and Republicans together to an understanding of how we will ultimately achieve success in Iraq and bring our troops home.

Mr. President, I yield the floor, and I thank my colleague from Tennessee, Senator ALEXANDER.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

HEALTH CARE

Mr. WHITEHOUSE. Mr. President, I return to the floor to continue my series of remarks on health care reform.

As I have said, I recognize the difficulty of figuring out a better way to finance our health care system, a better way than part employer insured, part Government insured, and part uninsured. I am committed to working to achieve universal coverage for all Americans, but we have to recognize also that the underlying health care system itself is broken. It is broken in the way it delivers and pays for care, it creates massive costs and poor health outcomes, and those massive costs and poor health outcomes make the financing and access problems actually harder to solve. So I wish to focus now on system reform to give us a better operating health care system.

We have to start by recognizing that America's health care information technology is decades behind where it could be. The Economist magazine has described it as the worst in any American industry except one—the mining industry. As a result, we are losing billions and billions of dollars to waste, to inefficiency, and to poor quality care. Ultimately, and tragically, lives are lost to preventable medical errors because health care providers do not have adequate decision support for their decisions on treatment, medication, and other care.

Let us stop on the financial question for a moment. Some pretty respectable groups have looked at health information technology to see what they think it would save in health care costs, and here is what they report: RAND Corporation, $81 billion, conservatively, every year; David Brailer, former National Coordinator for Health Information Technology, $100 billion every year; and the Center for Information Technology Leadership, $77 billion every year. If you average the three, you get $86 billion a year. For RAND, the number I quoted was a conservative number. Their high-end estimate was a savings of $346 billion a year. So there is a huge amount of money at stake.

The question is: Are we making the investments we need to capture these savings? Well, say you are a CEO, and one of your division heads comes to you with a proposed investment to reduce production costs in your facility by $81 billion a year. How much would you authorize her to spend to achieve those savings? I suspect it would be quite a lot of money. Well, here is what we authorized ONCHIT to spend this year—the Office of National Coordinator of Health Information Technology. This Congress authorized $118 million. That is about 14 hours' worth of the $81 billion in annual savings conservatively estimated by RAND. Would it not be worth spending more to capture those savings?

You say, well, maybe the private sector will spend it for us. But look at the way our complex health care sector is divided into doctors, hospitals, insurers, employers, nurses, patients, and more. Which group do you expect to make the decisions about a national health information technology system? And they are not homogenous groups. Whom within them do you expect to make decisions about a national health information technology system?

Go back to imagining that you are a CEO. You want to install an IT system in your corporation. Your corporation has five major operating divisions. Would you pursue your corporate IT solution by waiting for each division to try to build the entire corporate IT system, without even talking to each other? Of course not. It would be a ridiculous strategy. None of your divisions would want to go first. Each division would like to wait and be a free rider on the investment of another division. Each one would face what I call the "Betamax risk," that they will invest in a technology that proves not to be the winning technology, and each would have to figure out how to pay for the system, the whole system, out of only its own share of the gains. The result is the capital would not flow efficiently.

This pretty well describes where we are in America on health information technology. So here, in Washington, we have a job to do. First, we have to set some ground rules. In the old days, when our Nation was building railroads, the Government had a simple job to do: It had to set the requirements for how far apart the rails were going to be. That way a boxcar loading in San Francisco could get to Providence, RI, and know it could travel the whole way on even rails. The development of the rail system would never have happened without those ground rules.

In health information technology, there are ground rules we need to decide on, too, to get this moving—rules for interoperability among systems, rules for confidentiality and security of data, rules for the content of an electronic health record. All of that is the job of Government to organize.

The second job is to get adequate capital into the market. Software costs money. Hardware costs money. Entering data costs money. Most important, the disruption to the work flow of hospitals and doctors costs time and money, and it takes time and attention away from patients. So developing adequate health information technology is not going to be easy or cheap. But for savings of $81 billion a year, maybe $346 billion a year, it is worth a big effort.

So how do we get that capital flowing? Well, one could argue the way to solve this is to treat the health information highway similar to the Federal highway system—a common good that we pay for with tax dollars because it is so valuable to the economy to get goods cheaply and reliably from point A to point B. So maybe we should pay for this through taxes, similar to the national highway system. But a highway is pretty simple technology. Because the health information network is so much more complex, and because I think we need a lot more market forces at work and a lot more initiative and profit motive than the Federal highway funding model provides, I looked around for another model, a model that provides the central decisionmaking that is required to get the boxcars rolling, a model that provides access to capital, and a model that captures the vibrancy of the private sector.

I found one. We have actually been here before, or pretty close anyway. There was, some time ago, a new technology. Similar to health information technology, it would transform an industry; similar to health information technology, it would lower costs and expand service; similar to health information technology, it was a win-win situation for business and for consumers.

But the technology was, like health information technology, stuck in a political and economic traffic jam.

Our President at the time came up with the solution. The technology was communications satellites. The President was John F. Kennedy. The solution was COMSAT.

The COMSAT legislation broke the logjam. The COMSAT legislation created a publicly chartered corporation with a private board that raised the capital, launched the satellites, was profitable and successful for decades, and eventually merged into Lockheed-Martin—a true public-private success story.

My proposal, in a nutshell, is to create a not-for-profit, modern COMSAT for health information technology. Because of the complexity of the health care information puzzle, legislation is too blunt an instrument to drive the details. But an organization like this can be flexible enough to meet market demands and can maintain the expertise to develop the details as the plan develops. American leaders could be recruited from the private sector to lead this board—CEOs from the IT sector, America's top retailers, manufacturers, and service providers; the champions of health information technology in the medical community; enlightened consumers and labor representatives.

I ask my colleagues to think of the caliber of just a few of America's leaders who have spoken to them about this issue, or spoken out publicly: Andy Stern at SEIU, Jim Donald at Starbucks, John Chambers at Cisco, or Lee Scott at Wal-Mart.

In conclusion, enormous cost savings, new technological horizons, empowerment of patients, better quality of care, more convenience and efficiency, and lives saved by improved information, error reduction, and decision support—what a rich area this opens up for American technological companies, for American health care providers, for American patients, and for American manufacturers now drowning under health care costs, if only we can break the logjam blocking this future now.

I hope my colleagues will consider seriously my legislation, proposing a nonprofit, privately led corporation that will help open the doors to that future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent for 10 minutes to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, today is going to be a day of great importance to America. We are going to be voting on the supplemental bill to fund the surge and the number of soldiers on duty in Iraq and Afghanistan. But last night we learned the body of one of the missing soldiers in Iraq was found. Despite our prayers, he was dead. We were informed that the body of Joseph Anzack, Jr., was pulled from the Euphrates River south of Baghdad.

On May 12, he and two of his colleagues went missing after they were ambushed by insurgents. How did the capture of three Americans take place? Are we short of troops to back them up or is it so dangerous we just can't overcome the odds we face?

All of America is hoping and praying, as we keep these other two soldiers in our hearts and our minds, that they will be found alive by the troops searching for them.

One of the soldiers searching for their two colleagues said something to the Associated Press. I quote him here.

> It just angers me that it's just another friend that I've got to lose and deal with, because I've already lost 13 friends since I've been here and I don't know if I can take it anymore.

Much of America feels the same way. Outside of my office in Washington we have a tribute called "The Faces of the Fallen." Visitors from across the country have stopped by this memorial—pictures of those who perished. I encourage my colleagues to come and see these photographs displayed on placards on the third floor of the Hart Building.

Since the beginning of May, and we are now at the 24th of May, the Pentagon has announced the deaths of 75 of our troops in Iraq and Afghanistan coming from thirty-one different states. I want them to be remembered.

Today, I am going to read their names into the RECORD. As we listen to the names, the real cost of this war is being felt in many homes across this country.

These are the names: LCpl Benjamin D. Desilets, of Elmwood, IL; CPL Julian M. Woodall, of Tallahassee, FL; CPL Ryan D. Collins, of Vernon, TX; SGT Jason A. Schumann, of Hawley, MN; SSG Christopher Moore, of Alpaugh, CA; SGT Jean P. Medlin, of Pelham, AL; SPC David W. Behrle, of Tipton, IA; SPC Joseph A. Gilmore, of Webster, FL; PFC Travis F. Haslip, of Ooltewah, TN; PFC Alexander R. Varela, of Fernley, NV; SFC Jesse B. Albrecht, of Hager City, WI; SPC Coty J. Phelps, of Kingman, AZ; PFC Victor M. Fontanilla, of Stockton, CA; SGT Ryan J. Baum, of Aurora, CO; SGT Justin D. Wisniewski, of Standish, MI; SGT Anselmo Martinez III, of Robstown, TX; SPC Casey W. Nash, of Baltimore, MD; SPC Joshua G. Romero, of Crowley, TX; SFC Scott J. Brown, of Windsor, CO; SPC Marquis J. McCants, of San Antonio, TX; PFC Jonathan V. Hamm, of Baltimore, MD; SGT Steven M. Packer, of Clovis, CA; PFC Aaron D. Gautier, of Hampton, VA; SSG Joshua R. Whitaker, of Long Beach, CA; SGT Allen J. Dunckley, of Yardley, PA; SGT Christopher N. Gonzalez, of Winslow, AZ; SGT Thomas G. Wright, of Holly, MI; LCpl Jeffrey D. Walker, of Macon, GA; PFC Zachary R. Gullett, of Hillsboro, OH; MAJ Larry J. Bauguess Jr., of Moravian Falls, NC; PFC Nicholas S. Hartge, of Rome City, IN; SFC James D. Connell Jr., of Lake City, TN; PFC Daniel W. Courneya, of Nashville, MI; CPL Christopher E. Murphy, of Lynchburg, VA; SSG John T. Self, of Pontotoc, MS; SPC Rhys W. Klasno, of Riverside, CA; MAJ Douglas A. Zembiec, of Albuquerque, NM; PVT Anthony J. Sausto, of Lake Havasu City, AZ; 1LT Andrew J. Bacevich, of Walpole, MA; PFC William A. Farrar Jr., of Redlands, CA; SPC Michael K. Frank, of Great Falls, MT; PFC Roy L. Jones III, of Houston, TX; SGT Jason W. Vaughn, of Iuka, MS; SGT Blake C. Stephens, of Pocatello, ID; SPC Kyle A. Little, of West Boylston, MA; SGM Bradly D. Conner, of Coeur d'Alene, ID; LCpl Walter K. O'Haire, of Lynn, MA; SGT Timothy P. Padgett, of Defuniak Springs, FL; SPC Dan H. Nguyen, of Sugar Land, TX; SSG Vincenzo Romeo, of Lodi, NJ—my home State; SGT Jason R. Harkins, of Clarkesville, GA; SGT Joel W. Lewis, of Sandia Park, NM; CPL Matthew L. Alexander, of Gretna, NE; CPL Anthony M. Bradshaw, of San Antonio, TX; CPL Michael A. Pursel, of Clinton, UT; SSG Virgil C. Martinez, of West Valley, UT; SGT Sameer A. M. Rateb, of Absecon, NJ—my home State; COL James W. Harrison Jr., of Missouri; MSG Wilberto Sabalu Jr., of Chicago, IL; SSG Christopher N. Hamlin, of London, KY; PFC Larry I. Guyton, of Brenham, TX; SSG Christopher S. Kiernan, of Virginia Beach, VA; MSG Kenneth N. Mack, of Fort Worth, TX; CPL Charles O. Palmer II, of Manteca, CA; PFC Jerome J. Potter, of Tacoma, WA; SSG Coby G. Schwab, of Puyallup, WA; SPC Kelly B. Grothe, of Spokane, WA; SPC Andrew R. Weiss, of Lafayette, IN; SPC Matthew T. Bolar, of Montgomery, AL; LCpl Johnathan E. Kirk, of Belhaven, NC; PFC Joseph G. Harris, of Sugar Land, TX; 1LT Colby J. Umbrell, of Doylestown, PA; 1LT Ryan P. Jones, of Massachusetts; SPC Astor A. Sunsin-Pineda, of Long Beach, CA; PFC Katie M. Soenksen, of Davenport, IA.

Mr. President, as you heard, this list includes two brave men from New Jersey—I visited their families—SSG Vincent Vincenzo Romeo and SGT Sameer Rateb. Staff Sergeant Romeo was from Lodi, NJ, and Sergeant Rateb was from Absecon, NJ.

It also includes SGT Allen J. Dunckley. His funeral is taking place today at 10:30, 5 minutes from now. His family is from Glassboro, NJ. PVT Anthony J. Sausto lived in Hamilton Township, NJ.

We cannot forget these brave men and women. The Nation cannot afford to forget their sacrifice. We have to remember that these brave souls left behind parents and children, siblings, friends. Their sorrow will last forever. We want them to know the country thinks about them, and we make a pledge to preserve their memory with the dignity that those who served and paid this price deserve.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

SUPPLEMENTAL APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I appreciate the remarks of the Senator from New Jersey.

I rise today to express my disappointment, both in the final version of the supplemental spending bill that we expect to consider today, and in the process that led to this badly flawed bill. Those two concerns are linked because the flawed procedure the Senate adopted when we passed a sham supplemental bill last week, without debate or amendments, helped grease the wheels for a final bill that contains no binding language on redeployment. While our brave troops are stuck in the middle of a civil war in Iraq, we have a bill with political benchmarks that lack meaningful consequences if they are not reached.

Legislation as important as this funding bill should have been openly considered in this body. I am talking about an open and on-the-record debate with amendments offered and voted upon. That is the way the Senate is supposed to operate. I shared the desire of my colleagues to pass this important bill as quickly as possible, but that was no excuse for us avoiding our responsibilities as legislators. Unquestionably, it was easier and faster for us to send a place holder bill back to the House. By doing that, the real work could be done behind closed doors where all kinds of horse trading can occur and decisions are unknown until the final deal is sealed. That process makes it a lot easier for most Members of Congress to avoid responsibility for the final outcome—we didn't have to cast any votes or make any difficult decisions. In short, we didn't have to do any legislating.

Now that we face a badly flawed, take-it-or-leave-it bill, we can simply shrug, apparently, and tell our constituents we did the best we could. That is not good enough, not when we are talking about the most pressing issue facing this country.

In the 5 months we have been in control of Congress, a unified Democratic caucus, with the help of some Republicans, has made great strides toward changing the course in Iraq. We were able to pass the first supplemental bill, supported by a majority of the Senate, that required the phased redeployment of our troops to begin in 120 days.

Last week, a majority of Democrats supported ending the current open-ended mission by March 31, 2008. It has been almost 1 year since 13 Senators supported the proposal I offered with Senator KERRY that would have brought our troops out of Iraq by this summer. Now, 29 Senators support an even stronger measure, enforced by Congress's power of the purse, to safely redeploy our troops.

Unfortunately, after that strong vote, we are now moving backward. Instead of forcing the President to safely redeploy our troops, instead of coming up with a strategy providing assistance to a postredeployment Iraq, and instead of a renewed focus on the global fight against al-Qaida, we are faced with a spending bill that just kicks the can down the road and buys the administration time.

But why, I ask you, would we buy the administration more time? Why should we wait any longer? Since the war began in March 2003, we have lost more than 3,420 Americans, with over 71 killed since the beginning of this month. Last month, we lost over 100 Americans. Last weekend, the media reported that 24 bodies were found lying in the streets of Baghdad, all of whom had been killed execution style. Nineteen of them were found within parts of the city where the troops have "surged."

The administration's policy is clearly untenable. The American people know that, which is why they voted the way they did in November. They want us out of Iraq, and they want us out now. They don't want to give the so-called surge time. They don't want to pass this problem off to another President and another Congress. And they sure don't want another American servicemember to die or lose a limb while elected representatives put their own political comfort over the wishes of their constituents.

It was bad enough to have the President again disregard the American people by escalating our involvement in Iraq. Now, too, Congress seems to be ignoring the will of the American people. If the American people cannot count on the leaders they elected to listen to them and to act on their demands, then something is seriously wrong with our political institutions or with the people who currently occupy those institutions.

I urge my colleagues to reject the weak supplemental conference report and to stand strong as we tell the administration it is time to end the war that is draining our resources, straining our military, and undermining our national security.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OBAMA). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The majority has 4 minutes left in morning business.

Mr. MENENDEZ. Mr. President, on behalf of the majority, I yield back the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (For Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

Grassley/DeMint amendment No. 1166 to amendment No. 1150, to establish a permanent bar for gang members, terrorists, and other criminals.

Cornyn amendment No. 1184 (to amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.

Coleman/Bond amendment No. 1158 to amendment No. 1150, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to facilitate information sharing between federal and local law enforcement officials related to an individual's immigration status.

Akaka amendment No. 1186 to amendment No. 1150, to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 1158

Mr. MENENDEZ. Mr. President, I would like to start this morning's debate on immigration by speaking to two of the pending amendments that are before the Senate. First, I would like to speak toward the Coleman amendment.

Under Senator COLEMAN's amendment, he would, in essence, undermine the rights of States and local municipalities which have instructed their police, health, and safety workers from inquiring about the immigration status of those they serve in order to protect the health and safety and promote the general welfare of the community.

As Ronald Reagan said: Here we go again. Over the last several years, particularly in the House of Representatives, there have been different pieces of legislation and amendments offered and debated that would deputize State and local police to enforce what is, in essence, Federal civil immigration law. The Coleman-Bond amendment would effectively prohibit State and local Government policies that seek to encourage crime reporting and witness cooperation by reassuring immigrant victims that police and other government officials will not inquire into their status.

So the amendment would send a mandate from Washington that would end State and local policies that prevent their employees, including police and health and safety workers, from inquiring about the immigration status of those they serve if there is "probable cause"—probable cause; exactly what standard we are going to use for that is still, in my mind, not quite defined—to believe the individual being questioned is undocumented.

Now, I have talked to some of the toughest law enforcement people across the country. Many cities, counties, and police departments around the country have decided that it is a matter of public health and safety not to ask, not to ask about the immigration status of people when they report crimes or have been the victims of domestic abuse or go to the hospital seeking emergency medical care.

Currently, scores of cities and States across the Nation have such confidentiality policies in place, some upwards of 20 years of having such policies in place. The point of these policies is to make sure immigrants report crimes and information to police and do not stay silent for fear that their immigrant status or that of a loved one could come under scrutiny if they contact the authorities.

Information is one of the most powerful tools law enforcement has to prosecute individuals in the course of a crime, to know who the perpetrator was, to know who was in the gang activity, to know who is the drug dealer. Think of the potential chilling effect this amendment could have on the willingness and ability of immigrant crime victims and witnesses, those who have been victims of domestic abuse, and those who may need emergency health care to turn for assistance if they feared that deportation rather than receiving assistance would result. That is why cities and States have passed local laws and set policies limiting when police and city and county employees can ask people to prove their immigration status.

States and local police have long sought to separate their activities from those of the Federal immigration agents in order to enhance public safety. Now, why do States and local law enforcement entities do that? Why is that? Because when immigrant community residents begin to see State and local police as deportation agents, they stop reporting crimes and assisting in investigations. It undermines the trust and cooperation with immigrant communities that are essential elements of community-oriented policing.

There are numerous examples of police opposing such efforts. In fact, in 2005, Princeton, NJ, police chief Anthony Federico said:

> Local police agencies depend on the cooperation of immigrants, legal and illegal, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families.

So those who are entrusted to protect us understand that the relationship of trust built with the immigrant community would be ruined overnight if this provision becomes law.

This amendment would also cause millions of people in this country, not just immigrants—not just immigrants—to think twice about getting the medical treatment they need. Why would we discourage individuals from receiving medical care? Let's think about the possible consequences for a second. You are rolled into an emergency room, and you do not have insurance. Would there be "probable cause" to be asked whether you are here legally in the United States?

Assume I get rolled into an emergency room "Mr. Menendez" or maybe someone who might even be described as more characteristically Hispanic or maybe Asian or some other group, and I do not happen to have insurance, as, unfortunately, 40 million Americans who are here as U.S. citizens do not have, and in that moment, I am asked whether I am an American citizen. That would be shameful. You would not ask any other citizen that. But what you create under these sets of circumstances is the opportunity for law enforcement, for health officials, for emergency management officials to begin to ask the questions. And under what probable cause? The way someone looks? The accent with which they speak? The surname? Under what probable cause? Under what probable cause? The misfortune of not having health insurance? Is that an indicator that you are likely not here in a documented fashion, those who look a certain way?

This amendment can clearly also encourage racial profiling. People who look or sound foreign would be the ones whose citizenship or immigration status will be questioned. Under this amendment, we are asking public hospital workers, teachers, police, social workers, and all public employees to decide where there is probable cause to believe someone does not have lawful immigration status. That means treating anyone who looks or sounds foreign with suspicion. In my mind, that is just plain wrong.

One could argue that the Coleman amendment is a coercive action against any State, municipality, or other entity to say to that State, municipality, or other entity that they must do a series of things, such as obtaining information on a person's status, like my own, which I was born in this country. So much for States rights. So much for the local municipalities know best. For 15 years in the Congress, I have listened to my Republican colleagues speaking of States rights, of local rules, of States knowing best. But I guess they do not know best when it comes to the law enforcement of their own communities.

We don't need a provision such as this. Current law already provides ample opportunity—ample opportunity—for State and local police to assist Federal immigration agents in enforcing the laws against criminals and terrorists. What they cannot do is start asking everyone they come across for their "papers." "Let me see your papers."

States and localities that do want to take on a broader role in immigration enforcement can enter into a memorandum of understanding with ICE, receive training in immigration law, and assist in enforcement operations under Immigration's supervision. That already exists in the law, and there are communities which have chosen to do that.

Mr. President, this amendment would create fear in entire communities, would inevitably deter not only undocumented immigrants but legal immigrants and citizens from not being subject to being prosecuted simply because of who they are, what they look like, how they sound, what their surname is, because God knows what the probable cause is.

Mr. KENNEDY. Would the Senator yield on that point?

Mr. MENENDEZ. I don't think that is the America we want.

I am happy to yield.

Mr. KENNEDY. I just wonder if the Senator would yield on this point because this is extremely important. This is about American citizens too. There are individuals who go to a hospital, people who take their children to school for vaccinations, and this has the language that if an official has probable cause to believe they are undocumented, they can question that individual.

Suppose they question them before they treat them? The way I look at it and read that, this could be an American who goes in, an American citizen goes in, and for some reason, some attendant says: Well, I have reason to believe this is undocumented, let's see all of your papers, while the person is either trying to be attended to, with a serious injury, or trying to get their child immunized to protect not only that child but other children in the classroom. How in the world are they going to be able to do that without opening up a whole system of profiling in this country?

I maintain that we have very strong border security and we have very strong provisions in here in terms of employment security, to try to make sure we are going to have the right people who are going to be able to work here and we are going to know who is going to be able to come into the United States. But this here really seems to me to be endangering American citizens in a very important way. I was just wondering if the Senator might comment on that.

Mr. MENENDEZ. Well, I appreciate the question and the Senator's observations. The Senator is absolutely right. Actually, this makes hospital workers enforcement workers. This makes your local volunteer ambulance corps an agent because a municipality may say: We don't want you to ask that question; we want you to deal with the lifesaving moment that is before your hands.

As a matter of fact, let's think about an outbreak of disease. We have an outbreak at a hospital. Do you not want that individual to be able to go and be treated and contain the outbreak? No, let's find out what their status is. If you happen to have a surname that is what we conceptualize as undocumented, or if you don't have command of the English language in a powerful way, we conceptualize that you must be undocumented. If you don't have insurance, that must be an indicator of probable cause, even though there are 40 million U.S. citizens who don't have it. Clearly, this turns people who have professed to protect, to defend, and to provide health care into agents against their will. That is why municipalities and States have chosen a different course. They understand better. That is why I certainly urge a strong "no" vote on the Coleman amendment.

AMENDMENT NO. 1184

I wish to turn to another amendment pending before the Senate, the Cornyn amendment. I will talk about some elements of this to give our colleagues in the Senate a taste of what is here. This is far from a technical amendment. It has very substantive consequences, if it were to be adopted. It actually undermines the "grand bargain" that I understood was struck. Let me give one of the examples of how it undermines the "grand bargain." A provision of the Cornyn amendment adds new grounds of deportability for convictions relating to Social Security account numbers or Social Security cards and relating to identity fraud. As with virtually all of the other provisions in his amendment, this suspension is retroactive. So upon passage of this bill, if it were to become law, these new offenses would go backward, would become retroactive, so that the acts that occurred before the date of enactment would become grounds for removal. If part of the goal is to bring those in the shadows into the light and to apply for a program, you would have huge numbers of people who would in essence be caught by this provision in a way that would never allow the earned legalization aspect of what is being offered as a real possibility for them. It would undermine the very essence of the "grand bargain." Significantly, this provision would place individuals applying for legalization in a catch-22 situation. We want them to come forward and register because we want to know who is here pursuing the American dream versus who is here to destroy it. Yet if they admit to having used a false Social Security card to work in the United States, only to be prosecuted by a U.S. Attorney or one working in concert with the Department of Homeland Security to selectively target certain applicants, that individual's ultimate prosecution changes to a removal because of conduct that occurred prior to the enactment, conduct that was fundamentally incident to his or her undocumented status.

The potential impact of making literally thousands and thousands of undocumented workers subject to these provisions would in essence nullify the very essence of the earned legalization aspect of the "grand bargain." We know that because of the failed employer sanctions, which this bill undoes and makes sure we have the right type of employer verification and the right type of sanctions and the right type of enforcement, undocumented workers have moved consistently in order to earn a livelihood and support their families in a way that would be undermined by this amendment. Given ICE'S new interior enforcement strategy, it seems to me what we will see is the rounding up of thousands of undocumented workers during worksite enforcement actions while we are supposedly waiting for the triggers which we enhanced yesterday. We made those even more difficult, which means it isn't going to be 18 months for those triggers to take place, it is going to be a lot more time, if this is what ends up being the final bill.

In that effort, we are going to have individuals who ultimately are not going to be subject to the opportunities we supposedly say are a pathway to earn legalization as part of the overall solution to our problem. Because the amendment is retroactive, and retroactivity as a provision of law is something we generally have disdain for, it would apply even to those applying for admission after the date of enactment. Clearly, it puts in jeopardy the total element of the legalization process.

Secondly, to address a different provision of the Cornyn amendment, it permits secret evidence to be used against an individual without any opportunity for it to be reviewed. This amendment gives the Attorney General—and we have seen of late what is capable out of the Justice Department—unreviewable discretion to use secret evidence to determine if an alien is "described in"—not guilty of anything, but just described in—the national security exclusions within the immigration law. A person applying for naturalization could have her application denied and she would never know the reason for that denial, never have a chance to appeal and prove it was wrong.

If a lawful permanent resident already, somebody who followed the rules, obeyed the law, waited, came in, now a lawful permanent resident, maybe even serving their country, was giving money to tsunami relief and accidentally that money went to a charity controlled, for example, by the Tamil Tigers in Sri Lanka, that person could be denied citizenship on the basis of secret evidence, and there would be no review in the courts. In sum, it allows deportation based upon unreviewable determinations by the executive branch, determinations that can be based on secret evidence that the person cannot even see, let alone challenge.

All of these provisions are retroactive. Retroactivity is antithetical to core American values. What could be more unfair than changing the rules in the middle of the game. That is why it is unconstitutional in criminal law and strongly objectionable in a context like immigration law, where such changes can have profound, life-altering consequences. Why would we want to repeat the mistakes of past immigration reform? Retroactivity in that law led to incredible hardship and had the most strident immigration hardliners questioning whether the law had gone too far. Retroactivity was eliminated from all of those provisions during Judiciary Committee markup in past legislation, but now it emerges again.

We can be tough. We can be smart. The underlying substitute does so much to move us forward in this regard. But at the end of the day, let us not undermine the very essence of the constitutional guarantees that have been upheld by the courts—of judicial review, of due process, which makes America worthy of fighting for and dying for, the Constitution, the Bill of Rights that enshrines those essential rights and guarantees them to all of us, for its enforcement that makes us so different than so much of the rest of the world. We are moving in this bill, by a series of amendments—some that would have been adopted and some that are already pending and others I fear may come—into a state in which that is continuously eroded to great alarm. I hope the Senate will reject these because in terms of their pursuit and enforceability, at the end of the day, they will become real challenges.

We are going to overturn States and municipalities. We will make them enforce them. Will there be penalties against States and municipalities that have a different view of public safety? Secret evidence, is that the new standard for us, secret evidence that is not subject to review, not subject to be contested? What are we going to permit now? Retroactivity as a rule of law for the United States? You never know what you did before may have been right or wrong. That is the essence of why we don't like retroactivity. We tell people: This is the law, follow this law. We expect them to do it. But we also don't change it on them by passing a new law and saying: By the way, that was wrong, you couldn't do that, even though we told you you could, but retroactively we changed it; now we catch you in a set of circumstances in which you have committed a crime. That is why we don't do that generally in the law. That is why the Cornyn amendment should be defeated.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from New Jersey for his comments, both on the Coleman amendment and the Cornyn amendment.

To remind our colleagues, we intend to have votes starting at 12:15. Yesterday we had some success on a number of different amendments. We have a number here which we expect votes on through the afternoon. We will have a full morning and afternoon.

With regard to the Coleman amendment, because the American people obviously are concerned about security, we are concerned about security from terrorism. We are concerned as well about security from bioterrorism or from the dangers of nuclear weapons. We have heard those words. We have taken action on many of them. We still have much to do. But we have in this legislation taken a number of very important steps with regard to security. It is important to understand what has been done in this legislation in terms of security and how the Coleman amendment fails to meet the test. In a number of areas, it probably endangers our security. It does so with regard to health care, education. It may even in other areas as well.

In this legislation, we are doubling the Border Patrol. We are creating a new electronic eligibility verification system, increasing penalties on noncompliant employers by a factor of 20. We are increasing detention space and requiring more detention of undocumented immigrants, pending adjudication of their cases. We are expanding the definition of aggravated felony to encompass a wider array of offenses. We are increasing the penalties related to gang violence, illegal entry, and illegal reentry. We are increasing penalties related to document and passport fraud. The list goes on. The question is, does this amendment add to our security, or does it make us more vulnerable to a public health crisis, more vulnerable to crime, terrorist attack, and less competitive?

What we are basically doing with the Coleman amendment is saying to any teacher, any doctor, any nurse, any public official, if they believe they have probable cause—and we have to understand what that means in terms of the individual, how they are going to know there is probable cause—then they can test the individual that is before them to find out whether they are undocumented, whether they are legal, or whether they are an American.

Let's take an example. Tuberculosis, which we have seen grow dramatically over the last 3 years for a number of different reasons—71 percent of those who have tuberculosis are foreign. But in order to protect American children from tuberculosis, we need to screen and protect those who have tuberculosis; otherwise, we will find the tuberculosis is going to spread.

Well, what are we going to do? What is important is that if we find out a person comes in and the family has tuberculosis and the individual says: Well, I am not sure I am going to treat you because I am not sure you are an American citizen or if you are undocumented or if your papers are right, so I am not sure we are going to treat you, and that family has tuberculosis, the child goes into a classroom with a communicable disease and infects a number of American children? This is the typical kind of challenge.

On immunization: Immunization is down in this country dramatically. What happens? We know when we do not immunize the children, they become more vulnerable to disease. Maybe these children are going to go into the public school system and are going to spread that disease. Isn't it better to make sure they are going to get the immunization? Or are we going to say to the medical professionals: Well, I think that person is undocumented. I think they may be illegal. Sure, they have papers. They look OK. But I am not sure they are OK, so therefore I am not going to treat them.

This is false security. We have tough security in the bill.

What are we going to say in the situation where we have battered women—which is taking place today in too many communities across this country? It is a reality. We might not like it, but it is a reality, and many of the people who are being battered happen to be immigrants, undocumented individuals. What are they going to do after they are getting beaten and beaten and beaten and they go on in to try to get some medical care? Oh, no. Well, you are undocumented, so we are going to report you for deportation. Report to deport. That is the Coleman amendment: Report to deport—trying, in these situations, to meet the immediate needs.

What is going to happen to the migrant, the undocumented, who sees a crime, knows the people, is prepared to make sure the gangs who are distributing drugs—they are a witness to a crime in the community and they go down to the police department and the first thing the police officer says is: Well, you look like you are undocumented. Let's see your papers, and they arrest the person, rather than solving the crime, rather than stopping the gang.

So this is, I think, false security and unnecessary. We will have a chance to address that. As we mentioned earlier, the amendment would prevent the local governments from having the flexibility to reassure fearful immigrant communities it is safe to come forward for programs that are absolutely essential to public health and safety. If the immigrant families are afraid to access the key public health interventions, such as immunization or screening for communicable disease, the public health consequences for the entire community are severe.

When the Nation is attempting to be prepared for the threat of biological terrorism or serious influenza epidemic, this is a dangerous policy. Local governments need the flexibility to keep the entire community safe.

Public health workers should not be enforcers. Public health workers should not be enforcers of immigration law. This can create a massive fear of the health care system and upset the trust of a patient-doctor relationship that many public health workers have worked to build among the immigrant community for years.

Further, social service and health care providers are unlikely to be familiar with the complex and constantly changing immigration laws, which would be needed to determine a patient's status and for which they would have to undergo extensive training.

I have listened to the Members of the Senate talk about the 1986 immigration laws like they understood it and knew what they were talking about. How in the world are we going to expect the local policeman or the local nurse or the local doctor to understand it when on the floor of the Senate they do not even understand it?

What are going to be the implications? The implications are going to be: There is going to be increased fear, increased discrimination, increased prejudice, and increased disruption—not only of people's lives but also of the public health system, the education system, and the law enforcement system.

So this amendment does not make sense. At an appropriate time, we will comment further about it.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I respect the purpose the distinguished Senator from Minnesota has in advancing this amendment, but I believe it would have a chilling effect on the reporting of crime by immigrants whose status is undocumented.

We had a hearing on this subject in Philadelphia, for example. The chief of police, Sylvester Johnson, had this to say:

> Meeting public safety objectives is only possible when the people trust their law enforcement officials. Fear of negative consequences or reprisal will undermine this important element of successful police work.

Many major cities in the United States have adopted so-called sanctuary city policies, such as Phoenix, Los Angeles, San Diego, Philadelphia, San Francisco, New Haven, Portland, Baltimore, Detroit, Minneapolis, Albuquerque, and New York.

Mayor Bloomberg testified before the Judiciary Committee saying:

> Do we really want people who could have information about criminals, including potential terrorists, to be afraid to go to the police?

Mayor John Street of Philadelphia, in a letter to me, said:

> It is imperative that immigrants who may be witnesses to or victims of crime not suffer repercussions as they attempt to give and receive assistance from law enforcement.

Mr. President, I ask unanimous consent that the full statement of the analysis of the amendment be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. The essential point is that undocumented immigrants, if they are victims and make a report, or if they are witnesses, or if they have information about dangerous people—terrorists, illustratively—should have confidence and feel free to come to the police. Well-intentioned as this amendment is, I think it would be counterproductive and unwise.

AMENDMENT NO. 1190

Mr. President, I think we are in a position to accept the McCain amendment when Senator KENNEDY returns to the floor. The thrust of the amendment offered by Senator MCCAIN, No. 1190, would provide that undocumented immigrants would have an obligation to pay Federal back taxes at the time their status is adjusted under the provisions of the bill.

Mr. President, I ask unanimous consent that I be added as an original cosponsor to the McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I note the presence of the Senator from North Dakota in the Chamber, who intends to speak, so I yield the floor.

EXHIBIT 1

ANALYSIS OF AMENDMENT

Requiring local law enforcement to inquire about immigration status undermines both law enforcement efforts and raises national security concerns:

"Meeting public safety objectives is only possible when the people trust their law enforcement officials. Fear of negative consequences or reprisal will undermine this important element of successful police work." [Philadelphia Police Commissioner Sylvester Johnson, Written testimony to SJC, 7/5/06 hearing, p. 1.]

"Crime does not discriminate. Requiring immigration enforcement by local Departments will create distrust among persons from foreign lands living in the United States. Undocumented immigrants will not report victimization or cooperate in solving crimes or testifying for fear of deportation." [Philadelphia Police Commissioner Sylvester Johnson, Written testimony to SJC, 7/5/06 hearing, p. 1.]

"If an undocumented person is a victim or a witness of a crime, we want them to come forward. They should not avoid local police for fear of deportation." [SJC 7/5/06 hearing transcript, p. 31, Philadelphia Police Commissioner Sylvester Johnson.]

"It is imperative that immigrants who may be witnesses to or victims of crime not suffer repercussions as they attempt to give and receive assistance from law enforcement." [Letter from Philadelphia Mayor John Street to Sen. Specter.]

"Do we really want people who could have information about criminals, including potential terrorists, to be afraid to go to the police?" [SJC 7/5/06 hearing transcript, p. 27, New York Mayor Michael Bloomberg.]

"It will also undercut homeland security efforts among immigrant communities, in that those who that may know persons who harbor knowledge of terrorist activities will no longer be willing to come forward to any law enforcement agency for fear of reprisal against themselves or their loved ones." [Philadelphia Police Commissioner Sylvester Johnson, Written testimony to SJC, 7/5/06 hearing, p. 1.]

Immigrants who live in fear of local authorities may undermine public health efforts:

"In the event of a flu pandemic or bioterrorist attack, the City would provide prophylaxis to all of its infected residents regardless of immigration status. The immigrant population, due to fear, might refrain from identifying themselves if infected, potentially resulting in the spread of disease leading to a public health crisis." [Letter from Philadelphia Mayor John Street to Sen. Specter.]

"Do we really want people with contagious diseases not to seek medical treatment? Do we really want people not to get vaccinated against communicable diseases?" [SJC 7/5/06 hearing transcript, p. 27, New York Mayor Michael Bloomberg.]

Local law enforcement officials who inquire about immigration status may subject themselves and their offices to civil litigation and claims of racial profiling:

"[A]ll Police Departments are susceptible to civil litigation as a result of civil rights suits. . . . [T]ime in court on a civil suit equates to fewer officers of our streets and settlements, court costs, and Plaintiff's rewards all cost all citizens precious resources. With questionable federal law authority to enforce such immigration laws, and with a precedent of local police being sued for assisting in the enforcement of immigration law, the probability of civil suits against local departments as primary enforcers is a major concern." [Philadelphia Police Commissioner Sylvester Johnson, Written testimony to SJC, 7/5/06 hearing, p. 2–3.]

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is—I will wait for Senator KENNEDY to appear on the floor—my understanding is there would be an agreement to allow me to offer my amendment at this point, which would require me to set aside whatever pending amendment exists. If that is acceptable, I will do that, offer my amendment, and then speak on my amendment.

So I ask whether that it is acceptable for me to ask consent to set aside the pending amendment.

Mr. SPECTER. Mr. President, I think it is acceptable for the Senator from North Dakota to ask that the pending amendment be set aside. I will not object, and I am the only Senator on the floor—unless the Presiding Officer objects.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may be able to offer an amendment that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1181 TO AMENDMENT NO. 1150

Mr. DORGAN. Mr. President, I ask for the amendment's immediate consideration.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, and Mrs. BOXER, proposes an amendment numbered 1181 to amendment No. 1150.

The amendment is as follows:

(Purpose: To sunset the Y–1 nonimmigrant visa program after a 5-year period)

At the end of section 401, add the following:

(d) SUNSET OF Y–1 VISA PROGRAM.—

(1) SUNSET.—Notwithstanding any other provision of this Act, or any amendment made by this Act, no alien may be issued a new visa as a Y–1 nonimmigrant (as defined in section 218B of the Immigration and Nationality Act, as added by section 403) after the date that is 5 years after the date that the first such visa is issued.

(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed to affect issuance of visas to Y–2B nonimmigrants (as defined in such section 218B), under the AgJOBS Act of 2007, as added by subtitle C, or any visa program other than the Y–1 visa program.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator DURBIN be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this amendment is relatively simple. It is an amendment that would sunset the so-called guest worker or temporary worker provision.

As my colleagues know, I was on the floor the day before yesterday attempting to abolish the temporary or guest worker provision. I failed to do that. We had a vote and, regrettably, in the Senate they count the votes, and when they counted those votes, I was on the short end. I have felt very strongly about this issue, and I wish to describe why. But having lost that vote, what I next propose is that we sunset the temporary or guest worker provision.

Let me describe that even if we were not on the floor of the Senate talking about immigration today, we have a great deal of legal immigration in this country. We have a system by which there is a quota where we allow in people from other countries to become citizens of our country, to have a green card, to work, and then work toward citizenship.

Let me describe that even if we were not here with an immigration proposal, here is who would be coming to our country. The 2006 numbers, I believe, are: 1.2 million people—1,266,000 people—last year came to this country legally; 117,000 of them came from Africa; 422,000 came from Asia; 164,000 came from Europe; 414,000 came from various locations in North America, including the Caribbean, Central America, and other portions of North America; 138,000 came from South America.

Let me reiterate, the cumulation is 1.2 million people that came to this country legally, and received green cards last year. So it is not as if there is not immigration—legal immigration. We have a process by which we allow that to happen.

There are people, even as I speak this morning, who are in Africa or Europe or Asia or South America or Central America, and they have wanted to come to this country, and they have made application. They have waited 5 years, 7 years, 10 years, and perhaps they have risen to the top of the list or close to the top of the list to—under the legal process for coming to this country—be able to gain access to this country.

Then, they read we have a new proposal on immigration. No, it is not that immigration quota where you apply and you wait over a long period of time. It is that if you came into this country by December 31 of last year—snuck in, walked in, flew in—illegally, we, with this legislation, deem you to be here legally. We say: Yes, you came here illegally. You were among 12 million of them who came here illegally—some of them walking across, I assume, on December 31, who crossed the southern border—and this legislation says: Oh, by the way, that does not matter. What we are going to do is describe you as being here legally, and we are going to give you a permit to go to work.

What does that say to people in Africa or Asia or Europe who have been waiting because they filed, they believed this was all on the level, there is a process by which you come to this country legally—it is quota—and they decided to go through that process? What does it say to them that now we have said: Do you know what. You would have been better off sneaking across the border on December 31 of last year because, with a magic wand, this legislation would say you are perfectly legal.

In addition to the 1.2 million people who came here legally, under this bill there would be another 1.5 million people coming to do agricultural jobs. There are also 12 million people who have come here illegally. Let me say quickly I understand there will be some of them who have been here 10 years, 20 years, and more, who came here—they didn't come legally, I understand that—but they have been here for two or three decades. They have raised their families here, they have been model citizens, they have worked. I understand we are not going to round them up and ship them out of this country. I understand that. There needs to be a sensitive, thoughtful way to address the status of those who have been here for a long period of time and who have been model citizens. This is different than deciding that those who walked across the border on December 31 of last year are going to be deemed legal. That is very different.

But in addition to those questions about the legal status of 12 million people who came here without legal authorization, the other question is: Should we decide to bring additional people into this country who aren't now here to take American jobs under a provision called the guest worker or temporary worker provision?

Now, you don't have to read many newspapers in the morning to see the next story about the company that closed its plant, fired its workers, and moved its jobs to China. You don't have to spend a lot of time looking for stories such as that. They are all around us, American companies exporting American jobs in search of cheap labor in China, Indonesia, Sri Lanka, Bangladesh, and at exactly the same time, we see all of these stories about exporting American jobs. We now see the urgings of the biggest enterprises in this country, many of which do export these jobs in search of cheap labor. We see their urgings to allow them to bring in additional cheap labor from outside of this country into this country to assume jobs American workers now have. They say these workers are necessary because they can't find American workers to do those jobs. That is not true. They don't want to pay a decent wage for those jobs. The people across the counter at the convenience store, the people who make the beds in the morning at the hotels, if they paid a decent wage, they will get workers, but they don't want to have to do that. What they want to do is bring in cheap labor, and that is why we have a guest or a temporary worker provision.

I talked yesterday on the floor of the Senate about Circuit City, the story which reinforces all of this for me. Circuit City, a corporation all of us know, announced they have decided to fire 3,400 workers. The CEO of Circuit City, it says in the newspaper, makes $10 million a year. They announced they are going to fire 3,400 workers at Circuit City because they make $11 an hour and that is too much to pay a worker. They want to fire their workers and hire less experienced workers at a lower wage. This pernicious downward pressure on income in this country—fewer benefits, less retirement, less health care, lower income—is, in my judgment, initiated by the export of American jobs for low wages and the import of cheap labor for low wages, all of it coming together to say to the American worker: It is a different day for you and a different time for you. Don't expect the kind of wages you used to have. There is downward pressure on all of those wages, and that is part and parcel of what this proposal is: temporary guest workers.

Let me show you a graph I put up the other day, and this is a graph that has 200,000 temporary workers, because the proposal I tried to completely abolish was bringing in 400,000 temporary workers a year. That was cut by the Bingaman amendment to 200,000 a year. Let me describe how it works, because I am anxious to put a tape recorder on somebody and go listen to how they describe this at a town meeting, if they decide to vote for this.

Two hundred thousand foreign workers can come in as temporary or guest workers for 2 years. So these 200,000 come in for 2 years; then the second year another 200,000 can come in, so you have 400,000 the second year, but the 200,000 who come in can come in for 2 years, and they can bring their family if they wish. Then they have to go home for a year and take their family with them, and then they can come back for 2 more years. Or, they can come in for 2 years, not bring their family, go home for a year, and bring their family for another two years. Or, they can decide to come in for 2 years without a family, 2 years without a family, 2 years without a family, as long as they stay 1 year between each of the 2-year periods; as long as they stay 1 year outside of this country between those periods. It is the most Byzantine thing I have seen.

Now, what are the consequences of it? The consequences are this: This is cumulative, so what we have are these blocks of 200,000 workers who come and go, come and go. They stay 2 years, leave a year, bring their family, maybe don't bring their family. It is unbelievable. We are not talking about a few million people here. Add all these family members to these 200,000 workers who come for 2 years with their families and ask yourselves: What kind of immigration is this? By the way, where will they get jobs when they come to this country? We already have an agricultural provision that is in this legislation, so these are not farm workers. We are not talking about people who come and pick strawberries here. We are talking about people who will assume jobs—we are told—in manufacturing. Why? Because we don't have enough American workers in manufacturing? Are you kidding me?

I have described at length on the floor of the Senate the people who lost their jobs because their manufacturing jobs went to China for 20 cents an hour labor, 7 days a week, 12 to 14 hours a day. They want to know where to get people to work in manufacturing? Go find the people who were laid off—thousands, hundreds of thousands, millions laid off—because their company decided they were going to make their products in China. If they need hints, go back and read my previous speeches on the floor of the Senate. Fruit of the Loom underwear, a lot of folks worked there; not anymore. Levi's, not any more. Huffy Bicycles, no more. Radio Flyer, Little Red Wagon, no more. Fig Newton Cookies, no. All of those folks worked for all of those companies. Pennsylvania House Furniture.

My colleague from Pennsylvania is on the floor. Pennsylvania House Furniture is a great example of what has been happening. If you want to find some great workers, some real craftsmen. I know I have told this story before, and I will tell it again, because it is so important and so emblematic of what is going on.

Not many people know it, but Pennsylvania House Furniture, which is fine furniture—those folks in Pennsylvania who use Pennsylvania wood and were craftsmen to put together upper-end furniture, they all got fired because La-Z-Boy bought them and they decided they wanted to move Pennsylvania House Furniture to China, and they did. Now they ship the Pennsylvania wood to China, make the furniture and sell it back here as Pennsylvania furniture. But on the last day of work with the last piece of furniture these Pennsylvania House Furniture craftsmen produced—not many people know that they turned the last piece of furniture upside down, and as it came off the line, all of these craftsmen who for years have made some of the finest furniture in this country, decided to sign the bottom of that piece of furniture. Somebody in this country has a piece of furniture and they don't know it has the signatures of all the craftsmen at Pennsylvania House Furniture on the bottom of their piece of furniture. Do you know why they signed it? Because they understood how good they were. They didn't lose their jobs to China because they didn't do good work. They were wonderful craftsmen and they were proud of their work and they wanted to sign that piece of furniture. Somebody has that piece of furniture today, but none of those craftsmen have a job today. If somebody is looking for a manufacturing worker, I can steer them in the right direction. We have plenty of people in this country who need these jobs.

We are told two things that are contradictory. We are told there is bona fide border security in this bill. I happen to think the way you deal with immigration, first and foremost, is to provide border security. If you don't have border security, you don't have immigration reform because all you will do is nick at the edges and continue to have a stream of illegal workers flowing into this country. So the first and most important step is to provide border security.

I was here in 1986, and I heard the promises of border security, but in fact, there wasn't border security. Employer sanctions. In fact, there were not employer sanctions that were enforced. No enforcement on the border of any consequence; no enforcement with respect to employer sanctions.

We are told a guest worker provision is necessary because we cannot provide border security. Several of those who have been involved with this compromise have said: Workers will come here illegally or legally; one way or another, they are going to come in. My colleague has a couple of times pointed to the Governor of Arizona—and I suspect she did say this; I don't contest that—the Governor of Arizona, Governor Napolitano, says: You know, if you build a 50-foot-high fence, those who want to come in will get a 51-foot ladder.

Well, if that is the case, if Governor Napolitano is correct, then I guess we are not going to have border security unless we cut the legs off 51-foot-ladders. The implication of that is: Illegal immigration is going to occur, like it or not. Therefore, let's have a temporary worker program, which means we will describe as legal those who come in illegally. That is the point. I mean, I don't understand this; I just don't.

So I lose the amendment fair and square to try to strike that temporary worker provision. I understand where the votes were on it. But I come to the floor suggesting let's do one additional thing. Let's at least sunset this provision.

Here is what will happen for 10 years under the temporary worker provision. This chart shows 10 years, 200,000 in the first year, 200,000 the second year. That first group of 200,000 will be on their second year, so as those 200,000 continue their work the second year, another 200,000 will join them, and then by the fourth year, we have 600,000. By the fifth year, we have 800,000.

My proposition is this: Why don't we decide to sunset this at the end of 5 years and take a look at it and see. We have plenty of experience with claims that have never borne fruit here on the floor of the Senate. Why don't we take a look at 5 years and see where the claims were made for the temporary worker provisions. Were they claims that turned out to have been accurate or not?

Now, my understanding is—and I was looking for a statement in the press that was reporting on a colleague who was part of the compromise, if I can find it. Let me read from Congress Daily, Wednesday, May 23, which would have been yesterday.

> One change that might win over some would be a sunset provision which Senator Byron Dorgan, Democrat, North Dakota, said he wanted to offer after his proposal to eliminate the guest worker program failed.

Continuing to quote:

> Senator Mel Martinez, Republican of Florida, who helped negotiate the compromise immigration bill, said today he would not consider the sunset proposal a deal breaker.

I am quoting now Senator MARTINEZ from Congress Daily:

> Labor conditions might change, Martinez said. I don't see why in five years we shouldn't revisit what we have done.

MARTINEZ is among a group of roughly a dozen Senators dubbed the "grand bargainers," who have agreed to vote as a block to stop any amendments they believe would unravel the fragile immigration compromise on the Senate floor.

So at least one of the grand bargainers, Senator MARTINEZ, has told Congress Daily that the amendment I offer is not a deal breaker. He says:

> I think it is perfectly reasonable.

Again quoting him:

> I don't see why in five years we should not revisit what we have done.

So I would say to my colleagues, at least one of the "grand bargainers," so described by Congress Daily, has said the amendment that I offer with Senator BOXER and Senator DURBIN to provide a sunset after 5 years to the temporary or guest worker provision would not be a deal breaker.

We have passed a lot of legislation in the Congress that represents important policy choices and a number of those pieces of legislation have sunset provisions. The farm bill. The farm bill has sunset provisions in it. The Energy bill, the bankruptcy reform bill, the intelligence reform bill, all have sunset provisions. The purpose: Let's find out what happened and then determine what we do next. A sunset clause doesn't mean a piece of legislation will not get reauthorized. It might. If all of the claims that buttress the original passage turn out to be accurate, then you might well want to reauthorize it. But with other pieces of legislation, we have sunsetted key provisions. Why wouldn't we want to do the same with respect to temporary workers, which will open the gate and say come into this country.

This immigration bill that we have, with 12 million people being deemed legal, who came without legal authorization, that is not enough. We need more. I know we had discussion yesterday about chicken pluckers on the floor of the Senate. How much money will chicken pluckers make? Well, I will tell you one thing about chicken pluckers and those who do that kind of work. They are never going to make the money they used to make because of downward pressure on wages. That downward pressure in that sector comes directly from a massive quantity of cheap labor that has come into this country. That may be all right if you are not plucking chickens.

If you are working in one of those plants and you see what happened to wage standards and wage rates, it is very hard to say we are making progress on behalf of the American worker. We are not. That is what brings me to the floor of the Senate. I regret that I disagree with some very good friends in the Congress on these issues. But the fact is that this is very important public policy. This public policy and things that attend to it and relate to it determine what kind of jobs we are going to have in the future, what kind of economic expansion we will have, and what can the middle-income families expect for themselves and their kids and their lives.

I am not going to speak much longer, but I wish to say this. I remind all my colleagues where we have been. Almost a century ago, there was a man who was killed. I wrote about him and said he died of lead poisoning. He actually was shot 54 times—James Fyler. The reason he was shot 54 times almost a century ago is he was one of these people who decided to fight for workers' rights in this country. He believed that people who were coal miners and went into a coal mine ought to be able to expect, one, a fair wage; two, they ought to expect to be able to work in a safe workplace; they ought to have the right to organize and fight for those things. For that, he was shot 54 times.

For over a century, beginning with that, we dramatically, and through great difficulty, improved standards in this country. We demanded safe workplaces, fair labor standards, and all these things that would raise people up. We expended the middle class and created a country that is extraordinary, a middle class in which they could find good jobs that paid well and had decent fringe benefits. They negotiated for decent health care and retirement benefits. We did something extraordinary in this country. That didn't happen by accident.

At this point, all around the country, with middle-income workers, they see a retraction of those things, a downward pressure on their income, much less job security, and too many workers being treated akin to wrenches—use them up and throw them away. If you pay $11 an hour, that is too much. You find workers for $8 an hour, with no experience. Terrific. Or you can pay 30 cents an hour in China; that is even better.

You may say, what does that have to do with this bill? A lot, in my judgment. That is what pushes me to come to the floor on these amendments—not because I wish to hear myself talk or because I wish to take on friends but because I think the direction we are headed in is wrong. Yes, we have an immigration problem. I accept that and I understand that. I believe the first step to resolving it is border security because, otherwise, 10 or 15 years from now, we will be back with another immigration problem, and we will understand there was not border security. Those who tell us there is border security are the same ones who tell us, as Janet Napolitano says, that if we build a 50-foot fence, they will get a 51-foot ladder. You can't stop it, so declare it legal. Illegal immigration is going to occur, like it or not; therefore, let's have a temporary worker program. I disagree with that.

The fact is, I don't know all the nuances of what happened this week. I know this: The price for the support of the national Chamber of Commerce in the last bill brought to the Senate—the price for the support of the U.S. Chamber of Commerce was to allow them to bring in this cheap labor in the form of guest or temporary workers. I didn't support it then; I don't support it now.

We have 1.2 million people who came in legally last year. I support that process. That is a quota system. The process works. We refresh and nurture this country with immigrants. So 1.2 million were allowed in under the legal immigration system last year. That doesn't count the agricultural workers who would come in under the AgJobs program in this bill. That is another 1 million-plus people.

I also understand the urging and the interest to try to be sensitive in resolving the status of people who have been here a long time. Yes, they came without legal authorization, but they have been model citizens. They have lived up the block, down the street, and on the farm, and they have been among us and raised their families and gone to school; they have good jobs. Should we resolve their status with some sensitivity? Of course, I fully support that. But you do not resolve that, in my judgment, by pointing to December 31 of last year and saying, by the way, anybody who came across December 31 of last year and prior to that is considered to have legal status in our country. That is the wrong way to resolve it.

Let me do two things. Let me urge my colleagues to support a 5-year sunset on this legislation. Let me say a second time to those with whom I disagree, I respect their views. I disagree strongly with them. I mean no disrespect on the floor of the Senate about the views they hold. They perhaps hold them as strongly as I hold my views. I believe in my heart, when you look at people who got up this morning and got dressed and went to work, many of whom packed a lunch bucket, they came home and took a shower after work because they work hard and sweat, those people want something better for their lives in this country. They want the ability to get ahead and to get a decent wage for their work.

Regrettably, all too often, that is being denied them by a strategy that says this country values cheap labor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I rise in opposition to the proposal of the Senator from North Dakota. I appreciated over the period of these days the good exchanges we have had on the issues of the labor conditions in this country, which is what this legislation is all about.

I am going to put a chart behind me that describes the circumstances of what is happening to undocumented workers and to American workers in New Bedford, MA. This is a picture of a company in New Bedford, MA. This was taken probably in the last 4 weeks. These were the undocumented workers in New Bedford. This sweatshop is replicated in city after city all over this country. One of the key issues is: Can we do something about it? We say yes, and we say our legislation makes a very important downpayment to making sure we do.

Many of these individuals—not all—are undocumented workers. This is what happened to these workers. These workers were fined for going to the bathroom; denied overtime pay; docked 15 minutes pay for every minute they were late to work; fired for talking while on the clock; forced to ration toilet paper, which typically ran out before 9 a.m. So this is the condition in sweatshops in New Bedford, MA.

These conditions exist in other parts of my State, regrettably, and other parts of this country. Why? Because we have, unfortunately, employers who are prepared to exploit the current condition of undocumented workers in this country—potentially, close to 12½ million are undocumented. Because they are undocumented, employers can have them in these kinds of conditions. If they don't like it, they tell them they will be reported to the immigration service and be deported. That is what is happening today.

I yield to no one in terms of my commitment to working conditions or for fairness and decency in the workplace. That is happening today. The fact that we have those undocumented workers and they are being exploited and paid low wages has what kind of impact in terms of American workers? It depresses their wages. That should not be too hard to grasp. Those are the facts.

Now what do we try to do with this legislation? We are trying to say: Look, the time of the undocumented is over. You are safe. You will not be deported. Therefore, you have labor protections. If the employer doesn't do that, you have the right to complain, a right to file something with the Labor Department, and we are going to have a thousand labor inspectors who are going to go through the plants in the country to make sure you are protected. That doesn't exist today. It will under this legislation.

So what we are saying is that those who are coming in to work temporarily are going to be treated equally under the U.S. labor laws. Employers must provide them workers' compensation. So if something happens to them in the workplace, they will be compensated rather than thrown out on the street. Employers with histories of worker abuse cannot participate in the program. There are the penalties for employers who break the rules, which never existed before.

Now, we say: Well, you may very well be taking jobs from American workers. That is the question. What do you have to do to show that you are not going to take jobs from American workers? Well, if the employer wants to hire a guest worker, the employer must advertise extensively before applying for a temporary worker. The employer must find out if any American responds to that. If they do, they get the job. So the employer has to advertise and the employer must hire any qualified American applicant. Temporary workers are restricted in areas with high unemployment, and employers cannot undercut American wages by paying temporary workers less.

So we are saying the temporary workers are going to come in and be treated as American workers, and those who are undocumented are going to be treated as American workers. That is not the condition today. That is the condition in this legislation. How do we get there? Well, we get there with a comprehensive approach. What do you mean by a comprehensive approach? We are saying a comprehensive approach is that you are going to have border security. That is part of it. But you are also going to have the opportunity for people who are going to come in here through the front door—if you have a limited number of people coming in through the front door, and that number is down to 200,000 now, they will be able to come through the front door, and they will be able—in areas where American workers are not present, willing or able to work—to work in the American economy, with labor protections, which so many do not have today.

But we are going to have to say you need a combination of things—the security at the border. You have a guest worker program which is part of the combination. Is that it? No, no, it is not it. You have to be able to show your employer that you have the biometric card to show that you are legally in the United States. Therefore, you have rights. If that employer hires other people who do not have that card, they are subject to severe penalties. That doesn't exist today.

So when we hear all these voices about what is happening about the exploitation of workers, that happens to be true today. But those of us who have been working on this are avoiding that with the proposal we have on this particular issue.

Included in this proposal—the Senator makes a very good point, although I never thought we sunsetted the Bankruptcy Act. I wish we had. In this legislation, we have the provisions which set up and establish a commission. The commission in the legislation does this: In section 412 we say: Standing commission on immigration and labor markets. The purpose of the commission is what? To study the nonimmigrant programs and the numerical limits imposed by law on admission of nonimmigrants; to study numerical limits imposed by law on immigrant visas, to study the limitations throughout the merit-based system, and to make recommendations to the President and the Congress with respect to these programs.

So we have included in this legislation a very important provision to review the program we have. That panel is made up of representatives of the worker community, as well as the business community to make these annual reports to Congress about how this program is working so that we will then be able to take action: Not later than 18 months after date of enactment and every year thereafter, submit a report to the President and the Congress that contains the findings, the analysis conducted under paragraph 1; make recommendations regarding adjustments of the program so as to meet the labor market needs of the United States.

What we have built into this is a proposal to constantly review this program and report back to the Congress, so if we want to make the judgment to change the numbers, the conditions, the various incentives, we have the opportunity to do so. We believe—and I think the Senator makes a valid point—that it is useful to have self-corrective opportunities. He would do it by ending the program, by finishing it, by sunsetting it. We do it by having a review by people who can make a judgment and a decision and give information to Congress so that we can do it.

There is one final point I wish to make. We have a system, as the Senator from North Dakota pointed out, where people will work here, go back to their country of origin for a period of time, come back to work, go back to their country, and come back to work. Under our proposal, they get a certain number of points under the merit system which help move them on a pathway toward a green card and toward citizenship.

I wish that merit system could be changed in a way that favored workers more extensively and provided a greater balance between low skill and high skill because the labor market demands both. If you read the reports of the Council of Economic Advisers, you find there is a need for high skill, but 8 out of the 10 critical occupations are also low skill. We have tried, during this process, to see if we couldn't find equal incentives for both.

It is a fair enough criticism to say this merit system is more skewed toward the high skilled than it is toward the low skilled, but there are still very important provisions and protections in there for low skilled, and there are additional points added in case of family associations or if you are a member of an American family.

I really do not see the need. We moved from 400,000 down to 200,000. This is a modest program at best. We have in the legislation the report that will be made available to the Congress on a variety of areas. We have been very careful to make sure that everyone who is going to participate in this program, who is going to come in legally, is going to have the protections for working families today. That doesn't exist today. This legislation does protects them. The amendment of the Senator from North Dakota would cut out those provisions with regard to the temporary worker program.

The fact is, we need some workers in this country. All of us will battle and take great pride in being the champion of the increase in the minimum wage, and I commend my friend from North Dakota for his support over the years in increasing the minimum wage. We are very hopeful that we are going to finally get that increase in the next couple of days as part of this other legislation, the supplemental. We will be out here trying to get further increases in protections for American workers.

This is a modest program. It has the self-corrective aspect to it. It is a program that ought to be tried, and it ought to be implemented.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, recognizing the good-faith interest of the Senator from North Dakota in proposing this amendment, I nonetheless believe it should be rejected by the Senate. What the Senator from North Dakota has here is a fallback position. He offered an amendment yesterday to eliminate the guest worker program. Having failed there, he has a fallback position of trying to have it sunsetted.

There is no doubt about the need for guest workers in our economy. Last year in the Judiciary Committee, we held extensive hearings on this matter. We did not hold hearings this year, and we did not process this legislation through the Judiciary Committee, which in retrospect may have been a mistake, but here we are. But we have an ample record from last year.

We had the testimony of Professor Richard Freeman from Harvard outlining the basic fact that immigration raises not only the GDP of the United States because we have more people now to do useful activities, but it also raises the part of the GDP that goes to the current residents in our country.

We heard testimony from Professor Henry Holzer of Georgetown University to the effect that immigration is a good thing for the overall economy. "It does lower costs. It lowers prices. It enables us to produce more goods and services and to produce them more efficiently."

The executive director of the Stanford Law School program on law, economics, and business, Dan Siciliano, testified that there is a "mismatch between our U.S.-born workers' age, skills, and willingness to work, and the jobs that are being created in the economy, in part as a function of our own demographics, whether they be elder care, retail, daycare, or other types of jobs."

There is no doubt that there is a tremendous need for a guest worker program in our restaurants, hotels, on our farms, in landscaping, wherever one turns.

The Assistant Secretary of Policy at the U.S. Department of Labor testified earlier this month before the House Immigration Subcommittee that there are three fundamental reasons the United States needs immigrants to fuel our economy. That is the testimony of Assistant Secretary Leon Sequeira. The reasons he gives are that we have an aging workforce; we do not have enough people of working age to support the economy and support the social welfare programs, such as Social Security for the aging population; and immigrants contribute to innovation and entrepreneurship.

The chart which had been posted shows that the guest worker program is being treated fairly. Senator KENNEDY has outlined in some detail the review and analysis of the program, so the Congress is in a position to make modifications, if necessary.

After the laborious efforts in producing this bill, it would be my hope that we would not have to revisit it on an automatic basis in 5 years. If we find a need to do so, we will be in a position to undertake that review and to have congressional action if any is warranted. But on the basis of the record we have before us, I think this amendment ought to be rejected, and I urge my colleagues to do just that.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, unless the Senator from North Dakota wishes to briefly respond to Senator SPECTER, let me speak for 3 or 4 minutes.

I join Senator SPECTER in urging our colleagues to defeat this amendment. This is simply a light version of the amendment we defeated a couple days ago that would have eliminated the temporary worker program.

The problem here is twofold. First, there has been a basic agreement that even though Republicans generally did not want to allow illegal immigrants to remain in the United States and, in some situations, be permitted to stay here for the rest of their lives, if that is their desire, and even get a green card and ultimately become citizens, there was an understanding that certain tradeoffs had to occur if we were going to get legislation. Part of the legislation does enable some 12 to 15 million people to have that right, as well as immigrants whose applications are pending, many of whom have no reasonable expectation of being able to naturalize, to actually be able to come here and get green cards and naturalize, perhaps some 4 million people.

If we have a temporary worker program, which is part of what Senators such as myself were proposing to relieve our labor shortages, if that program is only in existence temporarily but these other benefits are conferred permanently, you can see that you have a significant imbalance in the legislation.

Somebody said: What is mine is mine, and what is yours is up for grabs. In other words, one side pockets the ability of all the illegal immigrants to stay here, to get citizenship rights if they go through all of the process that enables them to do that, but the temporary worker program, which is desired by many in the business community and many foreign nationals who want the opportunity to come here and work, is only going to be temporary, and that might go away. That is not a fair way to proceed to the legislation, to have what you like is permanent, what I like is only temporary.

But there is a deeper problem. The whole point of having a temporary worker program is to ensure we are going to meet our labor needs in the future. We don't know exactly what those labor needs are, but they are going to be substantial. If you cannot plan with certainty that you know you can expand your business, you can make the capital investment in whatever the business is—let's say a meatpacking plant—that you are going to need some foreign nationals to come here on a temporary basis with a temporary visa to meet the employment needs because you found in the past that there are not sufficient Americans who have applied for that kind of work in the past, so you know you are going to need the temporary worker program, but you don't know whether that program is going to be in existence in 5 years, are you going to make the capital investment necessary? Are you going to be able to provide more tax base, more employment opportunities for Americans, as well as others, provide for more consumer choice in the country if you don't know you are going to have the labor force necessary to meet your needs?

Having a temporary worker program is not going to meet our long-term needs. As a result, I suggest that for planning purposes, for being able to know that labor pool is going to be available if we need it, we are going to have to have this temporary worker program. Therefore, there is not very much difference between simply eliminating the program now and saying in 5 years it is going to evaporate unless we take steps to reinitiate it.

I urge my colleagues to vote against the amendment. We defeated an amendment a few days ago. This is a killer amendment. Everybody knows that if this program goes away, it undercuts the entire program we tried to craft in a bipartisan way. We have to relieve the magnet of illegal employment in this country. That magnet is jobs that Americans won't do. As long as there is an excess of labor demand over supply, that magnet for illegal immigration is going to continue to pull people across our borders. That magnet is demagnetized when we have a temporary worker program that says we now have a legal way for you to meet your labor needs. It can be done within the rule of law. It is based on temporary workers. We need to keep that in this bill. It cannot be subject to some kind of a sunset so that it disappears 5 years from now and we have no idea at that point how to meet our labor needs.

I urge my colleagues, as we did 2 days ago, to reject the Dorgan amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. SPECTER. Will the Senator yield to me for a very brief unanimous consent request?

Mr. DORGAN. Mr. President, of course I will yield.

The PRESIDING OFFICER. The senior Senator is recognized.

AMENDMENT NO. 1168, AS MODIFIED

Mr. SPECTER. Mr. President, I ask unanimous consent that the previously agreed to Hutchison amendment No. 1168 be modified to read "on page 7, line 2."

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

Mr. KENNEDY. Will the Senator yield for a request?

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that at 12:15 p.m., the Senate proceed to a vote in relation to the Akaka amendment No. 1186, to be followed by a vote in relation to the Coleman amendment No. 1158; that no amendments be in order to either amendment prior to the vote; that there be 2 minutes of debate equally divided and controlled in the usual form prior to each vote and that the second vote in the sequence be 10 minutes in length; further, that at 2:15 p.m., the Senate proceed to vote in relation to the Dorgan amendment No. 1181, with 5 minutes of debate equally divided and controlled in the usual form prior to the vote, with no amendment in order to the Dorgan amendment prior to the vote, all without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object, Mr. President, I ask only that the Senator from Massachusetts amend the request to give Senator COLEMAN 5 minutes before the 12:15 vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, reserving the right to object, Senator DURBIN will ask to speak for 10 minutes, and we will do that in addition to the 10 minutes I will want to speak before my vote, if that is acceptable.

The PRESIDING OFFICER. Without objection, the amended unanimous consent request is agreed to.

Mr. KENNEDY. Mr. President, as I understand the request, the time the Senator is getting is prior to his vote at 2:15.

Mr. DORGAN. Prior to my vote.

Mr. KENNEDY. And there will be time prior to that available as well for the Senator from Illinois.

Mr. SPECTER. Mr. President, following the entry of that unanimous consent request, I would ask the Senator from Massachusetts if we could call up the McCain amendment with the modification change which is at the desk and ask that it be adopted.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the Kennedy unanimous consent request, as amended by Senator DORGAN and Senator SPECTER, is agreed to.

AMENDMENT NO. 1190, AS MODIFIED

Mr. SPECTER. Mr. President, I urge adoption of the McCain amendment with the modifications which are at the desk.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. MCCAIN, for himself, Mr. GRAHAM, and Mr. BURR, proposes an amendment numbered 1190, as modified, to amendment No. 1150.

The amendment, as modified, is as follows:

On page 293 redesignate paragraphs (3) as (4) and (4) as (5).

On page 293, between lines 33 and 34, insert the following:

"(3) PAYMENT OF INCOME TAXES.—

"(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been paid; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

"(D) IN GENERAL.—The alien may satisfy such requirement by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been met; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

Mr. MENENDEZ. Mr. President, reserving the right to object, would somebody tell the body what the McCain amendment is?

Mr. SPECTER. Yes. As I had explained earlier this morning, the McCain amendment has a provision for the payment or a requirement of the payment of back Federal taxes.

Mr. MENENDEZ. The payment of back Federal taxes?

Mr. SPECTER. Mr. President, it calls for payment of back Federal taxes.

Mr. MENENDEZ. Mr. President, I have not had an opportunity to see the amendment, so I would object at this time. I may not ultimately object, but I would object at this time.

The PRESIDING OFFICER. The objection of the Senator from New Jersey is acknowledged.

The Senator from North Dakota is recognized.

AMENDMENT NO. 1181

Mr. DORGAN. Mr. President, my colleague from Arizona used the dreaded words "killer amendment." It is like killer bees and killer whales. On the Senate floor, it is "killer amendment." Pass this amendment, and we will kill the bill, we are told.

I said yesterday that it is like the loose thread on a cheap sweater: You pull the thread, and the arm falls off or, God forbid, the whole thing comes apart. It is not just this bill. This happens every single time a group of people bring a bill to the floor of the Senate. If you amend it, if you change our work, then somehow you kill what we have done. Of course, that is not the case at all.

Let me talk about a couple of the items that have been raised. Worker protection. The workers in New Bedford, MA. Let me describe to you a worker in the Gulf of Mexico just after Hurricane Katrina hit. His name is Sam Smith. Sam Smith was an electrician. Just after Katrina hit, he knew there was going to be a lot of reconstruction work. Sam Smith was a skilled craftsman, an electrician. He was told by an employer that he could come back and take a $22 an hour job—$22 an hour—for work as an electrician. The job would last 1 year. It only lasted a couple weeks. I don't have the picture to show you, but I have had it here on the floor before to show what Sam Smith faced, and it was a picture very similar to New Bedford, MA. Those who came into this country, presumably illegally, living in squalid conditions, being given very low wages to take the work Sam Smith was promised.

What is the solution? Well, the fact is, in New Bedford, MA, and in this case, the employer is guilty, in my judgment, of mistreating its workers. We have worker protection laws in this country. We have worker protections. If an employer abuses them in New Bedford, MA, or New Orleans, LA, that employer is responsible. Law enforcement is responsible to investigate and prosecute.

That is not what this bill is about. My colleague says, well, the way to resolve the situation in New Bedford, MA, is to make the illegal immigrants working there legal. Just describe them as legal. Would that be the way you would handle it in New Orleans, LA, to say, well, the people who came in to take Sam's job should be deemed legal? I don't think so. Why not punish the employer for abusing the rights of these immigrant workers and why not restore those jobs to those who were the victims of the hurricane in the first place? Is the principle here that we describe the problem as mistreatment of workers who are illegal immigrants, and therefore what we will do is deem them legal to hold those jobs and therefore expect some other kind of behavior by the employer? I don't think so. So that is a specious argument, frankly. We have worker protection laws. They ought to be enforced. If they are not enforced, there is something wrong with the system.

Now, one of my colleagues says there is no doubt that we need additional workers. Oh yes, there is doubt—probably not in the U.S. Chamber of Commerce. There is no doubt they want additional cheap labor. But there is plenty of doubt.

My colleague says there is an economist from Harvard who says this raises the GDP, this bringing in of immigrant labor, presumably illegal labor, determining that they are then legal once they have come across illegally. It raises the GDP. Well, you can get a Harvard economist to say anything you want. We all know that.

Let me describe my Harvard economist—my Harvard economist, Professor George Borjas. Here is what he says. The impact of immigration between 1980 and 2000 on U.S. wages is lower wages in this country, and he describes which ethnic group is hurt the worst. Hispanics are hurt the worst and Blacks next.

My colleague says that his Harvard economist states that one of the benefits of bringing in this additional labor from outside of our country is lower costs. Well, in my hometown, I understand what lower costs means. It means they are going to pay less to the people making it. That is called lower wages. And that is exactly what my Harvard professor says is the case.

The PRESIDING OFFICER. The Senator will suspend.

Under the previous order, the Senator from Minnesota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, I profoundly misunderstood the unanimous consent request. That is my fault, not the Presiding Officer's. I will ask consent, of course, to speak after the break for the luncheons, and I guess we have in order 10 minutes for me and 10 minutes for Senator DURBIN prior to the vote on my amendment; is that correct?

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I am not going to object to the time. The Senator ought to have wrap-up on this. But if we can have the 5 minutes prior to the Senator's last 5 minutes, I would be agreeable.

Mr. DORGAN. One of the things I am good at is wrapping up. So let me wrap up in 2 minutes by going through this grid so that we would then recognize Senator COLEMAN for the time he has been given.

The PRESIDING OFFICER. Is there objection?

Mr. COLEMAN. Mr. President, reserving the right to object, there is a unanimous consent agreement that says the vote starts at 12:15. I want to make sure everything is pushed back accordingly, if there is an extra 2 minutes here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I will yield the floor to the Senator from Minnesota. I will have time to wrap up. If we are in a time requirement, I will yield the floor and find time elsewhere.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

AMENDMENT NO. 1190

Mr. COLEMAN. Mr. President, I first ask unanimous consent that the McCain amendment, No. 1190, which was called up as modified, with the changes at the desk, be adopted.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, is this the same amendment that was just offered a few minutes ago?

Mr. COLEMAN. Yes.

Mr. MENENDEZ. I have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1190), as modified, was agreed to.

Mr. McCAIN. I thank the bill managers for agreeing to accept this amendment, which I am pleased to be joined in sponsoring with Senator GRAHAM.

As my colleagues will hear throughout this debate, the bipartisan group of Members who developed this legislation, along with representatives of the administration, worked to develop this comprehensive reform measure with the foremost goal of developing a proposal that can be enacted this year. It is not a bill on which we are just "going through the motions." Like any legislation on an expansive issue like immigration reform, this is a complex compromise agreement, and that means that while perhaps no one is entirely happy with every single provision in the bill, we believe it provides a solid foundation for this floor debate. It is a serious proposal to address a very serious problem.

When Senator KENNEDY and I first proposed legislation in May 2005, it included, among other things, a series of strict requirements that the undocumented population would have to fulfill before being allowed to get in the back of the line and apply for adjustment of legal status. One of those provisions failed to be part of the consensus before us today due to concerns raised with respect to practicality. That provision required the undocumented to pay any back-taxes owed as a result of their time living and working in our country illegally.

I strongly believe everyone living and working in our country has an obligation to meet all tax obligations, regardless of convenience or practicality. Yes, requiring any undocumented immigrant to prove he or she has met their tax obligations will take manpower. After all, we are talking about as many as 12 million people. Undocumented immigrants will most likely have to find and submit plenty of paperwork to prove they have met their obligations. But that is what citizens here do. We pay our taxes. We may complain, but we pay our taxes. And while I don't doubt that it may be a difficult undertaking to require as a condition of receiving permanent status in the United States the payment of back-taxes, that isn't a good reason to toss the requirement aside. If an undocumented immigrant is willing to meet the many stringent requirements we are calling for under this bill, and I think they will be willing, including learning English and civics, paying hefty fines, and clearing background checks, that person should also have to prove their tax obligations have been fulfilled prior to adjusting their status.

Again, I thank the bill managers and urge the adoption of this amendment.

Mr. BURR. Mr. President, I support the amendment offered by Senator MCCAIN that requires the collection of back taxes from those who have worked in our country illegally and seek future adjusted status.

As one of the Founders of our Nation, Benjamin Franklin, wisely acknowledged long ago, "In this world, nothing is certain but death and taxes." All individuals enjoying the American lifestyle have to pay taxes. As burdensome, painful, and onerous as the process may be, anyone who lives and works in the United States has the responsibility to pay Uncle Sam. The people whose legal status is affected by this bill should be no different. If they have worked in our country illegally, they should not get a free-ride when it comes to paying the tax obligations they have avoided for the time that they have been here.

Undocumented aliens who seek to assimilate into our society and want to become American citizens have high hurdles to overcome—and that is the way it should be. Those who want to become a part of our great country must come out of the shadows, tell us who they are, pay heavy fines, return to their country, learn English, consistently hold a job, follow the law, and they should also have to pay their tax obligations. There is no doubt that these requirements will be difficult to achieve for those seeking adjusted status—both practically and financially. However, this additional requirement is absolutely necessary. Payment of back taxes for unauthorized work is not only financially critical, it is morally right.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

AMENDMENT NO. 1158

Mr. COLEMAN. Mr. President, I just want to, in perhaps less than 5 minutes, address the amendment we are going to vote on in a little bit, at 12:35. It is a simple amendment.

There is existing Federal law which says that municipalities may not restrict in any way—the language is very clear—in any way prohibit or restrict any governmental entity from sharing information with Federal authorities about immigration status. It is the law. The law says you can't restrict from sending, maintaining, or exchanging. What has happened is that some cities—referred to as so-called sanctuary cities—have adopted policies to circumvent what has been Federal law since 1996. I want my colleagues to understand that this is an amendment to a bill that, if passed, will end the need for sanctuary cities. If passed, this bill will allow folks to come out of the shadows and into the light. The only folks who won't come into the light will be those folks who have criminal problems. In other words, if this bill is passed with this amendment, it will allow folks to come out of the shadows, a concept that I support, and I want to make sure we do the right thing.

In the existing bill, we are telling employers they cannot create a sanctuary, they cannot create a haven for illegal aliens. We are saying to them that if they do, they will be penalized. If we do that, we should also then go to those cities or communities which are creating these sanctuaries and say to them that everyone is going to follow the rule of law, everyone is going to.

I think one of the challenges we face in getting the public to accept what we are trying to do is that there is a sense that somehow we are not following the rule of law. So this is very simple. If we are telling employers that they cannot provide a sanctuary, that they cannot shield individuals, then we have to tell the same thing to cities and to communities.

Lastly, there are those who say: Well, this is going to impact crime victims. The reality is that these sanctuary cities protect criminals. They are not limited. It protects criminals. So if we pass the underlying bill, folks can come out of the shadows. And for those who want to stay in the shadows, they should not get sanctuary by a city policy that is in contravention to existing Federal law. I believe those policies violate existing Federal law and in doing so protect criminals.

Let's uphold the rule of law. Let's do what is the right thing and the fair thing, and let's support this amendment, which, again, very simply—very simply—requires cities and communities to comply with what has been Federal law since 1996. Let's tell the public that this bill is about respecting the law at every phase.

I hope my colleagues will support my amendment to get rid of this concept of sanctuary cities.

Mr. KENNEDY. Mr. President, I wonder if the Senator will yield the last minute and a half to the Senator from Colorado. Would he be willing to do that?

Mr. COLEMAN. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I thank my friend from Minnesota for yielding me a minute and a half of time. I come to the floor to speak against his amendment, No. 1158. At the end of the day, what his amendment would do—it appears to be innocuous on its face—it would essentially make cops out of emergency room workers, out of school teachers, and out of local and State cops.

The reality is that we have a responsibility at the Federal Government to make sure we are enforcing our immigration laws as a national government. We ought not to put emergency room workers, we ought not to put school teachers in a position where they have to be the cops of our immigration laws in our country. New York City Mayor Bloomberg, in his own statement in opposition to this amendment, said:

> New York City cooperates fully with the Federal Government when an illegal immigrant commits a criminal act. But our city's social services, health and education policies are not designed to facilitate the deportation of otherwise law-abiding citizens.

Do we want somebody by the name of Martinez simply to go into an emergency room and to have that emergency room responder be in a position where he has to act as a cop because he suspects somebody named Martinez might be illegal?

This is a bad amendment. It will create problems. I urge my colleagues to oppose it.

AMENDMENT NO. 1186

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on amendment No. 1186, offered by the Senator from Hawaii, Mr. AKAKA. Who yields time?

Mr. KENNEDY. Mr. President, I see the Senator from Hawaii. Could we delay the 1 minute? I ask unanimous consent we delay the 1 minute for 30 seconds.

Mr. President, I yield myself 1 minute.

I thank the Senator from Hawaii, Senator AKAKA. He has brought to the Senate the fact that there are about 20,000 immediate relatives of courageous Filipino families who served with American forces in World War II. They would be entitled under the other provisions of the bill to come here to the United States. This particular proposal moves this in a more expeditious way. These are older men and women who have been members of families who served with American fighting forces in World War II. He offered this before. It was accepted unanimously. I hope the Senate will accept a very wise, humane, and decent amendment by the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 minute.

Mr. AKAKA. Mr. President, I thank the chairman for bringing this forward. My amendment seeks to address and resolve an immigration issue that, while rooted in a set of historical circumstances that occurred more than seven decades ago, still, and sadly, remains unresolved today. It is an issue of great concern to all Americans who care about justice and fairness. It goes back to 1941, when President Roosevelt issued an Executive order, drafting more than 200,000 Filipino citizens into the United States military. During the course of the war, it was understood that the Filipino soldiers would be treated like their American comrades in arms and be eligible for the same benefits. But this has never occurred.

In 1990, the World War II service of Filipino veterans was finally recognized by the U.S. Government and they were offered an opportunity to obtain U.S. citizenship. Today we have 7,000 Filipino World War II veterans in the United States. The opportunity to obtain U.S. citizenship was not extended to the veterans' sons and daughters, about 20,000 of whom have been waiting for their visas for years.

While the Border Security and Immigration Reform Act of 2007 raises the worldwide ceiling for family-based visas, the fact remains that many of the naturalized Filipino World War II veterans residing in the United States are in their eighties and nineties, and their children should be able to come to America to take care of their parents. My amendment makes this possible. I urge my colleagues to support my amendment and to make this come through for our Filipino veterans and their families.

The PRESIDING OFFICER. The time of the Senator has expired. The question is on agreeing to amendment No. 1186, offered by Senator AKAKA.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 9, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—87

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—9

Bunning
Chambliss
Enzi
Gregg
Inhofe
Isakson
Sessions
Sununu
Vitter

NOT VOTING—4

Brownback
Burr
Johnson
Thomas

The amendment (No. 1186) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. HAGEL. Mr. President, I ask unanimous consent that I be registered in favor of vote No. 176, the Akaka amendment. My change will not affect the outcome. I ask unanimous consent that my vote be changed from "nay" to "yea."

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1158

Mr. KENNEDY. Mr. President, I understand there is 2 minutes evenly divided. I yield our minute to the Senator from New Jersey.

The PRESIDING OFFICER. Under the previous order there will be 2 minutes equally divided on amendment 1158, offered by the Senator from Minnesota.

The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I want my colleagues to listen. I want my colleagues to understand there is nothing in this amendment that requires teachers, hospital workers, anyone, to do anything. What it simply does is it lifts a gag order. It lifts a policy and a practice in some cities that gags police officers from doing their duty, from complying with what has been Federal law since 1996.

There is no requirement that anybody do anything. It lifts the gag order. There was testimony by Houston police officer John Nichols before the House Judiciary subcommittee. He said this: When we shackle law enforcement officers in such a manner, instead of protecting U.S. citizens and people here legally, the danger to society greatly increases by allowing potentially violent criminals to freely roam our streets.

If the underlying bill is passed, there should be no need for sanctuary cities. The only folks who will want to remain in the shadows will be those who do not want anyone to know they are in the shadows. These present sanctuary cities, if the law passes, will protect criminals, and we should again get rid of the gag order. That is all this amendment does.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. MENENDEZ. Mr. President, this amendment undoes what State and local police have long sought to do, separate their activities from those of Federal immigration orders, because they understand some of the toughest law enforcement people in this country want the freedom to be able to communicate with immigrant communities so they come forth and talk about crimes. The standard the Senator offers here is probable cause. Probable cause what? Based on what? My surname, Menendez? Salazar? Martinez? Probable cause how? The way I look? Probable cause, the accent I have? Is that the probable cause that leads an ambulance worker or a municipal hospital worker to ask when somebody is being rolled in? This leads to the opportunity for racial profiling. This leads to the opportunity when we have disease spreading, such as tuberculosis, for people, not coming forth to report themselves, this leads to a woman who has been the subject of domestic violence not reporting herself. This is clearly not in the interest of our country. I believe it is discriminatory. It leads to racial profiling. It is not necessary for the pursuit of law enforcement.

I urge my colleagues to vote no.

The PRESIDING OFFICER (Mr. TESTER). All time has expired.

The question is on agreeing to amendment No. 1158.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—48

Alexander
Allard
Baucus
Bayh
Bennett
Bond
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Dorgan
Ensign
Enzi
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
McCain
McCaskill
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Tester
Thune
Vitter
Warner

NAYS—49

Akaka
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Domenici
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—3

Brownback
Johnson
Thomas

The amendment (No. 1158) was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1199 TO AMENDMENT NO. 1150

(Purpose: To increase the number of green cards for parents of United States citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals)

Mr. DODD. Madam President, I ask unanimous consent that the pending amendment be set aside and send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, reserving the right to object—and I do not intend to object—my friend from Connecticut has an amendment that deals with family reunification. We have several other amendments—Senator MENENDEZ and Senator CLINTON have other amendments—dealing with family and family reunification. This is going to be a very important aspect in terms of our debate and the completion of this legislation.

It is our intention to try to consider these amendments in relationship with each other at the appropriate time. We will work with the proponents of each of these amendments. So I will not object, but I would also put in the queue, so to speak, the other—I see Senator MENENDEZ on the Senate floor. He will probably put his in. And we would then put in, I guess, Senator CLINTON's amendment as well.

That is for the general information about how we are going to proceed. But I have no objection.

The PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, reserving the right to object—and I will not object—if the Senator from Massachusetts would yield for a moment for a question.

Mr. KENNEDY. Yes.

Mr. MENENDEZ. Madam President, I have been waiting on the floor of the Senate most of the day to offer an amendment related to families. I will not be objecting to Senator DODD's, which I am a cosponsor of as well. The question is, I assume the Senator may be going to an amendment, after Senator DODD's, on the other side of the aisle, and then I would hope we could come back and that my amendment would be next in order—after the next Republican amendment.

Mr. KENNEDY. Madam President, we thought we would try to take Senator DODD's and yours, and then take two Republican amendments.

Mr. MENENDEZ. That would be fine with me. Thank you.

I withdraw my objection.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered. The amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, and Mr. MENENDEZ, proposes an amendment numbered 1199 to amendment No. 1150.

Mr. DODD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DODD. Madam President, I have spoken about the amendment already, last evening. Again, I have talked to Senator GRAHAM of South Carolina and the Senator from Massachusetts, the manager of this legislation on the floor. My understanding is, at an appropriate time we will have an opportunity to actually vote on these amendments.

Madam President, I rise to offer an amendment to the immigration bill with my good friend from New Jersey, Senator MENENDEZ, that relates to the parents of U.S. citizens. My amendment is simple in what it proposes but enormously important in what it seeks to accomplish.

It prevents this bill from dividing millions of American families by making it easier for U.S. citizens and their parents to unite. As currently written, this bill weakens the principle of family reunification in a way that is harmful to our nation and unfair to our fellow citizens.

Under current law, parents are defined as immediate relatives and exempt from green card caps. Yet this bill drastically and irresponsibly excludes parents from the nuclear family and subjects them to excessively low green card caps and an overly restrictive visa program.

This amendment rights this wrong by increasing the new annual cap on green cards for parents of U.S. citizens; extending the duration of the parent visitor visa; and ensuring that penalties imposed on overstays are not borne collectively.

The debate on this provision goes to the heart of how a family is defined in America. For millions of American citizens, parents are not distant relatives but absolutely vital members of the nuclear family who play a critical role, be it as grandparents providing care for their grandchildren while their parents are at work or as sources of strength and support for their bereaved or single children.

Ensuring that parents have every opportunity to unite with their children or live with them for extended periods is important not only because of their contribution to the nuclear family but also so that their children can support and care for them in sickness and in health.

We all know that sense of duty from our own lives. And for those of us who have lost our parents, we wish we had the opportunity to do so.

That is exactly why it has been our policy to date to allow U.S. citizens to sponsor their parents to come to this country without caps. Yet now we are told that parents are no longer immediate relatives and subject to caps. That parents no longer fit in the same category of relatives as minor children and spouses, an idea that millions of Americans would disagree with.

We are told that we must weaken that principle, thus disrupting the lives of countless law-abiding families, in the name of reducing "chain migration." Well, that is a red herring. The truth is that once parents of citizens obtain immigrant visas, they usually complete the family unit and are unlikely to sponsor others.

That is why today we must do justice to the families of our fellow citizens who seek nothing more than to keep their families intact. This amendment does just that.

First, it increases the new green card cap from 40,000 to 90,000. Ninety thousand is the average number of green cards issued each year to parents who as I mentioned have to date been exempt from caps. Again this is just an average. Last year the number was 120,000.

It is abundantly clear that 40,000 green cards per year is an unreasonably low number. One of the goals of this bill is to clear the backlog on immigrant visa applicants which in some cases extends as far back as 22 years. If we don't allot sufficient numbers of green cards for parents in this bill, we risk creating a whole new category of backlog. Ninety thousand would meet this need.

To those who still think 90,000 is too high a number, I would also argue that it is simply not the place of the Senate to tell our fellow citizens that they should wait a year or two to see their parents. I would ideally not want the parents of any citizen of this country subject to caps but working within the framework of this bill, I believe 90,000 is entirely fair and reasonable.

Second, it extends the parent visitor visa to allow for an aggregate stay of 180 days per year and makes it valid for 3 years and renewable. These are already accepted timeframes for the validity of a visa. Madam President, 180 days is the length of a tourist visa; H-1Bs are valid for 3 years. This would allow those parents who do not want to permanently leave their countries of residence yet want to stay with their children in the U.S. for extended periods the ability to do so.

The current bill however limits the length of this visa to only 30 days per year—30 days. This is far too soon to pry parents away, particularly those who come to America for health reasons, or to care for their children during and after childbirth.

Many parents who live abroad, come to the United States at great expense. They often come from thousands of miles away just to be with their children and grandchildren. To limit them to a 30-day visit per year is simply unacceptable, especially when under a tourist visa, an individual can come to this country for 6 months.

To think that a parent can only be with his or her child or grandchild for 1 month out of 12 is simply unacceptable. Yet under this provision, a tourist can be in America six times longer than a parent of a citizen. That is not the America I know. That is not an America that cherishes family values.

Third, and finally, this amendment prevents collective punishment for parent visa overstays. Under this bill, if the overstay rate exceeds 7 percent for two years, either all nationals of countries with high overstay rates can be barred or the entire program can be terminated.

Needless to say, this form of collective punishment is patently wrong and unjust. We should never punish law abiding individuals on account of the misdeeds of others.

Under this bill, for example, a sponsor could be barred from sponsoring his widowed mother because his father at some earlier date overstayed his visa. That is not the type of law we want on our books. That is not what this country is about. Nor is it about stopping thousands of parents from entering this country because of the misdeeds of some.

This my amendment will unite and strengthen the families of our fellow Americans and the fabric of our society, while upholding the best traditions of this great country. Because as we all know, families are the backbone of our country. Their unity promotes our collective stability, health, and productivity and contributes to the economic and social welfare of the United States.

My amendment does not strike at this bill's core; nor should it be a partisan issue. It is one of basic humanity and fairness for our fellow citizens.

What is at stake here is whether Congress should dictate to U.S. citizens if and when they can unite with their parents; if and when their parents can come and be with their grandchildren; if and when U.S. citizens can care for their sick parents here on American soil.

It is our duty to remove as many obstacles as we can for our fellow citizens to be with their parents. None of us would stand for anyone dictating the terms of that union to us. Why should we then apply a double standard for other citizens of this country? We must craft a law that is tough yet just.

I urge my colleagues not to think of this amendment in terms of numbers and caps, but in terms of its all too real and painful human impact for U.S. citizens.

I urge them to vote for this amendment and to take down the legislative barrier that this bill has stood up between our fellow citizens and their parents.

Again, at the appropriate time, I will ask for a recorded vote on this amendment. I thank my colleague from Massachusetts for allowing us to get in the queue here so that when these matters come up for votes, we will be able to consider them.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

CALLING UPON THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN TO IMMEDIATELY RELEASE DR. HALEH ESFANDIARI

Mr. CARDIN. Madam President, I ask unanimous consent to proceed to the immediate consideration of S. Res. 214 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 214) calling upon the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Madam President, this resolution brings to the Senate's attention the ongoing plight of Dr. Haleh Esfandiari. Dr. Esfandiari is the director of the Middle East Program at the Woodrow Wilson International Center for Scholars here in Washington, DC. She holds dual citizenship with the United States and Iran and visits her ailing 93-year-old mother twice a year in Iran.

During her return to the United States on her last visit, Dr. Esfandiari's vehicle was robbed by three knife-wielding men. She lost her luggage and her travel documents. Later, when she requested the replacement documents, agents of Iran's Ministry of Intelligence began to question her for hours over the course of several days. The Ministry of Intelligence asked Dr. Esfandiari questions about her work and her work at the Woodrow Wilson International Center. The Woodrow Wilson International Center supplied exhaustive material about her education and information about her mission.

Dr. Esfandiari was essentially kept under house arrest for 10 weeks. On May 7 she was informed she must return to the Intelligence Ministry on May 8. Upon honoring the summons, Dr. Esfandiari was immediately taken into custody and jailed. She has been denied contact with her family, her attorneys, and the outside world. Earlier this week, news reports stated that Dr. Esfandiari is suspected of espionage and supporting the "soft revolution" against the regime in Iran.

Dr. Esfandiari is well known and well respected as a Middle East scholar. She has dedicated her professional career to bringing people together from the West to gain greater understanding of the Middle East and to gain common ground.

Increasingly, Iran has begun to stifle debate among different people and international exchanges.

The Department of State has called upon the Iranians to release Dr. Esfandiari. I am joined in this resolution by Senators MIKULSKI, BIDEN, LIEBERMAN, SMITH, CLINTON, and DODD, which encourages the State Department to keep up the pressure on the Iranians to do the right thing and release Dr. Esfandiari.

I also wish to recognize the solid effort of the Woodrow Wilson International Center and its staff, led by our former colleague in the House of Representatives, Lee Hamilton, for its steadfast support of Dr. Esfandiari.

Finally, I wish to express my support for Dr. Esfandiari's family during this trying time. She has a strong family and dozens of caring friends who refuse to give up her plight and refuse to let the Iranians suppress a beacon of peace and understanding.

This is outrageous. The Iranians need to do the right thing and allow her to return home here in the United States. I can tell my colleagues that this body needs to stand in strong opposition to what the Iranians are doing, urging them to release this U.S. citizen so she can return here to her home.

Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating there to be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 214) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 214

Whereas Dr. Haleh Esfandiari, Ph.D., holds dual citizenship in the United States and the Islamic Republic of Iran;

Whereas Dr. Esfandiari taught Persian language and literature for many years at Princeton University, where she inspired untold numbers of students to study the rich Persian language and culture;

Whereas Dr. Esfandiari is a resident of the State of Maryland and the Director of the Middle East Program at the Woodrow Wilson International Center for Scholars in Washington, D.C. (referred to in this preamble as the "Wilson Center");

Whereas, for the past decade, Dr. Esfandiari has traveled to Iran twice a year to visit her ailing 93-year-old mother;

Whereas, in December 2006, on her return to the airport during her last visit to Iran, Dr. Esfandiari was robbed by 3 masked, knife-wielding men, who stole her travel documents, luggage, and other effects;

Whereas, when Dr. Esfandiari attempted to obtain replacement travel documents in Iran, she was invited to an interview by a representative of the Ministry of Intelligence of Iran;

Whereas Dr. Esfandiari was interrogated by the Ministry of Intelligence for hours on many days;

Whereas the questioning of the Ministry of Intelligence focused on the Middle East Program at the Wilson Center;

Whereas Dr. Esfandiari answered all questions to the best of her ability, and the Wilson Center also provided extensive information to the Ministry in a good faith effort to aid Dr. Esfandiari;

Whereas the harassment of Dr. Esfandiari increased, with her being awakened while napping to find 3 strange men standing at her bedroom door, one wielding a video camera, and later being pressured to make false confessions against herself and to falsely implicate the Wilson Center in activities in which it had no part;

Whereas Lee Hamilton, former United States Representative and president of the Wilson Center, has written to the President of Iran to call his attention to Dr. Esfandiari's dire situation;

Whereas Mr. Hamilton repeated that the Wilson Center's mission is to provide forums to exchange views and opinions and not to take positions on issues, nor try to influence specific outcomes;

Whereas the lengthy interrogations of Dr. Esfandiari by the Ministry of Intelligence of Iran stopped on February 14, 2007, but she heard nothing for 10 weeks and was denied her passport;

Whereas, on May 8, 2007, Dr. Esfandiari honored a summons to appear at the Ministry of Intelligence, whereby she was taken immediately to Evin prison, where she is currently being held; and

Whereas the Ministry of Intelligence has implicated Dr. Esfandiari and the Wilson Center in advancing the alleged aim of the United States Government of supporting a "soft revolution" in Iran: Now, therefore, be it

Resolved, That—

(1) the Senate calls upon the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari, replace her lost travel documents, and cease its harassment tactics; and

(2) it is the sense of the Senate that—

(A) the United States Government, through all appropriate diplomatic means and channels, should encourage the Government of Iran to release Dr. Esfandiari and offer her an apology; and

(B) the United States should coordinate its response with its allies throughout the Middle East, other governments, and all appropriate international organizations.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—Continued

Mr. MENENDEZ. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Dodd amendment No. 1199.

AMENDMENT NO. 1194 TO AMENDMENT NO. 1150

Mr. MENENDEZ. I ask unanimous consent that the amendment be set aside in order to call up amendment No. 1194.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself and Mr. HAGEL, Mr. DURBIN, Mrs. CLINTON, Mr. DODD, Mr. OBAMA, Mr. AKAKA, Mr. LAUTENBERG, and Mr. INOUYE, proposes an amendment numbered 1194 to amendment No. 1150.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1194

(Purpose: To modify the deadline for the family backlog reduction)

In paragraph (1) of subsection (c) of the quoted matter under section 501(a), strike "567,000" and insert "677,000".

In the fourth item contained in the second column of the row relating to extended family of the table contained in subparagraph (A) of paragraph (1) of the quoted matter under section 502(b)(1), strike "May 1, 2005" and insert "January 1, 2007".

In paragraph (3) of the quoted matter under section 503(c)(3), strike "May 1, 2005" and insert "January 1, 2007".

In paragraph (3) of the quoted matter under section 503(c)(3), strike "440,000" and insert "550,000".

In subparagraph (A) of paragraph (3) of the quoted matter under section 503(c)(3), strike "70,400" and insert "88,000".

In subparagraph (B) of paragraph (3) of the quoted matter under section 503(c)(3), strike "110,000" and insert "137,500".

In subparagraph (C) of paragraph (3) of the quoted matter under section 503(c)(3), strike "70,400" and insert "88,000".

In subparagraph (D) of paragraph (3) of the quoted matter under section 503(c)(3), strike "189,200" and insert "236,500".

In paragraph (2) of section 503(e), strike "May 1, 2005" each place it appears and insert "January 1, 2007".

In paragraph (1) of section 503(f), strike "May 1, 2005" and insert "January 1, 2007,".

In paragraph (6) of the quoted matter under section 508(b), strike "May 1, 2005" and insert "January 1, 2007".

In paragraph (5) of section 602(a), strike "May 1, 2005" and insert "January 1, 2007".

In subparagraph (A) of section 214A(j)(7) of the quoted matter under section 622(b), strike "May 1, 2005" and insert "January 1, 2007".

Mr. MENENDEZ. Madam President, I ask unanimous consent that Senators DURBIN, CLINTON, DODD, OBAMA, AKAKA, LAUTENBERG, and INOUYE be added as cosponsors of this amendment, along with Senator HAGEL and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, the legislation currently before us curtails the ability of American citizens, or U.S. permanent residents, to petition for their families to be reunified here in America. Right now, if the bill goes untouched, this bill sets two different standards for groups of people, and it sets it in a way that is fundamentally unfair. One group is those who have followed the law and obeyed the rules by having their U.S. citizen relative or U.S. lawful permanent resident petition to bring them into this country legally, and one more favorably—it treats the next group much more favorably, one who has entered or remained in the country without proper documentation. So those who have obeyed the rules, followed the law, relatives of U.S. citizens, get treated in an inferior way to those who have not followed the law, who get treated in a better way. Let me explain how.

The Menendez-Hagel amendment simply states that at a minimum, the two groups should be treated equally under the bill. Our amendment is about fundamental fairness. All this amendment does is to make sure both groups face the same cutoff date.

Right now, those who are in our Nation in an undocumented status are allowed under the bill to potentially earn permanent residency so long as they entered this country before January 1, 2007. All our amendment says is that those who followed the rules who are waiting outside of the country who are the immediate relatives of U.S. citizens shouldn't be treated worse because they obeyed the law and followed the rules. They should at least be treated the same, not worse. Therefore, they should have the same date: January 1, 2007. All this amendment does is simply apply the same standard, the same cutoff date to those who followed the rules so that those who did obey the law and who legally applied for their green card can potentially earn permanent residency so long as they apply for their visa before January 1, 2007.

Now, this is a somewhat complicated issue, so let me explain exactly what the legislation as it is currently drafted does if we don't adopt this amendment. Right now, there is a family backlog of people who have applied for legal permanent residency. These are the people waiting outside of the country, waiting as they are claimed and have their petitions by a U.S. citizen or permanent resident saying: I want to bring my father or my mother here. I want to bring my child here. I want to bring my brother or sister here. This legislation, as currently drafted, does away with the rights of U.S. citizens to make that claim if, in fact, those individuals have not filed their application before May 1, 2005.

It is important to pay attention to that May 1, 2005 date because it is nearly 2 years before the cutoff for people who are here in an undocumented status—those who didn't follow the law, obey the rules, and those who may obviously have no U.S. citizen to claim them. So it actually says to a U.S. citizen and a U.S. permanent resident: You have an inferior right and a right that is now lost because it exists under the law as it is today. That right is lost, and your right is inferior to the rights of those individuals who have not followed the rules and obeyed the law. So as this bill seeks to clear the legal family backlog, we say: Don't treat a U.S. citizen worse. Don't treat a U.S. citizen worse. The legislation as currently drafted sets this arbitrary date of May 1, 2005, yet gives everybody else who didn't follow the law the date of January 1, 2007. That means a lot of family gets cut off. The rights of U.S. citizens get cut off as well.

Right now, the legislation also says that if you overstayed a visa or came to this country without proper documentation before January 1, 2007, you can ultimately become a lawful, permanent resident between the 9th and 13th year of the process that the bill describes. But if you applied for a visa outside of the country and you applied by a U.S. citizen or permanent resident and you followed the rules, there is no—no—guarantee you will ever be able to be reunified with your family.

Our amendment would remedy this injustice by moving the cutoff date for those who legally applied for visas to January 1, 2007—the same cutoff date that is currently set for the legalization of undocumented immigrants. And we would add the appropriate number of green cards to ensure we don't create a new backlog or cause the 8-year deadline for clearing the family backlog to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Now, why shouldn't legal applicants be able to keep their place in line if they applied before January of 2007? Clearly, this legislation, as it is currently written, is unfair to those who legally applied for a visa. The legislation unfairly says that those who followed the rules lose their place in line. The legislation unfairly says that those who followed the rules will have to wait at least an additional 8 years before they even become eligible to compete—eligible to compete—for a new proposed merit-based green card. The legislation unfairly says that those who followed the rules would have to wait a total of 10 years in addition to the time they have been waiting—in addition to the time they have been waiting—before they are eligible to compete under a new and different system, with a different set of rules, and no guarantee they will ever be able to be reunited with their family member, that U.S. citizen or permanent resident. Clearly, at a minimum, we should allow those who played by the rules to have the same cutoff date of January 1, 2007.

Now, not only is it unfair to make people who follow the rules wait longer than those who chose not to, it is also wrong to make people who applied under our current system have to reapply under a totally different one. Those who applied on May 1, 2005, or after, applied under our current immigration system that values family ties and employment at a premium, unlike under this bill, would now be subject to a completely different standard that is primarily concerned with education and skill levels. This is like changing the rules of the game halfway through it. People who applied after May 2005 would not only lose credit for the up to 2 years they have been waiting under the legal process, they would also have to apply under a completely different system than the one under which they originally applied.

Now, let's think of how fundamentally unfair that is.

In this photo is the late Marine LCpl Jose Antonio Gutierrez, a permanent resident of the United States—the first American casualty in the war in Iraq. For people similar to the late Jose Antonio Gutierrez who served their country, for them, under this bill—he was not only here legally but was serving his country—oh, no, you apply for your family by May 1, 2005, or, sorry, we will give those people who don't follow the rules and obey the law a preference. But you, who served your country, you who wore the uniform, you who have done everything right—no, you have an inferior right.

Is that the legacy we leave to people who have served their country, a legal permanent resident? Sometimes people don't even know we have legal permanent residents fighting in the service of the United States—tens of thousands. That is fundamentally unfair.

In this photo is another group of lawful permanent residents, "first called to duty." They were in different services of the Armed Forces of the United States, serving their country, in harm's way. Guess what. Under the bill, you have family abroad, you applied for them, you did the right thing, and you told them to wait. After May 1, 2005, sorry, Charlie, your right is gone, just like that. Your value and service doesn't matter. All these soldiers, sailors, and marines—all different services—all of them are ultimately serving their country.

Under this bill, we take people such as them, and so many others, and vitiate their rights. That is fundamentally unfair. These people not only are serving our country abroad, they are protecting our airports, our seaports, and our borders. They risk their lives in Afghanistan and Iraq and around the world to protect us at home. To petition for your sister to come to live with you in America, you lose that right if you filed after May 1, 2005. You didn't do the right thing, but you get the benefit of 2 years more than those who obeyed the laws and followed the rules—brothers and sisters, sons and daughters, mothers and fathers. It is hard to imagine that one would have that right taken away from them.

Here is another case for you to consider. You are a U.S. citizen, you have paid your taxes, you have served your Nation, you attend church, and you make a good living. You are a good citizen. You petition to have your adult child come to America, but you did so after the arbitrary date of May 1, 2005. Under this bill, that U.S. citizen would lose their right. However, those undocumented in the country after May 1, 2005, get a benefit. It is hard to imagine, but it is true.

Right now, this bill is unfair and nonsensical, capriciously punishing those who have followed the rules and legally applied for a green card. What message, then, do we send? I have heard a lot about the rule of law, a lot about waiting in line, a lot about all those who should have followed our immigration laws. Yet what message does the bill send? You followed it, but your rights are vitiated, taken away—not the rights of the family member waiting abroad to come here, it is the rights of the U.S. citizen to make the claim for that individual. That is what bothers me about the underlying legislation. They are taking my right away and your right away as a U.S. citizen.

We must make sure that people who have played by the rules and legally applied to immigrate here are not arbitrarily placed at a disadvantage in respect to those who are in this country in an undocumented status. As I have said many times before, comprehensive immigration reform must be tough but must also be practical and fair and tough on border security. Certainly, we have done that here—this bill even moved more to the right—by providing a pathway to earned citizenship.

At the same time, we have to be fair by rewarding those who have followed the law. I think we have to remain true to those principles. Let me give you a little sense of this. I have heard a lot about chain migration. You know, it is interesting, we have seen during history that when we want to dehumanize something, take out the humanity of something, when we want to make it an abstract object, we find a word or a phrase for it, such as chain migration. I have heard a lot about what a "nuclear family" is and is not.

I will use these paperclips to demonstrate this. I always thought a mother or father, son or daughter, brother and sister was not a chain; I thought that was a circle of strength. It is a circle of strength within our community. It is a sense of what our society is all about, regardless of what altar you worship at, what creed you believe in. I thought, when I heard the speeches of family values on the floor, that this was a circle of strength and dignity and the very essence of what is essential for our communities to grow and prosper.

What does this bill do? It says that is not a value—a mother, father, son, daughter, brother, sister. It is not a value. That is what this bill does. Let me tell you what family values have meant to this country. Here on the chart are names of Americans who had immigrant parents. A lot of them probably could not have come to this country under the bill as proposed. Look at what their offspring have provided for this country.

A gentleman known as General Petraeus happens to be leading our efforts in Iraq. He is our big hope to turn it around. He had immigrant parents.

Thomas Edison, from my home State of New Jersey, Menlo Park, invented electricity. He may not have been the originator of that in this country if his parents had not come here.

Martin Sheen, from the show "West Wing," would not have been here under this bill.

Jonas Salk invented the polio vaccine, which was a great achievement. His parents would have likely not made it here under this bill.

Colin Powell, former Secretary of State, former chairman of the Joint Chiefs of Staff—he is somebody who is admired on both sides of the aisle—he would not have made it here under this bill.

Antonin Scalia—I may not agree with him all the time, but he is a distinguished member of the Supreme Court of the United States. Several of these names you might recognize as Republicans. He would not have likely made it here under the bill as proposed; Carl Sandburg, a great poet, who wrote of our humanity as a people; the late Peter Jennings, who talked to us every night on television.

These are all people who have contributed in so many different ways to our country because their parents came to America. Family values have enriched America.

Let me give you another group of citizens. These, unlike those others who were born in the United States, are naturalized U.S. citizens, meaning they weren't born in this country. They came here through the immigration process of our country. I would like to think some of them have contributed some good things:

The Governor of California, Arnold Schwarzenegger. I am not sure he would have made it into this country; Henry Kissinger, former Secretary of State; Ted Koppel, who brought us the news on "Nightline;" Levi Strauss, you have probably worn his products; Desi Arnez, one of my favorites, a Cuban immigrant, who loved Lucy every day on national TV; Bob Hope was a naturalized U.S. citizen. He brought an enormous amount of joy to our service men and women across the globe; Patrick Ewing, a great basketball player; Oscar de la Renta, a great designer; Liz Claiborne; Madeleine Albright, former Secretary of State; Albert Einstein. His parents never would have made it under this bill; Andrew Carnegie of the Carnegie Foundation; Joseph Pulitzer, of Pulitzer Prize fame; Michael J. Fox, who talks to us every day about the necessity for stem cell research and the incredible challenges of Americans with Parkinson's. He is a naturalized U.S. citizen.

The list goes on and on. The bottom line is that under this bill, so many of those, such as General Petraeus, Colin Powell, Thomas Edison, and Antonin Scalia, whose parents came to this country and therefore gave them the opportunity to be born in America, they would not have made it under this bill. Family values. Those who did not have the good fortune to be born here, but because their parents immigrated here, were naturalized U.S. citizens. They have contributed greatly.

So let's not dehumanize this reality. This isn't about "chain migration." This isn't about some abstract sense of how we try to change a very important concept—family, family values, reunification, strengthening communities, and having great Americans who have altered the course of history and made this country the greatest experiment and country in the history of the world.

Our amendment simply says to all those who have espoused family values, it is time to put your vote with your values. It says don't snuff out the right of a U.S. citizen or a U.S. permanent resident, these guys in this picture—don't snuff out their right, all permanent residents of the U.S. originally, don't snuff out their rights to be able to claim family members. Don't treat those of us who are U.S. citizens and legal permanent residents worse than those people who didn't obey the law, follow the rules, and came into the country. Don't do this. At least treat us equally. At least treat us equally.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I appreciate my colleague from New Jersey and the passion and value he brings to this debate; it is tremendous, and we are all better for it. I am grateful to him.

I rise this afternoon to, once again, discuss the dire need we have in this country and in our communities for comprehensive immigration reform. I do believe the debate on immigration reform has been the kind of meaningful, bipartisan approach in the Senate—with Senators KYL and KENNEDY working together, Senator MCCONNELL and Leader REID working together—this is a bipartisan approach and the debate the American people expect out of the Senate.

I am proud we are moving forward on it because of the immediate need but also the way we are going about this process.

Despite the Senate's success in producing a bipartisan bill last year, the issue still has not been resolved. There is still much to be questioned, and we are working through that.

The majority of my colleagues will agree that our Nation's current immigration system is badly broken, it is out of date, and it desperately needs to be fixed. I plan to look for any plan that we can support that is tough and practical and fair in dealing with this ever-increasing issue.

Without a doubt, the top priority must be the safety and security of our country, as well as the economic needs of industry, U.S. citizens, and immigrants. But most importantly, the security issue is one of our top priorities.

I am so pleased the underlying bill includes triggers to require that Border Patrol agents are significantly increased and vehicle barriers and fencing are installed along the southern border with Mexico before any of the other provisions can even begin, making sure that we are taking care of what we know we can do and we can do quickly.

I believe this bill is a work in progress, though, just as any other bill we bring before the Senate—working hard through the committee process and through years of debate, but also recognizing that we are not here to create a work of art but to create a work in progress. Through these debates and actually through implementation, we learn what works and what doesn't work, what the current needs of our country are. But as we move forward with implementation, we learn the future needs.

If we debate reform in this bill in the coming days and weeks, we must also address other important issues. As I stated during last year's debate, my home State of Arkansas had the largest per capita increase of the Hispanic population of any State in the Nation during the last census. Arkansas has become what is referred to as an emerging Hispanic community, with largely first-generation immigrants. These immigrants have had a dramatic impact on our communities and our economy.

The majority of immigrants in my State came to the United States because they wanted an opportunity to work hard and achieve a better life for themselves and for their families. However, I believe it is to the detriment, oftentimes, of taxpaying Americans if we don't address the millions of illegal immigrants living in our communities. We have to do so in a practical way, in a realistic way of how we effectively use the tax dollars we have, along with the rules and regulations and realistic barriers that we can put into place to rein in the problem that exists today in this country.

No reform proposal should grant amnesty. Amnesty is total unqualified forgiveness without restitution, and no policy should provide amnesty. This policy does not, nor did the one we passed in the last session of Congress. I don't think it is fair to the citizens of this Nation or to those immigrants who do play by the rules to come into this great land. Those who have broken the law, including employers who knowingly hire illegal immigrants, must face proper recourse.

However, I also don't believe it is practical, wise, or even, quite frankly, an economic reality to think that we can simply round up and deport all of the illegal immigrants who are residing in this country today. That is why I support an approach that includes serious consequences for those who are in our country illegally and yet want to remain. We create an earned path to citizenship and tough enforcement policies for businesses and those who are working toward that citizenship. We can eliminate the shadow economy that encourages illegal immigration.

According to the bill being debated, all undocumented immigrants who arrive in the United States before January 1, 2007, will be required to pay a hefty fine, a $5,000 fine, go to the end of the line, and wait 8 years before a green card can be issued, putting into place stiff regulations and expectations of those who have come here against the rules and yet want to remain, putting them at the back of the line not at the front.

In addition, a touchback provision has been included that will require the head of a household to return to his or her country of origin to apply for a green card before being allowed to return. Many of us know how absolutely precious citizenship in this great land is. When I first ran for Congress, I can remember the first thing my father told me. I was a young single woman out campaigning and pleading with my fellow Arkansans in east Arkansas, people I had known ever since I was born, people who had helped raise me, those I had grown up around.

My father said: Never, ever, ever miss an opportunity to ask someone for their vote. He said: When you have something that precious, you want to be asked for it.

Citizenship in this great country, just as that vote, is a precious gift, and we, as Arkansans and Americans, know that anything similar that precious is worth working for.

That is why these provisions are important because it demonstrates that citizenship is something that must be earned and is not free.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. LINCOLN. Mr. President, I am sorry, I didn't know I had a restricted time limit. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection to the request for an additional 2 minutes for the Senator from Arkansas? Without objection, it is so ordered.

Mrs. LINCOLN. I thank the Chair.

Mr. President, as I said, citizenship in this country is not free, and it is something that has to be earned and worked for, and that is what this bill requires.

I also believe any plan must consider guest workers. Many business leaders throughout our great State of Arkansas have told me about the valuable contribution that legal immigrant workers have made to the economic growth we have seen. It is my belief these workers are vital to sustained growth and development of many industries and farming communities throughout our land. However, we must ensure that adequate safeguards are in place to prevent guest workers from taking jobs from U.S. workers or driving down wages and benefits for hard-working Americans. We have seen that in this bill, and we will continue to work to strengthen it.

I am pleased the immigration reform legislation we are currently debating contains provisions that will improve our agricultural guest worker program which will benefit our Nation's farmers.

We stand at a crossroads in this country. Over the last decade and a half, the immigrant population has expanded in every area of our country, many of them coming here legally but some not; some coming illegally, many of them already paying local taxes. Almost half are paying into Medicare and Social Security with no promise of ever receiving any benefits.

We are faced with the decision that gets to the heart of what values we hold near and dear as Americans. We have always said: If you work hard and play by the rules, there is a place for you in this great land of America to raise your children and contribute to our great melting pot.

We now must consider as part of this debate what to do with those who have broken the rules to come here but have since worked hard to provide for their families. I hope the Senate will give this difficult question the reasoned, thorough debate it deserves.

The problems we face today with border security and illegal immigration did not appear overnight, and they will not be solved overnight. It is a difficult and complicated issue, and fixing it will not be easy. But while I am still reviewing the provisions of this legislation and reserve the right to try to improve it through the amendment process, as others will, I believe strongly that we can work to complete an immigration bill this year because we no longer can wait.

I thank the majority leader and Senator McCONNELL. I thank Senator KENNEDY and Senator KYL for their hard work. And I look forward to continuing our work on this bill and hopefully finding a solution to this issue and doing so in a timely way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1186, AS MODIFIED

Mr. DURBIN. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendment No. 1186, that it be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by inserting after subparagraph (G), as added by section 503 of this Act, the following:

"(H) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and who have a parent who was naturalized pursuant to section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note).".

AMENDMENT NO. 1181

Mr. DURBIN. Mr. President, pending before the Senate and a vote in a few moments is an amendment by the Senator from North Dakota, Mr. DORGAN. It will sunset the guest worker program at 5 years. We will stop at 5 years and take a look at this immigration program and decide whether it is good for America, whether it is fair and just.

I don't believe that is an unreasonable request. I think it is the right thing to do, and I will be supporting that amendment.

I wish to speak to that amendment, but first I wish to say a word about the bill.

Mr. President, 96 years ago, just a few miles from where we are meeting, on July 18, 1911, a woman came down a gangplank in Baltimore, MD. She had just arrived on a voyage from Bremen, Germany. She had a 2-year-old little girl in her arms and two young children, a boy and a girl, by her side. She stepped foot in America in Baltimore and took a train to join up with her husband in a place called East St. Louis, IL.

This woman who brought these three children across the Atlantic didn't speak English. She only knew that her husband was waiting 800 miles away and was making her journey. That woman was my grandmother. The baby in her arms was my mother. That was 96 years ago. Ninety-six years later, the son of that little girl stands as a United States Senator from Illinois. It is a story about America.

This Nation is great because of the immigrants and their sons and daughters who came here and made it great. I am certain that when my mother's family announced to their villagers in Jurbarkas, Lithuania, that they were leaving for America, that they were leaving behind their home, their garden, their church, their history, their language, and their culture and heading someplace where they couldn't even speak the language, I am sure as their neighbors walked away in the darkness that evening they all said the same thing: They'll be back. They'll be back.

They didn't go back. They stayed here. They built America. People similar to them have been building America since the beginning.

This bill is about immigration. It is about a system of immigration that has failed us. It has failed us because 800,000 undocumented illegal people pour across our southern border every year into America. It has failed us because employers welcome these employees, often paying them dirt wages under poor conditions and say to them: We will use you until we don't need you, and then you are on your own.

These immigrants sacrifice for themselves, send their money home, and dream of someday that they will have security and peace of mind. That is the story.

Sadly, we have 10 or 12 million now in our country who came that way, with no legality or documentation.

I salute Senator KENNEDY and those who brought this bill to the floor. They have worked long and hard for years to deal with this issue honestly. They have to fight the talk show hosts who are on every afternoon screaming about immigration with not one positive thought of what we can do about it. Instead, Senator KENNEDY and many like him have stood up and said: We will risk our political reputation by putting this measure before America. Let's do something and fix this broken immigration system.

I salute them for that—for border enforcement, for workplace enforcement, for dealing honestly, fairly, legally, in an American way with the 12 million people who are here.

The amendment before us addresses one part. It addresses the guest worker program. As written in this bill, we would allow 400,000 people a year to come into America and work as temporary workers, and that number could increase. By action of the Senate yesterday, we reduced the 400,000 to 200,000.

Do we need 200,000 guest workers every year in America? I don't know the answer to that. I can tell you today that among college graduates in America, the unemployment rate is 1.8 percent. The unemployment rate for high school graduates is 7 percent. It tells me that there is a pool of untapped talent in America.

Do we need 200,000 people coming from overseas each year to supplement our workforce? I don't know the answer to that question. There are those who insist we do and some who say we don't. And that is why Senator DORGAN's amendment is important. It says we will try the 200,000 a year for 5 years and then stop and assess where we are, what has happened to wages of American workers, what has happened to businesses that need additional workers. We can make an honest assessment at that point. If we see American wages going down, if we see the unemployment rate of Americans going up, we may want to calibrate, reconsider.

His is a thoughtful and reasonable approach. Senator KENNEDY has said, and he is right, that we establish standards of treatment for these guest workers that are dramatically better than what they face today. There is gross exploitation taking place. We know that.

Many of these undocumented, illegal workers are treated very kindly, but many are exploited. We know the stories, we hear them, we read about them. We can change that, and we should. A great nation should not allow people to be exploited in this way.

It is not inconsistent to say that we will have a limited number of guest workers, that we will treat them fairly and honestly and in a decent manner, with decent wages, and then step back in 5 years and make an assessment of where we are. I think that is a reasonable approach to take.

There are many positive provisions in this bill, but the one thing that troubles me is the idea of guest workers being here for 2 years and leaving, creating a rotating class of people with little investment in the United States. How will that work? We already know the answer to that question. That is what European nations are doing today. They are bringing in people from former colonies and other countries. The Turks are coming into Germany, Africans coming into France, but they never become part of those countries. They are always the workforce. They become angry. They become dispossessed. They riot in the streets because they have no investment in that country in which they are working. They are being exploited and used. I don't want to see that happen in America. I want those who are living here to be vested in this country and its values and its ideals.

Finally, let me say that when it comes to guest workers and H-1B visas, where we invite higher skilled workers, our first obligation is to the workers of America, those who are unemployed and those who have the American dream but just need an American chance. As we look at each of these categories of workers, let us make certain that the first question we ask and answer is, are we dedicated to the workers and the families across America to make sure they have a fighting chance to realize the same American dream my mother realized when she came off the boat.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just as an inquiry, I think we are scheduled for a vote at 2:15; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I see the Senator from North Dakota.

How much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes, and the Senator from North Dakota has 8½ minutes.

Mr. KENNEDY. Mr. President, I yield myself 3½ minutes, and the Chair will let me know when I have ½ minute remaining.

Mr. President, just to summarize where we are, those of us who have studied this issue—and I respect all the Members of the Senate in giving this consideration—recognize we have to have a comprehensive approach. We don't rely on any one part in order to be successful with this recommendation in terms of immigration reform. We have the strong border security, but with the border security we do have some opportunity for people to come in the front door so they are not coming in the back door illegally. We have tough interior enforcement because we require that those individuals who are going to come in have a card. We treat them fairly, we treat them well, and we provide the same kinds of protections for those individuals that we give to the American workers. That doesn't exist today. It is an entirely different game.

We have to understand at the outset that the guest worker doesn't get in here unless there is a refusal of any American to do that job. If there is any American anyplace that will do the job, they get it. Do we understand that? This is for jobs Americans will not do. We hear great stories about people being unemployed here and unemployed there. I agree with that. But the fact is, there are some jobs in the American economy which Americans just will not do. I don't think that needs to be debated. And there are those who will come here and will do those jobs with the idea that, hopefully, they will have an opportunity to be part of the American dream. So the advertising goes out for the job that is out there, and Americans can get the job. If no American wants it, then the opportunity is there for a guest worker.

We have built in here a review of the guest worker program. The Senator from North Dakota says: Let's do a 5-year and then end it. We say: Let's take it to 18 months. I spoke earlier in the debate about what this commission does. It is made up of businessmen, it is made up of workers and of economists who will decide how this program is working. Is there exploitation? Is it functioning? If it is working, is it fair? It is 18 months, and then they have to give Congress the information. They do the study, they give the information, and we modify the program.

Under the existing program, people will go out and work for a period of 5 years, and they may very well earn points to become part of the American dream. That doesn't exist in the European system. This is entirely different. These individuals, in 5 years, up to a million individuals, earn points to become part of the American dream, but then suddenly the Dorgan amendment pulls the strings right out from under them. Down they go. Down they go. The promise to them is if they work hard and play by the rules and work in very tough and menial jobs, they may have an opportunity—not guaranteed, but they may have the opportunity to be a part of the American dream, but not under the Dorgan amendment, under our amendment.

This is the way to go. We have in here the review that is essential and necessary. This can provide the Congress with the information of whether this program is working. It has been established, and it will be set up. It will be functioning, and it will give Congress the best information. We will have continuing oversight, and we will be able to adjust that program in ways that serve humanity and serve our economy.

I hope the Dorgan amendment will be defeated.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 1 minute to the Senator from California, Mrs. BOXER.

Mrs. BOXER. Mr. President, it is very rare that I have such a strong disagreement with my friend, TED KENNEDY, but I don't understand the agitation over an amendment that simply says that a program that allows 200,000 foreign workers in here, a generalized program—this isn't AgJOBS, which is a specific industry program that we know we need because we know right now half the workers are foreign workers: this is a generalized, open program, 200,000 foreign workers a year. I think Senator DORGAN and I and others have shown that American workers are going to be hurt by this. So why is there so much angst about sunsetting a program that will allow in now 200,000 people a year? It was 400,000. Thanks to the Bingaman amendment, it is down. This is a modest amendment. This is a sensible amendment.

Mr. President, I would ask my friend to yield me 1 more minute, or 30 seconds.

Mr. DORGAN. I yield an additional 30 seconds.

Mrs. BOXER. Mr. President, here is the point: You are doing no harm to these people. Under this bill, these people have to leave at the end of 6 years. They are done. So for the Senator to say this somehow hurts people in the long run, it simply isn't true.

This is a modest amendment. It makes a lot of sense. Who knows, in 5 years, we could be in a massive depression. We don't want that, but we are certainly not going to want to extend the program in that case. This is a wise amendment, and I urge an "aye" vote.

I thank the Senator from North Dakota for his leadership.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes 40 seconds.

Mr. DORGAN. Mr. President, there is no social program in this country as important as a good job that pays well. That is just a fact. Having a job that pays well, with some job security, is the way we expand opportunity in this country and allow someone to be able to take care of their family.

We are told by those who offer this legislation that there are jobs Americans won't take, that we don't have enough workers and we should bring in workers from outside of our country. Well, it is true there are jobs, for example, at the lower end of the economic scale where businesses that offer those jobs don't want to pay anything for those jobs, and so they do not have people rushing to beat down the door to get those jobs. They do not have to pay a decent wage for those jobs if they can keep bringing in cheap labor. That is what is at work here in the guest worker program. I thought supply and demand was something that was cherished and embraced by the people who most strongly support this. Supply and demand. So if you are having trouble finding workers for a job, you raise the price, you raise the wage.

Do my colleagues know what is happening to workers in this country? Their productivity has gone way up. We have had dramatic gains in productivity by workers. Has their income gone up? No, not at all, especially those at the bottom. There is downward pressure on their income. Why? Because we are told we can have an almost inexhaustible supply of cheap labor coming into this country.

Even if this bill were not on the floor, we bring in 1.2 million people per year under the legal process by which people come to this country. So it is not as if there is not going to be immigration. On top of that, there will be well over a million people coming in for agricultural jobs without this bill. But this bill says that is not enough, that we need additional workers to come in because we need more of those workers, particularly unskilled workers, at the bottom.

Here is what this group has put together as a plan. It is hard for me to see how you could come up with a plan such as this, but this is the plan. It used to be 400,000, but now it is 200,000. In the first year, we bring in 200,000 people from outside of this country to come in and take American jobs—200,000 people come on in. They can stay for 2 years, by the way, and bring their family, if they want. Then they go home for a year, come back for 2, go home for a year, and come back for 2 more years. If they bring their family, they can only come twice, with a year in between.

So here is the way it works: 200,000 come in the first year. They stay here for the second year. That is 200,000. Another 200,000 come in, perhaps their families come in. Let's go through year 10. What you have, for example, in year 10 is you have 1,200,000 people here in year 10; 11, 1,200,000 people; in year 8, you have 1,200,000 people. We are not talking about 200,000 people; we are talking about millions of people, including their families, coming in during this period of time for the sole and exclusive purpose of taking American jobs—jobs which we offer in this country and which we are told Americans will not perform.

That is simply not true, by the way. Americans will perform these jobs if there are decent wages. But you don't have to pay decent wages if you can bring in people from elsewhere who are used to working for 50 cents an hour or from Asia where they are used to working for 20 cents an hour and working 7 days a week, 12 and 14 hours per day. If you dispute that, go to Xianxian, China, and check any of the factories there and find out the conditions and the wages.

Well, my point is this: We will get these millions of people into this country on top of the 1.2 million who will already come in legally. Plus we will say to the 12 million who came in illegally that you, too, now are deemed to be legal and given a work permit. On top of that, we want to bring in additional guest or temporary workers. I ask this question: Of these millions of people—millions of people—how many of them are going to leave and go back home?

My colleague yesterday said that the Governor of Arizona, who probably knows as much about this as any other Member of the Senate, has pointed out that you can build the fence down there—talking about the southern border—but if it is 49 feet high, they will have a 50-foot ladder. Talk to the Arizona Governor, he says. It is a matter of fact that some workers will still come here illegally or legally, but one way or another, they will come in. So much for the proposition that the bill brought to the floor of the Senate solves the immigration problem.

We are told we need a guest worker or temporary worker provision here because they are going to come anyway. Apparently, we are saying: OK, they are going to come in illegally anyway because we can't stop them—we don't have a provision in the bill to stop them—so we will very cleverly say they are guest workers and give them a permit as they come in. That is the bottom line here.

My amendment is very simple. I lost the amendment to strip out the guest worker provision, a provision we don't need and shouldn't need. It is a provision that is the price paid to the U.S. Chamber of Commerce for their support for this bill even as they export good American jobs through the front door, mostly to Asia. We don't need and should not support this provision. I lost my amendment the day before yesterday to strike this provision. This amendment I offer today says at least—at least let us sunset this provision in 5 years so we can take a look at whether any of these promises have made any sense.

I was here in the Congress in 1986. I heard all the promises of the Simpson-Mazzoli Act. None of them were true, and 3 million people got amnesty. There was no border security to speak of, no employer sanctions to speak of, and there was no enforcement. Now, all these years later, we have 12 million people in this country without legal authorization. What do we do? We bring a new bill to the floor with border security, with employer sanctions, and a guest worker provision. Nirvana.

The fact is, it is not going to work, regrettably, and this is the worst possible provision in this bill, in my judgment.

Mr. President, I yield the floor, and I reserve my time.

How much time remains?

The PRESIDING OFFICER. The Senator has 17 seconds.

Mr. DORGAN. I will reserve the 17 seconds unless the Senator from Massachusetts is ready to yield back, and then I will yield back and we can vote.

Mr. KENNEDY. I yield the time.

Mr. DORGAN. I yield my time.

The PRESIDING OFFICER. All time has been yielded. The question is on agreeing to the amendment.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—48

Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cardin
Casey
Clinton
Coburn
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold
Grassley
Harkin
Inhofe
Inouye
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
McCaskill
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Rockefeller
Sanders
Schumer
Sessions
Shelby
Stabenow
Sununu
Tester
Thune
Vitter
Webb
Whitehouse
Wyden

NAYS—49

Akaka
Alexander
Allard
Bennett
Bond
Bunning
Burr
Cantwell
Carper
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Graham
Gregg
Hagel
Hatch
Hutchison
Isakson
Kennedy
Kerry
Kyl
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Murkowski
Pryor
Roberts
Salazar
Smith
Snowe
Specter
Stevens
Voinovich
Warner

NOT VOTING—3

Brownback
Johnson
Thomas

The amendment (No. 1181) was rejected.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. CRAIG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thought the Republican leader, the Senator from Kentucky, Mr. MCCONNELL, wanted to speak and introduce an amendment. Then we are hopeful that we would deal with the Vitter amendment, and after that we would go with the Feingold amendment, and perhaps even the Sanders amendment as well. That might be a way we proceed.

I see the Senator from Kentucky, who is going to talk for a period of time. Then we would go back to the Republican side, Senator VITTER, come back over here to Senator FEINGOLD, then perhaps they were looking on the other side—we had talked to our Republican colleagues—and we are hopeful to get a vote, potentially go to Senator SANDERS after that.

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 1170 TO AMENDMENT NO. 1150

Mr. MCCONNELL. Mr. President, I thank my friend from Massachusetts.

I ask unanimous consent that the pending amendment be laid aside, and I call up amendment No. 1170.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1170.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to amend the Help America Vote Act of 2002 to require individuals voting in person to present photo identification)

At the appropriate place, insert the following:

SEC. ____. IDENTIFICATION REQUIREMENT.

(a) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

"(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

"(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2008.".

(2) CONFORMING AMENDMENTS.—

(A) Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(B) The table of contents of the Help America Vote Act of 2002 is amended by redesignating the items relating to sections 304 and 305 as relating to items 305 and 306, respectively, and by inserting after the item relating to section 303 the following new item:

"Sec. 304. Identification of voters at the polls.".

(b) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

"PART 7—PHOTO IDENTIFICATION

"SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

"(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

"(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

"(1) a statement that the State intends to comply with the requirements of section 304; and

"(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

"(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

"(d) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

"(A) the total amount appropriated for payments under this part for the year under section 298; and

"(B) an amount equal to—

"(i) the voting age population of the State (as reported in the most recent decennial census); divided by

"(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

"(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.".

(2) CONFORMING AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by inserting after the item relating to section 296 the following:

"PART 7—PHOTO IDENTIFICATION

"Sec. 297. Payments for free photo identification.

"Sec. 298. Authorization of appropriations.".

Mr. MCCONNELL. Mr. President, Members on both sides have voiced a lot of legitimate concerns about the immigration bill that we brought to the floor earlier this week, which is precisely what we were hoping for when we decided to move forward with it. We needed to air things out. Many of our Republican colleagues have rightly focused on border security and their concern that people who have broken the law can somehow get away with it under the proposed legislation.

As we have debated this issue on the floor, the American people have spoken very loudly. Phones have been ringing off the hooks. If we have settled anything this week, it is that Americans are not shy about expressing their views on immigration. It is my hope this debate will move forward until every apprehension will be addressed.

Now I wish to voice a concern of my own. The Constitution says: All persons born or naturalized in the United States are citizens, and are therefore free to vote. As a corollary, we have always maintained that no one who is not a citizen has a right to vote. But in order to preserve the meaning of this pledge, we need to make sure the influence of those who vote legally is not diluted by those who do not; those who do not abide by the laws are not free to influence our political process or our policies with the vote.

As we move forward on this immigration bill, we need to make sure we protect voters, protect the 15th amendment by strengthening protections against illegal voting. This is the principal concern, but it is also practical.

The fundamental question we have been debating this week is what to do about the fact that 12 million people in this country are here illegally. We would have to go back more than two decades to find a Presidential election in this country in which 12 million votes would not have tipped the balance in the other direction.

Only citizens have the right to choose their elected representatives. Regardless of what we decide to do about these 12 million, those who are not here legally and are not citizens should not have the ability to upend the will of the American people in a free and fair election. This is not fantasy. It was reported last week that hundreds of noncitizens in and around San Antonio have registered to vote over the past several years. Most are believed to be here illegally and many are thought to have cast votes.

We have no reason to believe this practice, if true, is not being replicated in other cities and towns all across our country. So the question is: Given the current reality, how do we safeguard the integrity of the voting system? If these millions were eventually to become citizens, how do we propose to make sure their vote counts, that it isn't diluted?

Now the Carter-Baker Commission on Federal Election Reform, founded after the 2004 election and spearheaded by former President Jimmy Carter and former Secretary of State Jim Baker, has already addressed the problem. Here you see President Carter and former Secretary Jim Baker together addressing this issue as they cochaired the Federal Election Reform Commission. That report said, quite simply, election officials need to have a way to make sure the people who show up at the polls are the ones on the voter lists.

I cannot think of anyone who would disagree with that. The solution the commission proposed, the Carter-Baker Commission, is the same one I am proposing today as an amendment to the immigration bill.

In our country, photo IDs are needed to board a plane, to enter a Federal building, to cash a check, even to join a wholesale shopping club.

In a nation in which 40 million people change addresses each year, in which a lot of people don't even know their neighbors, some form of Government-issued tamperproof photo ID cards should be used in elections as well. If they are required for buying bulk toothpaste, they should be required to prove one's identity, to prove that someone actually has a right to vote and a right to influence the laws and policies of our country. We need to ensure those who are voting are the same people on the rolls and that they are legally entitled to vote. ID cards would do that. They would reduce irregularities dramatically and, in doing so, they would increase confidence in the system.

We have all been through elections where groups of voters questioned the results based on rumors of coercion or fraud. Photo IDs would substantially limit this kind of voter skepticism and loss of faith in the political process.

Consistent with the purpose and the aim of the 15th amendment, we don't want anyone who has the right to vote to have any difficulty acquiring an ID. This amendment addresses this concern by establishing a grant program for those who cannot afford a photo ID. People who qualify will be provided one for free, no cost. No less an advocate for poor Americans than Ambassador Andrew Young has said photo IDs would have the added benefit of helping those who don't have drivers licenses or other forms of official ID to navigate an increasingly computerized culture. Photo IDs would make it easier to cash checks, rent movies, or gain access to other forms of commerce that are closed to people who don't have them.

An overwhelming majority of Americans support this attempt to ensure the integrity of our elections. An NBC News/Wall Street Journal poll last year showed 26 percent of respondents strongly favored requiring a universal tamperproof ID at the polls. Nineteen percent said they mildly favored the IDs. You can do the math, Mr. President. That is 80 percent of the American people think this is a good idea. On issues in America, 80/20 is about as good as it gets. Twelve percent were neutral and didn't have an opinion at all, only 3 percent mildly opposed, and 4 percent opposed. So let's add those together. We are talking about 80 to 7, with the rest of Americans not having a view. Ninety-three percent of those who were asked for their opinion were either undecided or in favor of implementing this control. State polls show similar results. Americans are clearly divided on what to do with illegal immigrants in our communities, but they seem to agree on the benefit of an ID.

Members from both sides of the aisle agree we need to address voting irregularities. The junior Senator from Illinois is sponsoring a bill that would stiffen penalties for preventing someone from exercising his or her right to vote. He has already drawn 12 Democratic cosponsors. The bill is meant to respond to a problem we all recognize and which we should do something about by requiring photo ID for voters. Two dozen States already require—that is 24 States—some form of identification at the polls.

As a result of the Help America Vote Act, photo ID is required for those who register to vote by mail but who can't produce some other identifying document. What I would like to do is to provide a Federal minimum standard that is consistent but which allows States wide flexibility in determining the kind of ID that is required. It doesn't have to be a driver's license. It could be a hunting or fishing license. Either way, we would be ensuring for the first time the same verification standards from rural Iowa to Dade County, FL. This would be one of the surest steps we could take to protect the franchise rights of every American citizen in a fast-changing and increasingly mobile society.

The promise of America is that every law-abiding citizen has an equal stake in the political process and should be treated equally under the law. The most concrete expression of this right is the right to vote. It is a right that has been at the core of our democracy for more than a century, and whenever it has been deprived at the local level, we strengthen it federally. We need to strengthen it again now as part of our effort to reform America's immigration laws. Stronger borders would do nothing to prevent noncitizens who are already here from abusing the system further through illegitimate voting. To protect franchise rights of all born and naturalized citizens, we need to harden antifraud protections at the polls. For the sake of the citizen who is already here and for those who dream of becoming citizens in the future, this amendment is an important step in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1157

Mr. VITTER. Mr. President, I ask unanimous consent to set aside the pending amendment and call up Vitter amendment No. 1157.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. DEMINT, Mr. THOMAS, Mr. BUNNING, Mr. ENZI, and Mr. INHOFE, proposes an amendment numbered 1157.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike title VI (related to Nonimmigrants in the United States Previously in Unlawful Status))

Strike title VI.

Mr. VITTER. Mr. President, this is an important amendment that goes to the heart of our debate. This amendment strikes all of the text of title VI, the Z visa amnesty section. It takes all of that Z visa out of this massive immigration bill. I thank several Members for joining me in this important amendment: Senator DeMint, Senator Thomas, Senator Bunning, Senator Enzi, Senator Inhofe, and Senator Coburn. They are all cosponsors of this amendment. I ask all of my colleagues to join in this fundamental but necessary correction of the bill.

Many folks will say: We can't do this. This goes to the heart of the bill. It goes to the heart of the compromise. Well, indeed, it does. It does that because that is where an absolutely fundamental flaw with this approach resides. The Z visa is amnesty, pure and simple. Amnesty is at the heart of this bill and is a fundamental problem and flaw with the bill that we must correct. Make no mistake about it, the American people know this. It is obvious. Why is it so hard for us to acknowledge the fact, acknowledge the negative consequences that flow from it, and correct it?

Considering how badly received last year's Senate-passed amnesty bill was, I am shocked we are here again, admittedly with a better bill in some respects but with a bill with Z visa amnesty right at the heart of it. The American people don't want this. They don't want the Z visa, because they don't want to reward law breaking and thereby encourage more of the same. The Z visa amnesty provision absolutely rewards those who have broken the law and, in doing so, is a slap in the face to those thousands upon thousands of folks who are honoring the law, following the law, standing in line, waiting their turn under the rules.

I ask my fellow Senators, are we going to be a nation that values that rule of law? These Z visas tell lawbreakers the opposite, that it is OK to break the law. In doing so, most importantly, most negatively, that has to encourage more like behavior in the future. Clearly, that sort of amnesty sends the wrong message, a reward for breaking the law. Clearly, that encourages the same sort of behavior we absolutely don't want in the future.

I think the fundamental question in this debate is, is this bill going to be a repeat of the 1986 immigration reform the Congress passed at that time or is this bill fundamentally different? Again, that is a central question that goes to the heart of the Z visa issue and others.

In 1986, Congress took up immigration reform. They passed a significant bill, not as wide sweeping as we are talking about now but certainly a significant bill. Arguments were very much the same: We are going to beef up enforcement. We are going to get serious. We are going to have real enforcement at the border. We are going to have meaningful enforcement at the workplace. In that context, we need this amnesty one time, and it will be done and the problem will be solved.

What is the history since then? The history is clear. A problem that was then about 3 million illegal aliens has grown at least fourfold—12, 13 million, or more. So it has mushroomed. The problem has gotten a lot worse. Why? Because the amnesty provisions of that bill in 1986 absolutely went into force and effect. They were absolutely honored. But at the same time, the enforcement never happened to an adequate extent.

So what happens with those two dynamics? It is simple to see what did happen—inadequate enforcement, real amnesty that sent the message loudly and clearly: You will eventually be forgiven for breaking the law to get into this country illegally. The problem mushroomed. The problem quadrupled from more than 3 million illegal aliens in the country to 12 or 13 million or more today.

That is an awfully fundamental question we need to ask as we look at this legislation. I have asked that question. My answer is: This is a vastly improved bill from last year, but this bill still has that fundamental flaw. This bill still risks—and I believe will inevitably repeat—the mistake of 1986, only on a far broader, a far bigger, and far more dangerous scale. We cannot afford that.

There are colleagues of both parties in this Chamber who make the argument that we hear about most legislation: The status quo is broken. This bill is not perfect, but this bill will move it along. This bill will make it better.

That sort of incrementalist approach is true in a lot of cases. In this case, I don't think it is true at all. In this case, a flawed bill gives us the real threat, the real danger of making the problem a lot worse, not better. That is the history of what happened in 1986. That is what will happen again with inadequate enforcement plus amnesty.

How do we correct this? One way is to beef up enforcement. I support a lot of different measures to make the enforcement more certain, to nail it down absolutely before we go into any of these other areas such as a temporary worker program, certainly Z visas. The triggers in this bill are much ballyhooed, but the triggers don't get us to where we need to be before they trigger the Z visa. All the triggers do is say: We are going to do what was planned for the next 18 months anyway, which isn't all of what we need to do, which isn't half of what we need to do to secure the border and have real workplace enforcement. But then we are going to trigger the amnesty. We are going to trigger the Z visa. That is not enough. We need to beef up those enforcement provisions.

The other way to fix going down the 1986 road again is to get rid of amnesty, to get rid of the Z visa. That is exactly what this amendment does.

Certainly many of my colleagues will protest wildly about calling this amnesty. If you look at the facts, there is no other conclusion to reach. If you look at history, there is no other conclusion.

For those lawyers in the Chamber, probably the best known legal reference book is Black's Law Dictionary. Open it. Turn to "amnesty." It is very straightforward. Amnesty is "a pardon extended by the government to a group or class of persons." Black's Law Dictionary cites as its first example of what that means the 1986 Immigration Reform and Control Act. It points to that very act and says it "provided amnesty for undocumented aliens already present in the country." That is the example it cites in the very definition of the concept of amnesty.

I ask unanimous consent to print this definition with the example in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Black's Law Dictionary (8th ed. 2004)]

amnesty, n. A pardon extended by the government to a group or class of persons, usually for a political offense; the act of a sovereign power officially forgiving certain classes of persons who are subject to trial but have not yet been convicted

The 1986 Immigration Reform and Control Act provided amnesty for undocumented aliens already present in the country.

Unlike an ordinary pardon, amnesty is usually addressed to crimes against state sovereignty—that is, to political offenses with respect to which forgiveness is deemed more expedient for the public welfare than prosecution and punishment.

Amnesty is usually general, addressed to classes or even communities.—Also termed general pardon. See PARDON. [Cases: Pardon and Parole 26. C.J.S. Pardon and Parole §§3, 31.]—amnesty, vb.

"Amnesty . . . derives from the Greek amnestia ('forgetting'), and has come to be used to describe measures of a more general nature, directed to offenses whose criminality is considered better forgotten." Leslie Sebba, "Amnesty and Pardon," in 1 Encyclopedia of Crime and Justice 59, 59 (Sanford H. Kadish ed., 1983).

express amnesty. Amnesty granted in direct terms. Implied amnesty. Amnesty indirectly resulting from a peace treaty executed between contending parties.

Mr. VITTER. In that context, one obvious question is: How does that amnesty provision compare to what is in this 2007 bill?

I think if you go down the requirements of the 1986 law and the requirements of this bill before us, you will see they are disturbingly familiar.

In 1986, how do you gain temporary residence status? Continuous unlawful residence in the United States since before January 1, 1982. Fees: a $185 fee for the principal applicant, $50 fee for each child, a $420 family cap. You have to meet certain admissibility criteria: 18-month residency period, English language and civics requirement. Those are the basic requirements under that 1986 law.

Let's compare it to what is in this bill, which is very similar. The dollar amount fees are higher, more significant, but in terms of the nature of the requirements in this bill, they are disturbingly similar: physically present and employed in the United States since a certain date—January 1, 2007; $1,000 penalty and a $1,500 processing fee; meet admissibility criteria; background check; English language basic requirement, et cetera—the exact same type of requirements under the Z visa provisions of this bill, as well as the 1986 law, which "Black's Law Dictionary" itself labels amnesty.

Mr. President, I ask unanimous consent to have printed in the RECORD this simple side-by-side comparison of the 1986 law and this bill presently before the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1986 IRCA

TEMPORARY RESIDENT STATUS

Continuous unlawful residence in the U.S. since before January 1, 1982.

$185 fee for principal applicant, $50 for each child ($420 family cap).

Meet admissibility criteria.

Ineligible for most public benefits for five years after application.

18-month residency period.

ADJUSTMENT TO PERMANENT RESIDENT

English language and civics requirement.

$80 fee per applicant ($240 family cap).

2007

Z VISA STATUS

Physically present and employed in U.S. since January 1, 2007.

$1,000 penalty and $1,500 processing fee.

Meet admissibility criteria.

Background check.

ADJUSTMENT TO PERMANENT RESIDENT

Meets merit requirements, file application in home country.

$4,000 penalty.

Mr. VITTER. So, again, let's not repeat the horrible mistakes of the past. Let's not repeat the fundamental mistake of 1986 that got us to the situation we are in today, that quadrupled, or more, the problem then faced in 1986. Let's not repeat it in either side of the ledger: by having inadequate enforcement—and I am afraid the enforcement provisions of this bill, the trigger requirements, et cetera, are inadequate—and let's not repeat it on the other side of the equation by granting amnesty and creating a magnet for more illegal activity into this country.

We cannot afford to do that. This amendment goes to the core of that fundamental problem and corrects it by taking out title VI, the Z visa amnesty provisions.

Mr. ENZI. Mr. President, I rise in strong support of the amendment introduced by the Senator from Louisiana. I am proud to be a cosponsor of this amendment.

I am disappointed in the way the substitute amendment to S. 1348 was brought before the Senate. I do not believe Senators have had adequate opportunity to fully understand all the impacts this legislation will have on our Nation. Over the next 2 weeks, Senators and staff will continue to study the language. I hope the Senate leadership will ensure that all Members have the opportunity to have their amendments considered by the full Senate. I am pleased an agreement was reached to vote on the Vitter amendment.

If this was the first time the Senate was considering offering amnesty to illegal aliens, I think this debate would be under a different tone. When the 1986 legislation was enacted, Members of the House and Senate had the best of intentions—to improve our border situation and decrease illegal immigration by offering permanent status to those in the United States illegally. Those good intentions, however, were not without fault. We can see that now, 21 years later, and we cannot ignore the problems caused by that legislation.

Our goal here is to make an immigration system that works—one that meets the economic needs of our Nation and allows for legal immigration and legal workers. We need to make it less complicated to immigrate legally rather than illegally. The status quo is just the opposite. It has become so difficult to follow the legal path that many look for the easier route of crossing our border without paperwork, without filing fees, and without bureaucratic delays. It has become so difficult for employers to hire legal temporary workers that many hire illegal immigrants without legal Social Security numbers, without labor certifications, and without bureaucratic delays. Our laws should not be a deterrent to themselves.

Our immigration system is complicated. Our borders remain open. Border security must be the top priority of the debate. We cannot have immigration reform without strengthening the security of our borders. This is why I am pleased that the language the Senate is considering includes triggers that must be met before certain provisions can be enacted.

There are some positive ideas in this legislation, but there remain many problems. The Senate should not pass flawed legislation merely for the sake of voting on something.

Amnesty is one of the main concerns of my constituents in Wyoming. Amnesty sends a message to illegal immigrants that if you break our immigration laws and avoid being detected for several years, the United States will not only forgive you but reward you with permanent resident status. Amnesty encouraged illegal immigration. In 1986, 7 million immigrants were granted amnesty. Today, we are facing an illegal population of over 12 million. The 1986 legislation did not stop illegal immigration. We should not repeat this policy without ensuring that we are not making the same mistake.

I continue to closely examine bill language as new developments unfold and will make decisions keeping in mind what concerns I have heard from the people and businesses of Wyoming. We expect to spend the first week of June continuing to debate and amend the bill. I am concerned about where we will be in 2 weeks on this legislation. This issue is too important to refuse to consider amendments for members of either party.

Again, I state my strong support for Senator VITTER's amendment to remove the amnesty provisions from this legislation. I hope my colleagues in the Senate will join me in taking a strong stance against amnesty.

With that, I yield back the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed as in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BIDEN are printed in today's RECORD under "Morning Business.")

Mr. BIDEN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the pending amendment be set aside so I might call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1176 TO AMENDMENT NO. 1150

(Purpose: To establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II)

Mr. FEINGOLD. Madam President, I call up amendment No. 1176.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. LIEBERMAN, and Mr. INOUYE, proposes an amendment numbered 1176 to amendment No. 1150.

Mr. FEINGOLD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, May 23, 2007, under "Text of Amendments.")

Mr. FEINGOLD. Madam President, this amendment contains the language of S. 621, the Wartime Treatment Study Act, a bill I have introduced with my friend from Iowa, Senator GRASSLEY.

This amendment would create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II.

I am very pleased that my distinguished colleagues, Senator LIEBERMAN and Senator INOUYE, have agreed to cosponsor this amendment. They are also cosponsors of my bill, and I appreciate their continued support for this important initiative.

This amendment would help us to learn more about how, during World War II, recent immigrants and refugees were treated. It is an appropriate and relevant amendment to this immigration bill.

I would have preferred to have moved this bill on its own. Senator GRASSLEY and I have introduced the Wartime Treatment Study Act in the last four Congresses, and the Judiciary Committee has reported it favorably each time, including just last month. It has been cleared for adoption by unanimous consent by my Democratic colleagues. But I am forced to offer this as an amendment because the Wartime Treatment Study Act has not cleared the Republican side in this Congress or any of the last three Congresses. It is time for the Senate to pass this bill.

During World War II, the United States fought a courageous battle against the spread of Nazism and fascism. Nazi Germany was engaged in the horrific persecution and genocide of Jews. By the end of the war, 6 million Jews had perished at the hands of Nazi Germany.

The Allied victory in the Second World War was an American triumph, a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all of us. But we should not let that justifiable pride in our Nation's triumph blind us to the treatment of some Americans by their own Government.

Sadly, as so many brave Americans fought against enemies in Europe and the Pacific, the U.S. Government was curtailing the freedom of some of its own people here, at home. While it is, of course, the right of every Nation to protect itself during wartime, the U.S. Government can and should respect the basic freedoms that so many Americans have given their lives to defend.

Many Americans are aware that during World War II, under the authority of Executive Order 9066 and the Alien Enemies Act, the U.S. Government forced more than 100,000 ethnic Japanese from their homes and ultimately into relocation and internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities. They were held behind barbed wire and military guard by their own Government.

Through the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980, this unfortunate episode in our history finally received the official acknowledgement and condemnation it deserved.

Congress and the U.S. Government did the right thing by recognizing and apologizing for the mistreatment of Japanese Americans during World War II. But our work in this area is not done. That same respect has not been shown to the many German Americans, Italian Americans, and European Latin Americans who were taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

Most Americans are probably unaware that during World War II, the U.S. Government designated more than 600,000 Italian-born and 300,000 German-born U.S. resident aliens and their families as "enemy aliens." Approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians, or other European Americans living in America were taken from their homes and placed in internment camps. Some even remained interned for up to 3 years after the war ended. Unknown numbers of German Americans, Italian Americans, and other European Americans had their property confiscated or their travel restricted, or lived under curfews. This amendment would not—would not—grant reparations to victims. It would simply create a commission to review the facts and circumstances of the U.S. Government's treatment of German Americans, Italian Americans, and other European Americans during World War II.

Now, a second commission created by this amendment would review the treatment by the U.S. Government of Jewish refugees who were fleeing Nazi persecution and genocide and trying to come to the United States. German and Austrian Jews applied for visas, but the United States severely limited their entry due to strict immigration policies—policies that many believed were motivated by fear that our enemies would send spies under the guise of refugees and by the unfortunate antiforeigner, anti-Semitic attitudes that were sadly all too common at that time.

It is time for the country to review the facts and determine how our immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. It is a horrible truth that the United States turned away thousands of Jewish refugees, delivering many to their deaths at the hands of the Nazi regime we were fighting.

It is so urgent that we pass this legislation. We cannot wait any longer. The injustices to European Americans and Jewish refugees occurred more than 50 years ago. The people who were affected by these policies are dying.

In fact, one of them died earlier this month. Max Ebel was one of the thousands of German Americans who were interned during World War II in the United States. He died on May 3, 2007. His death brings me great sadness.

Max Ebel was only 17 when he came to America in 1937. He fled Germany after he was assaulted for refusing to join the Hitler Youth. When he came to the United States, he lived with his father in Massachusetts. He learned English. He joined the Boy Scouts. He completed high school. When the war broke out, he registered for the draft.

Nonetheless, in 1942, this new American was arrested by the FBI and interned under the Alien Enemies Act because of his German ancestry. He spent the next 18 months in a series of detention facilities and internment camps and ultimately was transferred to a camp in Fort Lincoln, ND, where despite the way he had been treated, he found a way to help the war effort. He volunteered for a government work detail and spent a North Dakota winter laying new railroad track on the Northern Pacific Rail Line. Max Ebel's crew boss saw how hard he worked and petitioned for his release.

Finally, in April of 1944, the Government let him go home. Despite everything that had happened, he remained loyal to his new country and became a citizen in 1953. A few years ago he told a journalist:

> I was an American right from the beginning, and I always will be.

Max Ebel's death is a loss not only to his family and friends but also to our country.

But losing Max Ebel does more than bring me sadness; it also makes me a bit angry. It makes me angry because he did not live to see the day that Congress recognized what he went through: his internment at the hands of his newfound country.

I have been trying for years to pass this legislation creating a commission to study what happened to Max Ebel and to other German Americans and other European Americans and to Jewish refugees during World War II. I am gravely disappointed that Max Ebel and many others affected by these policies will not be here to see that legislation become law.

Americans must learn from these tragedies now, before there is no one left. We cannot put this off any longer. These people have suffered long enough without official, independent study of what happened to them and without knowing this Nation recognizes their sacrifice and resolves to learn from the mistakes of the past that caused them so much pain.

As the Milwaukee Journal Sentinel editorial board put it, Congress must move forward with this legislation:

> Lest the passage of time deprive more Americans of the justice that they deserve.

Let me again repeat that this amendment does not call for reparations. All it does is ensure that the public has a full accounting of what happened. We should be proud of our victory over Nazism, as I am. But we should not let that pride cause us to overlook what happened to some Americans and refugees during World War II. I urge my colleagues to join me in supporting the Wartime Treatment Study Act that is an amendment to this immigration legislation, and I hope the managers of the bill can accept it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, we are in the process where we will begin to make comment on the amendment of the Senator from Louisiana. We will address that very shortly. I am finding that the amendment of the Senator from Wisconsin is enormously compelling. I would have thought it would be generally accepted. We are in the process of trying to get a review of that amendment.

But for the notice of our colleagues, we expect that we will probably have two votes, if we are unable to get clearance, and we will probably have that somewhere in the relationship of probably about—hopefully about 4 o'clock. I haven't had the chance to clear this time with Senator VITTER, but that is generally sort of the plan we are looking at, at the present time. I am not asking unanimous consent on that, but that is just in terms of information for our colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1157 TO AMENDMENT NO. 1150

Mr. DEMINT. Madam President, I rise to speak in favor of the Vitter amendment No. 1157, which strikes title VI of the bill, the title that authorizes Z visas for illegal immigrants.

Z visas are amnesty, pure and simple. They allow illegal immigrants to stay here permanently without ever returning home to their countries. This is the provision that has so many Americans upset.

By removing Z visas from the bill, illegal immigrants will be able to go home and get right with the law. Once they have returned, they can apply for legal entry, just like everyone else, but they would not be allowed to violate our laws.

I know many will say this amendment will be too disruptive to the illegal workers who would ultimately be forced to return to their home countries, but I disagree. Last year, 51 million people traveled to and from the United States from abroad, and 13 million of these travelers were from Mexico alone. People are very mobile, and moving this number of people around is relatively easy today. In fact, this bill acknowledges this very point by requiring them to go home to apply for citizenship.

I have also heard some say the opposition to amnesty is being driven by an anti-immigrant bias. This is also untrue. Americans are extremely pro-immigrant, but they are upset that their Government has lied to them for 20 years on this issue, and they have lost confidence in our ability to control our borders.

Let me be clear: I am pro-immigrant. I believe in legal immigration. I want people to come here, respect our laws, embrace our values, and become American citizens, but we must reject amnesty if we ever expect that to happen.

That is why eliminating the amnesty provision in this bill is the most compassionate and pro-immigrant thing we can do.

By striking the Z visas from this bill, this amendment will allow us to uphold the rule of law, create fairness for millions of people who want to come here legally, and allow us to focus on securing our borders.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, we are working with our colleagues and trying to go back and forth, trying to be bipartisan. We have gone to Senator VITTER, to FEINGOLD, to HUTCHISON, and then to SANDERS. We expect votes and reasonably short debate. We are trying to get votes on all of those before the debate starts on the supplemental. I thank the Senator from Vermont for his patience.

Mrs. HUTCHISON. Madam President, I would appreciate the Senator from Vermont going first, after which I will offer mine.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 1223 TO AMENDMENT NO. 1150

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 1223 to amendment number 1150.

The amendment is as follows:

(Purpose: To establish the American Competitiveness Scholarship Program)

At the end of title VII, insert the following:

Subtitle C—American Competitiveness Scholarship Program

SEC. 711. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this section as the "Director") shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(C) certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to

the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(c) AMOUNT OF SCHOLARSHIP; RENEWAL.—

(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000 per year, except that no scholarship shall be greater than the annual cost of tuition and fees at the institution of higher education in which the scholarship recipient is enrolled or will enroll.

(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.

(d) FUNDING.—The Director shall carry out this section only with funds made available under section 286(x) of the Immigration and Nationality Act (as added by section 712) (8 U.S.C. 1356).

(e) FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship under this section.

SEC. 712. SUPPLEMENTAL H-1B NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) (as amended by this Act) is further amended by inserting after subsection (w) the following:

"(x) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H–1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this Act, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(15).

"(2) USE OF FEES FOR AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—The amounts deposited into the Supplemental H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in section 711 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.".

SEC. 713. SUPPLEMENTAL FEES.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(15)(A) In each instance where the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amount determined under subparagraph (B).

"(B) The amount of the supplemental fee shall be $8,500, except that the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

"(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(x).".

Mr. SANDERS. Madam President, I will begin by quoting from an article today in Congress Daily by Bruce Stokes. He sets up in one paragraph pretty much what we are going to talk about in this amendment:

> The immigration deal under consideration in the Senate raises the number of H–1B visas, a long-sought boon for the high-tech industry that will provide Silicon Valley firms with skilled workers at rock-bottom salaries, who will bolster company profits.

This amendment I am offering now is supported by the AFL–CIO. I will read the few paragraphs of the letter they sent today:

> Dear Senator SANDERS:
>
> On behalf of the AFL–CIO, I am writing to offer strong support for your amendment to the Secure Borders, Economic Opportunity and Immigration Reform Act.
>
> Your amendment would provide scholarships in math, science, engineering, and nursing for our domestic workforce by increasing fees on H–1B employers.
>
> The last paragraph, signed by William Samuel, director of the Department of Legislation for the AFL–CIO, writes this:
>
> It is completely irresponsible for Congress to increase yet again the total annual number of available H–1B visas without addressing the myriad well-documented problems associated with the H–1B program, or considering long-term solutions involving access to training and educational opportunities for domestic workers.

That is William Samuel, director of the Department of Legislation for the AFL–CIO.

The amendment I am offering today also has the support of the Teamsters, the Programmers Guild, and the International Federation of Professional and Technical Engineers.

The Comprehensive Immigration Reform Act is a long and complicated bill. It touches on a number of very important issues, and some of those issues I strongly agree with, no question. The time is long overdue that we control our borders. No question, the time is long overdue that we begin to hold employers—those people who are hiring illegal immigrants—accountable. Those items are long overdue, and we have to deal with them. This legislation does that. I support that.

In my view, this bill is also responsible in how it deals with the very contentious and difficult issue of how we respond to the reality that there are some 12 million illegal immigrants in this country today. This bill carves out a path which eventually leads to citizenship, and that is something I also support.

But—and here is the but: There are a number of provisions in this bill I do not support, that I think are going to be very harmful to the middle-class and working families of this country.

The amendment I am offering right now concentrates on only one aspect of this very long bill and of that problem. That point centers on the state of the economy for working people in our country and the negative impact this legislation will have for millions of workers—low-income workers and professional workers as well.

The fact is there is a war going on in America today. I am not talking about the war in Iraq and I am not talking about the war in Afghanistan; I am talking about the war against the American middle class, the American standard of living and, indeed, the American dream itself.

The American people understand very well that since George W. Bush has become President, an additional 5.4 million Americans have slipped into poverty out of the middle class—5.4 million people who are poor. Nearly 7 million Americans have lost their health insurance. Income for the average American family has fallen by over $1,200 since President Bush has been President, and some 3 million Americans have lost their pensions.

All over this country, from Vermont to California, people get up in the morning and they are working incredibly long hours. People need two incomes in a family to try to make ends meet. Yet, at the end of the day, they are falling further and further behind. There are a lot of reasons for that, but I think this bill, and what this bill proposes to do, is part of the problem.

During the debate over NAFTA and permanent normal trade relations with China, we were told by President Clinton and many others that, well, yes, globalization and unfettered free trade, such as our trade relations with China, yes, they will cost us blue-collar factory jobs, and the result is that because of our trade agreements, we have lost millions of good-paying blue-collar factory jobs and, in fact, today there are fewer people working in manufacturing than since President Kennedy was in office in the early 1960s.

Yes, we have lost millions of good-paying manufacturing jobs, but what people told us is: Look, don't worry about that. Yes, we are going to lose blue-collar manufacturing jobs, but not to worry because your kids are going to become very sophisticated in terms of using computers, and the future for them is white-collar information technology jobs. We don't need those factory jobs anymore; we have white-collar information technology jobs, and those are the kinds of jobs which are going to be growing. Unfortunately, that has not quite occurred. From January 2001 to January 2006, we lost over 600,000 information technology jobs.

Alan Blinder, the former Vice Chair of the Federal Reserve, has told us that between 30 and 40 million jobs in this country are in danger of being shipped overseas. In other words, what we are looking at right now is not just the loss of blue-collar manufacturing jobs, but we are looking at the loss of significant numbers of white-color information technology jobs. I know that in my State—and I expect in Senator KENNEDY's State and all over this country—we have seen white-collar information technology jobs heading off to India and other countries. There is nothing more painful than to see people in my State—I have gone through this experience—having to train people to do their jobs as those people return to India.

Some of the leading CEOs and information technology companies have told us point blank—this is not a secret—that the new location for high-tech jobs is going to be India and China; it is not going to be the United States of America.

John Chambers, the CEO of Cisco, has said:

> China will become the IT center of the world, and we can have a healthy discussion about whether that's in 2020 or 2040. What we're [in Cisco] trying to do is outline an entire strategy of becoming a Chinese company.

The founder of Intel predicted in the Wall Street Journal that the bulk of our information technology jobs will go to China and India over the next decade. That is the reality. That is what the heads of the information technology industry are telling us.

Over the last few days, a number of us have expressed the concern about the impact of bringing low-wage workers into this country and what that would mean to Americans at the lower end of the economic ladder. Today, I wish to address a concern I have about what language in this bill could do to the middle class and, indeed, the upper middle class, people who hold professional jobs and who often earn a very good income.

The bill we are discussing today substantially increases the number of well-educated professionals coming into the United States from overseas. This bill, in fact, would allow 115,000 new professionals to come into this country each year, and that number could go up to 180,000.

This program which allows well-educated professionals to come into our country is called the H-1B program. It is currently capped at 65,000 visas a year. Under the language in this bill, the number would increase at least by 50,000 and by as much as 115,000.

The argument that corporate America is using in supporting this increase is that there are just not enough highly educated, highly skilled Americans to fill available job openings in the high-tech industry and in various science fields. Proponents of the H-1B visa program also say it allows us to bring in the "best and the brightest" from around the world to help America's competitiveness position. That sounds good on its face, and it may also have the benefit of being true in some cases, but there are those in this Chamber and across the country who are very concerned that in many instances the H-1B program is being used not to supplement American high-tech workers when they might be needed but instead is being used to replace them with foreign workers who are willing to work for substantially lower wages.

First, we should be clear that H-1B visas are not being used only in the high-tech and highly specialized technology and science fields. That is the argument often made, but it is really not true. The reality is that a whole host of jobs in various categories are going to H-1B visa holders.

Let's take a look at some of the jobs that corporate America is telling us that there are just not enough Americans who are smart enough, who are educated enough to perform. Here they are: information technology computer professionals—I guess we can't do that kind of work; university professors—oh, my word, I guess we just don't have enough people to be university professors; engineers, health care workers, accountants, financial analysts, management consultants, lawyers—lawyers, I love that one. Is there anyone in America who doesn't think we have too many lawyers? I guess we need to bring some lawyers in as well. Architects, nurses, physicians, surgeons, dentists, scientists, journalists and editors, foreign law advisers, psychologists, market research analysts, fashion models—Madam President, fashion models—teachers in elementary or secondary schools. In America, we do not have enough people to become teachers in elementary or secondary school. Does anyone really believe that we cannot, with proper salary inducements, bring people into secondary and primary education?

Given that we all know there are many Americans who have college degrees and advanced degrees in these fields who cannot find work, why is it that we need to bring in more and more professional workers from abroad? For those who believe that the law of supply and demand applies to labor costs, the evidence shows there is no shortage of college-educated workers in America. What we learn in economics 101 is if you cannot attract people for certain jobs, you pay them higher wages and you give them better benefits. Unfortunately, in America today, from 2000 to 2004, we have seen the wages of college graduates decline by 5 percent. So on one hand, corporate America says: Oh, my goodness, we can't find people as professionals to fill these jobs, but amazingly enough, wages have gone down for college graduates from 2000 to 2004 by 5 percent. Maybe somebody is not trying hard enough to find American workers to fill these jobs.

In truth, what many of us have come to understand is that these H-1B visas are not being used to supplement the American workforce where we have shortages but, rather, H-1B visas are being used to replace American workers with lower cost foreign workers.

There are studies which conclude that H-1B workers earn less than what U.S. workers make in similar jobs at similar locations. According to the Center for Immigration Studies, wages for H-1B workers average $12,000 a year below the median wage for U.S. workers in computer fields. Another study by Programmers Guild found that foreign tech workers who came to the United States with H-1B visas are paid about $25,000 a year less than American workers with the same skill.

According to the GAO:

> Some employers said that they hired H-1B workers in part because these workers would often accept lower salaries than similarly qualified U.S. workers.

What is very important to mention here is that some in corporate America are giving the impression that most of the jobs within the H-1B program are for highly specialized technical work which just can't be found in the United States. The truth is that most of the H-1B visas go to people who do not have a Ph.D., who do not have a master's degree, but only have a bachelor's degree, a plain old college degree.

In today's Congress Daily, there is a very insightful article on H-1B visas which is relevant to this debate:

> As Ron Hira, a professor at Rochester Institute of Technology, points out . . . the Labor Department acknowledges that "H-1B workers may be hired even when a qualified U.S. worker wants the job, and a U.S. worker can be displaced from the job in favor of a foreign worker."

The article goes on to state:

> The median wage for new H-1B computing professionals was $50,000 in 2005, far below the median for U.S. computing professionals, according to the annual report of U.S. Citizenship and Immigration Services.

These findings are extremely troubling given the promises made to the American people that the future for our economy was with high-skilled, high-paying, high-tech jobs. What we have found is that in the last 4 years, wages for college graduates are going down, and we are finding that people from abroad are coming in and doing jobs American professionals can do and they are doing them for lower wages.

To bolster their argument for increased H-1B visas, proponents point to a study by the Bureau of Labor Statistics about the jobs of the future. That is what it is entitled, "Jobs of the Future." According to the Bureau of Labor Statistics, over the next decade, 2 million jobs will be created in mathematics, engineering, computer science, and physical science. That equates to about 200,000 jobs a year times 10—2 million jobs. Under this legislation, the number of H-1B visas would increase to as many as 180,000 a year. That means virtually every job—about 90 percent—that will be created in the high-tech sector over the next 10 years could conceivably be taken by a H-1B visa holder. What sense does that make? What are we telling our young people? We are saying: Go to college, get the best education you can, and we have all kinds of jobs available to you, except those jobs in a significant way are going to be taken by people from another country.

We would hope that companies in the United States would have just enough patriotism, maybe just a little bit of patriotism so they would work to hire qualified American workers. But if you look at the statements and conduct of some of these companies, you realize that patriotism, love of country is becoming a dated concept for those who are pushing extreme globalization.

Let me take one case study, and that is Microsoft. In 2003, Microsoft's vice president for Windows engineering was quoted in Business Week as saying:

> It is definitely a cultural change to use foreign workers. But if I can save a dollar, hallelujah.

The CEO of Microsoft, Steven Anthony Ballmer, has said, and this is an interesting quote, very relevant to today's discussion:

> Lower the pay of U.S. professionals to $50,000, and it won't make sense for employers to put up with the hassle of doing business in developing countries.

In other words, if we lower wages for professionals in this country, maybe our companies won't outsource and go to India or China.

The economic benefit of H–1B visas, though, is not limited to American companies. The truth is, as my colleagues, Senator DURBIN and Senator GRASSLEY, have pointed out, the top companies applying for H–1B visas are actually outsourcing firms from India, known in the industry as "body shops." According to a February 7, 2007, article in BusinessWeek:

> Data for the fiscal year 2006, which ended last September, showed that 7 of the top 10 applicants for H–1B visas are Indian companies. Giants Infosys Technologies and Wipro took the top two spots, with 22,600 and 19,400 applications respectively.

In fact, 30 percent of the H–1B visas approved last year went to nine Indian outsourcing firms. In other words, the very same companies that are involved in the H–1B program of supplying American companies with cheap foreign labor are exactly the same corporations that are involved in outsourcing, providing cheap labor to these very same companies when they move to India. Two sides of the same coin.

In my view, the H–1B system is working against the best interests of the American middle class. It is displacing skilled American workers, it is lowering our wages, and it is part of the process by which the middle class of this country continues to shrink. Meanwhile, it is creating huge profits for foreign companies that traffic in H–1B visas.

I do wish to commend Senators DURBIN and GRASSLEY for their work to reform the H–1B program and their efforts to include in the substitute some provisions that strengthen protection for American workers. But as important as these strengthened protections are, the H–1B program, which will be increased from 65,000 slots to 115,000 slots, and potentially even 180,000 slots, continues to pose a threat to American jobs and American wages.

The question is: Where do we go from here? What is our response to this problem? I could certainly offer an amendment to remove the increase in H–1B visas or even to restrict them below the current 65,000 level. But that amendment would be defeated. So where do we go? What is the sensible thing to do? How do we bring people together around this issue?

I think the author of the Congress Daily article I referred to earlier said it quite well when he wrote:

> More importantly for the American taxpayer, the current allocation system for H–1B visas conveys a valuable resource—access to talented workers who add value to a company's bottom line—at almost no cost. This is a subsidy in violation of market principles for firms that are too quick to appeal to market forces when they are fighting Washington over export controls or other issues.

The amendment I am offering has two goals. First, raising the H–1B visa fee from $1,500 to $10,000 will go a long way in telling corporate America they are not going to be able to save money by bringing foreign professionals into this country, and they may want to look at the United States of America to find the workers that they need. If they have to pay $10,000, that will cut back on their margin.

Secondly, to the degree it is true that the United States does not have a significant number of skilled workers in certain categories—and in certain categories that may well be true—this new revenue will be dedicated toward providing scholarships to students who are studying in areas where we currently lack professionals.

Specifically, my amendment would create a new American Competitive Scholarship program at the National Science Foundation that would provide merit-based scholarships of up to $15,000 a year, and which are renewable for up to 4 years, to students pursuing degrees in math, science, engineering, medicine, nursing, other health care fields, and other extremely important fields vital to the competitiveness of this Nation. These new scholarships would create the incentive for the best and the brightest of American students to enter these fields where there is reputedly a shortage.

In other words, we have the absurd situation today where we are bringing people from all over the world into this country to do this job, yet we have large numbers of middle-class, working-class families who can't afford to send their kids to college or to graduate school. Well, maybe we ought to pay attention to American workers and American families first.

How will this program be paid for? Under current law, companies applying for H–1B visas pay a $1,500 fee. That fee is split up in a number of ways, with some of it going to scholarships and retraining programs. Unfortunately, it is too small to effectively create a scholarship program of the scale needed to address the claimed shortage in math, science, and technology specialists. This amendment imposes an $8,500 surcharge on those companies seeking H–1B visas. This fee would only apply to those who are required to pay the current $1,500 fee. Therefore, universities and schools would be exempt, as they are under current law. Companies with less than 25 employees would pay only half the fee.

I am sure corporate America will tell us this $8,500 fee is too expensive; that they can't afford it. After all, many of these people are the same exact people who opposed raising the minimum wage above $5.15 an hour. However, this fee represents a very small amount compared to the incredible economic benefits that companies realize from bringing in foreign H–1B visa workers.

H–1B visas are valid for 3 years. So the $8,500 surcharge on an annual basis is only $2,800. Compared to the median $50,000 wage of a new H–1B computing professional, it is only about 5.5 percent of that wage. For this small fee, what would be the benefit to American students and our families? If there are 115,000 H–1B visas issued for which fees are paid, we could provide over 65,000 scholarships each year to our students—65,000. If the number of H–1B visas goes to 180,000, we could provide scholarships to over 100,000 American students.

If the Members of this body believe we need H–1B visas to compensate for a shortage of skilled American professionals, this amendment will attract tens of thousands of America's best and brightest to those fields.

One of the reasons I am offering this amendment, which will provide much needed scholarships for the American middle class, is I was very interested in reading an article that appeared in BusinessWeek on April 19, 2004. In that article, BusinessWeek reported that:

> To win favor in China, Microsoft has pledged to spend more than $750 million on cooperative research, technology for schools, and other investments.

If Microsoft and other corporations have billions of dollars to invest in technology for schools, research, and other needs in China and other countries, these same companies should have enough money to provide scholarships for middle-class kids in the United States of America.

Another major supporter of the H–1B program is IBM. Last year, IBM made $9.5 billion in profits. Meanwhile, IBM has announced it will be investing $6 billion in India by 2009 and—get this—IBM has also signed deals to train 100,000 software specialists. Where? In Massachusetts? In Vermont? In California? No, in China, according to an August 4, 2003, article in BusinessWeek.

Other major supporters of increasing H–1B workers include Intel, which made $5 billion in profits last year; Bank of America, Caterpillar, General Electric, Boeing, and Lehman Brothers. All of these companies, making billions and billions of dollars in profit, can't afford to pay American workers the wages they need. Well, if they can't do that, at least let them contribute to an important scholarship program.

Let me conclude by saying a vote for this amendment is a vote for preserving American competitiveness in the 21st century, it is a vote for giving our children a brighter future, and it is a vote—unfortunately all too rare—to help middle-income families in this country who are struggling so hard to make sure their kids can have the education they need.

Madam President, I am not quite sure of the proper legislative approach, but on this amendment, I will be calling for the yeas and nays.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. We had intended, Madam President, to vote on the amendment. We are working out the sequence at the present time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1184, AS MODIFIED

Mr. CORNYN. Madam President, by way of housekeeping, I wish to submit a modification of my amendment that is pending, amendment No. 1184.

The PRESIDING OFFICER. Is there an objection to the modification?

Mr. DURBIN. Reserving the right to object——

Mr. CORNYN. If I may explain to my colleagues, there is a problem with the pagination in the original draft of the bill. I noticed the original amendment appears to be off. This is to reconcile the problem with the handwritten note on page 224, which was added on the floor.

Mr. DURBIN. Would my colleague from Texas yield for a moment?

Mr. CORNYN. Surely.

Mr. DURBIN. If he would be kind enough to share with us a copy of the modification, if it is routine, there will be no problem. I object at this moment until he does. I will be glad to work with him and the chairman once we have seen a copy.

Mr. CORNYN. Absolutely. I am glad to do that and withhold until that time. I do have some other comments I wish to make.

Mrs. HUTCHISON. Madam President, could I ask my colleague, and also the Senator from Massachusetts, when the Senator from Texas is finished with his remarks, I wish to be recognized for 5 minutes—just to speak, not to offer my amendments, but I wanted to speak on the bill. I ask unanimous consent to do that, after he speaks. Then we will talk about my amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Will the Senator yield for a minute, for a point of information?

Mr. CORNYN. Certainly. I yield without losing my right to the floor.

Mr. KENNEDY. I will make a unanimous consent request in a few moments to vote at 5 o'clock on the Vitter amendment, and then the amendment of Senator SANDERS. Then, at that time, we have been told, those who want to address the supplemental will begin that debate—a discussion on the Senate floor.

I thank the Senator from Texas. She has an amendment on Social Security. She has been kind enough, as always, to cooperate with us, and indicated a willingness to work out an appropriate time. It is a substantive amendment. We will look forward to considering it. I want to give her every assurance we will consider this and will deal with it. If not today, we will do the best we can to deal with it on the Tuesday we get back. There are members on the Finance Committee, since it is dealing with Social Security, who wanted to at least have an impact. This in no way will delay the consideration of this amendment. We want to give her those assurances.

I know the Senator from Alabama, Senator SESSIONS, is on his way over. He wants to be able to enter an amendment as well. We certainly will look forward to that. We had hoped we might have been able to get an earlier consideration. He has been over in the Armed Services Committee.

Members have been extremely cooperative, incredibly helpful. We have made good progress here today. We want to make some brief comments at an appropriate time, when the Senator finishes, on the Vitter amendment. Then, hopefully, we will have an opportunity to vote on these amendments. Then those who are dealing with the supplemental will have a chance to address the Senate.

I thank the Senator. We look forward to his comments.

Mrs. HUTCHISON. Madam President, could I also have 5 minutes following Senator CORNYN?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered; 5 minutes following the junior Senator from Texas.

The Senator from Texas is recognized.

Mr. CORNYN. Madam President. I understand now, talking to the majority whip, there is no objection to the modification of my amendment, No. 1184.

As I was explaining, we checked with the legislative counsel last night and this morning we were told the problem was with the handwritten page, No. 224, that was added on the floor. So it is a matter of pagination. I appreciate the accommodation of my colleagues to allow that modification to go forward. Also, legislative counsel corrected a technical error in the text which this modification corrects.

I have two things I want to speak on, briefly. First, on my original amendment, No. 1184, as you recall, this is composed of two parts. The first part is what I would assume to be technical errors in the underlying bill. In the haste of writing the bill, I think there were some errors made that we pointed out in the amendment, errors that need to be corrected. I do not expect there will be a lot of controversy about that.

What is more controversial, what I want to address, is the second part. That has to do with excluding from the benefits under this bill individuals who have already come into our country in violation of our immigration laws, who have been detained, who have had due process, a trial, who have had their day in court and then, once they were ordered deported, rather than agree to show up and be deported, they simply went on the lam and went underground and melted into the great American landscape. A second category is people who have had their day in court, who have been deported but then who have reentered illegally. Under section 234 of the Immigration and Naturalization Act, both of those actions would constitute felonies. I think it would be a grave error for this bill to reward individuals who have committed that sort of open defiance of our laws. For, whatever you can say about other people who have entered the country in violation of our immigration laws, certainly those who have had a day in court, who have been ordered by court to exit the country but who have gone on the lam, or those who have reentered after they were deported, represent a different type of lawbreaker. I do not believe we should reward those by conferring upon them a Z visa, outlined in the underlying bill.

The Senator from New Jersey, Senator MENENDEZ, argued my amendment would amount to an unconstitutional ex post facto rule because of its retroactive application. This is a misreading of the bill. In order for any immigration provisions to have immediate effect, it is imperative that they apply to conduct and convictions that actually occurred before enactment. If prior conduct and convictions were not covered, you would have an immigration regime that essentially welcomes the following people—this is not how the U.S. immigration should operate. Consider an immigration regime where a known criminal gang member could not be removed unless the Department of Homeland Security can show he was a member after the statute was enacted. even if the DHS had videotaped evidence, or even a confession from last month, showing the alien involved in gang activities. Surely that could not be construed as unconstitutionally retroactive or ex post facto.

Another example would be an undisputed terrorist fundraiser who would not, unless we agree to this amendment, be barred from naturalization on terrorism grounds. Not only would the citizenship application of someone who has been engaged in terrorist activity not be barred for that reason, unless the terrorist activity occurred after the date of enactment, but this effective date could also be used to call into question the use by the Department of Homeland Security of existing discretionary authority to determine a terrorist did not possess good moral character. To create a regime that turns a blind eye to these known facts would be foolish and would not be in our country's national interest.

To avoid such perverse and unintended consequences, Congress has on many occasions enacted grounds of deportability and inadmissibility that are based on past conduct and criminal convictions. For example, section 5502 of the Intelligence Reform and Terrorism Prevention Act made aliens who committed acts of torture or extra judicial killings abroad a ground of inadmissibility and a ground of deportability. That provision applies to offenses committed before, on, or after the date of enactment.

The Holtzman amendment, enacted in 1978, rendered Nazi criminals excludable and deportable. It applied to individuals who ordered, advocated, assisted, or otherwise participated in persecution on behalf of Nazi Germany or its allies at least 33 years earlier, between the years of 1933 and 1945.

It is clear from past experience, as well as common sense, that the only actions we would be taking in this legislation would be to say to those who have had their day in court, who literally thumb their nose at our legal system and at our court system, you will not be rewarded with the benefits under this act; that you will be excluded. You have had your chance, you have blown it, you have defied the American legal system and, in fact, this is not the kind of acts from somebody we would expect to be a law-abiding citizen in the future.

I also want to speak briefly on an amendment Senator MENENDEZ has offered. Ironically, I find myself in opposition to him on amendment No. 1184, the amendment I have offered, but I find there is a lot to like in his amendment. I want to explain why. This is what I would call the line-jumping amendment Senator MENENDEZ has offered. I have heard the proponents explain that the underlying bill is not an amnesty because it does not allow anyone to jump in line. This is a fundamentally important concept. It is a matter of fundamental fairness and crucial to the integrity, not only of our immigration system, but to our entire legal system. It would be extremely unfair to allow someone who has not respected our laws to be able to obtain a green card as a legal permanent resident before someone who has respected our laws and waited in line for a chance to legally enter this country.

Please understand, I am not just talking about the fact that those who wait in line legally have to do so in their home country while someone who has entered our country in violation of our immigration laws and obtains Z status can wait in our country. That certainly is an issue, that those here are getting the advantage over those who are observing our laws.

I point to a story in today's USA Today, where the Secretary of the Department of Homeland Security, Secretary Chertoff, admits there is "a fundamental unfairness" in allowing undocumented immigrants to stay in the country while those who have respected our laws wait patiently outside the country. Should we make what even Secretary Chertoff admits is "a fundamental unfairness" that much more unfair?

To the proponents' credit, they have attempted to craft a proposal that would not allow anyone who came here illegally obtain their green card until everyone who chose to follow the law gets their green card. But the problem with the bill is this: The compromise bill arbitrarily sets the cutoff date for being in line legally at May 1, 2005, while setting the date for the end of the line for those illegally here at January 1, 2007. I understand the reason why that was done. It was so there would not have to be added a huge number of additional green cards in order to clear the backlog of people who have been waiting patiently, legally, in line to clear before Z visa holders would get the benefits under the law.

But the problem is this: What this means is someone who chose to respect the law, chose not to enter illegally, and filed the proper immigration paperwork on, for example, June 1, 2005, is not considered to be "in line" under the terms of the bill, while someone who decided not to respect the laws and entered illegally on the very same date can obtain Z status and ultimately obtain citizenship.

Family groups such as Interfaith Immigration Coalition, Jewish Council for Public Affairs, the U.S. Conference of Bishops, and MALDEF, have written to my office to explain that those people who played by the rules and applied after May 1, 2005 will not be cleared as part of the family backlog pursuant to the terms of this bill and will lose their chance to immigrate under the current rules and be placed in line behind the Z visa applicants. Some of these family groups reported that more than 800,000 people who will have patiently waited in line will, in essence, be kicked out of the line.

I ask unanimous consent that the letters I just referred to from these organizations, the Conference of Catholic Bishops, Interfaith Immigration Coalition, Jewish Council for Public Affairs, and MALDEF, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The PRESIDING OFFICER. With respect to the earlier modification of the Senator's amendment, is there objection?

Without objection, it is so ordered.

The amendment (No. 1184), as modified, is as follows:

AMENDMENT NO. 1184, AS MODIFIED

(Purpose: Establishing a permanent bar for gang members, terrorists, and other criminals)

On page 47, line 25, insert ", even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements," after "15 years".

On page 47, beginning with line 34, strike all through page 48, line 10, and insert:

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting ",(c)," after "924(b)" and by striking "or" at the end, and

(B) by adding at the end the following new clauses:

"(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

"(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);"; and

(7) by amending subparagraph (F) to read as follows:

"(F) either—

"(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), or

"(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law,

for which the term of imprisonment is at least one year;".

(b) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

In title II, insert after section 203 the following:

SEC. 204. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

"(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

"(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

"(B) shall be binding upon any court regardless of the applicable standard of review;".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act, and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after the date of enactment of this Act.

SEC. 204A. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) Inadmissibility On Criminal and Related Grounds; Waivers.—Section 212 (8 U.S.C. 1182) is amended—

(1) by adding at the end of subsection (a)(2) the following new subparagraphs:

"(J) Certain firearm offenses.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

"(K) Aggravated felons.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

"(L) Crimes of domestic violence, stalking, or violation of protection orders; crimes against children.—

"(i) Domestic violence, stalking, and child abuse.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

"(ii) Violators of protection orders.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding."; and

(2) in subsection (h)—

(A) by striking "The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)" and inserting "The Attorney General or the Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), (J), and (L) of subsection (a)(2)";

(B) by striking "if either since the date of such admission the alien has been convicted of an aggravated felony or the alien" in the next to last sentence and inserting "if since the date of such admission the alien"; and

(C) by inserting "or Secretary of Homeland Security" after "the Attorney General" each place it appears.

(b) Deportability for Criminal Offenses Involving Identification.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding after subparagraph (E) the following new subparagraph:

"(F) Criminal offenses involving identification.—An alien shall be considered to be deportable if the alien has been convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification).".

(c) Effective Date.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment, and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(d) Construction.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before the amendments became effective.

On page 48, line 36, insert "including a violation of section 924 (c) or (h) of title 18, United States Code," after "explosives".

On page 49, lines 7 and 8, strike ", which is punishable by a sentence of imprisonment of five years or more".

On page 49, beginning with line 44, through page 50, line 2, strike "Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any" and insert "Any".

On page 50, lines 20 through 22, strike "The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph.".

On page 283, strike lines 32 through 38, and insert:

(A) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2);

On page 285, strike lines 1 through 7, and insert:

(I) is an alien who is described in or subject to section 237(a)(2)(A)(iii), (iv) or (v) of the Act (8 U.S.C. 1227(a)(2)(A)(iii), (iv) or (v)), except if the alien has been granted a full and unconditional pardon by the President of the United States of the Governor of any of the several States, as provided in section 237(a)(2)(A)(vi) of the Act (8 U.S.C. 1227(a)(2)(A)(vi);

(J) is an alien who is described in or subject to section 237(a)(4) of the Act (8 U.S.C. 1227(a)(4); and

(K) is an alien who is described in or subject to section 237(a)(3)(C) of the Act (8 U.S.C. 1227(a)(3)(C)), except if the alien is approved for a waiver as authorized under section 237 (a)(3)(C)(ii) of the Act (8 U.S.C. 1227(a)(3)(C)(ii)).

On page 285, line 21, strike "(9)(C)(i)(I),".

On page 285, line 41, strike "section 212(a)(9)(C)(i)(II)" and insert "section 212(a)(9)(C)".

On page 286, between lines 2 and 3, insert:

(VII) section 212(a)(6)(E) of the Act (8 U.S.C. 1182(a)(6)(E)), except if the alien is approved for a waiver as authorized under section 212(d)(11) of the Act (8 U.S.C. 1182(d)(11)); or

(VIII) section 212(a)(9)(A) of the Act (8 U.S.C. 1182(a)(9)(A)).

On page 287, between lines 10 and 11, insert:

(5) Good moral character.—The alien must establish that he or she is a person of good moral character (within the meaning of section 101(f) of the Act (8 U.S.C. 1101(f)) during the past three years and continue to be a person of such good moral character.

Now, Madam President, I wanted to express the concerns I have just expressed and say that I am still studying the amendment from Senator Menendez. I know it adds new green cards on top of all the green cards this compromise has already provided. I will listen carefully to the arguments of Senators Menendez and Hagel, the main cosponsors of that amendment, as well as arguments of the opponents of the amendment before deciding finally how to vote. But I am troubled by those this bill disadvantages simply because they chose to abide by our laws as opposed to those who chose not to abide by our laws.

I, too, have an amendment, but my amendment does not increase the number of green cards. The effect of my amendment will be to cause the 8-year time period to clear family backlogs to slip a few years. But my amendment speaks to an important principle, one I have been speaking to here for the last few minutes, which is, no one who came here illegally should be placed ahead in the citizenship path in front of someone who has played by the rules.

Finally, let me just say that I anticipate there may be an argument that Citizenship and Immigration Services discontinued taking applications in May of 2005. However, we are told that the State Department has currently approved petitions dated after May 2005 for family members who are just waiting for an immigrant visa.

EXHIBIT 1

U.S. CATHOLIC BISHOPS URGE SENATE SUPPORT FOR FAMILY REUNIFICATION AMENDMENTS TO S. 1348

The U.S. Conference of Catholic Bishops strongly urges senators to vote "For" the following family reunification amendments to S. 1348, Comprehensive Immigration Reform Act of 2007:

Menendez/Hagel Backlog Reduction Amendment. The Menendez/Hagel amendment would bring equity to the backlog reduction contained in the substitute amendment to S. 1348 by establishing the same cut-off date for backlog reduction visas as is contained in the substitute for legalizing undocumented aliens. Unless amended by Menendez/Hagel, the substitute amendment would kick all relatives of U.S. citizens and permanent resident aliens who filed petitions after May of 2005 for family reunification visas out of line, thus providing better treatment to undocumented aliens than would be given to persons who have followed the law.

Dodd Parents of U.S. Citizens Amendment. The Dodd amendment would mitigate the damage done to parents of U.S. citizens by the substitute amendment. It would do this by increasing from 40,000 to 90,000 the number of such parents who can be admitted to the United States each year as permanent residents. Under current law, there are an unlimited number of such parents who can immigrate to the United States each year.

Clinton/Hagel Spouses and Unmarried Children Amendment. The Clinton/Hagel amendment would categorize spouses and unmarried children (under the age of 21) of legal permanent resident aliens as "immediate relatives." This would ensure that longterm residents in the United States have the opportunity to reunite with their immediate family members.

Menendez/Obama Sunset Amendment. The Menendez/Obama sunset amendment would sunset the new, untested and little-considered point system provision in the substitute amendment to S. 1348 after 5 years in order to enable lawmakers to assess whether the consequences of the experimental program are unacceptable and warrant a return to the existing family- and employment-sponsored preference systems.

Dear Sir: The Interfaith Immigration Coalition is a coalition of faith-based organizations committed to enacting comprehensive immigration reform that reflects our mandate to welcome the stranger and treat all human beings with dignity and respect. Through this coalition, over 450 local and national faith-based organizations and faith leaders have called on Congress and the Administration to enact fair and humane reform. Members of the coalition are extremely concerned about the provisions of S. 1348 that would undermine family reunification, and therefore urge Senators to VOTE YES on the following amendments that will reaffirm the United States' longstanding commitment to family values and fairness.

Vote "Yes!" Menendez Amendment on Family Backlog Cut Off Date. Currently, the compromise legislation will clear the backlog under our existing family and employer based system, but only for those who submitted their applications before May 1, 2005. As a result, an estimated 833,000 people who have played by the rules and applied after that date will not be cleared as part of the family backlog and will lose their chance to immigrate under current rules. The Menendez amendment would change the "cut-off" date for legal immigrant applicants who would otherwise be handled under the backlog reduction part of the bill from May 1, 2005 to January 1, 2007, which is the same cut-off date that is currently set for the legalization of the undocumented immigrants. It would also add 110,000 green cards a year to ensure that we don't start creating a new backlog or cause the 8 year deadline for clearing the family backlog to slip by a few years.

Vote "Yes!" Clinton Amendment to Include Minor Children and Spouses of Lawful Permanent Residents in "Immediate Relative" Category. Current immigration law limits the number of green cards available to spouses and minor children of lawful permanent residents (LPRs) to 87,900 per year. For these spouses and minor children, quota backlogs are approximately 4 years and 9 months long. The inequitable treatment of minor children and spouses who are dependent on the status of their U.S. sponsor has devastated thousands of legal immigrant families. The Clinton amendment will re-categorize spouses and children of LPRs as "immediate relatives," thereby lifting the cap on the number of visas available to these close family members, allowing permanent residents of the U.S. to reunite with their loved ones in a timely fashion.

Vote "Yes!" Dodd Amendment Related to Foreign-Born Parents of U.S. Citizens. Currently, the compromise legislation would set an annual cap for green cards for parents of U.S. citizens at 40,000 (less than half the current annual average number of green cards issued to these parents). It would also create a new parent visitor visa program that only allows parents to visit for 100 days per year and includes overly harsh collective penalties. The Dodd amendment would increase the annual cap of green cards from 40,000 to 90,000, extend the duration of the parent visitor visa from 100 days to 365 days in order to make it easier for families to remain together for a longer period; and make penalties levied on individuals who overstay their S-visa only applicable to that individual and not collectively applied to their fellow citizens. This amendment is essential to making sure that our permanent legal immigration system is fair to US citizens and their parents, and facilitates family reunification.

MAY 22, 2007.

DEAR SENATOR CORNYN: The Jewish Council for Public Affairs (JCPA) applauds the Senate's commitment to finding a workable compromise on Comprehensive Immigration Reform and supports S.1348 as a starting point for the debate. The introduction of a comprehensive framework that secures our borders, clears much of the current family backlog, and provides a path to citizenship for the estimated 12 million undocumented workers in the United States is a step in the right direction toward fixing our broken immigration system.

As the umbrella body for policy in the Jewish community, representing 13 national agencies and 125 local community relations councils in 44 states, the JCPA has long been active in supporting comprehensive immigration reform that is workable, fair and humane.

However, JCPA holds serious reservations about other aspects of the bill, particularly those that address family-based immigration.

For example, the JCPA believes that several aspects of Title V of the Senate compromise are unworkable and unjust. Cutting entire categories of family-based immigration and restructuring our current immigration system to favor employment-based ties over family ties not only undermines the family values that our central to our national identity, it is also detrimental to our economy.

Immigrant families bring an entrepreneurial spirit to our country. Family-based immigration allows newcomers to pull their resources together, start businesses, integrate more easily into their communities and be more productive workers. In addition, using education, English proficiency and job skills as the basis for obtaining a green card does not necessarily meet the economic need, as the U.S. Department of Labor predicts that the U.S. economy has a higher demand for low-skilled workers.

Therefore, the JCPA urges you to:

Vote "Yes" on the Clinton/Hagel Amendment to Include Minor Children and Spouses of Lawful Permanent Residents in the immediate Relative" Category, thereby lifting the cap on the number of visas available to these close family members.

Vote "Yes" on the Dodd/Hatch Amendment related to Foreign-Born Parents of U.S. Citizens, which would increase the annual cap of green cards for parents from 40,000 to 90,000, extend the duration of the parent visitor visa from 100 days to 365 days, and not impose collective punishment on families when one member overstays their visa.

The JCPA is also concerned about the Title V provision that arbitrarily sets the date of May 1st, 2005 as a cut-off for clearing the backlog of applicants who have gone through legal channels to try to reunite with their families in the United States. Excluding individuals who have filed family-based applications and paid fees after May 2005 sends the wrong message that playing by the rules is not rewarded. Unless this provision is fixed, the 800,000 applicants that applied after the May 2005 cut-off will be re-directed to the new application process, where they will have to compete in an untested point system that is stacked against them, in order to reunite with their family members.

Therefore, the JCPA urges you to:

Vote "Yes" on the Menendez/Hagel Amendment on Family Backlog Cut-off Date, which would change the May 1, 2005 cut-off date to January 1, 2007, the same cut-off date set for the legalization for undocumented immigrants. The Menendez amendment would also add 110,000 green cards a year to avoid creation of a new backlog or cause families who went through legal channels to wait longer than 8 years to reunite with their loved ones in the United States.

The JCPA applauds the Senate's commitment to passing a comprehensive immigration reform package this year. The alternative is the status quo, which has proven to produce suffering, exploitation, family separation and chaos. However, the JCPA maintains serious reservations due to the concerns outlined above. We therefore urge you to support the above amendments to the agreement that reflect family values, workability and fairness.

If you have any questions, please do not hesitate to contact me at hsusskind@thejcpa.org or 202-789-2222 X101.

Sincerely,

HADAR SUSSKIND,
Washington Director,
Jewish Council for Public Affairs.

MALDEF—PROMOTING LATINO CIVIL RIGHTS SINCE 1968

IMMIGRATION DEBATE STARTS IN THE U.S. SENATE—POSITIVE AND NEGATIVE DETAILS EMERGE; FIRST VOTES BEING TAKEN

MAY 22, 2007.—On Monday, the U.S. Senate, by a vote of 69–23, voted to begin debate on comprehensive immigration reform. Contrary to the original plan to complete action by Memorial Day, Senate leaders acknowledged that deliberations will continue into June after the Memorial Day recess. MALDEF will work with local organizations and leaders to organize meetings and events while Senators are in their home states to highlight the need for comprehensive immigration reform. We encourage you also to work with local coalitions in your area.

MALDEF is working to restore family reunification, support realistic employment verification systems, and remove unnecessary obstacles to legalizing the immigration status of otherwise law-abiding people already in the United States. In addition to drastically limiting the ability of U.S. citizens to be reunited in the U.S. with their brothers, sisters, and parents, the Senate bill arbitrarily terminates family reunification petitions filed after May 1, 2005. Urge your Senator to support Senator MENENDEZ's effort to restore the hope for reunification for families whose applications were filed after May 1, 2005. Over 800,000 legal immigrants currently waiting in line will be harmed if this provision is not improved.

A key provision in the Senate bill requires all employers to use a new government database to verify the employment eligibility of every new hire within 18 months and every existing employee, U.S. citizen or not, within three years. Based on our experience with employer sanctions, we expect significant discrimination to result against Latino workers. The bill would bypass the existing Department of Justice Civil Rights office and require discrimination victims to complain to the Department of Homeland Security. The bill also shields the implementing rules from class action challenges and bars a court from awarding attorney fees to those, like MALDEF, that would challenge the regulations. These features must be changed.

The legalization program makes unauthorized immigrants eligible for a new "Z" visa if they entered the United States as late as December 31, 2006. The program would start six months after the bill is enacted and individuals (and heads of households on behalf of their spouse and minor children) would have up to a year and potentially two years to apply. If they are eligible, unauthorized immigrants would have an immediate interim stay of removal even before they applied. These are the most positive features of the compromise. MALDEF is working to strengthen other features such as the costs, timing and eligibility restrictions.

One of the first amendments expected, as early as today, may be offered by Senators Feinstein (CA) and BINGAMAN (NM). It would reduce the number of future "temporary workers" by 50% and permit 200,000 instead of 400,000 to enter per year. This amendment does not address our key objections to the temporary worker provision, namely, that it would be costly to the workers and complicated for employers; it would allow the families of only higher income workers to join them in the United States; and it would require workers to leave after two years and remain outside the U.S. for a year before returning. The United States needs more workers than are currently available in the domestic workforce. The flaws in the program relate not to the number of workers but to the conditions upon their entry and in their work environment.

While the U.S. Senate is in session debating the immigration bill, you will be receiving a special daily edition of The MALDEFian.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I had originally come to the floor to offer two amendments on Social Security. However, I have yielded to the request from Senator KENNEDY to withhold, and he has told me that I will be able to offer those amendments on the first day we return and take this bill up on the floor again.

Madam President, I did wish to speak, however, on what I hope to do with this bill. I think there are some very good features of this bill. It has been negotiated really for years. The good features are the border security and we do have benchmarks that are required to be done before any temporary worker program or dealing with the backlog of people who are in our country illegally begins.

We will have benchmarks that are finite for border security. That is a good feature of this bill. It also has a temporary worker program going forward. I think it is essential, if we are going to have border security in the future in this country, that we have a temporary worker program that works. If we do not have a temporary worker program that works, we will not have border security. Many people are not putting that together, but it is essential that you put it together because if we do not have a way for people to come into this country and fill the jobs that are being unfilled because we do not have enough workers who will do those jobs, then we will never be able to control our borders.

I am supportive of those parts of the bill. What I cannot support in this bill and what I am going to try to make a positive effort to change are basically two areas. First is the amnesty portion of the Z visa. It would allow people to come to this country illegally, stay here, and if they do not wish to have a green card, they would never have to return. And that visa would be able to be renewed as long as the person wanted to stay here and work. I will offer an amendment at the appropriate time that will take the amnesty out of the bill and require that before a person can work in this country legally, if they are here illegally, they would have to go home and apply from outside the country. We will have a time that will allow that to happen in an orderly way, probably 2 years after the person gets their temporary card when they register to say they are in our country illegally, which they will be required to do. Then they would have 2 years from the time they get that first temporary card to go home and register at home to come in our country legally.

I think taking out the amnesty part of this bill would be a major step in the right direction, to say, for people who are here illegally today, they can get right with the law by applying from home, just as all future workers will have to do. So there would not be an amnesty for people who would be able to work here, stay here, and never go home. That would be my amendment which I would like to offer at the appropriate time.

The second area I think must be fixed is in the Social Security area. We all know our Social Security system is on the brink of failure. We know that in the year 2017, the system will start to pay out more than it receives. By 2041, the trust fund will be exhausted.

Now, in 2017, under the present law, we will have to make adjustments that will either increase Social Security taxes or decrease payments to Social Security recipients. If we put more people into our system who have gotten credits illegally working in this country, it is going to bring forward the year in which we have to start either lowering the payments or raising the taxes. I don't think that is right. I do not think we should give Social Security credits to people who will be Z visa holders in this country for the time they have worked illegally.

In the underlying bill, they do address the issue of fraudulent cards. I commend them for putting that in the bill. If you have paid Social Security with a fraudulent number or a card that is not yours, you will not be able to get credit for Social Security. To be very fair and honest, that is a good part of this bill, but it does not deal with the people who have a card in their own name, but they have worked illegally.

That is what one of my amendments will attempt to address, that we will also not give credit to people who have a card in their name, but they either obtained it illegally or they have overstayed a visa. So I hope we can also not give credit for that illegal time they have worked even if the card is in their name, but it was not their legal right to work. If we can do that and then start a person, when they are on the proper visa, toward getting credit, I think the American people will feel that is a fairer system.

The second area I hope to address is the new future flow of temporary workers. Now, under the bill, the temporary workers who will be coming in after the backlog of the illegal workers is dealt with, those people should not ever go into the Social Security system because, according to this bill, they will be limited to a 6-year period. It is very important that in dealing with those temporary workers, that they will not ever be eligible for Social Security, nor should they be, because they will not have the requisite number of quarters.

What my second amendment does is allow them to take what they have actually put into the Social Security system through the employee deduction. It will allow them to take that home when they leave the system. We think—I think that is a fair approach for both the person working and also the Social Security system itself, that they would get back what they put in, but they would not be eligible for our Social Security system, which would be much more costly down the road.

In addition, the Medicare deduction which is taken from the employee would also go into a fund which is already a fund in place that now allows compensation for uncompensated health care to a county hospital or to a health care provider that delivers a baby of an illegal immigrant who cannot pay or does any emergency service for an illegal immigrant today.

We know many hospitals—I know that in my home State of Texas, my hospitals in my major cities always talk about how much they are having to raise taxes on the taxpayers who live in their districts because there is so much use of the health care facilities by illegal immigrants who cannot pay. So the Medicare deduction would go into a fund that would compensate health care providers for service to foreign workers who would not be able to pay.

Those are the two amendments which I think would assure that the taxpayers of our country and the contributors to the Social Security system who have earned the right to have that safety net would not be unfairly taxed for people who have not been legally in the system or people who do not have the quarters that would be requisite. I hope we can take these amendments up. I hope they will be acceptable. If we can take the amnesty out of this bill by assuring that everyone who is here illegally will have to apply outside of our country to be able to come in legally to work, then we have set the precedent of the rule of law which we have always prided ourselves on in this country. If we can assure that the Social Security system is not also unduly burdened with quarters given for illegal work, then I think the American people will accept that we have to address this issue in a responsible way.

I have heard the outcry of people about this bill, and I think some of that outcry is justified. But I think we can fix the parts that are not in tune with the American people and also do what is right for our country going forward because there is one thing on which I think we can all agree; that is, we have a system that is broken when you have 10 to 12 million people—and that is an estimate because we do not know for sure—who are working in our country illegally. They are not being treated fairly, nor are the American people who do live by the rule of law being treated fairly. It is a system that is broken, and it is a very complicated and hard problem to fix, but that is our responsibility.

I respect those who have tried, in a bipartisan way, to put forward a bill. As a person who has written a book, as a person who has written legal briefs, I know that the person who puts out the first draft is always going to be the one who is under attack. But someone has to do it, and the people who have worked on this bill did step out and say: Here is the starting point.

Congressman MIKE PENCE and I, last year, when the House and Senate broke down in negotiations over this issue, did the same thing. We came out with what we thought was a starting point that would be the right approach, and the principles we laid down were that we would have a guest worker program which would not include amnesty but would be a fair and workable guest worker program. It would have private sector involvement. It would have border security as our No. 1 goal. It would also preserve the integrity of our Social Security system. Congressman PENCE and I tried to do that last year. Many of the elements in the Hutchison-Pence plan are in the bill before us.

If we can perfect this bill and take the amnesty out by requiring everyone to apply outside our country—and it can be done in a responsible way mechanically because you would have some amount of time—1 or 2 years—to do it so that it would not be a glut on the system. I regret the argument that you cannot do it. I think we can. I also think we need to make a responsible effort, and that is exactly what I am going to try to do.

I hope all our colleagues will work in a positive way to try to fix the parts that we think are bad, to admit that there are some good parts. The border security and the temporary worker program are very good, and the part about the Social Security protection for fraudulent cards is good. Let's try to make it better. Let's try to make it a bill that everyone will accept as fair for America, fair for foreign workers, helps our economy, and keeps our borders secure. That is what we owe the people. I hope to make a contribution in that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I see my friend from Vermont on his feet. I know from conversation that he wants to modify his amendment. I hope the Chair will recognize him for that purpose.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 1223, AS MODIFIED

Mr. SANDERS. Madam President, I have a modification of my amendment at the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title VII, insert the following:

Subtitle C—American Competitiveness Scholarship Program

SEC. 711. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this section as the "Director") shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(C) certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(c) AMOUNT OF SCHOLARSHIP; RENEWAL.—

(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000 per year, except that no scholarship shall be greater than the annual cost of tuition and fees at the institution of higher education in which the scholarship recipient is enrolled or will enroll.

(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.

(d) FUNDING.—The Director shall carry out this section only with funds made available under section 286(x) of the Immigration and Nationality Act (as added by section 712) (8 U.S.C. 1356).

(e) FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship under this section.

SEC. 712. SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) (as amended by this

Act) is further amended by inserting after subsection (w) the following:

"(x) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H–1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this Act, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(15).

"(2) USE OF FEES FOR AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—The amounts deposited into the Supplemental H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in section 711 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.".

SEC. 713. SUPPLEMENTAL FEES.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(15)(A) In each instance where the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amount determined under subparagraph (B).

"(B) The amount of the supplemental fee shall be $3,500, except that the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

"(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(x).".

Mr. KENNEDY. Madam President, I see my friend and colleague from Illinois here, as well as my colleague from Alabama. I did wish to address the Vitter amendment briefly. We are very hopeful we may be able to accept the Senator's amendment. We will know that momentarily.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1231 TO AMENDMENT NO. 1150

Mr. DURBIN. Madam President, I wish to first describe what I am going to try to do at this moment so all Senators will know. I am going to ask unanimous consent that we set aside the pending Sanders amendment for the purpose of offering an amendment which I am going to offer and then, after a brief comment of 3 to 5 minutes, I will ask unanimous consent to return to the Sanders amendment as the pending business before the Senate. I don't wish to mislead anybody about what I am doing. This should be a total of about 5 minutes, and we will be back where we started. My amendment will be at the desk for later consideration.

I make that unanimous consent request to set aside the pending Sanders amendment for the purpose of offering my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, I had understood there would be an opportunity for me to speak after Senator SANDERS and Senator DURBIN. Are we going to be in a situation where I may not be allowed to offer an amendment?

Mr. DURBIN. I say to the Senator from Alabama through the Chair, I will be completed in 3 to 5 minutes, and we will be in exactly the same place we started. The Sanders amendment will be pending with no other requirements under the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, and Mr. GRASSLEY, proposes an amendment numbered 1231 to amendment No. 1150.

Mr. DURBIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that employers make efforts to recruit American workers)

In section 218B(b) of the Immigration and Nationality Act, as added by section 403(a), strike "Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment to which the Y nonimmigrant is sought, each" and insert "Each".

In section 218B(c)(1)(G) of the Immigration and Nationality Act, as added by section 403(a), strike "Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the Y nonimmigrant is sought—" and insert "That—".

Mr. DURBIN. Madam President, I offer this amendment on behalf of myself and Senator GRASSLEY. The new Y guest worker program included in the immigration bill would require employers to recruit Americans before hiring a guest worker. That is our first obligation. If there is a job opening in America, an American should have the first chance to get it. That is the intent of the bill, but there is one loophole. The loophole allows the Secretary of Labor to declare a labor shortage and then waive the requirement of offering the job to an American. We don't define what a labor shortage is. This amendment removes that right of the Secretary of Labor.

What it means is, as there are job openings, they will always be offered first to Americans. Shouldn't that be our starting point, always offer the job first to an American, to see if an unemployed person or someone else wants to take it? Then if the job is not filled, we can consider other options. We know when it comes to H–1B visas, which are visas offered to skilled workers to come into this country to fill in gaps for engineers and architects and professionals, there have been abuses. When we had the openings for the H–1B visas, opportunities for people to come into this country, it turned out that 7 out of the 10 firms that won the right to offer H–1B visas were not American companies trying to fill spots where they couldn't find Americans. They turned out to be foreign companies that were outsourcing workers to the United States, exactly the opposite of what we had hoped for. We don't want that to happen with the temporary guest worker program. This amendment would eliminate this jobs shortage exception. It would require that in temporary guest worker positions, the first job offering always be to an American. It is simple. Senator GRASSLEY and I offer it. It is supported by the AFL–CIO and the building trades unions, the laborers and Teamsters, many other organizations. I urge my colleagues, when we return after our Memorial Day recess, to consider this amendment. It is a very important amendment to stand faithful to our first obligation, our people in America who are looking for jobs.

I ask unanimous consent to set my amendment aside and return to the Sanders amendment as the pending amendment before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I think we are in a position to accept the amendment of the Senator from Vermont as modified. What I propose to do is to speak very briefly on the Vitter amendment, and then it would be my expectation that we would move to Senator SESSIONS to have an opportunity for him to offer his amendment. He has been on the floor a great deal today trying to be recognized. He has been at a markup on Armed Services so he couldn't be here earlier.

I have been informed there are some objections to the amendment offered by the Senator from Vermont. We will have to process them and see what we will do. It is not unusual that the information given to us is that we can accept and then others come forward. But we will try to work it out.

AMENDMENT NO. 1157

Briefly, Madam President, I oppose the Vitter amendment. The core of the legislation is to provide for border security, employer verification, a guest worker program, and a way to handle the 12 million undocumented immigrants. The Vitter amendment strikes title VI, which provides for the way of handling the 12 million undocumented immigrants, which is, if not the heart of this bill, a vital organ of the bill. Without this provision, the bill doesn't have the import which is necessary to deal with the immigration problem.

The 12 million undocumented immigrants are going to be in the United States whether we deal with them in a systematic, appropriate way or not. The only question is whether we eliminate the anarchy, having them, as the expression is often used, living in the shadows, living in fear. If we systematize the approach, they come out of the shadows. They register. We will have an opportunity to identify the criminal element, deport a reasonable number when we identify those who can be, should be deported, and then deal with the balance as the bill provides with the Z visas.

Stated briefly, if you were to accept the Vitter amendment, there would be nothing left but a shell of this bill. The whole bill is an accommodation of border security, employer verification for what we do in the guest worker program, and the 12 million undocumented immigrants. For those reasons, I vigorously oppose the Vitter amendment.

I believe we are now ready for the Senator from Alabama to offer his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, at the request of the leaders, we were in the process of trying to get some votes this afternoon. We were moving along as well because the Appropriations Committee had asked us if we would be finished by 5 o'clock. I see my friend from Alabama who has been extremely patient. He has been in the Armed Services Committee, where I should have been earlier in the afternoon. He was diligent there and arrived over here. He has important amendments on the earned-income tax credit and others. The Senator from Vermont has been here all afternoon. He has a good amendment. We had initially, at 2:15, said we would do the Vitter amendment. We were going to come back and do the Feingold amendment, but then we were told we couldn't vote on that.

We were told we couldn't vote on Vitter because there were some members of his own party who chose not to do so. But we wanted to vote on the amendment of the Senator from Vermont. Hopefully, he was going to be accepted, but that is not the case.

I hope we would have the opportunity to vote on that; then after that, to recognize the Senator from Alabama for whatever time he might need for the purpose of debate, rather than for voting. The request of the leadership is to do the supplemental. We give assurance to the Senator from Alabama that we will consider his amendment at the earliest possible time after we return.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. DURBIN. May I ask the Senator from Massachusetts and the Senator from Pennsylvania to consider the following—if we could enter into a unanimous consent request that would allow the Senator from Alabama to lay down his amendments, to speak, and then withdraw the amendments, returning to the Sanders amendment, and have unanimous consent at a time certain that we would have a vote on the Sanders amendment; would that be agreeable?

I would like to make that unanimous consent request, if the Senator from Alabama can tell us how much time he would need.

Mr. SESSIONS. Madam President, I would prefer to have a vote on my amendment tonight, if we could do so. I would be reluctant to have another vote if we can't have a vote on the amendment I will offer.

Mr. DURBIN. Madam President, the Senator from Vermont has been here all day waiting for this opportunity and has patiently waited as several suggested rollcalls have passed by. In fact, one was to be at 5 o'clock. Without prejudicing the Senator from Alabama, I have a pending amendment, too, or had one earlier, which I am willing to wait until after the recess to consider. I think it might be a gesture of fairness to allow the Senator from Vermont to have his vote this evening, whether the Senator and I get our chance or not. We will be back after Memorial Day.

Mr. SESSIONS. It is a tough life in the pit here. If I desire to have a vote tonight myself, what would be the difficulty with that? We could do that at the same time as the vote on the Sanders amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I think we have had a good debate and discussion on the Sanders amendment. It was the request of the leadership that we have the supplemental, which has been extremely important. There is going to be action on that later this evening. They had initially asked us if we could conclude at 4 o'clock. We have been trying to conclude so that Members who want to address the supplemental would be able to address the supplemental. That is basically the reason for that. We have been here, as the Senator from Pennsylvania knows, ready to do business since 9:30 this morning. We were glad to. I had hoped—and I apologize to the Senator from Vermont because we were all set to have a rollcall on that. Then it appeared it might have been accepted. I was asked, requested by Senators to hold for a few moments to see whether it could not have been cleared. I could ask unanimous consent that the amendments of the Senator from Alabama be considered on Tuesday at a time agreeable to him.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, there will be a number of amendments I would like to have considered and a number of others that need to be considered after we come back.

I would just reluctantly state that if we have a vote, I would need and request that my vote be also tonight; otherwise, I would object to the unanimous consent request.

Mr. DURBIN. Madam President, will the Senator from Alabama yield?

Mr. SESSIONS. I am pleased to yield.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I say to the Senator, I have been informed by staff that his amendment has not been filed, and we have not seen a copy of it. Senator FEINGOLD, who earlier had an amendment, stepped aside so Senator SANDERS would have his chance. I say to the Senator from Alabama, it appears some who have been waiting all day are looking for a chance for a vote, and the Senator from Alabama is asking for consideration of an amendment that has not been filed and we have not seen.

Madam President, I say to the Senator, could I ask unanimous consent that the Senator from Alabama be recognized to offer an amendment and that he then be recognized for up to 15 minutes; that following his remarks, the Senate resume consideration of the Sanders amendment and there be 2 minutes of debate prior to a vote in relation to the Sanders amendment, with no second-degree amendment in order to the Sanders amendment prior to the vote?

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, if I would be allowed to make my two amendments pending and to speak for 15 minutes, I would forgo a request for a vote tonight.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, did the Senator say two amendments?

Mr. SESSIONS. Madam President, I have two amendments. They are both on the same subject. I would rather offer both. I am not sure which one—I would never ask the Senate to vote on both, but I would like to offer both.

Mr. DURBIN. Madam President, I will renew my unanimous consent request and see if the Senator from Alabama will find it acceptable.

I ask unanimous consent that Senator SESSIONS be recognized to offer two amendments and be given up to 15 minutes to speak to those amendments; that following his remarks, the Senate resume consideration of the Sanders amendment and there be 2 minutes of debate prior a vote in relation to that amendment, equally divided, with no second-degree amendments in order to the Sanders amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. I thank the Senator from Alabama.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I salute the Senator from Illinois for his expertise in extracting that agreement from this confusion.

AMENDMENT NO. 1234 TO AMENDMENT NO. 1150

Mr. President, I ask that the pending amendment be set aside and I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1234 to amendment No. 1150.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To save American taxpayers up to $24 billion in the 10 years after passage of this Act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal alients given status by this Act until they adjust to legal permanent resident status)

At the appropriate place, insert the following:

SEC. . LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Any alien who is unlawfully present in the United States, receives adjustment of status under section 601 of this Act (relating to aliens who were illegally present in the United States prior to January 1, 2007), or enters the United States to work on a Y visa under section 402 of this Act, shall not be eligible for the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income) until such alien has his or her status adjusted to legal permanent resident status.

AMENDMENT NO. 1235 TO AMENDMENT NO. 1150

Mr. SESSIONS. Mr. President, I ask that the pending amendment be set aside and I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1235 to amendment No. 1150.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To save American taxpayers up to $24 billion in the 10 years after passage of this Act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this Act until they adjust to legal permanent resident status)

At the appropriate place, insert the following:

SEC. ______. 5-YEAR LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613) is amended by inserting ", including the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income)," after "means-tested public benefit".

Mr. SESSIONS. Mr. President, one of the more significant ramifications of the immigration bill that is on the floor today is that it will confer immediately on persons in our country illegally the benefit of the earned-income tax credit. This is not a little bitty matter. The earned-income tax credit is the largest aid program for low-wage workers in America. Last year, the earned-income tax credit benefitted over 22 million people who. The average recipient who receives a benefit under the earned-income tax credit receives over $1,700 per year—a very generous event. Last year, we spent $41.2 billion on the Earned Income Tax Credit.

What this bill would do, for the people who are here illegally, is confer on them a Z status, a legal status, and under the impact of the legislation, these individuals would immediately become eligible for the earned-income tax credit.

Let me tell you why this is not good policy, it is not required by morality, and it certainly is not required of Congress as a matter of law or policy. The earned-income tax credit was created in 1975 to provide extra income to the working poor. Before welfare reform particularly, there was a widespread understanding that many people could not work, could stay at home, draw a panoply of welfare benefits, and end up making more money not working than working. It was creating a disincentive to work.

Back when President Nixon was President, Republicans—and I guess Democrats—moved forward with the earned-income tax credit. It has grown and become a major factor for low-wage working Americans. The whole concept behind the earned-income tax credit was to encourage Americans to work, to affirm their work, to provide aid and assistance to them, unlike welfare. It is tied to their work. Now, I have to tell you, I have looked at it, and I do not think it is achieving quite what we want it to do. In fact, I would like to change that and have suggested it over the years but, regardless, that is the deal.

So how is it, then, that we would think we have an obligation to provide, as a reward to someone who came to our country illegally, a benefit they are not now receiving, did not expect to receive when they came to the country, legally or illegally, and then, just as an additional benefit and reward to their legalization, we provide a $1,700-per-year benefit? It does not make good sense to me. I think it is bad policy, and it has a huge impact on our bottom line in the budget we have to deal with.

I also note that in 1996, when we passed the Welfare Reform Act, after much effort and work—President Clinton vetoed it twice but finally signed it—an effort was made to ensure that persons who obtained a green card did not receive means-tested benefits until at least they had a green card for 5 years. In other words, if you were coming to our country as an immigrant, we wanted to be sure you were not coming for welfare benefits, but to work, and that you would not receive means-tested benefits until you had a green card for at least 5 years.

So what happened was, when they wrote that, it did not touch the earned-income tax credit. I guess that is a Finance Committee matter. It is a tax committee matter. It was not considered a normal welfare-type payment, and that was not included in the list of things a person was not allowed to get. But, in my own mind, I say to my colleagues, it is perfectly consistent in philosophy and in principle with that because the earned-income tax credit is a payment from the Federal Government to working Americans. You file a tax return and obtain the Earned Income Tax Credit after a year's work. When your work shows your income level was below a certain level in America, you reach a qualifying level, and you get a tax refund of $1,700, $1,000, $2,400, depending on the circumstances of yourself and your family. So that is what happens today for working Americans. The individuals who are in our country illegally at this moment have not been expecting to get that, have not been getting it unless they are filing fraudulently, and they should not get it. They should not get it as an additional benefit to receiving a Z visa, which allows them permanent residence in the United States and a pathway to citizenship.

That Z visa would also allow them to obtain quite a number of other benefits, such as food stamps—which would not be affected by my amendment—health care for children, and, of course, anyone who goes into a hospital who has an emergency need will be treated whether they have insurance or legal status or not. So their children would be educated in our school systems. All those things would occur. Nothing would impact those things. But it is not correct as a matter of law, as a matter of principle, and certainly it is not a matter of fiscal responsibility for this Congress to pass an immigration reform bill that confers another $18 billion to $20 billion in earned-income tax credit on people whom we just rewarded with permanent residence in our country. That is not required. There is no requirement of that.

The Congressional Research Service describes the EITC in this way:

The earned income tax credit began in 1975 as a temporary program—

Typical of Washington, isn't it, that we start something that is temporary, and it is $40 billion a year now—

> to return a portion of the Social Security taxes paid by lower-income taxpayers and was made permanent in 1978. In the 1990s the program was transformed into a major component of Federal efforts to reduce poverty and is now the largest antipoverty entitlement program.

I bet most Americans did not know that the EITC is the largest entitlement program on the books.

Now, I have had a fairly positive view of the earned-income tax credit. I think in many ways it is a good philosophy to help Americans get out, get moving, make some work. They often start out at lower wage jobs, and it sounds bad sometimes for them, and they are not making enough to get by. This earned-income tax credit can really be a benefit to them, and if they stay at that job, if they work at it, if they are responsible and they come to work on time and do their duty effectively, most people in America get promoted. Their wages go up, and they do better and better. So I do not think it is a bad program, but it is a very expensive program, and for a number of reasons it could be operated better.

I will again say to my colleagues, I am not of the belief that it is required of us that we should confer on persons who came into our country illegally every single benefit we confer on those who wait in line and come to our country legally. I just do not think that is required. One of the things in particular I would suggest not to be conferred—should not be conferred—upon them is the extensive benefits of the earned-income tax credit.

In other words, we do not want to attract people to America on things other than their wages and salary. We have enough people who need help in America. We have a lot of people out there working who, frankly, maybe did not have a good home life. They have not been as reliable as they should have been. Maybe they have gotten in trouble a time or two. We need our American businesses to take a chance on those people. We need to help them get their lives together and establish a good work history and start making some money. The earned-income tax credit comes in as a refundable tax credit on top of that as a real bonus to them, and that is good. But it should not be an attraction to draw people into our country because most of the persons who come into America as an illegal immigrant, at least in the first years, tend to make the salary levels that qualify for the earned-income tax credit. So there will be a disproportionately high number of persons who will qualify for that.

I see my time is about up. I will reluctantly accept having a vote, as Senator KENNEDY suggested we can do early in the next week when we come back, if that will help move us along tonight. But I want to tell my colleagues to think about this amendment—really think about it. This is not a harsh amendment. This is not an amendment to hurt anybody. It is an amendment that says: OK, if you are in our country, just like the 1996 Welfare Reform Act said, and you qualify for the Z visa under this amnesty program, or whatever you would like to call what we have in this bill, you are not automatically eligible for the earned-income tax credit. We absolutely should not allow that to happen. It is not necessary. It is not right to do so. It is a raid on the Treasury of the United States. It draws money from people who have paid taxes for years.

I would have to note, under the bill that is on the Senate floor, the immigration bill before us, are individuals who have been here illegally, some of whom may have made nice incomes and are absolved from paying a portion of their back taxes. So they don't even pay all back taxes. Then we are going to give them, immediately, the next year, an earned-income tax credit that could be a very substantial amount of money, and that comes right out of the taxpayers' pockets, a billion here and a billion there and a billion here and a billion there. It does add up, and it is significant.

So I would urge my colleagues to consider this and hope that they will.

I also wanted to express my support for Senator HUTCHISON for the analysis on Social Security of persons who come here to work and who violate their stays and overstay, that they should not receive the full benefit of Social Security. One of the things you have to have if you are going to have an effective immigration policy is you must have a situation in which you don't reward people for bad behavior, for heaven's sake. We certainly are not very good at apprehending people who violate the law, who either came in illegally or overstayed and removed them from the country, but surely we ought to set up a system that says if you violate the law, the way you come or stay here, you don't get Federal taxpayer benefits and a reward as a result of that illegal behavior. If we are not able to make those distinctions and stand with clarity on those kinds of questions, I suggest we are not able to take a stand on most any principle of law. So that worries me.

Senator CORNYN, who spoke earlier and very effectively, asked me to make this note for the record; that his modification corrected—he stated in his remarks that he made a modification to his amendment to correct the page number. He also wanted to make clear that he did also include a technical correction beyond that, and he didn't want to mislead anyone. He asked that I clarify that for him so that there would be no dispute about that.

Also, some people have suggested that the CORNYN amendment would amount to an unconstitutional ex post facto rule because of its retroactive application. Now, that is a pretty harsh thing to say about Judge CORNYN. Senator CORNYN served on the Supreme Court of the State of Texas and he would just suggest this: In order for any immigration provision to have immediate effect, it is imperative that they apply to the conduct and convictions that occurred before enactment.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 more minute, and I will wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. So, also, I would note on behalf of Senator CORNYN's amendment that if prior conduct and convictions were not covered, you would have an immigration regime that essentially welcomes the following people, and this is not how the immigration system should operate. For example, as recently as 2005—I see my time is up, and I won't go into that. I will just note that Senator CORNYN's amendment as he offered it will meet constitutional muster, and it is not subject to the criticism some have suggested, and please do support it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be able to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, all of the men and women who would become legal residents of the United States under the terms of this legislation are required to pay income tax like every other worker in America. What the Sessions amendment would do is really quite extraordinary and grossly unfair. It would arbitrarily deny those immigrants who have become legal residents one of the tax benefits available to every taxpayer under the Internal Revenue Code. That provision is the earned-income tax credit, a provision designed to reduce the I tax burden on low income families with children.

It is fundamentally wrong to subject immigrant workers to a different, harsher Tax Code than the one that applies to everyone else in the country. An immigrant worker should pay exactly the same income tax that every other worker earning the same pay and supporting the same size family pays—no less and no more. We should not be designing a special punitive Tax Code for immigrants that makes them more than everyone else. Yet that is exactly what the Sessions amendment seeks to do.

The Session amendment would result in highly inconsistent treatment of legal immigrant residents, and would drastically increase the amount of tax that many of these families had to pay. They would be subject to income and payroll taxes in the same manner as other workers but would be denied the use of a key element of the Tax Code that is intended to offset the relatively heavy tax burdens that low-income working families, especially those with children, otherwise would face.

Most of the EITC is simply a tax credit for the payment of other taxes, especially regressive payroll taxes. The EITC was specifically designed to offset the payroll tax burden on low-income working parents. The Treasury Department has estimated that a large majority of the EITC merely compensates for a portion of the federal income, payroll, and excise taxes paid by the low-income tax filers who qualify to receive it.

A significant share of families that receive the EITC owe federal income tax before the EITC is applied, in addition to paying payroll taxes. Low-income working immigrant families in this category who would be denied the EITC under the Sessions Amendment would consequently face a dramatic increase in their income tax bill, requiring them to pay much higher taxes than other taxpayers with similar earnings.

Other families with even less income would not receive a refund to offset the disproportionately large payroll taxes they paid, unlike other workers with comparable wages and dependents.

To qualify for the EITC, under current law, a taxpayer must satisfy the following criteria: 1., Be a US citizen or legal resident; 2., have a valid Social Security number for both the worker and any qualifying children; 3., have earned income from employment or self-employment; 4., have total income that falls below a certain level, and; 5., file an income tax return.

Current law already clearly prohibits illegal immigrants from receiving the EITC. No immigrant can receive the earned income tax credit unless he or she is a legal resident who is a low wage worker paying payroll taxes and filing an income tax return. These are men and women who are conscientiously fulfilling their responsibilities to their adopted country and they deserve to be treated like all other workers in America.

This amendment would hurt children. The United States has more children living in poverty than any other industrialized country. We need to help children, not hurt them. And they should not have to pay for the sins of their parents.

SUPPLEMENTAL APPROPRIATIONS

Mr. President, this so-called compromise doesn't do nearly enough to end the war, and I intend to vote against it. I support our troops. They have fought bravely and with great courage under extraordinarily difficult circumstances. But it is wrong for the President to send our troops to war without a plan to win the peace, and it is wrong for Congress to keep them in harm's way on the current failed course.

The best way to protect our troops is to bring this war to an end, not to pour more American lives into this endless black hole our Iraq policy has become. It is wrong for Congress to continue to defer to a Presidential decision that we know is fatally flawed.

The American people know this war is wrong. It is wrong to abdicate our responsibilities by allowing this war to drag on and on and on while our casualties mount higher and higher. The President was wrong to get us into this war, wrong to conduct it so poorly, wrong to ignore the views of the American people, and wrong to stubbornly refuse to sign legislation requiring a timetable for the orderly and responsible withdrawal of our combat troops from Iraq.

It is time to end this continuing tragic loss of American lives and begin to bring our soldiers home.

For the sake of our troops, we cannot repeat the mistakes of Vietnam and allow this war to drag on long after the American people know it is a profound mistake.

Mr. President, how much time do I have?

The PRESIDING OFFICER. There is 3 minutes 20 seconds.

Mr. KENNEDY. Mr. President, before yielding so we can have a vote on the amendment of the Senator from Vermont, I would like to respond to my friend from Alabama regarding the earned-income tax credit.

The earned-income tax credit is to help children—help children. Of all the industrialized nations of the world, we have more children living in poverty than any other Nation in the world. The earned-income tax credit is to help the children. They are not the lawbreakers; the parents are the lawbreakers. Yet this amendment will take it out on the children.

We don't do it for those who have committed murder and gone to prison. We don't do it for those who have committed aggravated assault. We don't do it for those who commit burglary, but we are going to do it for those who have been adjusted in terms of their status of being illegal. That is what the Sessions amendment does. We don't do it for murderers, we don't do it for burglars, we don't do it for those who have committed the most egregious crimes, but we are going to do it in terms of those whose positions we are changing and altering in terms of their adjustment of status.

The people who are affected by it are the children. It doesn't seem to be the way we ought to go. But we will have a longer period of time to debate this at another time.

AMENDMENT NO. 1223

I believe now we are prepared to vote, and I suggest that we get to it as quickly as we can so that we don't have other interference.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I will be very brief. I thank Senator DURBIN and Senator KENNEDY for their support. This amendment has been modified. The H-1B program would increase from $1,500 to $5,000, a $3,500 increase. The new revenue, as I mentioned earlier, would be used to establish a scholarship program so we can begin to see young Americans get the education they need for these professions so that we do not have to go abroad to bring people in to do the jobs that American workers should be doing.

I would appreciate support for this amendment.

Mr. KENNEDY. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I want to commend the Senator from Vermont for this amendment. I intend to support it. Years ago I thought we ought to have it at $3,000. It went down to $1,000, and it has come back up to $1,500. The Senator has brought this up to a much more reasonable amount. I think he has made a very strong case for it. These funds will be used to make sure we get Americans being able to do those jobs. That is what the purpose is: to see we have Americans able to do those jobs, those H-1B jobs. It makes a great deal of sense. I commend the Senator.

There is one provision in here on the public hospitals, and I know he will work with us to try to address that in the conference, and I thank him for it. I hope the Senate will support his amendment.

I think we are prepared to vote on this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, just a word or two. I think it is a good amendment. I commend the Senator from Vermont. I urge my colleagues to support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator form Utah (Mr. HATCH) would have voted: "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 35, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—59

Akaka
Alexander
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NAYS—35

Allard
Baucus
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Gregg
Hagel
Hutchison
Inhofe
Isakson
Lott
McConnell
Nelson (NE)
Roberts
Smith
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—6

Brownback
Hatch
Johnson
McCain
Schumer
Thomas

The amendment (No. 1223), as modified. was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are anticipating a vote in the next 2 or 3 minutes. We will inform the Members about that decision. We are checking with the leadership at the present time.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the Senator from Connecticut wishes to propound a unanimous consent request, and then I will propound a unanimous consent request that we will have 2 minutes evenly divided between the Senator from Louisiana and myself, and then I expect we will have a rollcall vote up or down on the Vitter amendment.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to set aside the pending amendment so I might call up an amendment and then set it aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1191 TO AMENDMENT NO. 1150

(Purpose: To provide safeguards against faulty asylum procedures and to improve conditions of dention)

Mr. LIEBERMAN. Mr. President, I call up amendment No. 1191.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 1191 to amendment No. 1150.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LIEBERMAN. Mr. President, I have come to the floor to speak about my amendment to improve our Nation's treatment of asylum seekers.

This amendment would implement the key recommendations of the congressionally established U.S. Commission on International Religious Freedom, which 2 years ago issued a report raising serious concerns about the protections offered asylum seekers arriving in this country.

I think it is worth noting that the Commission that issued this report was established by Congress in 1998 as a result of legislation first introduced by Senator SPECTER, in concert with the efforts of Senators NICKLES, BROWNBACK, myself, and several others. Senator SPECTER should be proud of that work and accomplishment. I hope we can see this amendment as one of the fruits of that labor.

The Commission reported an unacceptable risk that genuine asylum seekers were being turned away because their fears—and the real dangers—of being returned to their home countries were not fully considered.

The Commission also found that while asylum seekers are having their applications considered, they are often detained for months in maximum security prisons and jails, without ever having been fairly considered for release on bond. The Commission described conditions of detention that are completely unacceptable for a just nation to impose on people who are trying to escape war, oppression, religious persecution, even torture.

Since the Commission's report was issued, I have routinely asked officials from the Department of Homeland Security what is being done about the problems the Commission identified. I have been assured that the Department was reviewing the report's findings. The time for review is over. The time for Congress to act is now.

My amendment will implement the Commission's most important recommendations. It calls for sensible reforms that will safeguard the Nation's security, improve the efficiency of our immigration detention system, and ensure that people fleeing persecution are treated in accordance with this Nation's most basic values.

My amendment would implement quality assurance procedures to ensure that DHS officers carefully and accurately record the statements of people who may have a legitimate fear of returning to their countries.

Asylum seekers not subject to mandatory detention would be entitled to a hearing to determine if they could be released. Providing bond hearings for those asylum seekers who are low-risk will free up detention beds.

At an average cost of $90 per person per day, often much higher, detention beds have always been scarce. Provisions in the Senate legislation before us would vastly increase the numbers of aliens being held in detention. Our immigration system should prioritize available space for aliens who pose a risk of flight, a threat to public safety or are subject to mandatory detention.

The amendment also promotes secure alternatives to detention of the type DHS has already begun to implement.

For those who must remain detained, we are obliged as a compassionate society to provide humane conditions at immigration facilities and jails used by DHS. My amendment includes modest requirements to ensure decent conditions, especially for asylum seekers, families with children, and other vulnerable populations. It requires improvements in key areas, such as access to medical care and limitations on the use of solitary confinement. And it creates a more effective system within DHS for overseeing and inspecting facilities.

The origin of the United States is that of a land of refuge. Many of our Nation's founders fled here to escape persecution for their political opinions, their ethnicity, and their religion. Since that time, the United States has honored its history and founding values by standing against persecution around the world, offering refuge to those who flee from oppression, and welcoming them as contributors to a democratic society.

I hope this amendment will be viewed as a noncontroversial way the Nation can continue to honor that history.

Mr. President, I ask unanimous consent that my amendment be set aside and that the Senate return to the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1157

Mr. KENNEDY. Mr. President, we have 1 minute each side. This will be the final vote on the immigration bill this week. We have had great cooperation. We are enormously grateful to all the Members.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, my amendment is very simple, it is very straightforward, and it is very important. It strikes title VI from the bill, which is the very controversial Z visa provision.

In my opinion, and the opinion of many people, many Americans, this is amnesty purely and simply, and that conclusion is important not because of a brand, not because of the word but because of what it means and what it will create.

It will create a magnet to increase illegal activity into the country, to encourage more of the same, more of the problem and not solve the problem. That is why we must remove this title from the bill.

The key question in this debate is will this bill fundamentally repeat the horrible mistakes of 1986 when we did amnesty but not nearly enough enforcement. I believe this bill, as it stands now, repeats that horrible mistake.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, legalization is good for national security. We need to know the names of everyone living here. That is why the Department of Homeland Security supports earned legalization. All of title VI was written with the close cooperation of Secretary Chertoff and his staff.

Legalization is good for our economic prosperity. We need every worker in this country to join the formal economy and pay their taxes. That's why the Department of Commerce supports earned legalization. All of title VI was written with the close cooperation of Secretary Gutierrez and his staff.

Legalization is consistent with American family values. Would opponents of legalization deport children and divide families?

More than 1.6 million undocumented children live in the United States.

More than 3.1 million U.S.-citizen children have at least one undocumented parent.

Legalization supports our broader reform effort. We must break America's cycle of illegality. Enforcement at the worksite and elsewhere will fail if 12 million Americans and 5 percent of U.S. workers remain in the shadows.

The American people support earned legalization. Poll after poll find that large majorities of Americans want undocumented immigrants who have lived and worked in the United States to have a chance to keep their jobs and earn legal status.

This support spans political parties and crosses demographics.

Americans understand that this is a complex problem that requires a comprehensive solution.

Mr. President, this is not 1986; 1986 was amnesty. This is not amnesty. Let's be very clear about it. Not only do you have to have a background check, but you pay fees of $5,500, you have to learn English, you have to demonstrate you paid your taxes, you have to work for the next 8 years and demonstrate that you have worked in the past if you are ever going to get a green card. You have to return home in order to get your application for a green card, and you have to go to the back of the line. None of that was 1986.

Legalization is important for our national security. We have to know who is in the United States of America. Legalization is important in terms of our economic prosperity so our economy can function well, and legalization is important for the families. Do we think we are going to deport 3.5 million American children who have parents who are undocumented? Are we going to send those people overseas?

This amendment will undermine the legislation. I hope it will be rejected by the Senate.

I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1157. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Utah (Mr. HATCH), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 66, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—29

Alexander
Allard
Baucus
Bond
Bunning
Byrd
Coburn
Cochran
Corker
Crapo
DeMint
Dole
Dorgan
Enzi
Grassley
Inhofe
Landrieu
McCaskill
McConnell
Nelson (NE)
Pryor
Roberts
Rockefeller
Sessions
Shelby
Sununu
Tester
Thune
Vitter

NAYS—66

Akaka
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coleman
Collins
Conrad
Cornyn
Craig
Dodd
Domenici
Durbin
Ensign
Feingold
Feinstein
Graham
Gregg
Hagel
Harkin
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Reed
Reid
Salazar
Sanders
Smith
Snowe
Specter
Stabenow
Stevens
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Brownback
Hatch
Johnson
Schumer
Thomas

The amendment (No. 1157) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TEXT OF AMENDMENT SUBMITTED MONDAY, MAY 21, 2007

SA 1150. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) With the exception of the probationary benefits conferred by section 601(h), the provisions of subtitle C of title IV, and the admission of aliens under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV,

(1) the programs established by title IV of this Act; and

(2) the programs established by title VI of this Act that grant legal status to any individual or adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence,

shall become effective on the date that the Secretary submits a written certification to the President and the Congress that the following border security and other measures are funded, in place, and in operation:

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The U.S. Customs and Border Protection (CBP) Border Patrol has, in its continued effort to increase the number of agents and support staff, hired 18,000 agents;

(2) STRONG BORDER BARRIERS.—Have installed at least 200 miles of vehicle barriers, 370 miles of fencing, and 70 ground-based radar and camera towers along the southern land border of the United States, and have deployed 4 Unmanned Aerial Vehicles and supporting systems;

(3) CATCH AND RETURN.—The Department of Homeland Security is detaining all removable aliens apprehended crossing the southern border, except as specifically mandated by law or humanitarian circumstances, and U.S. Immigration and Customs Enforcement (ICE) has the resources to maintain this practice, including resources to detain up to 27,500 aliens per day on an annual basis;

(4) WORKPLACE ENFORCEMENT TOOLS.—As required through all the provisions of Title III of this Act, the Department of Homeland Security has established and is using secure and effective identification tools to prevent unauthorized workers from obtaining jobs In the United States. These tools shall include, but not be limited to, establishing—

(A) strict standards for identification documents that must be presented in the hiring process, including the use of secure documentation that contains a photograph, biometrics, and/or complies with the requirements for such documentation under the REAL ID Act; and

(B) an electronic employment eligibility verification system that queries federal and state databases to restrict fraud, identity theft, and use of false social security numbers in the hiring process by electronically providing a digitized version of the photograph on the employee's original federal or state issued document or documents for verification of the employee's identity and work eligibility; and

(5) PROCESSING APPLICATIONS OF ALIENS.—The Department of Homeland Security has received and is processing and adjudicating in a timely manner applications for Z nonimmigrant status under Title VI of this Act, including conducting all necessary background and security checks.

(b) It is the sense of Congress that the border security and other measures described in such subsection can be completed within 18 months of enactment, subject to the necessary appropriations.

(c) The President shall submit a report to Congress detailing the progress made in funding, appropriating, contractual agreements reached, and specific progress on each of the measures included in (a)(1)-(5):

(1) 90 days after the date of enactment; and

(2) every 90 days thereafter until the terms of this section have been met.

If the President determines that sufficient progress is not being made, the President shall include in the report specific funding recommendations, authorization needed, or other actions that are being undertaken by the Department.

TITLE I—BORDER ENFORCEMENT

SUBTITLE A—ASSETS FOR CONTROLLING UNITED STATES BORDERS.

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty CBP officers and provide appropriate training, equipment, and support to such additional CBP officers.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2008 through 2012, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that assist in matters related to immigration.

(4) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out paragraph (1) of subsection (a).

(2) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a)(3).

(3) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004. (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by not less than—

"(1) 2,000 in fiscal year 2007;

"(2) 2,400 in fiscal year 2008;

"(3) 2,400 in fiscal year 2009;

"(4) 2,400 in fiscal year 2010;

"(5) 2,400 in fiscal year 2011; and

"(6) 2,400 in fiscal year 2012.

"(b) NORTHERN BORDER.—In each of the fiscal years. 2008 through 2012, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.".

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations for such purpose, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the borders of the United States.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

SEC. 103. INFRASTRUCTURE.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security"; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) FENCING NEAR SAN DIEGO, CALIFORNIA.—In carrying out subsection (a), the Secretary shall provide for the construction along the 14 miles of the international land border of the United States, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.".

SEC. 104. PORTS OF ENTRY.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Division C of Public Law 104–208, is amended by the addition, at the end of that section, of the following new subsection:

"(e) CONSTRUCTION AND IMPROVEMENTS.—The Secretary is authorized to—

"(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

"(2) make necessary improvements to the ports of entry.".

Subtitle B—Other Border Security Initiatives

SEC. 111. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary is authorized to require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status.".

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. (1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsections (a) and (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or any alien who is paroled under section 212(d)(5), seeking to or permitted to land temporarily as an alien crewman, or seeking to or permitted transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended.

(1) in subsection (a)(7); by adding at the end the following:

"(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who fails or has failed to comply with a lawful request for biometric data under section 215(c), 235(d), or 252(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary may waive the application of subsection. (a)(7)(C) for an individual alien or class of aliens.".

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5; United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register."; and

(2) in subsection (1)—

(A) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(B) by adding at the end the following:

"(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 and 2009 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 112. UNLAWFUL FLIGHT FROM IMMIGRATION OR CUSTOMS CONTROLS.

(a) IN GENERAL.—Section 758 of Title 18, United States Code, is amended to read as follows:

"§ 758. Unlawful Flight from Immigration or Customs Controls

"(a) EVADING A CHECKPOINT.—Any person who, while operating a motor vehicle or vessel, knowingly flees or evades a checkpoint operated by the Department of Homeland Security or any other Federal law enforcement agency, and then knowingly or recklessly disregards or disobeys the lawful command of any law enforcement agent, shall be fined under this title, imprisoned not more than five years, or both.

"(b) FAILURE TO STOP.—Any person who, while operating a motor vehicle, aircraft, or vessel, knowingly or recklessly disregards or disobeys the lawful command of an officer of the Department of Homeland Security engaged in the enforcement of the immigration, customs, or maritime laws, or the lawful command of any law enforcement agent assisting such officer, shall be fined under this title, imprisoned not more than two years, or both.

"(c) ALTERNATIVE PENALTIES.—Notwithstanding the penalties provided in subsection (a) or (b), any person who violates such subsection shall—

"(1) be fined under this title, imprisoned not more than 10 years, or both, if the violation involved the operation of a motor vehicle, aircraft, or vessel—

"(A) in excess of the applicable or posted speed limit,

"(B) in excess of the rated capacity of the motor vehicle, aircraft, or vessel, or

"(C) in an otherwise dangerous or reckless manner;

"(2) be fined under this title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of serious bodily injury or death to any person;

"(3) be fined under this title, imprisoned not more than 30 years, or both, if the violation caused serious bodily injury to any person; or

"(4) be fined under this title, imprisoned for any term of years or life, or both, if the violation resulted in the death of any person.

"(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense.

"(e) FORFEITURE.—Any property, real or personal, constituting or traceable to the gross proceeds of the offense and any property, real or personal, used or intended to be used to commit or facilitate the commission of the offense shall be subject to forfeiture.

"(f) FORFEITURE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General. Nothing in this section shall limit the authority of the Secretary to seize and forfeit motor vehicles, aircraft, or vessels under the Customs laws or any other laws of the United States.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term "checkpoint" includes, but is not limited to, any customs or immigration inspection at a port of entry;

"(2) the term "lawful command" includes, but is not limited to, a command to stop, decrease speed, alter course, or land, whether communicated orally, visually, by means of lights or sirens, or by radio, telephone, or other wire communication;

"(3) the term "law enforcement agent" means any Federal, State, local or tribal official authorized to enforce criminal law, and, when conveying a command covered under subsection (b) of this section, an air traffic controller;

"(4) The term "motor vehicle" means any motorized or self-propelled means of terrestrial transportation; and

"(5) The term "serious bodily injury" has the meaning given in section 2119(2) of this title.".

SEC. 113. RELEASE OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a)(2) (8 U.S.C. 1226(a)(2)) is amended—

(1) by striking "on";

(2) in subparagraph (A)—

(A) by inserting "except as provided under subparagraph (B), upon the giving of a" before "bond"; and

(B) by striking "or" at the end;

(3) by redesignating subparagraph (6) as subparagraph (C); and

(4) by inserting after subparagraph (A) the following:

"(B) upon the giving of a bond of not less than $5,000 with security approved by, and containing conditions prescribed by, the Secretary or the Attorney General, if the alien—

"(i) is a national of a noncontiguous country;

"(ii) has not been admitted or paroled into the United States; and

"(iii) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security; or".

SEC. 114. SEIZURE OF CONVEYANCE WITH CONCEALED COMPARTMENT: EXPANDING THE DEFINITION OF CONVEYANCES WITH HIDDEN COMPARTMENTS SUBJECT TO FORFEITURE.

(a) IN GENERAL.—Section 1703 of Title 19, United States Code is amended—

(1) by amending the title of such section to read as follows:

"§ 1703. Seizure and forfeiture of vessels, vehicles, other conveyances and instruments of international traffic";

(2) by amending the title of subsection (a) to read as follows:

(a) "Vessels, vehicles, other conveyances and instruments of international traffic subject to seizure and forfeiture";

(3) by amending the title of subsection (b) to read as follows:

"(b) Vessels, vehicles, other conveyances and instruments of international traffic defined";

(4) by inserting ",vehicle, other conveyance or instrument of international traffic" after the word "vessel" everywhere it appears in the text of subsections (a) and (b); and

(5) by amending subsection (c) to read as follows:

"(c) Acts constituting prima facie evidence of vessel, vehicle, or other conveyance or instrument of international traffic engaged in smuggling "For the purposes of this section, prima facie evidence that a conveyance is being, or has been, or is attempted to be employed in smuggling or to defraud the revenue of the United States shall be—

"(1) in the case of a vessel, the fact that a vessel has become subject to pursuit as provided in section 1581 of this title, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display light as required by law.

"(2) in the case of a vehicle, other conveyance or instrument of international traffic, the fact that a vehicle, other conveyance or instrument of international traffic has any compartment or equipment that is built or fitted out for smuggling.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 in title 19, United States Code, is amended by striking the items relating to section 1703 and inserting in lieu thereof the following:

"§1703. Seizure and forfeiture of vessels, vehicles, other conveyances or instruments of international traffic.

"(a) Vessels, vehicles, other conveyances or instruments of international traffic subject to seizure and forfeiture.

"(b) Vessels, vehicles, other conveyances or instruments of international traffic defined.

"(c) Acts constituting prima facie evidence of vessel, vehicle, other conveyance or instrument of international traffic engaged in smuggling."

Subtitle C—Other Measures

SEC. 121. DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

SEC. 122. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term "protected land" means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased U.S. Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for U.S. Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) ANALYSIS OF DAMAGE TO PROTECTED LANDS.—The Secretary and Secretaries concerned shall develop an analysis of damage to protected lands relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service the United States Fish and Wildlife-Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than one year from the date of enactment, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee or National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs.of the United States in the manner that best protects the homeland, including—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SEC. 123. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 124. UNMANNED AIRCRAFT SYSTEMS.

(a) UNMANNED AIRCRAFT AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain unmanned aircraft systems for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out subsection (a)—

(A) $178,400,000 for fiscal year 2008; and

(B) $276,000,000 for fiscal year 2009.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 125. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding-camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 126. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 127. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 136.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 128. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 129. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2008, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 130. US–VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US–VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US–VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 131. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all U.S. Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the U.S. Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all U.S. Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 132. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.— The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or Welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.— There are authorizd to be appropriated $50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.— Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 133. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.— Not later than January 31 of each year, the Administrator of General Services, in consultation with U.S. Customs and Border Protection, shall update the Port of Entry Infrastructure Assessment Study prepared by U.S. Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R.. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.— In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.— Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the Natiolialland Border Security Plan required by section; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.— The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.— The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexicq or Canada, compellingly alter the need for a project in the United States.

SEC. 134. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.— Not later than 1 year after the date of the enactment of this Act, an annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern bordr or the southern border, shall subniit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.— The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.— The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 135. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.— The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.— Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry but. demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the U.S. Customs and Border Protection.

SEC. 136. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the U.S. Immigration and Customs Enforcement and the U.S. Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 137. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 138. UNITED STATES-MEXICO BORDER ENFORCEMENT REVIEW COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established an independent commission to be known as the United States-Mexico. Border Enforcement

Review Commission (referred to in this section as the "Commission").

(2) PURPOSES.—The purposes of the Commission are—

(A) to study the overall enforcement strategies, programs and policies of Federal agencies along the United States-Mexico border; and

(B) to make recommendations to the President and Congress with respect to such strategies, programs and policies.

(3) MEMBERSHIP.—The Commission shall be composed of 17 voting members, who shall be appointed as follows:

(A) The Governors of the States of California, New Mexico,Arizona, and Texas shall each appoint 4 voting members of whom—

(i) 1 shall be a local elected official from the State's border region;

(ii) 1 shall be a local law enforcement official from the State's border region; and

(iii) 2 shall be from the State's communities of academia, religious leaders, civic leaders or community leaders.

(B) 2 nonvoting members, of whom—

(i) 1 shall be appointed by the Secretary;

(ii) 1 shall be appointed by the Attorney General; and

(iii) 1 shall be appointed by the Secretary of State.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Commission shall be—

(i) individuals with expertise in migration, border enforcement and protection, civil and human rights, community relations, cross-border trade and commerce or other pertinent qualifications or experience; and

(ii) representative of a broad cross section of perspective from the region along the international border between the United States and Mexico;

(B) POLITICAL AFFILIATION.—Not more than 2 members of the Commission appointed by each Governor under paragraph (3)(A) may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed as a voting member to the Commission may not be an officer or employee of the Federal Government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 6 months after the enactment of this Act. If any member of the Commission described in paragraph (3)(A) is not appointed by such date, the Commission shall carry out its duties under this section without the participation of such member.

(6) TERM OF SERVICE.—The term of office for members shall be for life of the Commission.

(7) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(8) MEETINGS.—

(A) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(9) QUORUM.—Nine members of the Commission shall constitute a quorum.

(10) CHAIR AND VICE CHAIR.—The voting members of the Commission shall elect a Chairman and Vice Chairman from among its members. The term of office shall be for the life of the Commission.

(b) DUTIES.—The Commission shall review, examine, and make recommendations regarding border enforcement policies, strategies, and programs, including recommendations regarding—

(1) the protection of human and civil rights of community residents and migrants along the international border between the United States and Mexico;

(2) the adequacy and effectiveness of human and civil rights training of enforcement personnel on such border;

(3) the adequacy of the complaint process within the agencies and programs of the Department that are employed when an individual files a grievance;

(4) the effect of the operations, technology, and enforcement infrastructure along such border on the—

(A) environment;

(B) cross border traffic and commerce; and

(C) the quality of life of border communities;

(5) local law enforcement involvement in the enforcement of Federal immigration law; and

(6) any other matters regarding border enforcement policies, strategies, and programs the Commission determines appropriate.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION FROM FEDERAL AGENCIES.—The Commission may seek directly from any department or agency of the United States such information, including suggestions, estimates, and statistics, as allowed by law and as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Administrator of General Services shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission's functions. The departments and agencies of the United States may provide the Commission with such services, funds, facilities, staff, and other support services as they determine advisable and as authorized by law.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Commission shall be reimbursed for reasonable travel expenses and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

(e) REPORT.—Not later than 2 years after the date of the first meeting called pursuant to (a)(8)(A), the Commission shall submit a report to the President and Congress that contains—

(1) findings with respect to the duties of the Commission;

(2) recommendations regarding border enforcement policies, strategies, and programs;

(3) suggestions for the implementation of the Commission's recommendations; and

(4) a recommendation as to whether the Commission should continue to exist after the date of termination described in subsection (g), and if so, a description of the purposes and duties recommended to be carried out by the Commission after such date.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) SUNSET.—Unless the Commission is reauthorized by Congress, the Commission shall terminate on the date that is 90 days after the date the Commission submits the report described in subsection (e).

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) TRIAL ATTORNEYS.—In each of the fiscal years 2008 through 2012, the Secretary, subject to the availability of appropriations for such purpose, shall increase the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters by not less than 100 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(2) USCIS ADJUDICATORS.—In each of the fiscal years 2008 through 2012, the Secretary, subject to the availability of appropriations for such purpose, shall increase the number of positions for adjudicators in the United States Citizenship and Immigration Service by not less than 100 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out paragraphs (1) and (2).

(b) DEPARTMENT OF JUSTICE.—

(1) JUDICIAL CLERKS.—The Attorney General shall, subject to the availability of appropriations for such purpose, appoint necessary law clerks for immigration judges and Board of Immigration Appeals members of no less than one per judge and member. A law clerk appointed under this section shall be exempt from the provisions of subchapter I of chapter 63 of title 5 (5 USCS 6301 et seq.).

(2) LITIGATION ATTORNEYS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations for such purpose, shall increase the number of positions for attorneys in the Office of Immigration Litigation by not less than 50 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(3) UNITED STATES ATTORNEYS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations for such purpose, shall increase the number of attorneys in the United States Attorneys' office to litigate immigration cases in the Federal courts by not less than 50 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(4) IMMIGRATION JUDGES.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations for such purpose, shall—

(A) increase by not less than 20 the number of full-time immigration judges compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 80 the number of positions for personnel to support the immigration Judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year.

(5) BOARD OF IMMIGRATION APPEALS MEMBERS.—The Attorney General shall, subject to the availability of appropriations, increase by 10 the number of members of the Board of Immigration Appeals over the number of members serving on the date of enactment of this Act.

(6) STAFF ATTORNEYS.—In each of the fiscal years 2008 through 2012, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase the number of positions for full-time staff attorneys in the Board of Immigration Appeals by not less than 20 compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase the number of positions for personnel to support the staff attorneys described in subparagraph (A) by not less than 10 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

(c) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In each of the fiscal years 2008 through 2012, the Director of the Administrative Office of the United States Courts, subject to the availability of appropriations, shall increase the number of attorneys in the Federal Defenders Program who litigate criminal immigration cases in the Federal courts by not less than 50 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(d) LEGAL ORIENTATION PROGRAM.—

(1) CONTINUED OPERATION.—The Director of the Executive Office for Immigration Review shall continue to operate a legal orientation program to provide basic information about immigration court procedures for immigration detainees and shall expand the legal orientation program to provide such information on a nationwide basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out such legal orientation program.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears, except for the first reference in clause (a)(4)(B)(i), and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.";

(ii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(iii) by adding at the end the following:

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date in which the alien is returned to the custody of the Secretary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

"(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

"(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) ATTORNEY GENERAL REVIEW.—If the Secretary authorizes an extension of detention under subparagraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (1). The Attorney General, in consultation with the Secretary, shall promulgate regulations governing review under this paragraph.

"(G) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(H) Renewal and Delegation of Certification.—

"(i) Renewal.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (I). If the Secretary authorizes an extension of detention under paragraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I).

"(ii) Delegation.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) Hearing.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(I) Release on Conditions.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(J) Redetention.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(K) Applicability.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(L) Detention Review Process for Aliens Who Have Effected an Entry and Fail to Cooperate With Removal.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

"(i) has effected an entry into the United States; and

"(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

"(cc) conspired or acted to prevent removal; or

"(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (H).

"(M) Detention Review Process for Aliens Who Have Not Effected an Entry.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

"(9) Judicial Review.—Judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding brought in a United States district court and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as a right.".

(2) Effective Date.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act, unless (a) that order was issued and the alien was subsequently released or paroled before the enactment of this Act and (b) the alien has complied with and remains in compliance with the terms and conditions of that release or parole; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 203. AGGRAVATED FELONY.

(a) Definition of Aggravated Felony.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, and to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting " murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;";

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of"; and

(4) by striking the undesignated matter following subparagraph (U).

(b) Effective Date and Application.—

(1) In General.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any conviction that occurred on or after the date of the enactment of this Act.

(2) Application of IIRAIRA Amendments.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE AND REMOVAL.

(a) Definition of Criminal Gang.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting after subparagraph (51) the following:

"(52) The term "criminal gang"

(A) means an ongoing group, club, organization, or association of 5 or more persons—

(i) that has as 1 of its primary purposes the commission of 1 or more of the criminal offenses described in subsection (b); and

(ii) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subsection (b);

(B) offenses described in this section, whether in violation of Federal or State law or in violation of the law of a foreign country, and regardless of whether charged, are:

(i) a "felony drug offense" (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) a felony offense involving firearms or explosives or in violation of section 931 of title 18 (relating to purchase, ownership, or possession of body armor by violent felons);

(iii) an offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to the importation of an alien for immoral purpose) of the Immigration and Nationality Act;

(iv) a felony crime of violence as defined in section 16 of title 18, which is punishable by a sentence of imprisonment of five years or more;

(v) a crime involving obstruction of justice; tampering with or retaliating against a witness, victim, or informant; or burglary;

(vi) Any conduct punishable under sections 1028 and 1029 of title 18 (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of title 18 (relating to peonage, slavery and trafficking in persons), section 1952 of title 18 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of title 18 (relating to the laundering of monetary instruments), section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of title 18 (relating to interstate transportation of stolen motor vehicles or stolen property);

(vii) a conspiracy to commit an offense described in subparagraphs (1)-(6).

"Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conduct occurred before, on, or after the date of enactment of this provision.".

(b) Inadmissibility.— Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (J); and

(2) by inserting after subparagraph (E) the following:

"(F) Aliens Associated With Criminal Gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe has participated in a criminal gang (as defined in section 101(a)(52)), knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the criminal gang, is inadmissible.".

(c) Deportability.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C.

1227(a)(2)) is amended by adding at the end the following:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang (as defined in section 101(a)(52)), knowing or having reason to know that such participation will promote, further, aid, or support the illegal activity of the criminal gang is deportable. The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph."

(d) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (c)(2)(B), by adding at the end:

"(iii) the alien participates in, or at any time after admission has participated in, the activities of a criminal gang (as defined in section 101(a)(52)), knowing or having reason to know that such participation will promote, further, aid, or support the illegal activity of the criminal gang."; and

(3) in subsection (d)—

(A) by striking paragraph (3); and

(B) in paragraph (4), by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision.".

(e) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting "212(a) or" after "section"; and

(B) in the matter following subparagraph (D)—

(i) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not more than 5 years"; and

(ii) by striking ", or both";

(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a)).''; and

(f) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ", alien smuggling crime," after "any crime of violence";

(B) in subparagraph (A), by inserting ", alien smuggling crime," after "such crime of violence";

(C) in subparagraph (D)(ii), by inserting ", alien smuggling crime," after "crime of violence"; and

(2) by adding at the end the following:

"(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).".

SEC. 206. ILLEGAL ENTRY.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY.

"(a) IN GENERAL.—

"(1) CRIMINAL OFFENSES.— An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

"(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

"(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

"(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws).

"(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

"(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

"(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

"(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

"(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned n'ot more than 15 years, or both; and

"(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(A) alleged in the indictment or information; and

"(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(4) DURATION OF OFFENSES.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

"(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

"(1) not less than $50 or more than $250 for each such entrv,crossing, attempted entry, or attempted crossing; or

"(2) twice the amount speCified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection."

(b) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry.".

(c) EFFECTIVE DATE.—Subsection (a)(4) of section 275 of the Immigration and Nationality Act, as created by this Act, shall apply only to violations of subsection (a)(l) of Section 275 committed on or after the date of enactment of this Act.

SEC. 207. ILLEGAL REENTRY.

Section 276(8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

"(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion; deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

"(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penaity provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, 'excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at anytime found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

"(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penaltis in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(1) alleged in the indictment or information; and

"(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

"(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States;

"(2) with respect to an alien previously denied admission and removed, the alien—

"(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

"(B) had complied with all other laws and regulations governing the alien's admission into the United States; or

"(3) at the time of the prior exclusion, deportation, removal, or denial of admission alleged in the violation, the alien—

"(A) was under the age of eighteen, and

"(B) had not been convicted of a crime or adjudicated a delinquent minor by a court of the United States, or a court of a state or territory, for conduct that would constitute a felony if committed by an adult.

"(f) Limitation on Collateral Attack on Underlying Removal Order.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

"(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

"(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.

"(g) Reentry of Alien Removed Prior to Completion of Term of Imprisonment.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

"(h) Limitation.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

"(i) Definitions.—In this section:

"(1) Felony.—The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(2) Misdemeanor.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

"(3) Removal.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

"(4) State.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) Passport, Visa, and Immigration Fraud.—

(1) In general.—Chapter 75 of title 18; United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"Sec.

"1541. Trafficking in passports.
"1542. False statement in an application for a passport.
"1543. Forgery and unlawful production of a passport.
"1544. Misuse of a passport.
"1545. Schemes to defraud aliens.
"1546. Immigration and visa fraud.
"1547. Marriage fraud.
"1548. Attempts and conspiracies.
"1549. Alternative penalties for certain offenses.
"1550. Seizure and forfeiture.
"1551. Additional jurisdiction.
"1552. Definitions.
"1553. Authorized law enforcement activities.

"§ 1541. Trafficking in passports

"(a) Multiple Passports.—Any person who, during any period of 3 years or less, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport, knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) Passport Materials.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make a passport, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1542. False statement in an application for a passport

"(a) In General.—Any person who knowingly makes any false statement or representation in an application for a United States passport, or mails, prepares, presents, or signs an application for a United States passport knowing the application to contain any false statement or representation, shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) Venue.—

"(1) An offense under subsection (a) may be prosecuted in any district,

"(A) in which the false statement or representation was made or the application for a United States passport was prepared or signed, or

"(B) in which or to which the application was mailed or presented.

"(2) An offense under subsection (a) involving an application prepared and adjudicated outside the United States may be prosecuted in the district in which the resultant passport was or would have been produced.

"(c) Savings Clause.—Nothing in this section may be construed to limit the venue otherwise available under sections 3237 and 3238 of this title.

"§ 1543. Forgery and unlawful production of a passport

"(a) Forgery.—Any person who—

"(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

"(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) Unlawful Production.—Any person who knowingly and without lawful authority—

"(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

"(2) produces, issues, authorizes, or verifies a United States passport for or to any person, knowing or in reckless disregard of the fact that such person is not entitled to receive a passport; or

"(3) transfers or furnishes a passport to any person for use by any person other than the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1544. Misuse of a passport

"Any person who knowingly—

"(1) uses any passport issued or designed for the use of another;

"(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

"(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1545. Schemes to defraud aliens

"(a) In General.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender claims or represents is authorized by or arises under Federal immigration laws, to—

"(1) defraud any person, or

"(2) obtain or receive money or anything else of value from any person, by means of false or fraudulent pretenses, representations, or promises,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) Misrepresentation.—Any person who knowingly and falsely represents that such person is an attorney or accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations (or any successor regulation to such section)) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1546. Immigration and visa fraud

"(a) In General.—Any person who knowingly—

"(1) uses any immigration document issued or designed for the use of another;

"(2) forges, counterfeits, alters, or falsely makes any immigration document;

"(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

"(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

"(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

"(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) Any person who, during any period of 3 years or less, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

"(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

"(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) Immigration Document Materials.—Any person who knowingly and without lawful authority produces buys, sells, or possesses any official material (or counterfeit of any official material) used to make an immigration document, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

"(d) Employment Documents.—Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor;

"(2) an identification document knowing (or having reason to know) that the document is false; or

"(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), shall be fined under this title, imprisoned not more than 5 years, or both.

"§1547. Marriage fraud

"(a) Evasion or Misrepresentation.—Any person who—

"(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

"(2) knowingly misrepresents the existence or circumstances of a marriage—

"(A) in an application or document authorized by the immigration laws; or

"(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) Multiple Marriages.— Any person who—

"(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

"(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) Commercial Enterprise.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

"(d) Duration of Offense.—

"(1) In general.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

"(2) Commercial enterprise.—An offense under subsection (c) continues until the fraudulent nature of the commercial enterprise is discovered by an immigration officer or other law enforcement officer.

"§1548. Attempts and conspiracies

"Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

"§1549. Alternative penalties for certain offenses

"Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this chapter—

"(1) if committed to facilitate a drug trafficking crime (as defined in 929(a)) is 20 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331) is 25 years.

"§1550. Seizure and forfeiture

"(a) Forfeiture.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(b) Applicable Law.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

"§1551. Additional jurisdiction

"(a) In General.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

"(b) Extraterritorial Jurisdiction.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

"(1) the offense involves a United States passport or immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

"(2) the offense is in or affects foreign commerce;

"(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

"(4) the offense is committed to facilitate an act of, international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

"(5) the offender is a national of the United States or an alien lawfully admitted for permanent residence in the United States (as those terms are defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); or

"(6) the offender is a stateless person whose habitual residence is in the United States.

"§1552. Definitions

"As used in this chapter:

"(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

"(A) contains a statement or representation that is false, fictitious, or fraudulent;

"(B) has no basis in fact or law; or

"(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

"(2) The term 'application for a United States passport' includes any document, photograph, or other piece of evidence attached to or submitted in support of the application.

"(3) The term 'false statement or representation' includes a personation or an omission.

"(4) The term 'immigration document'—

"(A) means any application, petition, affidavit, declaration, attestation, form, visa, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other official document, arising under or authorized by the immigration laws of the United States; and

"(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

"(5) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in paragraphs (A) and (B).

"(6) The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

"(7) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(8) The term 'passport' means—

"(A) a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or

"(B) any instrument purporting to be a document described in subparagraph (A).

"(9) The term 'to present' means to offer or submit for official processing, examination, or adjudication. Any such presentation continues until the official processing, examination, or adjudication is complete.

"(10) The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

"(11) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(12) The term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

"(13) The 'use' of a passport or an immigration document referred to in section 1541(a), section 1543(b), section 1544, section 1546(a), and section 1546(b) of this chapter includes any officially authorized use; use to travel; use to demonstrate identity, residence, nationality, citizenship, or immigration status; use to seek or maintain employment; or use in any matter within the jurisdiction of the Federal government or of a State government.

"§ 1553. Authorized law enforcement activities

"Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).".

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—

(1) PROSECUTION GUIDELINES.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the obligations of the United States under Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(2) NO PRIVATE RIGHT OF ACTION.—The guidelines required by subparagraph (1), and any internal office procedures adopted pursuant thereto, are intended solely for the guidance of attorneys for the United States. This section, the guidelines required by subsection (a), and the process for determining such guidelines are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking ', or' at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting '; or'; and

(3) by inserting after subclause (II) the following:

"(III) a violation of (or a conspiracy or attempt to violate) section 1541, 1545, subsection (b) of section 1546, or subsection (b) of section 1547 of title 18, United States Code,".

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

"(iii) a violation of (or a conspiracy or attempt to violate) section 1541, 1545, 1546, or subsection (b) of section 1547 of title 18, United States Code,".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the "Program") or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2008 through 2012 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

"(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.";

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

"(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

"(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.";

(iv) in subparagraph (C), as redesignated, by striking "subparagraphs (C) and (D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(v) in subparagraph (D), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(vi) in subparagraph (E), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(F) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subsection (b)(2), by striking "a period exceeding 60 days" and inserting "any period in excess of 45 days";

(3) by amending subsection (c) to read as follows:

"(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

"(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien.

"(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) FAILURE TO COMPLY WITH AGREEMENT.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(A) ineligible for the benefits of the agreement;

"(B) subject to the penalties described in subsection (d); and

"(C) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b)";

(4) by amending subsection (d) to read as follows:

"(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) ELIGIBILITY.—

"(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (8 U.S.C. 1324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) INELIGIBILITY FOR RELIEF.—

"(1) IN GENERAL.—Unless a timely motion to reconsider under section 240(c)(6) or a timely motion to reopen under section 240(c)(7) is granted, an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in the United States not as an alien lawfully admitted for permanent residence";

(2) in subsection (g)(5)—in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in the United States not as an alien lawfully admitted for permanent residence"; and

(3) in subsection (y)—

(A) in the header, by striking "Admitted Under Nonimmigrant Visas" and inserting "not Lawfully Admitted for Permanent Residence";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).";

(C) in paragraph (2), by striking "under a nonimmigrant visa" and inserting "but not lawfully admitted for permanent residence"; and

(D) in paragraph (3)(A), by striking "admitted to the United States under a nonimmigrant visa" and inserting "lawfully admitted to the United States but not as an alien lawfully admitted for permanent residence".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, PASSPORT, AND NATURALIZATION OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

"SEC. 3291. IMMIGRATION, PASSPORT, AND NATURALIZATION OFFENSES.

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, passport, and naturalization offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

(a) Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction defined in paragraph (9) of section 7 of title 18, United States Code, except as that jurisdiction relates to the premises of United States military missions and related residences;".

(b) CONSTRUCTION.—Nothing in this section shall be construed to limit the investigative authority of any other Federal department or agency.

SEC. 216. STREAMLINED PROCESSING OF BACKGROUND CHECKS CONDUCTED FOR IMMIGRATION BENEFITS.

(a) INFORMATION SHARING; INTERAGENCY TASK FORCE.—Section 105 (8 U.S.C. 1105) is amended by adding at the end the following:

"(e) INTERAGENCY TASK FORCE.—

"(1) IN GENERAL.—The Secretary of Homeland Security and the Attorney General shall establish an interagency task force to resolve cases in which an application or petition for an immigration benefit conferred under this Act has been delayed due to an outstanding background check investigation for more than 2 years after the date on which such application or petition was initially filed.

"(2) MEMBERSHIP.—The interagency task force established under paragraph (1) shall include representatives from Federal agencies with immigration, law enforcement, or national security responsibilities under this Act.".

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Director of the Federal Bureau of Investigation such sums as are necessary for each fiscal year, 2008 through 2012 for enhancements to existing systems for conducting background and security checks necessary to support immigration security and orderly processing of applications.

(c) Report on Background and Security Checks.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the background and security checks conducted by the Federal Bureau of Investigation on behalf of United States Citizenship and Immigration Services.

(2) Content.—The report required under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) a statistical breakdown of the background and security check delays associated with different types of immigration applications;

(C) a statistical breakdown of the background and security check delays by applicant country of origin; and

(D) the steps that the Director of the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 180 days.

SEC. 217. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Reimbursement for Costs Associated With Processing Criminal Illegal Aliens.—The Secretary may reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) Authorization of Appropriations.—

(1) Processing criminal illegal aliens.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2008 through 2013 to carry out subsection (a).

(2) Compensation upon request.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2008;

"(B) $750,000,000 for fiscal year 2009;

"(C) $850,000,000 for fiscal year 2010; and

"(D) $950,000,000 for each of the fiscal years 2011 through 2013.".

(c) Technical Amendment.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 218. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS-APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) In General.—The Secretary may provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 219. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) Grants Authorized.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) Use of Funds.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 trough 2012 to carry out this section.

SEC. 220. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 221. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) In General.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following:

"If such training is provided by a State or political subdivision of a State to an officer or employee of such - State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security."; and

(2) in paragraph (4), by adding at the end the following:

"The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.".

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 222. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) Immigrants.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by amending clause (viii) to read as follows:

"(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed."; and

(2) in subparagraph (B)(i), by amending subclause (II) to read as follows:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security in the Secretary's sole and unreviewable discretion determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) Nonimmigrants.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(viii))" after "citizen of the United States" each place that phrase appears.

SEC. 223 LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) In General.—Title II (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) Transfer.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or.

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(b) Reimbursement.—

"(1) In general.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(d) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(e) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2008 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 224. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 225. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 226. EXPANSION OF THE JUSTICE PRISONER AND ALIEN TRANSFER SYSTEM.

Not later than 60 days after the date of enactment of this Act, the Attorney General shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that such System provides additional services with respect to aliens who are illegally present in the United States. Such expansion should include—

(1) increasing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats for such aliens for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such aliens to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes the number of seats that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

SEC. 227. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to the authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate or amend the sentencing guidelines, policy statements, and official commentaries related to passport fraud offenses, including the offenses described in chapter 75 of title 18, United States Code, as amended by section 208 of this Act, to reflect the serious nature of such offenses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

SEC. 228. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary";

(B) by inserting "or otherwise violated any of the terms of the nonimmigrant classification in which the alien was admitted," before "such visa"; and

(C) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

TITLE III—WORKSITE ENFORCEMENT

Sec. 301. Purposes.
Sec. 302. Unlawful Employment of Aliens.
Sec. 303. Effective Date.
Sec. 304. Disclosure of Certain Taxpayer Information to Assist in Immigration Enforcement.
Sec. 305. Increasing Security and Integrity of Social Security Cards.
Sec. 306. Increasing Security and Integrity of Identity Documents.
Sec. 307. Voluntary Advanced Verification Program to Combat Identity Theft.
Sec. 308. Responsibilities of the Social Security Administration.
Sec. 309. Immigration Enforcement Support by the Internal Revenue Service and the Social Scurity Administration.
Sec. 310. Authorization of appropriations.

TITLE III—WORKSITE ENFORCEMENT

SEC. 301. PURPOSES.

(a) To continue to prohibit the hiring, recruitment, or referral of unauthorized aliens.

(b) To require that each employer take reasonable steps to verify the identity and work authorization status of all its employees, without regard to national origin and citizenship status.

(c) To authorize the Secretary of Homeland Security to access records of other Federal agencies for the purposes of confirming identity, authenticating lawful presence and preventing identity theft and fraud related to unlawful employment.

(d) To ensure that the Commissioner of Social Security has the necessary authority to provide information to the Secretary of Homeland Security that would assist in the enforcement of the immigration laws.

(e) To authorize the Secretary of Homeland Security to confirm issuance of state identity documents, including driver's licenses, and to obtain and transmit individual photographic images held by states for identity authentication purposes.

(f) To collect information on employee hires.

(g) To electronically secure a social security number in the Employment Eligibility Verification System (EEVS) at the request of an individual who has been confirmed to be the holder of that number, and to prevent fraudulent use of the number by others.

(h) To provide for record retention of EEVS inquiries, to prevent identity fraud and employment authorization fraud.

(i) To employ fast track regulatory and procurement procedures to expedite implementation of this Title and pertinent sections of the INA for a period of two years from enactment.

(j) To establish the following:

(i) a document verification process requiring employers to inspect, copy, and retain identity and work authorization documents;

(ii) an EEVS requiring employers to obtain confirmation of an individual's identity and work authorization;

(iii) procedures for employers to register for the EEVS and to confirm work eligibility through the EEVS;

(iv) a streamlined enforcement procedure to ensure efficient adjudication of violations of this Title;

(v) a system for the imposition of civil penalties and their enforcement, remission or mitigation;

(vi) an enhancement of criminal and civil penalties;

(vii) increased coordination of information and enforcement between the Internal Revenue Service and the Department of Homeland Security regarding employers who have violations related to the employment of unauthorized aliens;

(viii) increased penalties under the Internal Revenue Code for employers who have violations relating to the employment of unauthorized aliens.

SEC. 302. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing or with reckless disregard that the alien is an unauthorized alien (as defined in subsection (b)(1)) with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual without complying with the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing or with reckless disregard that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—For purposes of this section, an employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien (as defined in subsection (b)(1)) with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A)).

"(A) By regulation, the Secretary may require, for purposes of ensuring compliance with the immigration laws, that an employer include in a written contract, subcontract, or exchange an effective and enforceable requirement that the contractor or subcontractor adhere to the immigration laws of the United States, including use of EEVS.

"(B) The Secretary may establish procedures by which an employer may obtain confirmation from the Secretary that the contractor or subcontractor has registered with the EEVS and is utilizing the EEVS to verify its employees.

"(C) The Secretary may establish such other requirements for employers using contractors or subcontractors as the Secretary deems necessary to prevent knowing violations of this paragraph.

"(4) APPLICATION TO FEDERAL GOVERNMENT.—For purposes of this section, the term "employer" includes entities in any branch of the Federal Government.

"(5) DEFENSE.—An employer that establishes that it has complied in good faith with the requirements of subsections (c)(1) through (c)(4), pertaining to document verification requirements, and subsection (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral, however:

"(A) until such time as the Secretary has required an employer to participate in the EEVS or such participation is permitted on a voluntary basis pursuant to subsection (d), a defense is established without a showing of compliance with subsection (d); and

"(B) to establish a defense, the employer must also be in compliance with any additional requirements that the Secretary may promulgate by regulation pursuant to subsections (c), (d), and (k).

"(6) An employer is presumed to have acted with knowledge or reckless disregard if the employer fails to comply with written standards, procedures or instructions issued by the Secretary. Such standards, procedures or instructions shall be objective and verifiable.

"(b) DEFINITIONS.—

"(1) DEFINITION OF UNAUTHORIZED ALIEN.—As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.

"(2) DEFINITION OF EMPLOYER.—For purposes of this section, the term "employer" means any person or entity hiring, recruiting, or referring an individual for employment in the United States.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—

"Any employer hiring, recruiting, or referring an individual for employment in the United States shall take all reasonable steps to verify that the individual is authorized to work in the United States, including the requirements of subsection (d) and the following paragraphs:

"(1) Attestation after examination of documentation.

"(A) IN GENERAL.—The employer must attest, under penalty of perjury and on a form prescribed by the Secretary, that it has verified the identity and work authorization status of the individual by examining:—

"(i) a document described in subparagraph (B); or

"(ii) a document described in subparagraph (C) and a document described in subparagraph (D).

Such attestation may be manifested by a handwritten or electronic signature. An employer has complied with the requirement of this paragraph with respect to examination of documentation if the employer has followed applicable regulations and any written procedures or instructions provided by the Secretary and if a reasonable person would conclude that the documentation is genuine and establishes the employee's identity and authorization to work, taking into account any information provided to the employer by the Secretary, including photographs.

"(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT AUTHORIZATION AND IDENTITY.—A document described in this subparagraph is an individual's—

"(i) United States passport, or passport card issued pursuant to the Secretary of State's authority under 22 U.S.C. 211a;

"(ii) permanent resident card or other document issued by the Secretary or Secretary of State to aliens authorized to work in the United States, if the document—

"(I) contains a photograph of the individual, biometric data, such as fingerprints, or such other personal identifying information relating to the individual as the Secretary finds, by regulation, sufficient for the purposes of this subsection;

"(II) is evidence of authorization for employment in the United States; and

"(III) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use; or

"(iii) temporary interim benefits card valid under section 218C(c) of the Immigration and Nationality Act, as amended by Section 602 of the Comprehensive Immigration Reform Act of 2007, bearing a photograph and an expiration date, and issued by the Secretary to aliens applying for temporary worker status under the Z-visa.

"(C) DOCUMENT ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph includes—

"(i) an individual's drivers license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States, provided that the issuing state or entity has certified to the Secretary of Homeland Security that it is in compliance with the minimum standards required under section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13) (49 U.S.C. 30301 note) and implementing regulations issued by the Secretary of Homeland Security once those requirements become effective;

"(ii) an individual's driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States which is not compliant with section 202 of the REAL ID Act of 2005 if—

"(I) the driver's license or identity card contains the individual's photograph as well as the individual's name, date of birth, gender, height, eye color and address,

"(II) the card has been approved for this purpose in accordance with timetables and procedures established by the Secretary pursuant to subsection (c)(1)(F) of this section, and

"(III) the card is presented by the individual and examined by the employer in combination with a U.S. birth certificate, or a Certificate of Naturalization, or a Certificate of Citizenship, or such other documents as may be prescribed by the Secretary,

"(iii) for individuals under 16 years of age who are unable to present a document listed in clause (i) or (ii), documentation of personal identity of such other type as the Secretary finds provides a reliable means of identification, provided it contains security features to make it resistant to tampering, counterfeiting, and fraudulent use; or

"(iv) other documentation evidencing identity as identified by the Secretary in his discretion, with notice to the public provided in the Federal Register, to be acceptable for purposes of this section, provided that the document, including any electronic security measures linked to the document, contains security features that make the document as resistant to tampering, counterfeiting, and fraudulent use as the documents listed in (B)(i), B(ii), or (C)(i).

"(D) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—The following documents may be accepted as evidence of employment authorization—

"(i) a social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the card is not valid for employment in the United States). The Secretary, in consultation with the Commissioner of Social Security, may require by publication of a notice in the Federal Register that only a social security account number card described in Section 305 of this Title be accepted for this purpose; or

"(ii) any other documentation evidencing authorization of employment in the United States which the Secretary declares, by publication in the Federal Register, to be acceptable for purposes of this section, provided that the document, including any electronic security measures linked to the document contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary finds that any document or class of documents described in subparagraph (B), (C), or (D) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary shall, with notice to the public provided in the Federal Register, prohibit or restrict the use of that document or class of documents for purposes of this subsection.

"(F) After June 1, 2013, no driver's license or state identity card may be accepted if it does not comply with the REAL ID Act of 2005. This paragraph (c)(1)(F) shall have no effect on paragraphs (c)(1)(B), (c)(1)(C)(iii), (c)(1)(C)(iv), or (c)(1)(D).

"(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—The individual must attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited, or referred for such employment. Such attestation may be manifested by either a hand-written or electronic signature.

"(3) RETENTION OF VERIFICATION FORM.—After completion of such form in accordance with paragraphs (1) and (2), the employer must retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security (or persons designated by the Secretary), the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, seven years after the date of the recruiting or referral; and

"(B) in the case of the hiring of an individual—

"(i) seven years after the date of such hiring; or

"(ii) two years after the date the individual's employment is terminated, whichever is earlier.

"(4) Copying of documentation and recordkeeping required.

"(A) Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain a paper, microfiche microfilm, or electronic copy as prescribed in paragraph (3), but only (except as otherwise permitted under law) for the purposes of complying with the requirements of this subsection. Such copies shall reflect the signatures of the employer and the employee, as well as the date of receipt.

"(B) The employer shall also maintain records of Social Security Administration correspondence regarding name and number mismatches or no-matches and the steps taken to resolve such issues.

"(C) The employer shall maintain records of all actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the alien's identity or work authorization.

"(D) The employer shall maintain such records as prescribed in this subsection. The Secretary may prescribe the manner of recordkeeping and may require that additional records be kept or that additional documents be copied and maintained. The Secretary may require that these documents be transmitted electronically, and may develop automated capabilities to request such documents.

"(5) PENALTIES.—An employer that fails to comply with any requirement of this subsection shall be penalized under subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of national identification card.

"(7) The employer shall use the procedures for document verification set forth in this paragraph for all employees without regard to national origin or citizenship status.

"(d) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

"(1) IN GENERAL.—The Secretary, in cooperation and consultation with the Secretary of State, the Commissioner of Social Security, and the states, shall implement and specify the procedures for EEVS. The participating employers shall timely register with EEVS and shall use EEVS as described in subsection (d)(5).

"(2) IMPLEMENTATION SCHEDULE.—

"(A) As of the date of enactment of this section, the Secretary in his discretion, with notice to the public provided in the Federal Register, is authorized to require any employer or industry which the Secretary determines to be part of the critical infrastructure, a federal contractor, or directly related to the national security or homeland security of the United States to participate in the EEVS. This requirement may be applied to both newly hired and current employees. The Secretary shall notify employers subject to this subparagraph 30 days prior to EEVS.

"(B) No later than 6 months after the date of enactment of this section, the Secretary shall require additional employers or industries to participate in the EEVS. This requirement shall be applied to new employees hired, and current employees subject to reverification because of expiring work authorization documentation or expiration of immigration status, on or after the date on which the requirement takes effect. The Secretary, by notice in the Federal Register, shall designate these employers or industries, in his discretion, based upon risks to critical infrastructure, national security, immigration enforcement, or homeland security needs.

"(C) No later than 18 months after the date of enactment of this section, the Secretary shall require all employers to participate in the EEVS with respect to newly hired employees and current employees subject to reverification because of expiring work authorization documentation or expiration of immigration status.

"(D) No later than three years after the date of enactment of this section, all employers shall participate in the EEVS with respect to new employees, all employees whose identity and employment authorization have not been previously verified through EEVS, and all employees in Z status who have not previously presented a secure document evidencing their Z status. The Secretary may specify earlier dates for participation in the EEVS in his discretion for some or all classes of employer or employee.

"(E) The Secretary shall create the necessary systems and processes to monitor the functioning of the EEVS, including the volume of the workflow, the speed of processing of queries, and the speed and accuracy of responses. These systems and processes shall be audited by the Government Accountability Office months after the date of enactment of this section and 24 months after the date of enactment of this section. The Government Accountability Office shall report the results of the audits to Congress.

"(3) PARTICIPATION IN EEVS.—The Secretary has the following discretionary authority to require or to permit participation in the EEVS—

"(A) To permit any employer that is not required to participate in the EEVS to do so on a voluntary basis;

"(B) To require any employer that is required to participate in the EEVS with respect to its newly hired employees also to do so with respect to its current workforce if the Secretary has reasonable cause to believe that the employer has engaged in any violation of the immigration laws.

"(4) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required under this subsection to participate in the EEVS and fails to comply with the requirements of such program with respect to an individual—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to that individual, and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) or (a)(2) of this section.

Subparagraph (B) shall not apply in any prosecution under subsection 274A(f)(1).

"(5) PROCEDURES FOR PARTICIPANTS IN THE EEVS.—

"(A) IN GENERAL.—An employer participating in the EEVS must register in the EEVS and conform to the following procedures in the event of hiring, recruiting, or referring any individual for employment in the United States:

"(i) REGISTRATION OF EMPLOYERS.—The Secretary, through notice in the Federal Register, shall prescribe procedures that employers must follow to register in the EEVS. In prescribing these procedures the Secretary shall have authority to require employers to provide:

"(I) employer's name;

"(II) employer's Employment Identification Number (EIN);

"(III) company address;

"(IV) name, position and social security number of the employer's employees accessing the EEVS; and

"(V) such other information as the Secretary deems necessary to ensure proper use and security of the EEVS.

The Secretary shall require employers to undergo such training as the Secretary deems necessary to ensure proper use and security of the EEVS. To the extent practicable, such training shall be made available electronically.

"(ii) PROVISION OF ADDITIONAL INFORMATION.—The employer shall obtain from the individual (and the individual shall provide) and shall record in such manner as the Secretary may specify:—

"(I) an individual's social security account number,

"(II) if the individual does not attest to United States nationality under subsection (c)(2) of this section, such identification or authorization number established by the Department of Homeland Security as the Secretary of Homeland Security shall specify, and

"(III) such other information as the Secretary may require to determine the identity and work authorization of an employee.

"(iii) PRESENTATION OF DOCUMENTATION.—The employer, and the individual whose identity and employment eligibility are being confirmed, shall fulfill the requirements of subsection (c) of this section.

“(iv) PRESENTATION OF BIOMETRICS.—Employers who are enrolled in the Voluntary Advanced Verification Program to Combat Identity Theft under section 307 of this title shall, in addition to documentary evidence of identity and work eligibility, electronically provide the fingerprints of the individual to the Department of Homeland Security.

“(B) SEEKING CONFIRMATION.—

“(i) The employer shall use the EEVS to provide to the Secretary all required information in order to obtain confirmation of the identity and employment eligibility of any individual no earlier than the date of hire and no later than on the first day of employment (or recruitment or referral, as the case may be). An employer may not, however, make the starting date of an individual's employment contingent on the receipt of confirmation of the identity and employment eligibility.

“(ii) For reverification of an employee with a limited period of work authorization (including Z card holder), all required verification procedures must be complete on the date the employee's work authorization expires.

“(iii) For initial verification of an employee hired before the employer is subject to the employment eligibility verification system, all required procedures must be complete on such date as the Secretary shall specify in accordance with subparagraph (d)(2)(D).

“(iv) The Secretary shall provide, and the employer shall utilize, as part of EEVS, a method of communicating notices and requests for information or action on the part of the employer with respect to expiring work authorization or status and other matters. Additionally, the Secretary shall provide a method of notifying employers of a confirmation, nonconfirmation or a notice that further action is required (“further action notice”). The employer shall communicate to the individual that is the subject of the verification all information provided to the employer by the EEVS for communication to the individual.

“(C) CONFIRMATION OR NONCONFIRMATION.—

“(i) INITIAL RESPONSE.—The verification system shall provide a confirmation, nonconfirmation, or a further action notice of an individual's identity and employment eligibility at the time of the inquiry, unless for technological reasons or due to unforeseen circumstances, the EEVS is unable to provide such confirmation or further action notice. In such situations, the system shall provide confirmation or further action notice within 3 business days of the initial inquiry. If providing confirmation or further action notice, the EEVS shall provide an appropriate code indicating such confirmation or such further action notice.

“(ii) CONFIRMATION UPON INITIAL INQUIRY.—When the employer receives an appropriate confirmation of an individual's identity and work eligibility under the EEVS, the employer shall record the confirmation in such manner as the Secretary may specify.

“(iii) FURTHER ACTION NOTICE UPON INITIAL INQUIRY AND SECONDARY VERIFICATION.—

“(I) FURTHER ACTION NOTICE.—If the employer receives a further action notice of an individual's identity or work eligibility under the EEVS, the employer shall inform the individual without delay for whom the confirmation is sought of the further action notice and any procedures specified by the Secretary for addressing the further action notice. The employee must acknowledge in writing the receipt of the further action notice from the employer.

“(II) CONTEST.—Within ten business days from the date of notification to the employee, the employee must contact the appropriate agency to contest the further action notice and, if the Secretary so requires, appear in person at the appropriate Federal or state agency for purposes of verifying the individual's identity and employment authorization. The Secretary, in consultation with the Commissioner of Social Security and other appropriate Federal and State agencies, shall specify an available secondary verification procedure to confirm the validity of information provided and to provide a final confirmation or nonconfirmation. An individual contesting a further action notice must attest under penalty of perjury to his identity and employment authorization.

“(III) NO CONTEST.—If the individual does not contest the further action notice within the period specified in subparagraph (5)(C)(iii)(II), a final nonconfirmation shall issue. The employer shall then record the nonconfirmation in such manner as the Secretary may specify.

“(IV) FINALITY.—The EEVS shall provide a final confirmation or nonconfirmation within 10 business days from the date of the employee's contesting of the further action notice. As long as the employee is taking the steps required by the Secretary and the agency that the employee has contacted to resolve a further action notice, the Secretary shall extend the period of investigation until the secondary verification procedure allows the Secretary to provide final confirmation or nonconfirmation. If the employee fails to take the steps required by the Secretary and the appropriate agency, a final nonconfirmation may be issued to that employee.

“(V) RE-EXAMINATION.—Nothing in this section shall prevent the Secretary from reexamining a case where a final confirmation has been provided if subsequently received information indicates that the individual may not be work authorized.

In no case shall an employer terminate employment of an individual solely because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final and the period to timely file an administrative appeal has passed, and in the case where an administrative appeal has been denied, the period to timely file a petition for judicial review has passed. When final confirmation or nonconfirmation is provided, the confirmation system shall provide an appropriate code indicating such confirmation or nonconfirmation. An individual's failure to contest a further action notice shall not be considered an admission of guilt with respect to any violation of this section or any provision of law.

“(D) CONSEQUENCES OF NONCONFIRMATION.—

“(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate employment (or recruitment or referral) of the individual, unless the individual files an administrative appeal of a final nonconfirmation notice under paragraph (7) within the time period prescribed in that paragraph and the Secretary or the Commissioner stays the final nonconfirmation notice pending the resolution of the administrative appeal.

“(ii) CONTINUED EMPLOYMENT AFTER FINAL NONCONFIRMATION.—If the employer continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation (unless the individual filed an administrative appeal of a final nonconfirmation notice under paragraph (7) within the time period prescribed in that paragraph and the Secretary of the Commissioner stayed the final nonconfirmation notice pending the resolution of the administrative appeal), a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2) of this section. The previous sentence shall not apply in any prosecution under subsection (f)(1) of this section.

“(E) OBLIGATION TO RESPOND TO QUERIES AND ADDITIONAL INFORMATION.—

“(i) Employers are required to comply with requests from the Secretary through EEVS for information, including queries concerning current and former employees that relate to the functioning of the EEVS, the accuracy of the responses provided by the EEVS, and any suspected fraud or identity theft in the use of the EEVS. Failure to comply with such a request is a violation of section (a)(1)(B).

“(ii) Individuals being verified through EEVS may be required to take further action to address irregularities identified in the documents relied upon for purposes of employment verification. The employer shall communicate to the individual any such requirement for further actions and shall record the date and manner of such communication. The individual must acknowledge in writing the receipt of this communication from the employer. Failure to communicate such a requirement is a violation of section (a)(1)(B).

“(iii) The Secretary is authorized, with notice to the public provided in the Federal Register, to implement, clarify, and supplement the requirements of this paragraph, in order to facilitate the functioning of the EEVS or to prevent fraud or identity theft in the use of the EEVS.

“(F) IMPERMISSIBLE USE OF THE EEVS.—

“(i) An employer may not use the EEVS to verify an individual prior to extending to the individual an offer of employment.

“(ii) An employer may not require an individual to verify the individual's own employment eligibility through the EEVS as a condition of extending to that individual an offer of employment. Nothing in this paragraph shall be construed to prevent an employer from encouraging an employee or a prospective employee from verifying the employee's or a prospective employee's own employment eligibility prior to obtaining employment pursuant to paragraph (5)(H).

“(iii) An employer may not terminate an individual's employment solely because that individual has been issued a further action notice.

“(iv) An employer may not take the following actions solely because an individual has been issued a further action notice:

“(I) reduce salary, bonuses or other compensation due to the employee;

“(II) suspend the employee without pay;

“(III) reduce the hours that the employee is required to work if such reduction is accompanied by a reduction in salary, bonuses or other compensation due to the employee, except that, with the agreement of the employee, an employer may provide an employee with reasonable time off without pay in order to contest and resolve the further action notice received by the employee; or

“(IV) deny the employee the training necessary to perform the employment duties for which the employee has been hired.

“(v) An employer may not, in the course of utilizing the procedures for document verification set forth in subsection (c), require that a prospective employee present additional documents or different documents than those prescribed under that subsection.

"(vi) The Secretary of Homeland Security shall develop the necessary policies and procedures to monitor employers' use of the EEVS and their compliance with the requirements set forth in this section. Employers are required to comply with requests from the Secretary for information related to any monitoring, audit or investigation undertaken pursuant to this subparagraph.

"(vii) The Secretary of Homeland Security, in consultation with the Secretary of Labor, shall establish and maintain a process by which any employee (or any prospective employee who would otherwise have been hired) who has reason to believe that an employer has violated subparagraphs (i)–(v) may file a complaint against the employer.

"(viii) Any employer found to have violated subparagraphs (i)–(v) shall pay civil penalty of up to $10,000 for each violation.

"(ix) This paragraph is not intended to, and does not, create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does it create any right of review in a judicial proceeding.

"(x) No later than 3 months after the date of enactment of this section, the Secretary of Homeland Security, in cooperation with the Secretary of Labor and the Administrator of the Small Business Administration, shall conduct a campaign to disseminate information respecting the rights and remedies prescribed under this section. Such campaign shall be aimed at increasing the knowledge of employers, employees, and the general public concerning employer and employee rights, responsibilities and remedies under this section.

"(I) In order to carry out the campaign under this paragraph, the Secretary of Homeland Security may, to the extent deemed appropriate and subject to the availability of appropriations, contract with public and private organizations for outreach activities under the campaign.

"(II) There are authorized to be appropriated to carry out this paragraph $40,000,000 for each fiscal year 2007 through 2009.

"(G) Based on a regular review of the EEVS and the document verification procedures to identify fraudulent use and to assess the security of the documents being used to establish identity or employment authorization, the Secretary in consultation with the Commissioner of Social Security may modify by Notice published in the Federal Register the documents that must be presented to the employer, the information that must be provided to EEVS by the employer, and the procedures that must be followed by employers with respect to any aspect of the EEVS if the Secretary in his discretion concludes that the modification is necessary to ensure that EEVS accurately and reliably determines the work authorization of employees while providing protection against fraud and identity theft.

"(H) Subject to appropriate safeguards to prevent misuse of the system, the Secretary in consultation with the Commissioner of Social Security, shall establish secure procedures to permit an individual who seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the EEVS.

"(6) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE CONFIRMATION SYSTEM.—No employer participating in the EEVS shall be liable under any law for any employment-related action taken with respect to the employee in good faith reliance on information provided through the confirmation system.

"(7) ADMINISTRATIVE REVIEW.—

"(A) IN GENERAL.—An individual who receives a final nonconfirmation notice may, not later than 15 days after the date that such notice is received, file an administrative appeal of such final notice. An individual who did not timely contest a further action notice may not avail himself of this paragraph. Unless the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, specifies otherwise, all administrative appeals shall be filed as follows:

"(i) NATIONALS OF THE UNITED STATES.—An individual claiming to be a national of the United States shall file the administrative appeal with the Commissioner.

"(ii) ALIENS.—An individual claiming to be an alien authorized to work in the United States shall file the administrative appeal with the Secretary.

"(B) REVIEW FOR ERROR.—The Secretary and the Commissioner shall each develop procedures for resolving administrative appeals regarding final nonconfirmations based upon the information that the individual has provided, including any additional evidence that was not previously considered. Appeals shall be resolved within 30 days after the individual has submitted all evidence relevant to the appeal. The Secretary and the Commissioner may, on a case by case basis for good cause, extend this period in order to ensure accurate resolution of an appeal before him. Administrative review under this paragraph (7) shall be limited to whether the final nonconfirmation notice is supported by the weight of the evidence.

"(C) ADMINISTRATIVE RELIEF.—The relief available under this paragraph (7) is limited to an administrative order upholding, reversing, modifying, amending, or setting aside the final nonconfirmation notice. The Secretary or the Commissioner shall stay the final nonconfirmation notice pending the resolution of the administrative appeal unless the Secretary or the Commissioner determines that the administrative appeal is frivolous, unlikely to succeed on the merits, or filed for purposes of delay and terminates the stay.

"(D) DAMAGES, FEES AND COSTS.—No money damages, fees or costs may be awarded in the administrative review process, and no court shall have jurisdiction to award any damages, fees or costs relating to such administrative review under the Equal Access to Justice Act or any other law.

"(8) JUDICIAL REVIEW.—

"(A) EXCLUSIVE PROCEDURE.—Notwithstanding any other provision of law (statutory or nonstatutory) including sections 1361 and 1651 of title 28, no court shall have jurisdiction to consider any claim against the United States, or any of its agencies, officers, or employees, challenging or otherwise relating to a final nonconfirmation notice or to the EEVS, except as specifically provided by this paragraph. Judicial review of a final nonconfirmation notice is governed only by chapter 158 of title 28, except as provided below.

"(B) REQUIREMENTS FOR REVIEW OF A FINAL NONCONFIRMATION NOTICE.—With respect to review of a final nonconfirmation notice under subsection (a), the following requirements apply:

"(i) DEADLINE.—The petition for review must be filed no later than 30 days after the date of the completion of the administrative appeal.

"(ii) VENUE AND FORMS.—The petition for review shall be filed with the United States Court of Appeals for the judicial circuit wherein the petitioner resided when the final nonconfirmation notice was issued. The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

"(iii) SERVICE.—The respondent is either the Secretary of Homeland Security or the Commissioner of Social Security, but not both, depending upon who issued (or affirmed) the final nonconfirmation notice. In addition to serving the respondent, the petitioner must also serve the Attorney General.

"(iv) PETITIONER'S BRIEF.—The petitioner shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the respondent, and the court may not extend these deadlines, except for good cause shown. If a petitioner fails to file a brief within the time provided in this paragraph, the court shall dismiss the appeal unless a manifest injustice would result. The court of appeals may set an expedited briefing schedule.

"(v) SCOPE AND STANDARD FOR REVIEW.—The court of appeals shall decide the petition only on the administrative record on which the final nonconfirmation order is based. The burden shall be on the petitioner to show that the final nonconfirmation decision was arbitrary, capricious, not supported by substantial evidence, or otherwise not in accordance with law. Administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.

"(vi) STAY.—The court of appeals shall stay the final nonconfirmation notice pending its decision on the petition for review unless the court determines that the petition for review is frivolous, unlikely to succeed on the merits, or filed for purposes of delay,

"(C) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—A court may review a final nonconfirmation order only if—

"(1) the petitioner has exhausted all administrative remedies available to the alien as of right, and

"(2) another court has not decided the validity of the order, unless the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

"(D) LIMIT ON INJUNCTIVE RELIEF.—Regardless of the nature of the action or claim or of the identity of the party or parties bringing the action, no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions in this section, other than with respect to the application of such provisions to an individual petitioner.

"(9) MANAGEMENT OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

"(A) IN GENERAL.—The Secretary is authorized to establish, manage and modify an EEVS that shall—

"(i) respond to inquiries made by participating employers at any time through the internet concerning an individual's identity and whether the individual is authorized to be employed;

"(ii) maintain records of the inquiries that were made, of confirmations provided (or not provided), and of the codes provided to employers as evidence of their compliance with their obligations under the EEVS; and

"(iii) provide information to, and request action by, employers and individuals using the system, including notifying employers of the expiration or other relevant change in an employee's employment authorization, and directing an employer to convey to the employee a request to contact the appropriate Federal or State agency.

"(B) DESIGN AND OPERATION OF SYSTEM.—The EEVS shall be designed and operated—

"(i) to maximize its reliability and ease of use by employers consistent with insulating and protecting the privacy and security of the underlying information;

"(ii) to respond accurately to all inquiries made by employers on whether individuals are authorized to be employed and to register any times when the system is unable to receive inquiries;

"(iii) to maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

(iv) to allow for auditing use of the system to detect fraud and identity theft, and to preserve the security of the information in all of the system, including but not limited to the following:

"(I) to develop and use algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

"(II) to develop and use algorithms to detect misuse of the system by employers and employees;

"(III) to develop capabilities to detect anomalies in the use of the system that may indicate potential fraud or misuse of the system; and

"(IV) to audit documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees;

"(v) to confirm identity and work authorization through verification of records maintained by the Secretary, other federal departments, states, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States, as determined necessary by the Secretary, including:

"(I) records maintained by the Social Security Administration as specified in (D);

"(II) birth and death records maintained by vital statistics agencies of any state or other United States jurisdiction;

"(III) passport and visa records (including photographs) maintained by the United States Department of State; and

"(IV) State driver's license or identity card information (including photographs) maintained by State department of motor vehicles; and

"(vi) to confirm electronically the issuance of the employment authorization or identity document and to display the digital photograph that the issuer placed on the document so that the employer can compare the photograph displayed to the photograph on the document presented by the employee. If in exceptional cases a photograph is not available from the issuer, the Secretary shall specify a temporary alternative procedure for confirming the authenticity of the document.

"(C) The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the EEVS and the efficiency, accuracy, and security of the EEVS.

"(D) ACCESS TO INFORMATION.—

"(i) Notwithstanding any other provision of law, the Secretary of Homeland Security shall have access to relevant records described at paragraph (9)(8)(v), for the purposes of preventing identity theft and fraud in the use of the EEVS and enforcing the provisions of this section governing employment verification. State or other non-federal jurisdiction that does not provide such access shall not be eligible for any grant or other program of financial assistance administered by the Secretary.

"(ii) The Secretary, in consultation with the Commissioner of Social Security and other appropriate Federal and State agencies, shall develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the records accessed pursuant to this paragraph and subparagraph (d)(5)(E)(i). The Secretary, in consultation with the Commissioner and other appropriate Federal and State agencies, shall develop and deploy appropriate privacy and security training for the Federal and State employees accessing the records pursuant to this paragraph and subparagraph (d)(5)(E)(i).

"(iii) The Chief Privacy Officer of the Department of Homeland Security shall conduct regular privacy audits of the policies and procedures established under subparagraph (9)(D)(ii), including any collection, use, dissemination, and maintenance of personally identifiable information and any associated information technology systems, as well as scope of requests for this information. The Chief Privacy Officer shall review the results of the audits and recommend to the Secretary and the Privacy and Civil Liberties Oversight Board any changes necessary to improve the privacy protections of the program.

"(E) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

"(i) As part of the EEVS, the Secretary shall establish reliable, secure method, which, operating through the EEVS and within the time periods specified, compares the name, alien identification or authorization number, or other relevant information provided in an inquiry against such information maintained or accessed by the Secretary in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and number, whether the alien is authorized to be employed in the United States (or, to the extent that the Secretary determines to be feasible and appropriate, whether the Secretary's records verify United States citizenship), and such other information as the Secretary may prescribe.

"(ii) As part of the EEVS, the Secretary shall establish reliable, secure method, which, operating through the EEVS, displays the digital photograph described in paragraph (d)(9)(B)(vi).

"(iii) The Secretary shall have authority to prescribe when a confirmation, nonconfirmation or further action notice shall be issued.

"(iv) The Secretary shall perform regular audits under the EEVS, as described in paragraph (d)(9)(B)(iv) of this section and shall utilize the information obtained from such audits, as well as any information obtained from the Commissioner of Social Security pursuant to section 304 of the Comprehensive Immigration Act of 2007, for the purposes of this title and of immigration enforcement in general.

"(v) The Secretary shall make appropriate arrangements to allow employers who are otherwise unable to access the EEVS to use federal government facilities or public facilities in order to utilize the EEVS.

"(F) RESPONSIBILITIES OF THE SECRETARY OF STATE.—As part of the EEVS, the Secretary of State shall provide to the Secretary access to passport and visa information as needed to confirm that passport or passport card presented under section (c)(1)(B) belongs to the subject of the EEVS check, or that passport or visa photograph matches an individual;

"(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretaries of Homeland Security and State shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

"(10) LIMITATION ON USE OF THE EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this subsection for any purpose other than for the enforcement and administration of the immigration laws, anti-terrorism laws, or for enforcement of Federal criminal law related to the functions of the EEVS, including prohibitions on forgery, fraud and identity theft.

"(11) UNAUTHORIZED USE OR DISCLOSURE OF INFORMATION.—Any employee of the Department of Homeland Security or another Federal or State agency who knowingly uses or discloses the information assembled under this subsection for a purpose other than one authorized under this section shall pay a civil penalty of $5,000–$50,000 for each violation.

"(12) CONFORMING AMENDMENT.—Public Law 104-208, Div. C, Title IV, Subtitle A, sections 401–05 are repealed, provided that nothing in this subsection shall be construed to limit the authority of the Secretary to allow or continue to allow the participation of Basic Pilot employers in the EEVS established by this subsection.

"(13) FUNDS.—In addition to any appropriated funds, the Secretary is authorized to use funds provided in sections 286(m) and (n), for the maintenance and operation of the EEVS. EEVS shall be considered an immigration adjudication service for purposes of sections 286(m) and (n).

"(14) The employer shall use the procedures for EEVS specified in this section for all employees without regard to national origin or citizenship status.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary of Homeland Security shall establish procedures—

"(A) for individuals and entities to file complaints respecting potential violations of subsection (a) or (g)(1);

"(B) for the investigation of those complaints which the Secretary deems it appropriate to investigate; and

"(C) for the investigation of such other violations of subsection (a) or (g)(1) as the Secretary determines to be appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and hearings under this subsection—

"(A) immigration officers shall have reasonable access to examine evidence of any employer being investigated; and

"(B) immigration officers designated by the Secretary may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection. In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph, the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as a contempt thereof. Failure to cooperate with such subpoena shall be subject to further penalties, including but not limited to further fines and the voiding of any mitigation of penalties or termination of proceedings under subsection (e)(3)(B).

"(3) COMPLIANCE PROCEDURES.—

"(A) PRE-PENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a civil violation of this section or the requirements of this section, including but not limited to subsections (b), (c), (d) and (k), and determines that further proceedings are warranted, the Secretary shall issue to the employer concerned a written notice of the Department's intention to issue a claim for a monetary or other penalty. Such pre-penalty notice shall:

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) disclose the material facts which establish the alleged violation; and

"(iv) inform such employer that he or she shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—Whenever any employer receives a written pre-penalty notice of a fine or other penalty in accordance with subparagraph (A), the employer may file, within 15 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary. If the Secretary finds that such fine, penalty, or forfeiture was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate the same upon such terms and conditions as the Secretary deems reasonable and just, or order termination of any proceedings relating thereto. Such mitigating circumstances may include, but need not be limited to, good faith compliance and participation in, or agreement to participate in, the EEVS, if not otherwise required.

This subparagraph shall not apply to an employer that has or is engaged in a pattern or practice of violations of subsection (a)(1)(A), (a)(1)(6), or (a)(2) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations, if any, offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based. If the Secretary determines that there was a violation, the Secretary shall issue the final determination with a written penalty claim. The penalty claim shall specify all charges in the information provided under clauses (i) through (iii) of subparagraph (A) and any mitigation or remission of the penalty that the Secretary deems appropriate.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of subsection (a)(1)(A) or (a)(2) shall:

"(i) pay a civil penalty of $5,000 for each unauthorized alien with respect to which each violation of either subsection (a)(1)(A) or (a)(2) occurred;

"(ii) if an employer has previously been fined under subsection (e)(4)(A), pay a civil penalty of $10,000 for each unauthorized alien with respect to which a violation of either subsection (a)(1)(A) or (a)(2) occurred; and

"(iii) if an employer has previously been fined more than once under subsection (e)(4), pay a civil penalty of $25,000 for each unauthorized alien with respect to which a violation of either subsection has occurred. This penalty shall apply, in addition to any penalties previously assessed, to employers who fail to comply with a previously issued and final order under this section.

"(iv) if an employer has previously been fined more than twice under subsection (e)(4)(A), pay a civil penalty of $75,000 for each alien with respect to which a violation of either subsection (a)(1) or (a)(2) occurred

"(v) In addition to any penalties previously assessed an employer who fails to comply with a previously issued and final order under this section shall be fined $75,000 for each violation.

"(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with any requirement of subsection (b), (c), and (d), shall pay a civil penalty as follows:

"(i) pay a civil penalty of $1,000 for each violation;

"(ii) if an employer has previously been fined under subsection (e)(4)(6), pay a civil penalty of $2,000 for each violation; and

"(iii) if an employer has previously been fined more than once under subsection (e)(4), pay a civil penalty of $5,000 for each violation. This penalty shall apply, in addition to any penalties previously assessed, to employers who fail to comply with a previously issued and final order under this section.

"(iv) if an employer has previously been fined more than twice under subsection (e)(4)(B), pay a civil penalty of $15,000 for each violation.

"(v) In addition to any penalties previously assessed, an employer who fails to comply. with a previously issued and final order under this section shall be fined $15,000 for each violation.

"(C) OTHER PENALTIES.—The Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the remedy provided by paragraph (g)(2). All penalties in this section may be adjusted every four years to account for inflation as provided by law.

"(D) The Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including, but not limited to, the employer's hiring volume, compliance history, good-faith implementation of a compliance program, participation in temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

"(5) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that it is in compliance with this section, or has instituted a program to come into compliance. Within 60 days of receiving a notice from the Secretary requiring such a certification, the employer's chief executive officer or similar official with responsibility for, and authority to bind the company on, all hiring and immigration compliance notices shall certify under penalty of perjury that the employer is in conformance with the requirements of subsections (c)(1) through (c)(4), pertaining to document verification requirements, and with subsection (d), pertaining to the EEVS (once that system is implemented according to the requirements of (d)(1)), and with any additional requirements that the Secretary may promulgate by regulation pursuant to subsections (c), (d), and (k), or that the employer has instituted a program to come into compliance with these requirements. At the request of the employer, the Secretary may extend the 60-day deadline for good cause. The Secretary is authorized to publish in the Federal Register standards or methods for such certification, require specific recordkeeping practices with respect to such certifications, and audit the records thereof at any time. This authority shall not be construed to diminish or qualify any other penalty provided by this section.

"(6) JUDICIAL REVIEW.—

"(A) Notwithstanding any other provision of law (statutory or nonstatutory) including sections 1361 and 1651 of title 28, no court shall have jurisdiction to consider a final determination or penalty claim issued under subparagraph (3)(C), except as specifically provided by this paragraph. Judicial review of a final determination under paragraph (e)(4) is governed only by chapter 158 of title 28, except as specifically provided below. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The Secretary is authorized to require that petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

(B) REQUIREMENTS FOR REVIEW OF A FINAL DETERMINATION.—With respect to judicial review of a final determination or penalty claim issued under subparagraph (3)(C), the following requirements apply:

(i) DEADLINE.—The petition for review must be filed no later than 30 days after the date of the final determination or penalty claim issued under subparagraph (3)(C).

(ii) VENUE AND FORMS.—The petition for review shall be filed with the court of appeals for the judicial circuit wherein the employer resided when the final determination or penalty claim was issued. The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

(iii) SERVICE.—The respondent is either the Secretary of Homeland Security or the Commissioner of Social Security, but not both, depending upon who issued (or affirmed) the final nonconfirmation notice. In addition to serving the respondent, the petitioner must also serve the Attorney General.

(iv) PETITIONER'S BRIEF.—The petitioner shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the respondent, and the court may not extend these deadlines, except for good cause shown. If a petitioner fails to file a brief within the time provided in this paragraph, the court shall dismiss the appeal unless a manifest injustice would result.

(v) SCOPE AND STANDARD FOR REVIEW.—The court of appeals shall decide the petition only on the administrative record on which the final determination is based. The burden shall be on the petitioner to show that the final determination was arbitrary, capricious, not supported by substantial evidence, or otherwise not in accordance with law. Administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.

"(C) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—A court may review a final determination under subparagraph (3)(C) only if—

(1) the petitioner has exhausted all administrative remedies available to the petitioner as of right, and

(2) another court has not decided the validity of the order, unless the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

"(D) LIMIT ON INJUNCTIVE RELIEF.—Regardless of the nature of the action or claim or of the identity of the party or parties bringing the action, no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions in this section, other than with respect to the application of such provisions to an individual petitioner.

"(7) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (6), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

"(8) LIENS.—

"(A) CREATION OF LIEN.—If any employer liable for a fee or penalty under this section neglects or refuses to pay such liability and fails to file a petition for review (if applicable) as provided in paragraph 6 of this subsection, such liability is a lien in favor of the United States on all property and rights to property of such person as if the liability of such person were a liability for a tax assessed under the Internal Revenue Code of 1986. If a petition for review is filed as provided in paragraph 6 of this subsection, the lien (if any) shall arise upon the entry of a final judgment by the court. The lien continues for 20 years or until the liability is satisfied, remitted, set aside, or is terminated.

"(B) EFFECT OF FILING NOTICE OF LIEN.—Upon filing of a notice of lien in the manner in which a notice of tax lien would be filed under section 6323(f)(1) and (2) of the Internal Revenue Code of 1986, the lien shall be valid against any purchaser, holder of a security interest, mechanic's lien or judgment lien creditor, except with respect to properties or transactions specified in subsection (b), (c), or (d) of section 6323 of the Internal Revenue Code of 1986 for which a notice of tax lien properly filed on the same date would not be valid. The notice of lien shall be considered a notice of lien for taxes payable to the United States for the purpose of any State or local law providing for the filing of a notice of a tax lien. A notice of lien that is registered, recorded, docketed, or indexed in accordance with the rules and requirements relating to judgments of the courts of the State where the notice of lien is registered, recorded, docketed, or indexed shall be considered for all purposes as the filing prescribed by this section. The provisions of section 3201(e) of chapter 176 of title 28 shall apply to liens filed as prescribed by this section.

"(C) ENFORCEMENT OF A LIEN.—A lien obtained through this process shall be considered a debt as defined by 28 U.S.C. §3002 and enforceable pursuant to the Federal Debt Collection Procedures Act.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—Any employer which engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $75,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than six months for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—Whenever the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(h) GOVERNMENT CONTRACTS.

"(1) EMPLOYERS.—Whenever an employer who does not hold Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of up to two years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment. The Administrator of General Services, in consultation with the Secretary and Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) CONTRACTORS AND RECIPIENTS.—Whenever an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of up to two years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of up to two years. After consideration of the views of agencies holding contracts, grants or cooperative agreements with the employer, the Secretary may, in lieu of proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of up to two years, waive operation of this subsection, limit the duration or scope of the proposed debarment, or may refer to an appropriate lead agency the decision of whether to seek debarment of the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

"(3) Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(4) Inadvertent violations of recordkeeping or verification requirements, in the absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection;

"(i) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law that requires the use of the EEVS in fashion that conflicts with federal policies, procedures or timetables, or that imposes civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for fee for employment, unauthorized aliens.

"(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the general fund of the Treasury.

"(k) NO MATCH NOTICE.—

"(1) For the purpose of this subsection, no match notice is written notice from the Social Security Administration (SSA) to an employer reporting earnings on Form W-2 that employees' names or corresponding social security account numbers fail to match SSA records. The Secretary, in consultation with the Commissioner of the Social Security Administration, is authorized to establish by regulation requirements for verifying the identity and work authorization of employees who are the subject of no-match notices. The Secretary shall establish by regulation a reasonable period during which an employer must allow an employee who is subject to a no-match notice to resolve the no match notice with no adverse employment consequences to the employee. The Secretary may also establish penalties for noncompliance by regulation.

"(l) CHALLENGES TO VALIDITY—

"(1) IN GENERAL.—Any right, benefit, or claim not otherwise waived or limited pursuant to this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(A) whether this section, or any regulation issued to implement this section, violates the Constitution of the United States; or

"(B) whether such regulation issued by or under the authority of the Secretary to implement this section, is contrary to applicable provisions of this section or was issued in violation of title 5, chapter 5, United States Code.

"(2) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph must be filed no later than 90 days after the date the challenged section or regulation described in clause (i) or (ii) of subparagraph (A) is first implemented.

"(3) CLASS ACTIONS.—The court may not certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action under this section.

"(4) RULE OF CONSTRUCTION.—In determining whether the Secretary's interpretation regarding any provision of this section is contrary to law, a court shall accord to such interpretation the maximum deference permissible under the Constitution.

"(5) NO ATTORNEYS' FEES.—Notwithstanding any other provision of law, the court shall not award fees or other expenses to any person or entity based upon any action relating to this Title brought pursuant to this section (1)."

SEC. 303. EFFECTIVE DATE.

This title shall become effective on the date of enactment.

SEC. 304. DISCLOSURE OF CERTAIN TAXPAYER INFORMATION TO ASSIST IN IMMIGRATION ENFORCEMENT.

(a) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

"(A) IN GENERAL.—From taxpayer identity information or other information which has been disclosed or otherwise made available to the Social Security Administration and upon written request by the Secretary of Homeland Security (in this paragraph referred to as the 'Secretary'), the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security—

"(i) the taxpayer identity information of each person who has filed an information return required by reason of section 6051 after calendar year 2005 and before the date specified in subparagraph (D) which contains—

"(I) 1 (or any greater number the Secretary shall request) taxpayer identifying number, name, and address of any employee (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

"(II) 2 (or any greater number the Secretary shall request) names, and addresses of employees (within the meaning of such section), with the same taxpayer identifying number, and the taxpayer identity of each such employee, and

"(ii) the taxpayer identity of each person who has filed an information return required by reason of section 6051 after calendar year 2005 and before the date specified in subparagraph (D) which contains the taxpayer' identifying number (assigned under section 6109) of an employee (within the meaning of section 6051)—

"(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

"(II) whose date of death, according to the records so maintained, occurred in calendar year preceding the calendar year for which the information return was filed,

"(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year, or

"(IV) who is not authorized to work in the United States, according to the records maintained by the Commissioner of Social Security,

and the taxpayer identity and date of birth of each such employee.

"(B) REIMBURSEMENT.—The Secretary shall transfer to the Commissioner the funds necessary to cover the additional cost directly incurred by the Commissioner in carrying out the searches or manipulations requested by the Secretary."

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstandingany other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information. to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than years in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

"The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement,",

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (1)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)"; and

(ii) by striking "or (20)" each place it appears and inserting"(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)",

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as are necessary to carry out the amendments made by this section.

(c) REPEAL OF REPORTING REQUIREMENTS.—

(1) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 of the Immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(2) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1360 note) is repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to disclosures made after the date of the enactment of this Act.

(2) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a)(2), shall be made with respect to calendar year 2007.

(3) REPEALS.—The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 305. INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.

(a) FRAUD-RESISTANT, TAMPER-RESISTANT AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—

(A) PRELIMINARY WORK.—Not later than 180 days after the date of enactment of this title, the Commissioner of Social Security shall begin work to administer and issue—fraud-resistant, tamper-resistant Social Security cards.

(B) COMPLETION.—Not later than two years after the date of enactment of this title, the Commissioner of Social Security shall only issue fraud-resistant, tamper-resistant and wear-resistant Social Security cards.

(2) AMENDMENT.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended to read—

"(i) The Commissioner of Social Security shall issue a social security card to each individual at the time of the issuance of a social security account number to such individual. The social security card shall be fraud-resistant, tamper-resistant and wear-resistant."

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(4) Report on Feasibility of Including Biometrics.—Within 180 days of enactment, the Commissioner of Social Security shall provide to Congress a report on the utility, costs and feasibility of including a photograph and other biometric information on the Social Security Card.

(b) Multiple Cards.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is further amended by adding at the end the following:

"(ii) The Commissioner of Social Security shall not issue a replacement Social Security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate."

SEC. 306. INCREASING SECURITY AND INTEGRITY OF IDENTITY DOCUMENTS

(a) Purpose.—The Secretary of Homeland Security, shall establish the State Records Improvement Grant Program (referred to in this section as the 'Program'), under which the Secretary may award grants to States for the purpose of advancing the purposes of this Act and of issuing or implementing plans to issue driver's license and identity cards that can be used for purposes of verifying identity under this Title and that comply with the state license requirements in section 202 of the REAL 10 Act of 2005 (division B of Public Law 109-13; 49 U.S.C. 30301 note).

(b) States that do not certify their intent to comply with the REAL ID Act and implementing regulations or that do not submit a compliance plan acceptable to the Secretary are not eligible for grants under the Program. Driver's license or identification cards issued by States that do not comply with REAL ID may not be used to verify identity under this Title except under conditions approved by the Secretary.

(c) Grants and Contracts Authorized.—

(1) In general.—The Secretary is authorized to award grants, subject to the availability of appropriations, to a State to provide assistance to such State agency to meet the deadlines for the issuance of a driver's license which meets the requirements of section 202 of the REAL 10 Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

(2) Duration.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) Competitive basis.—The Secretary shall give priority to States whose REAL ID implementation plan is compatible with the employment verification systems, processes, and implementation schedules set forth in Section 302, as determined by the Secretary. Minimum standards for compatibility will include the ability of the State to promptly verify the document and provide access to the digital photograph displayed on the document.

(4) Where the Secretary of Homeland Security determines that compliance with REAL ID and with the requirements of the employment verification system can best be met by awarding grants or contracts to a State, a group of States, a government agency, or a private entity, the Secretary may utilize Program funds to award such a grant, grants, contract or contracts.

(5) On an expedited basis, the Secretary shall award grants or contracts for the purpose of improving the accuracy and electronic availability of states' records of births, deaths, driver's licenses, and of other records necessary for implementation of EEVS and as otherwise necessary to advance the purposes of this Act.

(d) Use of Funds.—Grants or contracts awarded pursuant to the Program may be used to assist State compliance with the REAL ID requirements, including, but not limited to—

(1) upgrade and maintain technology

(2) obtain equipment;

(3) hire additional personnel;

(4) cover operational costs, including overtime; and

(5) such other resources as are available to assist that agency.

(e) Application.—

(1) In general.—Each eligible state seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(f) Conditions.—All grants under the Program shall be conditioned on the recipient providing REAL ID compliance certification and implementation plans acceptable to the Secretary which include—

(1) adopting appropriate security measures to protect against improper issuance of driver's licenses and identity cards, tampering with electronic issuance systems, and identity theft as the Secretary may prescribe;

(2) ensuring introduction and maintenance of such security features and other measures necessary to make the documents issued by recipient resistant to tampering, counterfeiting, and fraudulent use as the Secretary may prescribe; and

(3) ensuring implementation and maintenance of such safeguards for the security of the information contained on these documents as the Secretary may prescribe.

All grants shall also be conditioned on the recipient agreeing to adhere to the timetables and procedures for issuing REAL ID driver's licenses and identification cards as specified in section 274A(c)(1)(F).

All grants shall further be conditioned on the recipient agreeing to implement the requirements of this Act and any implementing regulations to the satisfaction of the Secretary of Homeland Security.

(g) Authorization of Appropriations in General.—There is authorized to be appropriated $300,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(h) Supplement Not Supplant.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

(i) Additional Uses.—Amounts authorized under this section may also be used to assist in sharing of law enforcement information between States and the Department of Homeland Security for purposes of implementing Section 602(c), at the discretion of the Secretary.

SEC. 307. VOLUNTARY ADVANCED VERIFICATION PROGRAM TO COMBAT IDENTITY THEFT.

(a) Voluntary Advanced Verification Program.—The Secretary shall establish and make available a voluntary program allowing employers to submit and verify an employee's fingerprints for purposes of determining the identity and work authorization of the employee.

(1) Implementation date.—No later than 18 months after the date of enactment of this Act, the Secretary shall implement the voluntary advanced verification program and make it available to employers willing to volunteer in the program.

(2) Voluntary participation.—The fingerprint verification program is voluntary; employers are not required to participate in it.

(b) Limited Retention Period for Fingerprints.—

(1) The Secretary shall only maintain fingerprint records of U.S. Citizen that were submitted by an employer through the EEVS for 10 business days, upon which such records shall be purged from any EEVS-related system unless the fingerprints have been ordered to be retained for purposes of a fraud or similar investigation by a government agency with criminal or other investigative authority.

(2) Exception: For purposes of preventing identity theft or other harm, a U.S. Citizen employee may request in writing that his fingerprint records be retained for employee verification purposes by the Secretary. In such instances of written consent, the Secretary may retain such fingerprint records until notified in writing by the U.S. Citizen of his withdrawal of consent, at which time the Secretary must purge such fingerprint records within 10 business days unless the fingerprints have been ordered to be retained for purposes of a fraud or similar investigation by government agency with an independent criminal or other investigative authority.

(c) Limited Use of Fingerprints Submitted for Program.—The Secretary and the employer may use any fingerprints taken from the employee and transmitted for querying the EEVS solely for the purposes of verifying identity and employment eligibility during the employee verification process. Such transmitted fingerprints may not be used for any other purpose. This provision does not alter any other provisions regarding the use of non-fingerprint information in the EEVS.

(d) Safeguarding of Fingerprint Information.—The Secretary, subject to specifications and limitations set forth under this section and other relevant provisions of this Act, shall be responsible for safely and securely maintaining and storing all fingerprints submitted under this program.

SEC. 308. RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.

Section 205(c)(12) of the Social Security Act, 42 U.S.C. 405(c)(2), is amended by adding at the end the following new subparagraphs:

"(I) Responsibilities of the Commissioner of Social Security.—

"(i) As part of the verification system, the Commissioner of Social Security shall, subject to the provisions of section 274A(d) of the Immigration and Nationality Act, establish reliable, secure method that, operating through the EEVS and within the time periods specified in section 274A(d) of the Immigration and Nationality Act:

"(1) compares the name, social security account number and available citizenship information provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided regarding an individual whose identity and employment eligibility must be confirmed;

"(2) the correspondence of the name, number, and any other identifying information;

"(3) whether the name and number belong to an individual who is deceased;

"(4) whether an individual is a national of the United States (when available); and

"(5) whether the individual has presented social security account number that is not valid for employment.

The EEVS shall not disclose or release social security information to employers through the confirmation system (other than such confirmation or nonconfirmation).

"(ii) SOCIAL SECURITY ADMINISTRATION DATABASE IMPROVEMENTS.—For purposes of preventing identity theft, protecting employees, and reducing burden on employers, and notwithstanding section 6103 of title 26, United States Code, the Commissioner of Social Security in consultation with the Secretary, shall review the Social Security Administration databases and information technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or death records of the social security accounts and social security account holders likely to contribute to fraudulent use of documents, or identity theft, or to affect the proper functioning of the EEVS and shall correct any identified errors. The Commissioner shall ensure that a system for identifying and correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration's databases.

"(iii) NOTIFICATION TO 'FREEZE' USE OF SOCIAL SECURITY NUMBER.—The Commissioner of Social Security in consultation with the Secretary of Homeland Security, shall establish a secure process whereby an individual can request that the Commissioner preclude any confirmation under the EEVS based on that individual's Social Security number until it is reactivated by that individual."

SEC. 309. IMMIGRATION ENFORCEMENT SUPPORT BY THE INTERNAL REVENUE SERVICE AND THE SOCIAL SECURITY ADMINISTRATION.

(a) TIGHTENING REQUIREMENTS FOR THE PROVISION OF SOCIAL SECURITY NUMBERS ON FORM W-2 WAGE AND TAX STATEMENTS.—

Section 6724 of the Internal Revenue Code of 1986 (relating to waiver; definitions and special rules) is amended by adding at the end the following new subsection:

"(f) Special rules with respect to social security numbers on withholding exemption certificates.

"(1) Reasonable cause waiver not to apply. Subsection (a) shall not apply with respect to the social security account number of an employee furnished under section 6051 (a)(2).

"(2) EXCEPTION.—"(A) IN GENERAL.—Except as provided in subparagraph (B), [*paragraph (1)*] shall not apply in any case in which the employer—

"(i) receives confirmation that the discrepancy described in section 205(c)(2)(I) of the Social Security Act has been resolved, or

"(ii) corrects a clerical error made by the employer with respect to the social security account number of an employee within 60 days after notification under section 205(c)(2)(1) of the Social Security Act that the social security account number contained in wage records provided to the Social Security Administration by the employer with respect to the employee does not match the social security account number of the employee contained in relevant records otherwise maintained by the Social Security Administration.

"(B) Exception not applicable to frequent offenders. Subparagraph (A) shall not apply—

"(i) in any case in which not less than 50 of the statements required to be made by an employer pursuant to section 6051 either fail to include an employee's social security account number or include an incorrect social security account number, or

"(ii) with respect to any employer who has received written notification under section 205(c)(2)(1) of the Social Security Act during each of the 3 preceding taxable years that the social security account numbers in the wage records provided to the Social Security Administration by such employer with respect to 10 more employees do not match relevant records otherwise maintained by the Social Security Administration."

(b) ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, shall establish a unit within the Criminal Investigation office of the Internal Revenue Service to investigate violations of the Internal Revenue Code of 1986 related to the employment of individuals who are not authorized to work in the United States.

(2) SPECIAL AGENTS; SUPPORT STAFF.—The Secretary of the Treasury shall assign to the unit a minimum of 10 full-time special agents and necessary support staff and is authorized to employ up to 200 full time special agents for this unit based on investigative requirements and work load.

(3) REPORTS.—During each of the first 5 calendar years beginning after the establishment of such unit and biennially thereafter, the unit shall transmit to Congress a report that describes its activities and includes the number of investigations and cases referred for prosecution.

(c) INCREASE IN PENALTY ON EMPLOYER FAILING TO FILE CORRECT INFORMATION RETURNS.—Section 6721 of such Code (relating to failure to file correct information returns) is amended as follows—

(1) in subsection (a)(1)—

(A) by striking "$50" and inserting "$200", and

(B) by striking "$250,000" and inserting "$1,000,000",

(2) in subsection (b)(1)(A), by striking "$15 in lieu of $50" and inserting "$60 in lieu of $200",

(3) in subsection (b)(1)(B), by striking "$75,000" and inserting "$300,000",

(4) in subsection (b)(2)(A), by striking "$30 in lieu of $50" and inserting "$120 in lieu of $200",

(5) in subsection (b)(2)(B), by striking "$150,000" and inserting "$600,000",

(6) in subsection (d)(A) in paragraph (1)—

(i) by striking "'$100,000' for '$250,000'" and inserting "'$400,000' for '$1,000,000'" in subparagraph (A),

(ii) by striking "'$25,000' for '$75,000'" and inserting "'$100,000' for '$300,000'" in subparagraph (B), and

(iii) by striking "'$50,000' for '$150,000'" and inserting "'$200,000' for '$600,000'" in subparagraph (C),

(B) in paragraph (2)(A), by striking "$5,000,000" and inserting "$2,000,000", and

(C) in the heading, by striking "$5,000,000" and inserting "$2,000,000",

(7) in subsection (e)(2)—

(A) by striking "$100" and inserting "$400",

(B) by striking "$25,000" and inserting "$100,000" in subparagraph (C)(i), and

(C) by striking "$100,000" and inserting "$400,000" in subparagraph (C)(ii), and

(8) in subsection (e)(3)(A), by striking "$250,000" and inserting "$1,000,000".

(d) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall apply to failures occurring after December 31, 2006.

SEC. 310. AUTHORIZATION OF APPROPRIATIONS

(a) There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out the provisions of this Act, and the amendments made by this Act, including the following appropriations:

(1) In each of the five years beginning on the date of the enactment of this Act, the appropriations necessary to increase to a level not less than 4500 the number of personnel of the Department of Homeland Security assigned exclusively or principally to an office or offices dedicated to monitoring and enforcing compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c), including compliance with the requirements of the EEVS. These personnel shall perform the following compliance and monitoring activities:

(A) verify Employment Identification Numbers of employers participating in the EEVS;

(B) verify compliance of employers participating in the EEVS with the requirements for participation that are prescribed by the Secretary;

(C) monitor the EEVS for multiple uses of Social Security Numbers and any immigration identification numbers for evidence that could indicate identity theft or fraud;

(D) monitor the EEVS to identify discriminatory practices;

(E) monitor the EEVS to identify employers who are not using the system properly, including employers who fail to make appropriate records with respect to their queries and any notices of confirmation, nonconfirmation, or further action;

(F) identify instances where employees allege that an employer violated their privacy rights;

(G) analyze and audit the use of the EEVS and the data obtained through the EEVS to identify fraud trends, including fraud trends across industries, geographical areas, or employer size;

(H) analyze and audit the use of the EEVS and the data obtained through the EEVS to develop compliance tools as necessary to respond to changing patterns of fraud;

(I) provide employers with additional training and other information on the proper use of the EEVS;

(J) perform threshold evaluation of cases for referral to the U.S. Immigration and Customs Enforcement and to liaise with the U.S. Immigration and Customs Enforcement with respect to these referrals;

(K) any other compliance and monitoring activities that, in the Secretary's judgment, are necessary to ensure the functioning of the EEVS;

(L) investigate identity theft and fraud detected through the EEVS and undertake the necessary enforcement actions;

(M) investigate use of fraudulent documents or access to fraudulent documents through local facilitation and undertake the necessary enforcement actions;

(N) provide support to the U.S. Citizenship and Immigration Services with respect to the evaluation of cases for referral to the U.S. Immigration and Customs Enforcement;

(O) perform any other investigations that, in the Secretary's judgment, are necessary to ensure the functioning of the EEVS, and undertake any enforcement actions necessary as a result of these investigations.

(2) The appropriations necessary to acquire, install and maintain technological equipment necessary to support the functioning of the EEVS and the connectivity between U.S. Citizenship and Immigration Services and the U.S. Immigration and Customs Enforcement with respect to the sharing of information to support the EEVS and related immigration enforcement actions.

(b) There are authorized to be appropriated to Commissioner of Social Security such sums as may be necessary to carry out the provisions of this Act, including Section 308 of this Act.

TITLE IV—NEW TEMPORARY WORKER PROGRAM

SUBTITLE A—SEASONAL NON-AGRICULTURAL AND YEARROUND NONIMMIGRANT TEMPORARY WORKERS

SEC. 401. NONIMMIGRANT TEMPORARY WORKER.

(a) In General.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (H)—

(A) by striking subclause (ii)(b);

(B) by striking 'or (iii)' and inserting "(iii)");

(C) by striking and the alien spouse' and inserting or

(iv) the alien spouse';

(2) by striking 'or' at the end of subparagraph (U);

(3) by striking the period at the end of subparagraph (V) and inserting semi-colon; and

(4) by inserting at the end the following new subparagraphs—

"(W) [Reserved];

"(X) [Reserved]; or

"(Y) subject to section 218A, an alien having a residence in a foreign country which the alien has no intention of abandoning and who is coming temporarily to the United States—

"(i) to perform temporary labor or services other than the labor or services described in clause (i)(b), (i)(b1), (i)(c), or (iii) of subparagraph of (H), subparagraph (D), (E), (I), (L), (O), (P), or (R), or section 214(e) (if United States workers who are able, willing, and qualified to perform such labor or services cannot be found in the United States);

(ii) to perform seasonal non-agricultural labor or services; or

"(iii) as the spouse or child of an alien described in clause (i) or (ii) of this subparagraph."

(b) References.—All references in the immigration laws as amended by this Title to section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act shall be considered reference to both that section of the Act and to section 101(a)(15)(Y)(ii) of the Act.

(c) Effective Date.—The effective date of the amendment made by subparagraph (1)(A) of subsection (a) shall be the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act.

SEC. 402. ADMISSION OF NONIMMIGRANT WORKERS.

(a) New Workers—Chapter 2 of title II of the Act (8 U.S.C. 1181 et seq.) is amended by striking section 218 and inserting the following:

"SEC. 218A. ADMISSION OF NONIMMIGRANTS.

"(a) Application Procedures.—

"(1) Labor certification.—The Secretary of Labor shall prescribe by regulation the procedures for a United States employer to obtain a labor certification of a job opportunity under the terms set forth in section 218B.

"(2) Petition.—The Secretary of Homeland Security shall prescribe by regulation the procedures for a United States employer to petition to the Secretary of Homeland Security for authorization to employ an alien as a Y nonimmigrant worker and violance for such authorization under the terms set forth in subsection (c).

(3)Y Nonimmigrant Visa.—The Secretary of State and the Secretary of Homeland Security, as appropriate, shall prescribe by regulation the procedures for an alien to apply for a Y nonimmigrant visa and the evidence required to demonstrate eligibility for such visa under the terms set forth in subsection (e).

"(4) Regulations.—The regulations referenced in paragraphs (1), (2), and (3) shall describe, at a minimum—

"(A) the procedures for collection and verification of biometric data from an alien seeking a Y nonimmigrant visa or admission in Y nonimmigrant status; and

"(B) the procedure and standards for validating an employment arrangement between a United States employer and an alien seeking a visa or admission described in (A).

"(b) Application for Certification of a Job Opportunity Offered to Y Nonimmigrant Workers.—An employer desiring to employ a Y nonimmigrant worker shall, with respect to a specific opening that the employer seeks to fill with such a Y nonimmigrant, submit an application for labor certification of the job opportunity filed in accordance with the procedures established by section 218B.

"(c) Petition to Employ Nonimmigrant Workers.—

"(1) In general.—An employer that seeks authorization to employ a Y nonimmigrant worker must file a petition with the Secretary of Homeland Security. The petition must be accompanied by—

"(A) evidence that the employer has obtained certification under section 218B from the Secretary of Labor for the position sought to be filled by a Y nonimmigrant worker and that such certification remains valid;

"(B) evidence that the job offer was and remains valid;

"(C) the name and other biographical information of the alien beneficiary and any accompanying spouse or child; and

"(D) any biometrics from the beneficiary that the Secretary of Homeland Security may require by regulation.

"(2) Timing of filing.—

"(A) In general.—A petition under this subsection must be filed with the Secretary of Homeland Security within 180 days of the date of certification under section 218B by the Secretary of Labor of the job opportunity.

"(B) Expiration of certification.—If a labor certification is not filed in support of petition under this subsection with the Secretary of Homeland Security within 180 days of the date of certification by the Secretary of Labor, then the certification expires and may not support a Y nonimmigrant petition or be the basis for nonimmigrant visa issuance.

"(3) Ability to request documentation.—The Secretary of Homeland Security may request information to verify the attestations the employer made during the labor certification process, and any other fact relevant to the adjudication of the petition.

"(4) Adjudication of petition.—

"(A) Post-adjudication action.—After review of the petition, if the Secretary—

"(i) is satisfied that the petition meets all of the requirements of paragraph (1), and any other requirements the Secretary has prescribed in regulations, he may approve the petition and by fax, cable, electronic, or any other means assuring expedited delivery—

"(I) transmit copy of the notice of action on the petition to the petitioner; and

"(II) in the case of approved petitions, transmit notice of the approval to the Secretry of State;

"(ii) finds that the employer is not eligible or that the petition is otherwise not approvable, the Secretary may—

"(I) deny the petition without seeking additional evidence and inform the petitioner—

"(aa) that the petition was denied and the reason for the denial;

"(bb) of any available process for administrative appeal of the decision; and

."(cc) that the denial is without prejudice to the filing of any subsequent petitions, except as provided in section 218B(e)(4);

"(II) issue a request for documentation of the attestations or any other information or evidence that is material to the petition; or

"(III) audit, investigate or otherwise review the petition in such manner as he may determine and refer evidence of fraud to appropriate law enforcement agencies based on the audit information.

(B) Validity of approved petition.—An approved petition shall have the same period of validity as the certification described in subsection (c)(1)(A) and expire on the same date that the certification expires, except that the Secretary of Homeland Security may terminate in his discretion an approved petition—

"(i) when he determines that any material fact, including, but not limited to the proffered wage rate, the geographic location of employment, or the duties of the position, has changed in way that would invalidate the recruitment actions; or

"(ii) when he or the Secretary of Labor makes a finding of fraud or misrepresentation concerning the facts on the petition or any other representation made by the employer before the Secretary of Labor or Secretary of Homeland Security.

"(C) Administrative review.—The Secretary of Homeland Security shall authorize a single level of administrative review with the United States Citizenship and Immigration Services Administrative Appeals Office of a petition denial or termination.

"(d) Authorization To Grant Y Nonimmigrant Visa—

(1) In general.—Consular officer may grant a single-entry temporary visa to a Y nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b), (i)(b1), (i)(c), or (iii) of section 101(a)(15)(H), subparagraph (D), (E), (I), (L), (O), (P), or (R) of section 101(a)(15), or section 214(e) (if United States workers who are able, willing, and qualified to perform such labor or services cannot be found in the United States).

"(2) Applicants from Canada.—Notwithstanding any waivers of the visa requirement under section 212(a)(7)(B)(i)(II), a national of Canada seeking admission as a Y nonimmigrant will be inadmissible if not in possession of—

"(I) a valid Y nonimmigrant visa; or

(II) documentation of a nonimmigrant status, as described in subsection (m).

"(e) Requirements for Admission.—An alien shall be eligible for nonimmigrant status if the alien meets the following requirements:

"(1) Eligibility to work.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation described in section 101(a)(15)(Y)(i) or (Y)(ii).

"(2) Evidence of employment offer.—The alien's evidence of employment shall be provided in accordance with the requirements issued by the Secretary of State, in consultation with the Secretary of Labor. In carrying out this paragraph, the Secretary may consider evidence from employers, employer associations, and labor representatives.

"(3) Fees.—

"(A) Processing fees.—An alien making an application for a Y nonimmigrant visa shall be required to pay, in addition to any fees charged by the Department of State for processing and adjudicating such visa application, a processing fee in an amount sufficient to recover the full cost to the Secretary of Homeland Security of administrative and other expenses associated with processing the alien's participation in the Y nonimmigrant program, including the costs of production of documentation of evidence under subsection (m).

"(B) State impact fee.—Aliens making an application for a Y-1 nonimmigrant visa shall pay a state impact fee of $500 and an additional $250 for each dependent accompanying or following to join the alien, not to exceed $1500 per family.

"(C) Deposit and spending of fees.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286(m) and (n).

"(D) Deposit and disposition of state impact assistance funds.—The funds described in subparagraph (B) shall be deposited and remain available as provided by section 286(x).

"(E) Construction.—Nothing in this paragraph shall be construed to affect consular procedures for collection of machine-readable visa fees or reciprocal fees for the issuance of the visa.

"(4) Medical examination.—The alien shall undergo a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice.

"(5) Application content and waiver.—

"(A) Application form.—The alien shall submit to the Secretary of State a completed application, which contains evidence that the requirements under paragraphs (1) and (2) have been met.

"(B) Content.—In addition to any other information that the Secretary requires to determine an alien's eligibility for Y nonimmigrant status, the Secretary of State shall require an alien to provide information concerning the alien's—

"(i) physical and mental health;

"(ii) criminal history, including all arrests and dispositions, and gang membership;

"(iii) immigration history; and

"(iv) involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government.

"(C) Knowledge.—The alien shall include with the application submitted under this paragraph a signed certification in which the alien certifies that—

"(i) the alien has read and understands all of the questions and statements on the application form;

"(ii) the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct; and

"(iii) the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(6) Must not be ineligible.—The alien must not fall within a class of aliens ineligible for nonimmigrant status listed under subsection (h).

"(7) Must not be inadmissible.—The alien must not be inadmissible as a nonimmigrant to the United States under section 212, except as provided in subsection (f).

"(8) Spouse or child of nonimmigrant.—An alien seeking admission as a derivative Y-3 nonimmigrant must demonstrate, in addition to satisfaction of the requirements of paragraphs (2) through (6)—

"(A) that the annual wage of the principal Y nonimmigrant paid by the principal nonimmigrant's U.S. employer, combined with the annual wage of the principal Y nonimmigrant's spouse where the Y-3 nonimmigrant is a child and the Y nonimmigrant's spouse is a member of the principal Y nonimmigrant's household, is equal to or greater than 150 percent of the U.S. poverty level for a household size equal in size to that of the principal alien (including all dependents, family members supported by the principal alien, and the spouse or child seeking to accompany or join the principal alien), as determined by the Secretary of Health and Human Services for the fiscal year in which the spouse or child's application for a nonimmigrant visa is filed; and

"(B) that the alien's cost of medical care is covered by medical insurance, valid in the United States, carried by the principal Y nonimmigrant alien, the principal Y nonimmigrant's spouse (where the Y-3 nonimmigrant is a child), or the principal Y nonimmigrant alien's employer.

(f) Grounds of Inadmissibility.—

(1) Waived grounds of inadmissibility.—In determining an alien's admissibility as Y nonimmigrant, such alien shall be found to be inadmissible if the alien would be subject to the grounds of inadmissibility under section 601(d)(2).

(2) Waiver.—The Secretary may in his discretion waive the application of any provision of section 212(a) of the Act not listed in paragraph (2) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

(3) Construction.—Nothing in this subsection shall be construed as affecting the authority of the Secretary otherthan under this paragraph to waive the provisions of section 212(a).

(g) Background Checks.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking Y nonimmigrant visa or status unless all appropriate background checks have been completed to the satisfaction of the Secretaries of State and Homeland Security.

(h) Grounds of Ineligibility.—

(1) In general.—An alien is ineligible for Y nonimmigrant visa or Y nonimmigrant status if the alien is described in section 601(d)(1)(A), (D), (E), (F), or (G) of the [insert Title of Act].

(2) Ineligibility of derivative Y-3 nonimmigrants.—An alien is ineligible for Y-3 nonimmigrant status if the principal nonimmigrant is ineligible under paragraph (1).

(3) Applicability to grounds of inadmissibility.—Nothing in this subsection shall be construed to limit the applicability of any ground of inadmissibility under section 212.

(i) Period of Authorized Admission.—

(1) In general.—Aliens admitted to the United States as nonimmigrants shall be granted the following periods of admission:

(A) Y-1 nonimmigrants.—Except as provided in (2), aliens -granted admission as Y-1 nonimmigrants shall be granted an authorized period of admission of two years. Subject to paragraph (4), such two-year period of admission may be extended for two additional two-year periods.

(B) Y-2B nonimmigrants.—Aliens granted admission as Y-2B nonimmigrants shall be granted an authorized period of admission of 10 months.

(2) Y-1 nonimmigrants with Y-3 dependents.—A Y-1 nonimmigrant who has accompanying or following-to-join derivative family members in Y-3 nonimmigrant status shall be limited to two two-year periods of admission. If the family members accompany the Y-1 nonimmigrant during the alien's first period of admission the family members may not accompany or join the Y-1 nonimmigrant during the alien's second period of admission. If the Y-1 nonimmigrant's family members accompany or follow to join the Y-1 nonimmigrant during the alien's second period of admission, but not his first period of admission, then the Y-1 nonimmigrant shall not be granted any additional periods of admission in nonimmigrant status. The period of authorized admission of Y-3 nonimmigrant shall expire on the same date as the period of authorized admission of the principal Y-1 nonimmigrant worker.

"(3) Supplementary periods.—

(Each period of authorized admission described in paragraph (1) shall be supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and, except where such period of authorized admission has been terminated under subsection (j), a period of 14 days following the period of employment for the purpose of departure or extension based onsubsequent offer of employment, except that—

(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

(B) the total period of employment, including such 14-day period, may not exceed the maximum applicable period of admission under paragraph (1).

(4) Extensions of the period of admission.—

(A) In general.—The periods of authorized admission described in paragraph (1) may not, except as provided in subparagraph (C)(2) of paragraph (1), be extended beyond the maximum period of admission set forth in that paragraph.

(B) Extension of Y–1 nonimmigrant status.—Y–1 nonimmigrant described in paragraph (1)(A) who has spent 24 months in the United States in Y-1 nonimmigrant status may not seek extension or be readmitted to the United States asY-1 nonimmigrant unless the alien has resided and been physically present outside the United States for the immediate prior 12 months.

(5) Limitation on admission.—

(A) Y-1 nonimmigrants.—An alien who has been admitted to the United States in Y-1 nonimmigrant status for a period of two years under paragraph (1)(B), or as the Y-3 nonimmigrant spouse or child of such Y-1 nonimmigrant, may not be readmitted to the United States as Y-1 or Y-3 nonimmigrant after expiration of such period of authorized admission, regardless of whether the alien was employed or present in the United States for all or part of such period.

(B) Y–2B nonimmigrants.—An alien who has been admitted to the United States in Y-2B nonimmigrant status may not, after expiration of the alien's period of authorized admission, be readmitted to the United States as Y nonimmigrant after expiration of the alien's period of authorized admission, regardless of whether the alien was employed or present in the United States for all or only part of such period, unless the alien has resided and been physically present outside the United States for the immediately preceding two months.

(C) Readmission with new employment.—Nothing in this paragraph shall be construed to prevent Y nonimmigrant, whose period of authorized admission has not yet expired or been terminated under subsection (j), and who leaves the United States in a timely fashion after completion of the employment described in the petition of the nonimmigrant's most recent employer, from reentering the United States asY nonimmigrant to work fornew employer, if the alien and the new employer have complied with all applicable requirements of this section and section 218B.

(6) INTERNATIONAL COMMUTERS.—An alien who maintains actual residence and place of abode outside the United States and commutes, on days the alien is working, into the United States to work as Y-1 nonimmigrant, shall be granted an authorized period of admission of three years. The limitations described in paragraphs (3) and (4) shall not apply to commuters described in this paragraph.

“(j) TERMINATION.—

(1) IN GENERAL.—The period of authorized admission of a Y nonimmigrant shall terminate immediately if:

(A) the Secretary of Homeland Security determines that the alien was not eligible for such Y nonimmigrant status at the time of visa application or admission;

(B) (i) the alien commits an act that makes the alien removable from the United States 2317;

(ii) the alien becomes inadmissible under section 212 (except as provided in subsection (f)); or

(iii) the alien becomes ineligible under subsection (h);

(C) the alien uses the documentation of his or her Y nonimmigrant status issued under subsection (m) for unlawful or fraudulent purposes;

“(D) subject to paragraph (2), the alien is unemployed within the United States for—

(i) 60 or more consecutive days;

“(ii) in the case of a Y–1 nonimmigrant, an aggregate period of 120 days, provided that the alien's 14-day period to lawfully depart the United States shall not be considered to begin until the date that the alien has been provided notice of the termination; or

“(iii) in the case of a Y–2B nonimmigrant, an aggregate period of 30 days, provided that the alien's 14-day period to lawfully depart the United States shall not be considered to begin until the date that the alien has been provided notice of the termination;

“or;

“(E) the alien is a Y–3 nonimmigrant whose spouse or parent in Y–1 nonimmigrant status is an alien described in subparagraphs (A), (B), (C), or (D).

“(2) EXCEPTION.—The period of authorized admission of a Y nonimmigrant shall not terminate for unemployment under subparagraph (1)(D) if the alien submits documentation to the Secretary of Homeland Security that establishes that such unemployment was caused by—

“(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien:

“(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by employer policy, State law, or Federal law; or

“(C) any other period of temporary unemployment that is the direct result of a force majeure event.

“(3) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under paragraph (1) shall be required to leave the United States immediately and register such departure at a designated port of departure in a manner to be prescribed by the Secretary.

“(4) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (m) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

“(k) VISITS OUTSIDE THE UNITED STATES.—

“(A) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a Y nonimmigrant—

“(i) may travel outside of the United States; and

“(ii) may be readmitted for a period not more than the remaining time left until the alien accrues the maximum period of admission set forth in subsection (i), and without having to obtain a new visa if:

“(A) the period of authorized admission has not expired or been terminated;

“(B) the alien is the bearer of valid documentary evidence of Y nonimmigrant status that satisfies the conditions set forth in subsection (m); and

“(C) the alien is not subject to the bars on extension or admission described in subsection (l).

“(B) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (A) shall not extend the most recent period of authorized admission in the United States.

“(l) BARS TO EXTENSION OR ADMISSION.—An alien may not be granted Y nonimmigrant status if—

“(A) the alien has violated any material term or condition of such status granted previously, including failure to comply with the change of address reporting requirements under section 265;

“(B) the alien is inadmissible as a nonimmigrant, except for those grounds previously waived under subsection (f); or

“(C) the granting of such status would allow the alien to exceed limitations on stay in the United States in Y status described in subsection (i).

“(m) EVIDENCE OF NONIMMIGRANT STATUS.—Each Y nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

“(1) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

“(2) shall, during the alien's authorized period of admission under subsection (i), serve as a valid entry document for the purpose of applying for admission to the United States—

“(A) instead of a passport and visa if the alien—

“(i) is a national of a foreign territory contiguous to the United States; and

“(ii) is applying for admission at a land border port of entry; and

“(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

“(3) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

“(4) shall be issued to the Y nonimmigrant by the Secretary of Homeland Security promptly after such alien's admission to the United States as a nonimmigrant and reporting to the employer's worksite under subsection (q) or, at the discretion of the Secretary of Homeland Security, may be issued by the Secretary of State at consulate instead of a visa.

“(n) PERMANENT BARS FOR OVERSTAYS.—

“(1) IN GENERAL.—Any Y nonimmigrant who remains beyond his or her initial authorized period of admission is permanently barred from any future benefits under the immigration laws, except—

“(A) asylum under section 208(a);

“(B) withholding of removal, under section 241(b)(3); or

“(C) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(2) EXCEPTION.—Overstay of the authorized period of admission may be excused in the discretion of the Secretary where it is demonstrated that:

“(A) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

“(B) the alien has not otherwise violated his Y nonimmigrant status.

“(o) PENALTY FOR ILLEGAL ENTRY OR OVERSTAY.—

“(1) ILLEGAL ENTRY.—Any alien who after the date of the enactment of this section, unlawfully enters, attempts to enter, or crosses the border, and is physically present in the United States after such date in violation of the immigration laws, is barred permanently from any future benefits under the immigration laws, except as provided in paragraph (3) or (4).

“(2) OVERSTAY.—Any alien, other than a Y nonimmigrant, who, after the date of the enactment of this section remains unlawfully in the United States beyond the period of authorized admission, is barred for a period of ten years from any future benefits under the immigration laws, except as provided in paragraph (3) or (4).

“(3) RELIEF.—Notwithstanding the bar in paragraph (1) or (2), an alien may apply for—

“(A) asylum under section 208(a);

(B) withholding of removal under section 241(b)(3); or

“(C) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(4) EXCEPTION.—Overstay of the authorized period of admission may be excused in the discretion of the Secretary where it is demonstrated that:

“(A) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

“(B) the alien has not otherwise violated his nonimmigrant status.

“(p) PORTABILITY.—A Y nonimmigrant worker, who was previously issued a visa or otherwise provided Y nonimmigrant status, may accept a new offer of employment with a subsequent employer, if—

“(1) the position being offered the Y nonimmigrant has been certified by the Secretary of Labor under section 218B and the employer complies with all requirements of this section and section 218B;

“(2) the alien, after lawful admission to the United States, did not work without authorization; and

“(3) the subsequent employer has notified the Secretary of Homeland Security under subsection (q) of the Y nonimmigrant's change of employment.

“(q) REPORTING OF START AND TERMINATION OF EMPLOYMENT.—

"(1) START OF Y WORKER EMPLOYMENT.—A Y nonimmigrant shall report in the manner prescribed by the Secretary of Homeland Security to the employer whose job offer was the basis for issuance of the alien's Y nonimmigrant visa within 7 days of admission into the United States.

"(2) EMPLOYER NOTIFICATION REQUIREMENT.—An employer shall within three days make notification in the manner prescribed by the Secretary of Homeland Security, of the following events:

"(A) a Y nonimmigrant worker has reported for work pursuant to paragraph (1) after admission in Y nonimmigrant status;

"(B) a Y nonimmigrant worker has changed jobs under subsection (r) and started employment with the employer;

"(C) the employment of a Y nonimmigrant worker has terminated; or

"(D) a Y nonimmigrant worker on whose behalf the employer has filed a petition under this subsection that has been approved by the Secretary of Homeland Security has failed to report for work within three days of the employment start date agreed upon between the employer and the Y nonimmigrant.

"(3) VERIFICATION.—An employer shall provide upon request of the Secretary of Homeland Security verification that an alien who has been granted admission as a Y nonimmigrant worker was or continues to be employed by the employer.

"(4) FINE.—Any employer that fails to comply with the notification requirements of this subsection shall pay to the Secretary of Homeland Security a fine, in an amount and under procedures established by the Secretary in regulation.

"(r) NO THREATENING OF EMPLOYEES.—It shall be a violation of this section for an employer who has filed a petition under this section to threaten the alien beneficiary of such petition with the withdrawal of such petition in retaliation for the beneficiary's exercise of a right protected by section 218B.

"(s) CHANGE OF STATUS.—

"(1) IN GENERAL.—

"(A) A Y nonimmigrant may apply to change status to another nonimmigrant status, subject to section 248 and if otherwise eligible.

"(B) No alien admitted to the United States under the immigration laws in a classification other than Y nonimmigrant status may change status to Y nonimmigrant status.

"(C) An alien in Y nonimmigrant status may not change status to any other Y nonimmigrant status.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an alien who is precluded from changing status to a particular Y nonimmigrant classification under subparagraphs (1)(B), (C), or (D) from leaving the United States and applying at a U.S. consulate for the desired nonimmigrant visa, subject to all applicable eligibility requirements; in the appropriate Y classification

"(t) VISITATION OF Y NONIMMIGRANT BY SPOUSE OR CHILD OF WITHOUT A Y-3 NONIMMIGRANT VISA.—Nothing in this section shall be construed to prohibit the spouse or child of a Y nonimmigrant worker to be admitted to the United States under any other existing legal basis for which the spouse or child may qualify.

"(u) CHANGE OF ADDRESS.—A Y nonimmigrant shall comply with the change of address reporting requirements under section 265 through electronic or paper notification."

(b) Conforming Amendment Regarding Creation of Treasury Accounts.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by inserting at the end the following new subsections.—

"(w) TEMPORARY WORKER PROGRAM ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Temporary Worker Program Account". Notwithstanding any other section of this Act, there shall be deposited into the account all fines and civil penalties collected under sections 218A, 218B, or 218F and Title VI of [name of Act], except as specifically provided otherwise in such sections.

"(2) USE OF FUNDS.—Amounts deposited into the Temporary Worker Program Account shall remain available until expended as follows:

"(A) for the administration of the Standing Commission on Immigration and Labor Markets, established under section 409 of the [Insert title of Act]; and

"(B) after amounts needed by the Standing Commission on Immigration and Labor Markets have been expended, for the Secretaries of Labor and Homeland Security, as follows:

"(i) one-third to the Secretary of Labor to carry out the Secretary of Labor's functions and responsibilities, including enforcement of labor standards under sections 218A, 218B, and 218F, and under applicable labor laws including the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.). Such activities shall include random audits of employers that participate in the Y visa program; and

"(ii) two-thirds to the Secretary of Homeland Security to improve immigration services and enforcement.

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "State Impact Assistant Account".

"(2) SOURCE OF FUNDS.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the State Impact Assistance Account all State Impact Assistance fees collected under sections 218A(e)(3)(B) and section 601(e)(6)(C) of the [Insert title of Act].

"(3) USE OF FUNDS.—Amounts deposited into the State Impact Assistance Account may only be used to carry out the State Impact Assistance Grant Program established under paragraph (4).

"(4) STATE IMPACT ASSISTANCE GRANT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall establish the State Impact Assistance Grant Program (referred to in this subsection as the 'Program'), under which the Secretary may award grants to States to provide health and education services to noncitizens in accordance with this paragraph.

"(B) STATE ALLOCATIONS.—The Secretary of Health and Human Services shall annually allocate the amounts available in the State Impact Assistance Account among the States as follows:

"(i) NONCITIZEN POPULATION.—Eighty percent of such amounts shall be allocated so that each State receives the greater of—

"(I) $5,000,000; or

"(II) after adjusting for allocations under subclause (I), the percentage of the amount to be distributed under this clause that is equal to the noncitizen resident population of the State divided by the noncitizen resident population of all States, based on the most recent data available from the Bureau of the Census.

"(ii) HIGH GROWTH RATES.—Twenty percent of such amounts shall be allocated among the 20 States with the largest growth rates in noncitizen resident population, as determined by the Secretary of Health and Human Services, so that each such State receives the percentage of the amount distributed under this clause that is equal to—

"(I) the growth rate in the noncitizen resident population of the State during the most recent 3-year period for which data is available from the Bureau of the Census; divided by

"(II) the average growth rate in noncitizen resident population for the 20 States during such 3-year period.

"(iii) LEGISLATIVE APPROPRIATIONS.—The use of grant funds allocated to States under this paragraph shall be subject to appropriation by the legislature of each State in accordance with the terms and conditions under this paragraph.

"(C) FUNDING FOR LOCAL GOVERNMENT.—

"(i) DISTRIBUTION CRITERIA.—Grant funds received by States under this paragraph shall be distributed to units of local government based on need and function.

"(ii) MINIMUM DISTRIBUTION.—Except as provided in clause (iii), State shall distribute not less than 30 percent of the grant funds received under this paragraph to units of local government not later than 180 days after receiving such funds.

"(iii) EXCEPTION.—If an eligible unit of local government that is available to carry out the activities described in subparagraph (D) cannot be found in a State, the State does not need to comply with clause (ii).

"(iv) UNEXPENDED FUNDS.—Any grant funds distributed by a State to a unit of local government that remain unexpended as of the end of the grant period shall revert to the State for redistribution to another unit of local government.

"(D) USE OF FUNDS.—States and units of local government shall use grant funds received under this paragraph to provide health services, educational services, and related services to noncitizens within their jurisdiction directly, or through contracts with eligible services providers, including—

"(i) health care providers;

"(ii) local educational agencies; and

"(iii) charitable and religious organizations.

"(E) STATE DEFINED.—In this paragraph, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(F) CERTIFICATION.—In order to receive a payment under this section, the State shall provide the Secretary of Health and Human Services with a certification that the State's proposed uses of the fund are consistent with (D).

"(G) ANNUAL REPORT.—The Secretary of Health and Human Services shall inform the States annually of the amount of funds available to each State under the Program."

(c) CLERICAL AMENDMENT.—The table of contents Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of Y nonimmigrants.'.

SEC. 403. GENERAL Y NONIMMIGRANT EMPLOYER OBLIGATIONS.

(a) IN GENERAL.—Title II (8 U.S.C. 1201 et seq.) is amended by inserting after section

218A of the Immigration and Nationality Act, as added by section 402, the following:

"SEC. 218B. GENERAL Y NONIMMIGRANT EMPLOYER OBLIGATIONS.

"(a) General Requirements.—Each employer who seeks to employ a Y nonimmigrant shall—

"(1) file in accordance with subsection (b) an application for labor certification of the position that the employer seeks to fill with a Y nonimmigrant that contains—

"(A) the attestation described in subsection (c);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers;

"(2) include with the application filed under paragraph (1) a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question; and

"(3) be required to pay, with respect to an application to employ a Y-1 worker—

"(A) an application processing fee for each alien, in an amount sufficient to recover the full cost to the Secretary of Labor of administrative and other expenses associated with adjudicating the application; and

"(B) a secondary fee, to be deposited in the Treasury in accordance with section 286(x), of—

"(i) $500, in the case of an employer employing 25 employees or less;

"(ii) $750, in the case of an employer employing between 26 and 150 employees;

"(iii) $1000, in the case of an employer employing between 151 and 500 employees; or

"(iv) $1,250, in the case of an employer employing more than 500 employees;

provided that an employer who provides a Y nonimmigrant health insurance coverage shall not be required to pay the impact fee.

"(b) Required Procedure.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment to which the Y nonimmigrant is sought, each employer of Y nonimmigrants shall comply with the following requirements:

"(1) Efforts to recruit United States workers.—The employer involved shall recruit United States workers for the position for which labor certification is sought under this section, by—

"(A) Not later than 90 days before the date on which an application is filed under subsection (a)(1) submitting a copy of the job opportunity, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the designated state agency and—

"(i) authorizing the designated state agency to post the job opportunity on the Internet website established under section 414 of [Title of bill], with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved; and

"(ii) authorizing the designated state agency to notify labor organizations in the State in which the job is located and, if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity;

"(B) posting the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see for a period of time beginning not later than 90 days before the date on which an application is filed under subsection (a)(1) and ending no earlier than 14 days before such filing date;

"(C) advertising the availability of the job opportunity for which the employer is seeking a worker in one of the three highest circulation publications in the labor market that is likely to be patronized by a potential worker for not fewer than 10 consecutive days during the period of time beginning not later than 90 days before the date on which an application is filed under subsection (a)(1) and ending no earlier than 14 days before such filing date; and

"(D) advertising the availability of the job opportunity in professional, trade, or ethnic publications that are likely to be patronized by a potential worker, as recommended by the designated state agency. The employer shall not be required to advertise in more than three such recommended publications.

"(2) Efforts to employ United States workers.—An employer that seeks to employ a Y nonimmigrant shall first offer the job with, at a minimum, the same wages, benefits, and working conditions, to any eligible United States worker who applies, is qualified for the job and is available at the time of need.

"(3) Definition.—For purposes of this subsection, 'designated state agency' shall mean the state agency designated to perform the functions in this subsection in the area of employment in the State in which the employer is located.

"(c) Application.—An application under this section for labor certification of a position that an employer seeks to fill with a Y nonimmigrant shall be filed with the Secretary of Labor and shall include an attestation by the employer of the following:

"(1) with respect to an application for labor certification of a position that an employer seeks to fill with a Y-1 or Y-2B nonimmigrant—

"(A) Protection of United States workers.—The employment of a Y nonimmigrant—

"(i) will not adversely affect the wages and working conditions of workers in the United States similarly employed; and

"(ii) did not and will not cause the separation from employment of a United States worker employed by the employer within the 180-day period beginning 90 days before the date on which the petition is filed.

"(B) Wages.—

"(i) In general.—The Y nonimmigrant worker will be paid not less than the greater of—

"(I) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

"(II) the prevailing competitive wage level for the occupational classification in the area of employment, taking into account experience and skill levels of employees.

"(ii) Calculation—The wage levels under subparagraph (A) shall be calculated based on the best information available at the time of the filing of the application.

"(iii) Prevailing competitive wage level—For purposes of subclause (i)(II), the prevailing competitive wage level shall be determined as follows:

"(I) If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing competitive wage shall be the wage rate set forth in the collective bargaining agreement.

"(II) If the job opportunity is not covered by such an agreement and it is on a project that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing competitive wage level shall be the appropriate statutory wage.

"(III)(aa) If the job opportunity is not covered by such an agreement and it is not on a project covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing competitive wage level shall be based on published wage data for the occupation from the Bureau of Labor Statistics, including the Occupational Employment Statistics survey, Current Employment Statistics data, National Compensation Survey, and Occupational Employment Projections program. If the Bureau of Labor Statistics does not have wage data applicable to such occupation, the employer may base the prevailing competitive wage level on data from another wage survey approved by the state workforce agency under regulations promulgated by the Secretary of Labor.

"(bb) Such regulations shall require, among other things, that such surveys are statistically valid and recently conducted.

"(D) Labor dispute—There is not a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment at which the Y nonimmigrant will be employed. If such strike, lockout, or work stoppage occurs following submission of the application, the employer will provide notification in accordance with regulations promulgated by the Secretary of Labor.

"(E) Provision of insurance—If the position for which the Y nonimmigrant is sought is not covered by the State workers' compensation law, the employer will provide, at no cost to the Y nonimmigrant, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(F) Notice to employees—

"(i) In general—The employer has provided notice of the filing of the application to the bargaining representative of the employer's employees in the occupational classification and area of employment for which the Y nonimmigrant is sought.

"(ii) No bargaining representative—If there is no such bargaining representative, the employer has—

"(I) posted a notice of the filing of the application in a conspicuous location at the place or places of employment for which the Y nonimmigrant is sought; or

"(II) electronically disseminated such a notice to the employer's employees in the occupational classification for which the Y nonimmigrant is sought.

"(G) Recruitment—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the Y nonimmigrant is sought—

"(i) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services described in the application; and "(ii) good faith efforts have been taken to recruit United States workers, in accordance with regulations promulgated by the Secretary of Labor, which efforts included—

"(I) the completion of recruitment during the period beginning on the date that is 90 days before the date on which the application was filed with the Department of Labor and ending on the date that is 14 days before such filing date; and

"(II) the wages that the employer would be required by law to provide for the Y nonimmigrant were used in conducting recruitment.

"(H) Ineligibility—The employer is not currently ineligible from using the Y nonimmigrant program described in this section.

"(I) Bonafide offer of employment—The job for which the Y nonimmigrant is sought is a bona fide job—

"(i) for which the employer needs labor or services;

"(ii) which has been and is clearly open to any United States worker; and

"(iii) for which the employer will be able to place the Y nonimmigrant on the payroll.

"(J) Public availability and records retention—A copy of each application filed under this section and documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor, will—

"(i) be provided to every Y nonimmigrant employed under the petition;

"(ii) be made available for public examination at the employer's place of business or worksite;

"(iii) be made available to the Secretary of Labor during any audit; and

"(iv) remain available for examination for 5 years after the date on which the application is filed.

"(K) Notification upon separation from or transfer of employment—The employer will notify the Secretary of Labor and the Secretary of Homeland Security of a Y nonimmigrant's separation from employment or transfer to another employer not more than 3 business days after the date of such separation or transfer, in accordance with section 218A(q)(2).

"(L) Actual need for labor or services—The application was filed not more than 60 days before the date on which the employer needed labor or services for which the Y nonimmigrant is sought.

"(d) Audit of Attestations—

"(1) Referrals by secretary of homeland security—The Secretary of Homeland Security shall refer all petitions approved under section 218A to the Secretary of Labor for potential audit.

"(2) Audits authorized.—The Secretary of Labor may audit any approved petition referred pursuant to paragraph (1), in accordance with regulations promulgated by the Secretary of Labor.

"(e) Ineligible Employers.—

"(1) In general.—In addition to any other applicable penalties under law, the Secretary of Labor and the Secretary of Homeland Security shall not, for the period described in paragraph (2), approve an employer's petition or application for a labor certification under any immigrant or nonimmigrant program if the Secretary of Labor determines, after notice and an opportunity for a hearing, that the employer submitting such documents.—

"(A) has, with respect to the application required under subsection (a), including attestations required under subsection (b)—

"(i) misrepresented a material fact;

"(ii) made a fraudulent statement; or

"(iii) failed to comply with the terms of such attestations; or

"(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor;

"(C) has been convicted of any of the offenses codified in Chapter 77 of Title 18 of the United States Code (slave labor) or any conspiracy to commit such offenses, or any human trafficking offense under state or territorial law;

"(D) has, within three years prior to the date of application:

"(i) committed any hazardous occupation orders violation resulting in injury or death under the child labor provisions contained in section 12 of the Fair Labor Standards Act and any regulation thereunder;

"(ii) been assessed a civil money penalty for any repeated or willful violation of the minimum wage provisions of section 6 of the Fair Labor Standards Act; or

"(iii) been assessed a civil money penalty for any repeated or willful violation of the overtime provisions of section 7 of the Fair Labor Standards Act or any regulations thereunder, other than a repeated violation that is self-reported; or

"(E) has, within three years prior to the date of application, received a citation for:

"(i) a willful violation; or

"(ii) repeated serious violations involving injury or death of section 5 of the Occupational Safety and Health Act, or any standard, rule, or order promulgated pursuant to section 6 of the Occupational Safety and Health Act, or any regulations prescribed pursuant to that. This subsection shall also apply to equivalent violations of a plan approved under section 18 of the Occupational Safety and Health Act.

"(2) Length of ineligibility.—An employer described in paragraph (1) shall be ineligible to participate in the labor certification programs of the Secretary of Labor for not less than the time period determined by the Secretary, not to exceed 3 years. However, an employer who has been convicted of any of the offenses codified in Chapter 77 of Title 18 of the United States Code (slave labor) or any conspiracy to commit such offenses, or any human trafficking offense under state or territorial law shall be permanently ineligible to participate in the labor certification programs.

"(3) Employers in high unemployment areas.—The Secretary of Labor may not approve any employer's application under subsection (b) if the work to be performed by the Y nonimmigrant is not agriculture based and is located in a county where the unemployment rate during the most recently completed year is more than 7 percent. An employer in a high unemployment area may petition the Secretary for a waiver of this provision. The Secretary shall promulgate regulations for the expeditious review of such waivers, which shall specify that the employer must satisfy the requirements of section (b) above and in addition must provide documentation of its recruitment efforts, including proof that it has advertised the position in one of the three publications that have the highest circulation in the labor market that is likely to be patronized by a potential worker for not fewer than 20 consecutive days under the rules and conditions set forth in section (b). An employer who has provided proof of advertising in accordance with this section shall be deemed to be in compliance with the requirements of subsection (b)(1)(D) of this section. The Secretary shall provide for a process to promptly respond to all waiver requests, and shall maintain on the Department of Labor's website an annual list of counties to which this subsection applies.

"(4) Ineligibility for petitions.—The Secretary of Labor shall inform the Secretary of Homeland Security of a determination under paragraph (1) with respect to a specific employer. The Secretary of Homeland Security shall not, for the period described in paragraph (2), approve the petitions or applications of any such employer for any immigrant or nonimmigrant program, regardless of whether such application or petition requires a labor certification.

"(f) Prohibition of Independent Contractors.—

"(1) Coverage.—Notwithstanding any other provision of law—

"(A) a Y nonimmigrant is prohibited from being treated as an independent contractor under any federal or state law;

"(B) no person, including an employer or labor contractor and any persons who are affiliated with or contract with an employer or labor contractor, may treat a Y nonimmigrant as an independent contractor; and

"(C) this provision shall not be construed to prevent employers who operate as independent contractors from employing Y nonimmigrants as employees.

"(2) Applicability of laws.—A Y nonimmigrant shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

"(3) Tax Responsibilities.—With respect to each employed Y nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

"(g) Whistleblower Protection.—

"(1) Prohibited activities.—It shall be unlawful for an employer or labor contractor of a Y nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

"(A) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act or [title of bill]; or

"(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this Act or [title of bill].

"(2) Rulemaking.—The Secretary of labor shall promulgate regulations that establish a process by which a nonimmigrant alien described in section 101(a)(15)(Y) or 101(a)(15)(H) who files a nonfrivolous complaint (as defined by the Federal Rules of Civil Procedure) regarding a violation of this Act, [title of bill] or any other Federal labor or employment law, or any other rule or regulation pertaining to such laws and is otherwise eligible to remain and work in the United States prior to the expiration of the maximum period of stay authorized for that nonimmigrant classification for a period of 120 consecutive days or such additional time period as the Secretary shall determine through rulemaking is necessary to collect information or take evidence from the nonimmigrant alien regarding a complaint or agency investigation. This period shall be allowed to exceed the maximum period of stay authorized for that nonimmigrant classification if the Secretary of labor has designated the nonimmigrant alien as a necessary witness.

“(h) Labor Recruiters.—With respect to the employment of Y nonimmigrant workers—

“(1) In general.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose, to each such worker who is recruited for employment at the time of the worker's recruitment—

“(A) the place of employment;

“(B) the compensation for the employment;

“(C) a description of employment activities;

“(D) the period of employment;

“(E) any other employee benefit to be provided and any costs to be charged for each benefit;

“(F) any travel or transportation expenses to be assessed;

“(G) the existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment;

“(H) the existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers;

“(I) the extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including—

“(i) work related injuries and death during the period of employment;

“(ii) the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance;

“(iii) the name and the telephone number of each person who must be notified of an injury or death; and

“(iv) the time period within which such notice must be given;

“(J) any education or training to be provided or required, including—

“(i) the nature and cost of such training;

“(ii) the entity that will pay such costs; and

“(iii) whether the training is a condition of employment, continued employment, or future employment; and

“(K) a statement, in a form specified by the Secretary of Labor, describing the protections of this Act and of the Trafficking Victims Protection Act of 2000, P.L. 106-486, for workers recruited abroad.

“(2) False or misleading information.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

“(3) Languages.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Secretary of Labor shall make forms available in English, Spanish, and other languages, as necessary and reasonable, which may be used in providing workers with information required under this section.

“(4) Fees.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

“(5) Terms.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement related to the requirements of this section made by that contractor or employer regarding employment under this program.

“(6) Travel costs.—If the foreign labor contractor or employer charges the employee for transportation, such transportation costs shall be reasonable.

“(7) Other worker protections.—

“(A) Notification.—Not less frequently than once every year, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for, or on behalf of, the employer.

“(B) Registration of foreign labor contractors—

“(i) In general.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

“(ii) Issuance.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for certificate of registration of foreign labor contractors not later than 14 days after such application is filed, including—

“(I) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812);

“(II) an expeditious means to update registrations and renew certificates; and

“(III) any other requirements that the Secretary may prescribe.

“(iii) Term—Unless suspended or revoked a certificate under this subparagraph shall be valid for 2 years.

“(iv) Refusal to issue; revocation; suspension.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph if—

“(I) the application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate;

“(II) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

“(aa) is a person who has been refused issuance or renewal of a certificate;

“(bb) has had a certificate suspended or revoked; or

“(cc) does not qualify for a certificate under this paragraph; or

“(III) the applicant for or holder of the certification has failed to comply with this Act.

“(C) Remedy for violations.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (j) and (k). If a foreign labor contractor who is an agent of an employer violates any provision of this subsection when acting within the scope of its agency, the employer shall be subject to remedies under subsections (j) and (k). An employer shall not be subject to remedies for violations committed by a foreign labor contractor when such contractor is acting in direct contravention of an express, written contractual provision contained in the agreement between the employer and the foreign labor contractor. An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under subsections (j) and (k).

“(D) Employer notification.—An employer shall notify the Secretary of Labor if the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

“(E) Written agreements.—A foreign labor contractor may not violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

“(F) Bonding requirement.—The Secretary of Labor may require foreign labor contractor to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

“(i) Waiver of rights prohibited.—Any nonimmigrant may not be required to waive any rights or protections under this Act. Nothing under this subsection shall be construed to affect the interpretation of other laws.

“(j) Enforcement.—With respect to violations of the provisions of this section relating to the employment of Y nonimmigrant workers—

“(1) In general.—The Secretary of Labor shall promulgate regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

“(2) Filing deadline.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

“(3) Reasonable basis.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable basis to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

“(4) Notice and hearing.—

“(A) In general.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable basis under paragraph (3), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

“(B) Complaint—If the Secretary of Labor, after receiving complaint under this subsection, does not offer the aggrieved person or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved person or organization of such determination and the aggrieved person or organization may seek a hearing on the complaint under procedures established by the Secretary which comply with the requirements of section 556.

“(C) Hearing deadline.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (5).

“(5) Attorney's fees.—Complainant who prevails in an action under this section with respect to a claim related to wages or compensation for employment, or a claim for a violation of subsection (j), shall be entitled to an award of reasonable attorney's fees and costs.

“(6) Power of the secretary.—The Secretary may bring an action in any court of competent jurisdiction—

“(A) to seek remedial action, including injunctive relief;

"(B) to recover the damages described in subsection (k); or

"(C) to ensure compliance with terms and conditions described in subsection (g).—

"(7) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

"(8) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

"(k) PENALTIES.—With respect to violations of the provisions of this section relating to the employment of Y–1 or Y–2B nonimmigrants—

"(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of this section, the Secretary may impose administrative remedies and penalties, including—

"(A) back wages;

"(B) benefits; and

"(C) civil monetary penalties.

"(2) CIVIL PENALTIES.—The Secretary of Labor may impose, as. civil penalty—

"(A) for a violation of subsections (b) through (g)—

"(i) a fine in an amount not more than $2,000 per violation per affected worker and $4,000 per violation per affected worker for each subsequent violation;

"(ii) if the violation was willful, a fine in an amount not more than $5,000 per violation per affected worker;

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not more than $25,000 per violation per affected worker; and

"(B) for a violation of subsection (h)—

"(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

"(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

"(C) for knowingly or recklessly failing to comply with the terms of representations made in petitions, applications, certifications, or attestations under any immigrant or nonimmigrant program, or with representations made in materials required by section (h) (concerning labor recruiters)—

"(1) a fine in an amount not more than $4,000 per affected worker; and

"(2) upon the occasion of a third offense of failure to comply with representations, a fine in an amount not to exceed $5,000 per affected worker and designation as an ineligible employer, recruiter, or broker for purposes of any immigrant or nonimmigrant program.

"(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

"(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (g) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined in an amount not more than $35,000, or both.

"(I) Definitions—Unless otherwise provided, in this section and section 218A:

"(1) AGGRIEVED PERSON.—term 'aggrieved person' means a person adversely affected by an alleged violation of this section, including—

"(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

"(B) representative authorized by a worker whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

"(2) AREA OF EMPLOYMENT.—The terms 'area of employment' and 'area of intended employment' mean the area within normal commuting distance of the worksite or physical location at which the work of the Y worker is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

"(3) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' shall refer to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, as implemented by section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Pub. L. 105-277, 112 Stat. 2681, 2681–821).

"(4) DERIVATIVE Y NONIMMIGRANT.—The term 'derivative' Y nonimmigrant means an alien described at paragraph (Y)(iii) of subsection 101(a)(15).

"(5) ELIGIBLE; ELIGIBLE INDIVIDUAL.—The term 'eligible,' when used with respect to an individual, or 'eligible individual', means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A) with respect to that employment.

"(6) EMPLOY; EMPLOYEE; EMPLOYER.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

"(7) FELONY.—The term 'felony', with regard to a conviction in a foreign jurisdiction, means a crime for which sentence of one year or longer in prison may be imposed.

"(8) FORCE MAJEURE EVENT.—The term 'force majeure event' shall mean an event that is beyond the control of either party, including, without limitation, hurricanes, earthquakes, act of terrorism, war, fire, civil disorder or other events of a similar or different kind.

"(9) FOREIGN LABOR CONTRACTOR.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

"(10) FOREIGN LABOR CONTRACTING ACTIVITY.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 10 1(a)(15)(H)(ii)(c).

"(11) FULL TIME.—The term 'full time,' with respect to a job in agricultural labor or services, means any job in which the individual is employed 5.75 or more hours per day; and for any job, means in any period of authorized admission or portion of such period, employment or study for at least 90% of the total number of work-hours in such period, calculated at a rate of 1,575 work-hours per year (1,438 work-hours per year for agricultural employment). Each credit-hour of study shall be counted as the equivalent of 50 work-hours.

"(12) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(14) MISDEMEANOR.—The term 'misdemeanor', with regard to a conviction in a foreign jurisdiction, means a crime for which a sentence of no more than 364 days in prison may be imposed.

"(15) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218B by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(16) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(17) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(18) SEPARATION FROM EMPLOYMENT.—The term 'separation from employment' means the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether the employee accepts the offer. Nothing in this paragraph shall limit an employee's rights under a collective bargaining agreement or other employment contract.

"(19) UNITED STATES WORKER.—The term 'United States worker' means an employee who is—

"(A) a citizen or national of the United States; or

"(B) an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) admitted as a refugee under section 207;

"(iii) granted asylum under section 208; or

"(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be employed in the United States.".

"(20) Y NONIMMIGRANT; Y NONIMMIGRANT WORKER

"(A) The term 'Y nonimmigrant' means an alien admitted to the United States under paragraph (Y)(i) or (Y)(ii) of subsection 101(a)(15), or the spouse or child of such nonimmigrant in derivative status under (Y)(iii);

"(B) The term 'Y nonimmigrant worker' means an alien admitted to the United States under paragraph (Y)(i) or (Y)(ii) of subsection 101(a)(15); and

"(21) Y-1 NONIMMIGRANT; Y-1 WORKER.—The term 'Y-1 nonimmigrant' or 'Y-1 worker' means an alien admitted to the United States under paragraph (i) of subsection 101(a)(15)(Y).

"(23) Y-2B NONIMMIGRANT; Y-2B WORKER.—The term 'Y-2B nonimmigrant' or 'Y-2B worker' means an alien admitted to the United States under paragraph (ii) of subsection 101(a)(15)(Y).

"(24) Y-3 NONIMMIGRANT.—The term 'Y-3 nonimmigrant' means an alien admitted to the United States under paragraph (iii) of subsection 101(a)(15)(Y).'

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218A, as added by section 402, the following:

"Sec. 218B. Employer obligations.".

Subtitle B—Seasonal Agricultural Nonimmigrant Temporary Workers

SEC. 404. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended inserting the following after section 218B:

"SEC. 218C. H-2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at, a minimum, the benefits, wages, and working conditions required by section 218E to all workers employed in the job opportunities for which the employer has applied for an H-2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H-2A worker.

"(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H-2A nonimmigrant is, or H-2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State workforce agency which serves the area of intended employment and authorize the posting of the job opportunity on its electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H-2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H-2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H-2A worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H-2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied a indiscriminatory manner.

"(V) UNITED STATES WORKER.—For purpose of this subparagraph, the term "United States worker" means an alien described in section 218G(14) except an alien admitted or otherwise provided status under section 101(a)(15)(Z).

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218E, 218F, and 218G.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications flied under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."

"SEC. 218D. H–2A EMPLOYMENT REQUIREMENTS.

"(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218C(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218C(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and

Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218C(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

"(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

"(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2009, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, report that addresses—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker, wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) The Commission may for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

"(v) INTERIM REPORT.—The Commission shall issue an interim report, published in the Federal Register, with opportunity and comment, for a period of at least 90 days.

"(vi) FINAL REPORT.—After considering recommendations from interested persons (including an opportunity for comment from the public and affected States), the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii) not later than December 31, 2009.

"(vii) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '¾ guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218C(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218C, or section 218E shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"(f) EVIDENCE ON NONIMMIGRANT STATUS.—Each H–2A nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

"(1) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

"(2) shall, during the alien's authorized period of admission as an H–2A nonimmigrant, serve as a valid entry document for the purpose of applying for admission to the United States—

"(A) instead of a passport and visa if the alien—

"(i) is a national of a foreign territory contiguous to the United States; and

"(ii) is applying for admission at a land border port of entry; or

"(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

"(3) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

"(4) shall be issued to the H–2A nonimmigrant by the Secretary promptly after such alien's admission to the United States as an H–2A nonimmigrant and reporting to the employer's worksite under or, at the discretion of the Secretary, may be issued by the Secretary of State at a consulate instead of a visa.

"SEC. 218E. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS.

"(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218C(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) Criteria for Admissibility.—

"(1) In general.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218C, and section 218D, and the alien is not ineligible under paragraph (2).

"(2) Disqualification.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) Waiver of ineligibility for unlawful presence.—

"(A) In general.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(8). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) Maintenance of waiver.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) Period of Admission.—

"(1) In general.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218C(e)(2)(B), not to exceed 10 months except as specified in paragraph (2), supplemented by a period of not more than a week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) Optional period for non-seasonal agricultural workers.—Notwithstanding any other provision of law, an alien being admitted to perform agricultural non-seasonal work may, at the employer's option, be admitted for the period and pursuant to the terms specified in Section 218A(i)(1)(A), including the rules and limitations specified in Section 218A(i)(2), (3), (4), and (5). The spouse and children of an alien admitted pursuant to the terms of this paragraph may be admitted only in accordance with the terms set forth in Section 218A(e)(8).

"(3) Other workers.—Notwithstanding any other provision of law, an alien admitted to perform agricultural non-seasonal work as an sheep herder, goat herder, horse worker, or dairy worker may, at the option of the employer, be admitted for a period not to exceed three years. An alien admitted pursuant to the terms of this paragraph may not be accompanied or subsequently joined by dependents, including a spouse or child in derivative nonimmigrant status.

"(4) Construction.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) Abandonment of Employment.—

"(1) In general.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) Report by employer.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

"(3) Removal by the Secretary.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) Voluntary termination.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) Replacement of Alien.—

"(1) In general.—Upon presentation of the notice to the secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218C(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) Construction.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) Identification Document.—

"(1) In general.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

"(2) Requirements.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) Extension of Stay of H–2A Aliens in the United States.—

"(1) Extension of stay.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) Limitation on filing a petition for extension of stay.—A petition may not be filed for an extension of an alien's stay to date that is more than 10 months after the date of the alien's last admission to the United States under this section.

"(3) Work authorization upon filing a petition for extension of stay.—

"(A) In general.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) Definition.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) Handling of petition.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) Approval of petition.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) Limitation on an individual's stay in status.—

"(A) Maximum period.—The maximum continuous period of authorized status as an H–2A worker (including any extensions), other than a worker admitted pursuant to subsection (d)(2), is 10 months.

"(B) Requirement to remain outside the United States.—

"(i) In general.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least 1/5 the duration of the alien's previous period of authorized status as an H–2A worker (Including any extensions).

"(ii) Exception.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"SEC. 218F. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

"(a) Enforcement Authority.—

"(1) Investigation of complaints.—

"(A) Aggrieved person or third-party complaints.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218C(b), or an employer's misrepresentation of material facts in an application under section 218C(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) Determination on complaint.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) Failures to meet conditions.—If the Secretary of Labor finds, after notice and opportunity for a hearing, failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218C(b),substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218C(b), or a material misrepresentation of fact in an application under section 218C(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) Willful failures and willful misrepresentations.—If the Secretary of Labor finds, after notice and opportunity for hearing, willful failure to meet a condition of section 218C(b), willful misrepresentation of a material fact in an application under section 218C(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) Displacement of United States workers.—If the Secretary of Labor finds, after notice and opportunity for hearing, willful failure to meet a condition of section 218C(b) or a willful misrepresentation of a material fact in an application under section 218C(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218C(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) Limitations on civil money penalties.—The Secretary of Labor shall not impose total civil money penalties with respect to.an application under section 218C(a) in excess of $90,000.

"(G) Failures to pay wages or required benefits.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218D(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218D(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) Statutory construction.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of complaint under this section, under section 218C or 218D.

"(b) Rights Enforceable by Private Right of Action.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218D(b)(1).

"(2) The reimbursement of transportation as required under section 218D(b)(2).

"(3) The payment of wages required under section 218D(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218C(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218D(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218D(b)(4).

"(6) The motor vehicle safety requirements under section 218D(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) Private Right of Action.—

"(1) Mediation.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) Mediation services.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-day limit.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) Authorization.—

"(i) In general.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) Mediation.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) Maintenance of civil action in district court by aggrieved person.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) Election.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) Preemption of state contract rights.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

“(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

“(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

“(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

“(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

“(C) In determining the amount of damages to be awarded under subparagraph (A), the court is authorized to consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

“(7) WORKERS' COMPENSATION BENEFITS.—

“(A) EXCLUSIVE REMEDY.—Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

“(B) RELATIONSHIP TO OTHER RELIEF.—The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

“(i) a recovery under a State workers' compensation law; or

“(ii) rights conferred under a State workers' compensation law.

“(C) CONSIDERATIONS.—In determining the amount of damages to be awarded under subparagraph (A), a court may consider whether an attempt was made to resolve the issues in dispute prior to resorting to litigation.

“(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

“(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(d) DISCRIMINATION PROHIBITED.—

“(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218C(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218C or 218D or any rule or regulation pertaining to section 218C or 218D, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218C or 218D or any rule or regulation pertaining to either of such sections.

“(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218C(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

“(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

“(f) ROLE OF ASSOCIATIONS.—

“(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218C and 218D, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unles the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

“(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

“SEC. 218G. DEFINITIONS.

“For purposes of this section and section 218C, 218D, 218E, and 218F:

“(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services decribed in section 101(a)(15)(H)(ii)(a).

“(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

“(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

“(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

“(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

“(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

“(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

“(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

“(9) LAYING OFF.—

“(A) IN GENERAL.—The term 'laying off', with respect to a worker—

“(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218D(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

“(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, similar employment opportunity with the same employer (or, in the case of a placement of worker with another employer under section 218C(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

“(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

“(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218C by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218C. H–2A employer applications.
"Sec. 218D. H–2A employment requirements.
"Sec. 218E. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218F. Worker protections and labor standards enforcement.
"Sec. 218G. Definitions.".

SEC. 405. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust schedule of fees for the employment of aliens pursuant to the amendment made by section 404(a) of this Act and collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect fee rate based on the number of job opportunities indicated in the employer's application under section 218C of the Immigration and Nationality Act, as amended by section 404 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 404(a) of this Act to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law all proceeds resulting from the payment of the fees pursuant to the amendment made by section 404(a) of this Act shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218C and 218E of the Immigration and Nationality Act as amended and added, respectively, by section 404 of this Act and the provisions of this Act.

SEC. 406. REGULATIONS.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this Act and the amendments made by this Act.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this Act and the amendments made by this Act.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this Act and the amendments made by this Act.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218C, 218D, 218E, 218F, and 218G of the Immigration and Nationality Act, as amended or added by section 404 of this Act, shall take effect on the effective date of section 404 and shall be issued not later than year after the date of enactment of this Act, or the date such regulations are promulgated, whichever is sooner.

SEC. 407. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218E(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218E(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 623;

(5) the number of such aliens whose status was adjusted under section 623;

(6) the number of aliens who applied for permanent residence pursuant to section 214A(j) of the Immigration and Nationality Act, as amended by 623(b); and

(7) the number of such aliens who were approved for permanent residence pursuant to section 214A(j) of the Immigration and Nationality Act, as amended by 623(b).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 408. EFFECTIVE DATE.

Except as otherwise provided, sections 404 and 405 shall take effect 1 year after the date of the enactment of this Act, or the date such regulations are promulgated, whichever is sooner.

SEC. 409. NUMERICAL LIMITATIONS.

Section 214(g) of the Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)";

(B) by striking subparagraph (B) and inserting the following:

"(B) under section 101(a)(15)(Y)(i), may not exceed—

"(i) 400,000 for the first fiscal year in which the program is implemented;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and.

"(iii) 600,000 for any fiscal year; or

"(C) under section 101(a)(15)(Y)(iii), may not exceed twenty percent of the annual limit on admissions of aliens under section 101(a)(15)(Y)(i) for that fiscal year; or

"(D) under section 101(a)(15)(Y)(ii)(II), may not exceed—

"(i) 100,000 for the first fiscal year in which the program is implemented;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth. in paragraph (2); and

"(iii) 200,000 for any fiscal year.";

and

(2) by renumbering paragraph (2) as paragraph (3), and renumbering all subsequent paragraphs accordingly, and inserting the following as paragraph (2):

"(2) MARKET-BASED ADJUSTMENT.—With respect to the numerical limitation set in subparagraph (A)(ii), (B)(ii), or (D)(ii) of paragraph (1)—

"(A) if the total number of visas allocated for that fiscal year are allotted within the first half of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

"(B) if the total number of visas allocated for that fiscal year are allotted within the second half of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

"(C) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year."

(3) in paragraph (9)(A)—"By striking "an alien who has already been counted toward the numerical limitation of paragraph (i)(B) during fiscal year 2004, 2005, or 2006 shall not be again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in Section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.".

SEC. 410. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in cooperation with the Secretary and the

Attorney General, may, as a condition of authorizing the grant of nonimmigrant visas for Y nonimmigrants who are citizens or nationals of any foreign country, negotiate with each such country to enter into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) Requirements of Bilateral Agreements.—It is the sense of Congress that each agreement negotiated under subsection (a) shall require the participating home country to—

(1) accept the return of nationals who are ordered removed from the United States within 3 days of such removal;

(2) cooperate with the United States Government to—

(A) identify, track, and reduce gang membership, violence, and human trafficking and smuggling; and

(8) control illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to, or are present in, the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems;

(4) educate nationals of the home country regarding United States temporary worker programs to ensure that such nationals are not exploited; and

(5) evaluate means to provide housing incentives in the alien's home country for returning workers; and

(6) agree to such other terms as the Secretary of State considers appropriate and necessary.

SEC. 411. COMPLIANCE INVESTIGATORS.

(a) The Secretary of Labor, subject to the availability of appropriations for such purpose, shall increase, by not less than 200 per year for each of the five fiscal years after the date of enactment of [name of bill], the number of positions for compliance investigators and attorneys dedicated to the enforcement of labor standards, including those contained in sections 218A, 218B, and 218C, the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) in geographic and occupational areas in which a high percentage of workers are Y nonimmigrants.

SEC. 412. STANDING COMMISSION ON IMMIGRATION AND LABOR MARKETS.

(a) Establishment of Commission.—

(1) In general.—There is established an independent Federal agency within the Executive Branch to be known as the Standing Commission on Immigration and Labor Markets (referred to in this section as the "Commission").

[(2) Purposes.—The purposes of the Commission are—

(A) to study nonimmigrant programs and the numerical limits imposed by law on admission of nonimmigrants;

(B) to study the numerical limits imposed by law on immigrant visas;

(C) to study the allocation of immigrant visas through the merit-based system;

(D) to make recommendations to the President and Congress with respect to such programs.]

(3) Membership.—The Commission shall be composed of—

(A) 6 voting members—

(i) who shall be appointed by the President, with the advice and consent of the Senate, not later than 6 months after the establishment of the Y Nonimmigrant Worker Program;

(ii) who shall serve for 3-year staggered terms, which can be extended for 1 additional 3-year term;

(iii) who shall select a Chair from among the voting members to serve a 2-year term, which can be extended for 1 additional 2-year term;

(iv) who shall have expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience;

(v) who may not be an employee of the Federal Government or of any State or local government; and

(vi) not more than 3 of whom may be members of the same political party.

(B) 7 ex-officio members, including—

(i) the Secretary;

(ii) the Secretary of State;

(iii) the Attorney General;

(iv) the Secretary of Labor;

(v) the Secretary of Commerce;

(vi) the Secretary of Health and Human Services; and

(vii) the Secretary of Agriculture.

(4) Vacancies.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) Meetings.—

(A) Initial meeting.—The Commission shall meet and begin carrying out the duties described in subsection (b) as soon as practicable.

(B) Subsequent meetings.—After its initial meeting, the Commission shall meet at least once per quarter upon the call of the Chair or majority of its members.

(C) Quorum.—Four voting members of the Commission shall constitute a quorum.

(b) Duties of the Commission.—The Commission shall—

(1) examine and analyze—

(A) the development and implementation of the programs;

(B) the criteria for the admission of nonimmigrant workers;

(C) the formula for determining the annual numerical limitations of nonimmigrant workers;

(D) the impact of nonimmigrant workers on immigration;

(E) the impact of nonimmigrant workers on the economy, unemployment rate, wages, workforce, and businesses of the United States;

(F) the numerical limits imposed by law on immigrant visas and its effect on the economy, unemployment rate, wages, workforce, and businesses of the United States;

(G) the allocation of immigrant visas through the evaluation system established by Title V of this Act; and

(F) any other matters regarding the programs that the Commission considers appropriate;

(2) not later than 18 months after the date of enactment, and every year thereafter, submit a report to the President and Congress that—

(A) contains the findings of the analysis conducted under paragraph (1);

(B) makes recommendations regarding the necessary adjustments to the programs studied to meet the labor market needs of the United States; and

(C) makes other recommendations regarding the programs, including legislative or administrative action, that the Commission determines to be in the national interest.

(c) Information and Assistance From Federal Agencies.—

(1) Information.—The head of any Federal department or agency that receives a request from the Commission for information, including suggestions, estimates, and statistics, as the Commission considers necessary to carry out the provisions of this section, shall furnish such information to the Commission, to the extent allowed by law.

(2) Assistance.—

(A) General services administration.—The Administrator of General Services shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission's functions.

(B) Other federal agencies.—The departments and agencies of the United States may provide the Commission with such services, funds, facilities, staff, and other support services as the heads of such departments and agencies determine advisable and authorized by law.

(d) Personnel Matters.—

(1) Staff.—

(A) Appointment and compensation.—The Chair, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(B) Federal employees.—

(i) In general.—Except as provided under clause (ii), the executive director and any personnel of the Commission who are employees shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.

(ii) Commission Members.—Clause (i) shall not apply to members of the Commission.

(2) Detailees.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission. Such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(3) Consultant services.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title 5.

(e) Compensation and Travel Expenses.—

(1) Compensation.—Each voting member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) Travel expenses.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) Funding.—Fees and fines deposited into the Temporary Worker Program Account under section 286(w) of the Immigration and Nationality Act, as added by section 402 of [name of the Act], may be used by the Commission to carry out its duties under this section.

SEC. 412. AGENCY REPRESENTATION AND COORDINATION.

Section 274A(e) (8 U.S.C. 1324a(e) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(B) in subparagraph (B), by striking ",and" and inserting a semicolon;

(C) in subparagraph (C), by striking "paragraph (2)." and inserting "paragraph (1); and"; and

(D) by inserting after subparagraph (C) the following:

"(D) United States Immigration and Customs Enforcement officials may not misrepresent to employees or employers that they are a member of any agency or organization that provides domestic violence services, enforces health and safety law, provides health care services, or any other services intended to protect life and safety."

SEC. 413. BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.

(a) Findings.—Congress makes the following findings:

(1) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(2) Mexico comprises a prime source of migration to the United States.

(3) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(4) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(5) Many Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(6) A majority of Mexican businesses are small or medium size with limited access to financial capital.

(7) These factors constitute a major impediment to broad-based economic growth in Mexico.

(8) Approximately 20 percent of Mexico's population works in agriculture, with the majority of this population working on small farms and few on large commercial enterprises.

(9) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(10) The Presidents of Mexico and the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, agreed to promote economic growth, competitiveness, and quality of life in the agreement on Security and Prosperity Partnership of North America.

(b) Sense of Congress Regarding Partnership for Prosperity.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Partnership for Prosperity to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(1) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(2) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(3) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(A) provide long term credit to borrowers;

(B) develop a viable network of regional and local intermediary lending institutions; and

(C) extend financing for alternative rural economic activities beyond direct agricultural production;

(4) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(5) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anticorruption and transparency principles;

(6) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(7) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(8) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(9) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(c) Sense of Congress Regarding Bilateral Partnership on Health Care.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(1) increasing health care access for poor and under served populations in Mexico;

(2) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the United States-Mexico border region;

(3) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(4) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

SEC. 414. WILLING WORKER-WILLING EMPLOYER ELECTRONIC DATABASE.

(a) Electronic Job Registry Link.—

(1) The Secretary of Labor shall establish a publicly accessible Web page on the internet website of the Department of Labor that provides a single Internet link to each State workforce agency's statewide electronic registry of jobs available throughout the United States to United States workers.

(2) The Secretary of Labor shall promulgate regulations regarding the maintenance of electronic job registry records by the employer for the purpose of audit or investigations.

(3) The Secretary of Labor shall ensure that job opportunities advertised on a State workforce agency statewide electronic job registry established under this section are accessible—

(A) by the State workforce agencies, which may further disseminate job opportunity information to interested parties; and.

(B) through the internet, for access by workers, employers, labor organizations and other interested parties.

(4) The Secretary of Labor may work with private companies and nonprofit organizations in the development and operation of the job registry link and system under paragraph (1).

(b) Electronic Registry of Certified Applications.—

(1) The Secretary of Labor shall compile, on a current basis, a registry (by employer and by occupational classification) of the approved labor certification applications filed under this program. Such registry shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such registry publicly available through an Internet website.

(2) The Secretary of Labor may consult with the Secretary of Homeland Security, and others as appropriate, in the establishment of the registry described in paragraph (1) to ensure its compatibility with any system designed to track nonimmigrant employment that is operated and maintained by the Secretary of Homeland Security.

(3) The Secretary of Labor shall ensure that job opportunities advertised on the electronic job registry established under this subsection are accessible by the State workforce agencies, which may further disseminate job opportunity information to other interested parties.

SEC. 415. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Y nonimmigrant status.

SEC. 416. CONTRACTING.

Nothing in this section shall be construed to limit the authority of the Secretary of Homeland Security or Secretary of Labor to contract with or license United States entities, as provided for in regulation, to implement any provision of this title, either entirely or in part, to the extent that each Secretary in his discretion determines that such implementation is feasible, cost-effective, secure, and in the interest of the United States. However, nothing in this provision shall be construed to alter or amend any of the requirements of OMB Circular A-76 or any other current law governing federal contracting. Any inherently governmental work already performed by employees of the Department of Homeland Security or the Department of Labor, or any inherently governmental work generated by the requirements of this legislation, shall continue to be performed by federal employees, and any current commercial work, or new commercial work generated by the requirements of this legislation, that is subject to public-private competition under OMB Circular A-76 or any other relevant law shall continue to be subject to public-private competition.

SEC. 417. FEDERAL RULEMAKING REQUIREMENTS.

(a) The Secretaries of Labor and Homeland Security shall each issue an interim final rule within six months of the date of enactment of this subtitle to implement this title and the amendments made by this title. Each such interim final rule shall become effective immediately upon publication in the Federal Register. Each such interim final rule shall sunset two years after issuance unless the relevant Secretary issues a final rule within two years of the issuance of the interim final rule.

(b) The exemption provided under subsection (a) shall sunset no later than two years after the date of enactment of this title, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by either Secretary under such exemption.

Subtitle C—Nonimmigrant Visa Reform

SEC. 418. STUDENT VISAS

(a) In General.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking "who is" and inserting, "who is—"(I)";

(B) by striking "consistent with section 214(l)" and inserting "consistent with section 214(m)";

(C) by striking the comma at the end and inserting the following: "; or

"(II) engaged in temporary employment for optional practical training for an aggregate period of not more a than 24 months and related to such alien's major area of study, where such alien has been lawfully enrolled on a full time basis as a nonimmigrant under clause (i) or (iv) at a college, university, conservatory, or seminary described in subclause (i)(I) for one full academic year and such employment occurs:

"(aa) during the student's annual vacation and at other times when school is not in session, if the student is currently enrolled, and is eligible for registration and intends to register for the next term or session;

"(bb) while school is in session, provided that practical training does not exceed 20 hours a week while school is in session; or

"(cc) within a 26-month period after completion of all course requirements for the degree (excluding thesis or equivalent);"; and

(D) by striking "Attorney General" the two times that phrase appears and inserting "Secretary of Homeland Security".

(2) in clause (ii)—

(A) by inserting "or (iv)" after "clause (i)"; and

(B) by striking ", and" and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) an alien described in clause (i), except that the alien is not required to have a residence in a foreign country that the alien has no intention of abandoning, who has been accepted at and plans to attend an accredited graduate program in mathematics, engineering, information technology, or the natural sciences in the United States for the purpose of obtaining an advanced degree; and

"(v) an alien who maintains actual residence and place of abode in the alien's country of nationality, who is described in clause (i), except that the alien's actual course of study may involve distance learning program, for which the alien is temporarily visiting the United States for a period not to exceed 30 days;".

(b) Off Campus Work Authorization for Foreign Students—

(1) In General.—An alien admitted as a nonimmigrant student described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full-time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States workers to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) Disqualification.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for hearing, may be disqualified for a period of no more than 5 years from employing an alien student under paragraph (1).

(3) Social Security.—Any employment engaged in by a student pursuant to paragraph (1) of this subsection shall, for purposes of section 210 of the Social Security Act (42 U.S.C. 410) and section 3121 of the Internal Revenue Code (26 U.S.C. 3121), not be considered to be for a purpose related to section 101(a)(15)(F) of the Immigration and Nationality Act.

(c) Clarifying the Immigrant Intent Provision.—Subsection (b) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended—

(1) by striking the parenthetical phrase "(other than nonimmigrant described in subparagraph (L) or (V) of section 101(a)(15), and other than a nonimmigrant described in any provision of section 101(a)(15)(H)(i) except subclause (b1) of such section)" in the first sentence; and

(2) by striking "under section 101(a)(15)" and inserting in its place "under the immigration laws.".

(d) Granting Dual Intent to Certain Nonimmigrant Students.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended—

(1) by inserting "(F)(iv)," following "(H)(i)(b) or (c),"; and

(2) by striking "if the alien had obtained a change of status" and inserting in its place "if the alien had been admitted as, provided status as, or obtained a change of status";

SEC. 419. H-1B STREAMLINING AND SIMPLIFICATION

(a) H-1B Amendments.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1) by deleting clauses (i) through (vii) of subparagraph (A) and inserting in their place—

"(i) 115,000 in fiscal year 2008;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

"(iii) 180,000 for any fiscal year; or"

(2) in paragraph (9), as renumbered by Section 405—

(A) by striking "The annual numeric limitations described in clause (i) shall not exceed" from subclause (ii) of subparagraph (B) and inserting the following: "Without respect to the annual numeric limitation described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:";

(B) by striking subparagraphs (B)(iv); and

(C) by striking subparagraph (D).

(b) Requiring a Degree.—Paragraph (2) of section 214(i) of the Immigration and Nationality Act (8 U.S.C. 1184(i)) is amended—

(1) by deleting the comma at the end of subparagraph (A) and inserting in its place "; and"; and

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) attainment of a bachelor's or higher degree in the specific specialty from an educational institution in the United States accredited by nationally recognized accrediting agency or association (or an equivalent degree from foreign educational institution that is equivalent to such an institution) as a minimum for entry into the occupation in the United States."

(c) Provision of W-2 Forms.—Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)), as renumbered by Section 405, is amended to read as follows:

"(5) In the case of a nonimmigrant described in section 1101(a)(15)(H)(i)(b) of this title—

"(A) The period of authorized admission as such a nonimmigrant may not exceed six years; [Provided that, this provision shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in one-year increments until such time as a final decision is made on the alien's lawful permanent residence];

"(B) If the alien is granted an initial period of admission less than six years, any subsequent application for an extension of stay for such alien must include the Form W-2 Wage and Tax Statement filed by the employer for such employee, and such other form or information relating to such employment as the Secretary of Homeland Security may in his discretion specify, with respect to such nonimmigrant alien employee for the period of admission granted to the alien.

"(C) Notwithstanding section 6103 of title 26, United States Code, or any other law, the Commissioner of Internal Revenue or the Commissioner of the Social Security Administration shall upon request of the Scretary confirm whether the Form W-2 Wage and Tax Statement filed by the employer under clause (i) matches a Form W-2 Wage and Tax Statement filed with the Internal Revenue Service or the Social Security Administration, as the case may be."

(d) Extension of H-1B Status for Merit-Based Adjustment Applicants.—

(1) Section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) is amended by inserting before the period:

"; Provided that, this provision shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa accompanied by qualifying employer recommendation under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in one-year increments until such time as a final decision is made on the alien's lawful permanent residence."

(2) Sections 106(a) and 106(b) of the American Competitiveness in the Twenty-First Century Act of 2000—Immigration Services and Infrastructure Improvements Act of 2000, Public Law 106-313, are hereby repealed.

SEC. 420. H-1B EMPLOYER REQUIREMENTS

(a) Application of Nondisplacement and Good Faith Recruitment Requirements to All H-1B Employers—

(1) Amendments.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking "(E)(i) In the case of an application described in clause (ii), the" and inserting "(E) The"; "and"

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking 'In the case of' and all that follows through 'where—' and inserting the following: '[The employer will not place the nonimmigrant with another employer if—'; and

(iii) in subparagraph (G), by striking 'In the case of an application described in subparagraph (E)(ii), subject' and inserting 'Subject';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking 'If an H-1B-dependent employer' and inserting 'If an employer that employs H–1B nonimmigrants'; and

(ii) in subparagraph (F), by striking 'The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.'; and

(C) by striking paragraph (3).

(2) Effective date.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) Nondisplacement Requirement.—

(i) Extending time period for nondisplacement.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking '90 days' each place it appears and inserting '180 days';

(ii) in subparagraph (F)(ii), by striking '90 days' each place it appears and inserting '180 days'; and

(B) in paragraph (2)(C)(iii), by striking '90 days' each place it appears and inserting '180 days'.

(2) Effective date.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) H–1B Nonimmigrants Not Admitted for Jobs Advertised or Offered Only to H–1B Nonimmigrants—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

'(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

'(II) persons who are or who may become H-1B nonimmigrants shall receive priority or a preference in the hiring process.

'(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.'; and

(2) in the undesignated paragraph at the end, by striking 'The employer' and inserting the following:

'(K) The employer'.

(d) Limit on Percentage of H–1B Employees—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

'(1) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.'.

SEC. 421. H-1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) Safeguards Against Fraud and Misrepresentation in Application Review Process.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting "and through the Department of Labor's website, without charge." after 'D.C.';

(2) by inserting 'clear indicators of fraud, misrepresentation of material fact,' after 'completeness';

(3) by striking 'or obviously inaccurate' and inserting ', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate';

(4) by striking 'within days of' and inserting 'not later than 14 days after'; and

(5) by adding at the end the following: 'If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) Investigations by Department of Labor—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking '12 months' and inserting '24 months'; and

(B) by striking 'The Secretary shall conduct' and all that follows and inserting 'Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.';

(2) in subparagraph (C)(i)—

(A) by striking 'a condition of paragraph (1)(B), (1)(E), or (1)(F)' and inserting 'a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)'; and

(B) by striking '(1)(C)' and inserting '(1)(C)(ii)';

(3) in subparagraph (G)—

(A) in clause (i), by striking 'if the Secretary' and all that follows and inserting 'with regard to the employer's compliance with the requirements of this subsection.';

(B) in clause (ii), by striking 'and whose identity' and all that follows through 'failure or failures.' and inserting 'the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking "meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months' and inserting "comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months";

(G) by amending clause (v), as redesignated, to read as follows:

"(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.".

(H) in clause (vi), as redesignated, by striking "An investigation" and all that follows through "the determination." and inserting "If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination."; and

(I) by adding at the end the following:

"(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C)."; and

(4) by striking subparagraph (H).

(c) Information Sharing Between Department of Labor and Department of Homeland Security.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

"(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H-1B employers as part of the adjudication process that indicates that the employer is not complying with H-1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.".

(d) Audits.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: "The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year.

"(e) Penalties.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking "$1,000" and inserting "$2,000";

(2) in clause (ii)(I), by striking "$5,000" and inserting "$10,000"; and

(3) in clause (vi)(III), by striking "$1,000" and inserting "$2,000".

(f) Information Provided to H–1B Nonimmigrants Upon Visa Issuance.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

"(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights.".

"(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights.".

SEC. 422. L–1 VISA FRAUD AND ABUSE PROTECTIONS

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case of an alien spouse admitted under section 101(a)(15)(L), who" and inserting "Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)"; and

"(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.".

(b) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

"(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance, with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

"(iii) The Secretary of Homeland Security shall establish procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

"(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

"(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

"(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

"(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).".

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

"(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H-1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting "(L)," after "(H),".

(c) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)——

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

"(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)——

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

"(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)——

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the employer shall be liable to employees harmed for lost wages and benefits.".

SEC. 423. WHISTLEBLOWER PROTECTIONS.

(a) H-1B Whistleblower Protections—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended——

(1) by inserting "take, fail to take, or threaten to take or fail to take, a personnel action, or" before "to intimidate,";

(2) by adding at the end the following: "An employer that violates this clause shall be

liable to the employees harmed by such violation for lost compensation, including back pay.".

(b) L-1 Whistleblower Protections—Section 214(c)(2) of such Act, as amended by section 4, is further amended by adding at the end the following:

"(L)(i) It is a violation of this subparagrah for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee——

"(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

"(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

"(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

"(iii) In this subparagraph, the term 'employee' includes—

"(I) current employee;

"(II) a former employee; and

"(III) an applicant for employment.'.

SEC. 424. LIMITATIONS ON APPROVAL OF L-1 PETITIONS FOR START-UP COMPANIES

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended——

(a) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(b) in subparagraph (E), by striking "In the case" and inserting "Except as provided in subparagraph (H), in the case"; and

(c) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to be employed in a new office, the petition may be approved for a period not to exceed 12 months only if the alien has not been the beneficiary of two or more petitions under this subparagraph within the immediately preceding two years and only if the employer operating the new office has——

"(I) an adequate business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has substantially complied with the business plan submitted under clause (i);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition if requested by the Secretary;

"(VI) evidence, that the importing employer, from the date of petition approval under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods or services;

"(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees if the beneficiary will be employed managerial or executive capacity;

"(X) evidence of the financial status of the new office; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) A new office employing the beneficiary of an L-1 petition approved under this subparagraph must do business through regular, systematic, and continuous provision of goods or services for the entire period of petition approval.

"(iv) Notwithstanding clause (iii) or subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may in his discretion approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subsection for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods or services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary in his discretion.

"(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 12-month period described in subparagraph (G)(i).

"(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

"(I) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish procedures with the Department of State to verify a company or office's existence in the United States and abroad."

SEC. 425. MEDICAL SERVICES IN UNDERSERVED AREAS

(a) PERMANENT AUTHORIZATION OF THE CONRAD PROGRAM.—

(1) IN GENERAL.—Section 220(c) of the Immigration and Nationality Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) ((as amended by section 1(a) of Public Law 108-441 and section 2 of Public Law 109-477)) is amended by striking 'and before June 1, 2008.'.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on June 1, 2007.

(b) PILOT PROGRAM REQUIREMENTS—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)) is amended—

(1) by adding at the end the following:

"(4)(A) Notwithstanding paragraph (1)(B), the Secretary of Homeland Security may grant up to a total of 50 waivers for a State under section 212(e) in a fiscal year if, after the first 30 such waivers for the State are granted in that fiscal year—

"(i) an interested State agency requests a waiver; and

"(ii) the requirements under subparagraph (B) are met.

"(B) The requirements under this subparagraph are met if—

"(i) fewer than 20 percent of the physician vacancies in the health professional shortage areas of the State, as designated by the Secretary of Health and Human Services, were filled in the most recent fiscal year;

"(ii) all of the waivers allotted for the State under paragraph (1)(B)) were used in the most recent fiscal year; and

"(iii) all underserved highly rural States—

"(I) used the minimum guaranteed number of waivers under section 212(e) in health professional shortage areas in the most recent fiscal year; or

"(II) all agreed to waive the right to receive the minimum guaranteed number of such waivers.

"(C) In this paragraph:

"(i) The term "health professional shortage area" has the meaning given the term in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1));

"(ii) The term "underserved highly rural State" means a State with at least 30 counties with a population density of not more than 10 people per square mile, based on the latest available decennial census conducted by the Bureau of Census.

"(iii) The term "minimum guaranteed number" means—

"(I) for the first fiscal year of the pilot program, 15;

"(II) for each subsequent fiscal year, the sum of—

(aa) the minimum guaranteed number for the second fiscal year; and

(bb) 3, if any State received additional waivers under this paragraph in the first fiscal year.

"(III) for the third fiscal year, the sum of—

(aa) the minimum guaranteed number for the second fiscal year; and

(bb) 3, if any State received additional waivers under this paragraph in the first fiscal year.

(c) TERMINATION DATE.—The authority provided by the amendents made by subsection (b) shall expire on September 30, 2011.

(d) Section 212(j) of the Immigration and Nationality Act (8 U.S.C. 1182(j)) is amended by—

(1) revising the preamble of paragraph (2) to read "An alien who has graduated from medical school and who is coming to the United States to practice primary care or specialty medicine as a member of the medical profession may not be admitted as a nonimmigrant under section 1101(a)(15)(H)(i)(b) of this title unless—"

(2) redesignating paragraph (2) as paragraph (3);

(3) adding new paragraph (2) to read—

"(2)(A) An alien who is coming to the United States to receive graduate medical education or training (or seeks to acquire status as a nonimmigrant under section 1101(a)(15)(J) to receive graduate medical education or training) may not change status under section 1258 to a nonimmigrant under section 1101(a)(15)(H)(i)(b) until the alien graduates from the medical education or training program and meets the requirements of paragraph (3)(B).

"(B) Any occupation that an alien described in paragraph (2)(A) may be employed in while receiving graduate medical education or training shall not be deemed a "specialty occupation" within the meaning of section 1184(i) for purposes of section 1101(a)(15)(H)(i)(b)."

(e) Section 101(a)(15)(J) is amended by adding "(except an alien coming to the United States to receive graduate medical education or training)" after "abandoning".

(f) Section 214(h) of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended by inserting "(E) (J) who is coming to the United States to receive graduate medical education or training," after "subparagraph" where that term first appears.

(g) Medical Residents Ineligible for H–1B Nonimmigrant Status.—Section 214(i) of the Immigration and Nationality Act (8 U.S.C. 1184(i)) is amended to read—

"(1) Except as provided in paragraph (3), for purposes of section 101(a)(15)(H)(i)(b), section 101(a)(15)(E)(iii), and paragraph (2), the term "specialty occupation"—

"(A) means an occupation that requires—

"(i) theoretical and practical application of a body of highly specialized knowledge, and

"(ii) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States; and

"(B) shall not include graduate medical education or training."

(h) Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)) is amended—

(1) in paragraph (1)(C)(i) by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in paragraph (1)(C) by striking subclause (ii) and inserting the following:

"(ii) the alien has accepted employment with the health facility or health care organization and agrees to continue to work for a total of not less than 3 years; and

"(iii) the alien begins employment within 90 days of:

"(I) receiving such waiver; or

"(II) receiving nonimmigrant status or employment authorization pursuant to an application filed under paragraph (2)(A) (if such application is filed with 90 days of eligibility of completing graduate medical education or training under a program approved pursuant to section 212(j)(1));

"whichever is latest."

(3) by striking at the end ".", inserting "; or" and adding new paragraph (1)(E) to read—

"(E) in the case of a request by an interested State agency, the alien agrees to practice primary care or specialty medicine care, for a continuous period of 2 years, only at a federally qualified health facility, health care organization or center, or in a rural health clinic that is located in:

"(i) a geographic area which is designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

"(ii) a State that utilized less than 10 of the total allotted waivers for the State under paragraph (1)(B) (excluding the number of waivers available pursuant to paragraph (1)(D)(ii)) in the most recent fiscal year."

(4) in paragraph (2), by amending subparagraph (A) to read as follows:

"(A) Nothwithstanding section 248(a)(2), upon submission of a request to an interested Federal agency or an interested State agency for recommendation of a waiver under this section by a physician who is maintaining valid nonimmigrant status under section 101(a)(15)(J), the Secretary of Homeland Security may accept as properly filed an application to change the status of such physician to [any applicable nonimmigrant status]. Upon favorable recommendation by the Secretary of State of such request, and approval by the Secretary of Homeland Security the waiver under this section, the Secretary of Homeland Security may change the status of such physician to that of [an appropriate nonimmigrant status.]"

(5) in paragraph (3)(A) amended by inserting "requirement of or" before "agreement entered into."

(i) Period of Authorized Admission for Physicians on H–1B Visas Who Work in Medically Underserved Communities.—

Section 214(g)(5), as renumbered by Section 405 and amended by Section 719(c), is further amended by adding at the end the following new subparagraph:

"(D) The period of authorized admission under subparagraph (A) shall not apply to an alien physician who fulfills the requirements of section 214(l)(1)(E) and who has practiced primary or specialty care in a medically underserved community for a continuous period of 5 years."

SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, and the amendments made by this title.

TITLE V—Immigration Benefits

SEC. 501. REBALANCING OF IMMIGRANT VISA ALLOCATION.

"(a) Family-Sponsored Immigrants.—Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) Worldwide Level of Family-Sponsored Immigrants.—

"(1) For each fiscal year until visas needed for petitions described in section 503(f)(2) of the [Insert title of Act] become available, the worldwide level of family-sponsored immigrants under this subsection is 567,000 for petitions for classifications under 203(a), plus any immigrant visas not required for the class specified in (d)

"(2) Except as provided in paragraph (1), the worldwide level of family-sponsored immigrants under this subsection for fiscal year is 127,000, plus any immigrant visas not required for the class specified in (d).

(b) Merit-Based Immigrants—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) Worldwide Level of Merit-Based, Special, and Employment Creation Immigrants.—

"(1) In general.—The worldwide level of merit-based, special and employment creation immigrants under this subsection for a fiscal year—

"(A) for the first five fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) of this Act for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which:

(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

(ii) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the [Insert title of Act].

"(B) stating in the sixth fiscal year, shall be equal to 140,000 for each fiscal year until aliens described in section 101(a)(15)(Z) of this Act first become eligible for an immigrant visa, plus any immigrant visas not required for the class specified in (c), of which:

(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

(ii) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the [Insert title of Act].

"(C)(i) 380,000, for each fiscal year starting in the first fiscal year in which aliens described in section 101(a)(15)(Z) of this Act become eligible for an immigrant visa, of which at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y), plus any immigrant visas not required for the class specified in (c); plus

"(ii) the temporary supplemental allocation of additional visas described in paragraph (2) for nonimmigrants described in section 101(a)(15)(Z).

"(2) Temporary supplemental allocation.—The temporary supplemental allocation of visas described in this paragraph is as follows:

"(A) for the first five fiscal years in which aliens described in section 101(a)(15)(Z) of this Act are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of [Insert title of Act];

"(B) in the sixth fiscal year in which aliens described in section 101(a)(15)(Z) of this Act are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of [Insert title of Act]; and

"(C) starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) of this Act are eligible for an immigrant visa, the number equal to the number of Z nonimmigrants who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further Z nonimmigrants adjust status;

"(3) Termination of temporary supplemental allocation.—The temporary supplemental allocation of visas shall terminate when the number of visas calculated pursuant to paragraph (2)(C) is zero.

"(4) Limitation.—The temporary supplemental visas in paragraph (2) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).

(c) Effective Date.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

SEC. 502. INCREASING AMERICAN COMPETITIVENESS THROUGH A MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS

(a) Sense of Congress.—It is the sense of Congress that the United States benefits from a work force that has diverse skills, experience and training.

(b) Creation of Merit-Based Evaluation System for Immigrants and Reallocation of Visas.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended by—

(1) striking paragraphs (1), (2), and (3) and inserting the following:

"(1) Merit-based immigrants.—Visas shall first be made available in a number not to exceed 95 percent of such worldwide level, plus any visas not required for the classes in paragraphs (2) and (3), to qualified immigrants selected through a merit-based evaluation system.

"(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

Category	Description	Max pts
Employment		47
Occupation	U.S. employment in Specialty Occupation (DoL definition)—**20 pts**	

Category	Description	Max pts
	U.S. employment in High Demand Occupation (BLS largest 10-yr job growth, top 30) **16 pts**	
National interest/critical infrastructure—Employer endorsement	U.S. employment in STEM or health occupation, current for at least 1 year—**8 pts** (extraordinary or ordinary) A U.S. employer willing to pay 50% of LPR applicaiton fee either 1) offers a job, or 2) attests for a current employee—**6 pts**	
Experience	Years of work for U.S. firm—**2 pts/year (max 10 pts)**	
Age of worker	Worker's age: 25–39—**3 pts**	
Education	M.D., M.B.A., Graduate degree, etc.—**20**	**28**
(terminal degree)	Bachelor's degree—**16 PTS** Associate's degree—**10 pts** High School diploma or GED—**6 pts** Completed certified Perkins Vocational Education program—**5 pts** Education program—**5 pts** Completed DoL Registered Apprenticeship—**8 pts** STEM, assoc & above—**8 pts**	
English & civics	native speaker of English or TOEFL score of 75 or higher—**15 pts** TOEFL score of 60-74—**10 pts** Pass USCIS Citizenship Tests in English & Civics—**6 pts**	**15**
Extended family (Applied if threshold of 55 in above categories.)		
	Adult (21 or older) son or daughter of USC—**8 pts** Adult (21 or older) son or daughter of LPR—**6 pts** Sibling of USC or LPR—**4 pts** If had applied for a family visa in any of the above categories after May 1, 2005—**2 pts**	**10**
		100
Supplemental schedule for Zs		
Agriculture National Interest	Worked in agriculture for 3 years, 150 days per year—21 pts Worked in agriculture for 4 years (150 days for 3 years, 100 days for 1 year)—23 pts Worked in agriculture for 5 years, 100 days per year—25 points	**25**
U.S. employment exp.	Year of lawful employment—1 pt	**15**
Home ownership	Own place of residence—1 pt/year owned	**5**
Medical Insurance	Current medical insurance for entire family	**5**

"(B) The Secretary of Homeland Security, after consultation with the Secretaries of Commerce and Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

"(C) The Standing Commission on Immigration and Labor Markets established pursuant to Section 407 of the [Insert title of Act] shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

"(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the [Insert title of Act] should criteria that are established by the [Insert title of Act] should take effect earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) of this Act are eligible for an immigrant visa.

"(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

"(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date of such application. Such denial shall not preclude the petitioner from filing successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny petition when denial is appropriate under other provisions of law, including but not limited to sections 204(c).".

(2) redesignating paragraph (4) as paragraph (2), by striking "7.1 percent" and inserting "4,200", and striking "5,000" and inserting "2,500";

(3) redesignating paragraph (5) as paragraph (3), by striking "7.1 percent"; and inserting "2,800", and striking "3,000" and inserting "1,500";

(4) redesignating paragraph (6) as paragraph (4).

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by striking subparagraphs (E) and (F).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment, unless such date is less than 270 days after the date of enactment, in which case the amendments shall take effect on the first day of the following fiscal year.

(2) PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Petitions for an employment-based visa filed for classification under section 203(b)(1), (2), or (3) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) that were filed prior to the date of the introduction of the [Insert title of Act] and were pending or approved at the time of the effective date of this section, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. Aliens with applications for labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

(e) CONFORMING AMENDMENTS.—

(1) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by striking "employment-based" each place it appears and inserting "merit-based".

(2) Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended by striking "employment-based" each place it appears and inserting "merit-based".

(3) Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended by:

(A) striking the heading and first sentence and inserting the following:

"(b) Preference allocation for merit-based, special and employment creation immigrants. Aliens subject to the worldwide level specified in section 201(d) for merit-based, special and employment creation immigrants in a fiscal year shall be allotted visas as follows:";

(B) striking "employment based" and inserting "merit-based" and striking "each of paragraphs (1) through (3)" and inserting "paragraph (1)" in subparagraph (6)(B)(i); and

(C) striking "employment based" and inserting "paragraph (1)" in subparagraph (6)(B)(iii).

(4) Section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) is amended by striking subparagraph (D).

(5) Section 213A(f) of the Immigration and Nationality Act (8.U.S.C. 1183a(f)) is amended by:

(A) striking subparagraph (4);

(B) striking subparagraph (5) and inserting the following:

"(4) NON-PETITIONING CASES.—Such term also includes an individual who does not meet the requirement of paragraph (1)(D) but who is a spouse, parent, mother in law, father in law, sibling, child (if at least 18 years of age), son, daughter, son in law, daughter in law, sister in law, brother in law, grandparent, or grandchild of sponsored alien or a legal guardian of a sponsored alien, meets the requirements of paragraph (1) (other than subparagraph (D)), and executes an affidavit of support with respect to such alien in a case in which—

(A) the individual petitioning under section 204 for the classification of such alien died after the approval of such petition; and

(B) the Secretary of Homeland Security has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate.";

(C) redesignating subparagraph (6) as subparagraph (5); and

(D) striking "(6)" and inserting "(5)" in subparagraph (1)(E).

(6) Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended by striking paragraph (5).

(7) Section 218(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1188) is amended by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(8)(A) Section 207(c)(3) of the Immigration and Nationality Act (8 U.S.C; 1157(c)(3)) is amended by striking "(5)," in the first sentence.

(B) Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) is amended by striking "(5)," in the second sentence

C) Section 210(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1160(c)(2)(A)) is amended by striking "paragraphs (5) and," and inserting "paragraph"

(D) Section 237(a)(1)(H)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)(i)(II)) is amended by striking "paragraphs (5) and," and inserting "paragraph"

(E) Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A) is amended by striking "(5)(a),"

(F) Section 245A(d)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(d)(2)(A)) is amended by striking "paragraphs (5) and," and inserting "paragraph"

(H) Section 286(s)(6) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(6) is amended by striking "and section 212(a)(5)(A)"

(f) References to Secretary of Homeland Security.—

(1) Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

(2) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by striking "Attorney General" each place it appears, except for section 204(f)(4)(B), and inserting "Secretary of Homeland Security".

SEC. 503.—REDUCING CHAIN MIGRATION AND PERMITTING PETITIONS BY NATIONALS

(a) Cap Exempt Categories.—Paragraph (1) of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is amended by adding the following two new subparagraphs at the end:

"(F) Aliens admitted under section 211(a) on the basis of prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

"(G) Aliens born to an alien lawfully admitted for permanent residence during temporary visit abroad.".

(b) Immediate Relatives.—

(1) Immediate relative redefined.—Paragraph (2) of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is amended to read as follows:

"(2) Immediate relatives.—

"(A) In general.—For purposes of this subsection, the term 'immediate relative' means child or spouse who is accompanying or following to join the alien).

"(B) Spouse of deceased U.S. citizen.—An alien who was the spouse of a citizen of the United States and not legally separated from the citizen at the time of the citizen's death, who was married to the citizen for not less than 2 years at the time of the citizen's death (or, if married for less than 2 years at the time of the citizen's death, who proves by preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit), and each child of such alien, may be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

"(i) years after such date; or

"(ii) the date on which the spouse remarries.

"(C) Battered spouse or child.—An alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

"(2) Petition.—Section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) is amended by striking "in the second sentence of section 201(b)(2)(A)(i)" and inserting "in section 201(b)(2)(B)".

(c) Preference Categories.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended:

(1) By striking paragraph (1) and inserting the following:

"(1) Parents of citizen of the United States if the citizen is at least 21 years of age. Qualified immigrants who are the parents of citizen of the United States where the citizen is at least 21 years of age shall be allocated visas in a number not to exceed 40,000, plus any visa not required for the classes specified in paragraph (3), or".

(2) By striking paragraph (2) and inserting the following:

"(2) Spouses or children of an alien lawfully admitted for permanent residence or a national. Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or noncitizen national of the United States as defined in section 101(a)(22)(8) of this Act who is resident in the United States shall be allocated visas in number not to exceed 87,000, plus any visas not required for the class specified in paragraph (1)".

(3) By striking paragraph (3) and inserting the following:

"(3) Family-sponsored immigrants who are beneficiaries of family-based visa petitions filed before May 1, 2005. Immigrant visas totaling 440,000 shall be allotted visas as follows:

"(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (D).

"(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, shall be allocated visas totaling 110,000 immigrant visas, plus any visas not required for the class specified in (A).

"(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (A) and (B).

"(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas totaling 189,200 immigrant visas, plus any visas not required for the class specified in (A),(B), and (C).".

(4) By striking paragraph (4).

(d) Petition.—Section 204(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(i)) is amended by striking ", (3), or (4)" after "paragraph (1)".

(e) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

(2) Pending and approved petitions.—Petitions for family-sponsored visa filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) which were filed before May 1, 2005, regardless of whether the petitions have been approved before May 1, 2005, shall be treated as if such provision remained in effect, and an approved petition may be the basis of an immigrant visa pursuant to section 203(a)(3).

(f) Determinations of Number of Intending Lawful Permanent Residents.—

(1) Survey of pending and approved family-based petitions.—The Secretary of Homeland Security may require a submission from petitioners with approved or pending family-based petitions filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) filed on or before May 1, 2005 to determine that the petitioner and the beneficiary have a continuing commitment to the petition for the alien relative under the classification. In the event the Secretary requires a submission pursuant to this section, the Secretary shall take reasonable steps to provide notice of such a requirement. In the event that the petitioner or beneficiary is no longer committed to the beneficiary obtaining an immigrant visa under this classification or if the petitioner does not respond to the request for a submission, the Secretary of Homeland Security may deny the petition if the petition has not been adjudicated or revoke the petition without additional notice pursuant to section 205 if it has been approved.

(2) First survey of Z nonimmigrant intends to adjust status.—The Secretary shall establish procedures by which nonimmigrants described in section 101(a)(15)(Z) who seek to become aliens lawfully admitted for permanent residence under the merit-based immigrant system shall establish their eligibility, pay any applicable fees and penalties, and file their petitions. No later than the conclusion of the eighth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants who have followed the procedures set forth in this section. The number calculated pursuant to this paragrap shall be 20 percent of the total number of qualified applicants. The Secretary will calculate the number of visas needed per year.

(3) Second survey of Z Nonimmigrants intending to adjust status.—No later than the conclusion of the thirteenth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants not described in paragraph (2) who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be the lesser of:

(A) the number qualified applicants, as determined by the Secretary pursuant to this paragraph; and

(B) the number calculated pursuant to paragraph (2).

(g) Conforming Amendments.—

(1) Section 212(d)(12)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(12)(B)) is amended by striking "201(b)(2)(A)" and inserting "201(b)(2)";

(2) Section 101(a)(15)(K) of the Immigration and Nationality Act (8 .S.C. 1101(a)(15)(K)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)(2)";

(3) Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by striking "201(b)(2)(A)(i)" each place it appears and inserting "201(b)(2)";

(4) Section 214(r)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(r)(3)(A)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)(2)";

SEC. 504. CREATION OF PROCESS FOR IMMIGRATION OF FAMILY MEMBERS IN HARDSHIP CASES.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding a new section 203A reading:

"SEC. 203A——. IMMIGRANT VISAS FOR HARDSHIP CASES.

"(a) IN GENERAL.—Immigrant visas under this section may not exceed 5,000 per fiscal year.

"(b) DETERMINATION OF ELIGIBILITY.—The Secretary of Homeland Security may grant an immigrant visa to an applicant who satisfies the following qualifications:

"(1) FAMILY RELATIONSHIP.—Visas under this section will be given to aliens who are:

"(A) the unmarried sons or daughters of citizens of the United States;

"(B) the unmarried sons or the unmarried daughters of aliens lawfully admitted for permanent residence;

"(C) the married sons or married daughters of citizens of the United States; or

"(D) the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age,

"(2) NECESSARY HARDSHIP.—The petitioner must demonstrate to the satisfaction of the Secretary of Homeland Security that the lack of an immigrant visa under this clause would result in extreme hardship to the petitioner or the beneficiary that cannot be relieved by temporary visits as a nonimmigrant.

"(3) INELIGIBILITY TO IMMIGRATE THROUGH OTHER MEANS.—The alien described in clause (1) must be ineligible to immigrate or adjust status through other means, including but not limited to obtaining an immigrant visa filed for classification under section 201(b)(2)(A) or section 203 (a) or (b) of this Act, and obtaining cancellation of removal under section 240A(b) of this Act determination under this section that an alien is eligible to immigrate through other means does not foreclose or restrict any later determination on the question of eligibility by the Secretary of Homeland Security or the Attorney General.

"(c) PROCESSING OF APPLICATIONS.—

"(1) An alien selected for an immigrant visa pursuant to this section shall remain eligible to receive such visa only if the alien files an application for an immigrant visa or an application for adjustment of status within the fiscal year in which the visa becomes available, or at such reasonable time as the Secretary may specify after the end of the fiscal year for petitions approved in the last quarter of the fiscal year.

"(2) All petitions for an immigrant visa under this section shall automatically terminate if not granted within the fiscal year in which they were filed. The Secretary may in his discretion establish such reasonable application period or other procedures for filing petitions as he may deem necessary in order to ensure their orderly processing within the fiscal year of filing.

"(3) The secretary may reserve up to 2,500 of the immigrant visas under this section for approval in the period between March 31 and September 30 of fiscal year.

"(d) Decisions whether an alien qualifies for an immigrant visa under this section are in the unreviewable discretion of the Secretary".

SEC. 505. ELIMINATION OF DIVERSITY VISA PROGRAM

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended--

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking "; and" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking "(a), (b), or (c)," and inserting "(a) or (b),";

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking "(a), (b), or (c)" and inserting "(a) or (b)" ; and

(5) in subsection (g), by striking "(a), (b), and (c)" and inserting "(a) and (b)".

(c) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I);

(2) by redesignating subparagraphs (J), (K), and (L) of subsection (a)(1) as subparagraphs (I), (J), and (K), respectively; and

(3) in subsection (e), by striking "(a), (b), or (c)" and inserting "(a) or (b)".

(d) REPEAL OF TEMPORARY REDUCTION IN VISAS FOR OTHER WORKERS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act, as amended (Public Law 105–100; U.S.C. 1153 note), is repealed.

(e) EFFECTIVE DATE.—

(1) The amendments made by this section shall take effect on October 1, 2008;

(2) No alien may receive lawful permanent resident status based an the diversity visa program on or after the effective date of this section.

(f) CONFORMING AMENDMENTS.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153 (a)) is amended by redesignating paragraphs (d), (e), (f), (g), and (h) as paragraphs (c), (d), (e), (f), and (g), respectively.

SEC. 506. FAMILY VISITOR VISAS.

(a) Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended to read as follows:

"(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he or she has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure. The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;".

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(s) Parent Visitor Visas

"(1) IN GENERAL.—The parent of United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating satisfaction of the requirements of this subsection may be granted nonimmigrant visa under section 101(a)(15)(B) as temporary visitor for pleasure.

"(2) REQUIREMENTS.—An alien seeking nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

"(A) the alien's United States citizen son or daughter who is at least 21 years of age or the alien's spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien's visit to the United States;

"(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeit if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her nonimmigrant status; and

"(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

"(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

"(A) may not stay in the United States for an aggregate period in excess of 30 days within any calendar year.

"(B) must, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

"(C) may not be issued employment authorization by the Secretary or be employed.

"(4) CERTIFICATION.—

"(A) REPORT.—No later than January 1 of each year, the Secretary of Homeland Security shall submit a written report to Congress estimating the percentage of aliens admitted to the United States during the preceding fiscal year as visitors for pleasure under the terms and conditions of this subsection who have remained in the United States beyond their authorized period of admission (except as provided in subparagraph (S)(B)). When preparing this report, the Secretary shall determine which countries, if any, have a disproportionately high rate of nationals overstaying their period of authorized admission under this subsection.

"(B) TERMINATION OF ELIGIBILITY OF NATIONALS OF CERTAIN COUNTRIES.—Except as provided in subparagraph (C), if the Secretary reports under subparagraph (A) for two consecutive fiscal years that the percentage of aliens overstaying their period of authorized admission exceeds 7 percent, the Secretary may, in his discretion, determine that no more visas under this section may be issued for those countries whose nationals have a disproportionately high rate of aliens overstaying their period of authorized admission under this subsection.

"(C) TERMINATION OF THE PROGRAM.—Notwithstanding subparagraph (B), if the Secretary reports under subparagraph (A) for two consecutive fiscal years that the percentage of aliens overstaying their period of authorized admission under this subsection exceeds 7% and the percentage is not significantly affected by countries whose nationals have a disproportionately high rate of aliens overstaying their period of authorized admission, the Secretary may, in his discretion, determine that no more visas may be issued under this subsection as of the date of the second consecutive report described in subparagraph (A) finding an overstay rate in excess of 7%.

"(D) EFFECT ON EXISTING VISAS.—In the event the Secretary determines to that no more visas shall be issued under subparagraphs (B) or (C); all visas previously issued under this subsection and still valid on the date that the Secretary determines that no more visas should be issued shall expire on the visa's date of expiration or 12 months after the date of the determination, whichever is soonest.

"(5) PERMANENT BARS FOR OVERSTAYS.—

"(A) IN GENERAL.—Any alien admitted as visitor for pleasure under the terms and conditions of this subsection who remains in the

United States beyond his or her authorized period of admission is permanently barred from any future immigration benefits under the immigration laws, except—

"(i) asylum under section 208(a);

"(ii) withholding of removal under section 241(b)(3); or

"(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

"(B) Exception.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that:

"(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstance; and

"(ii) the alien has not otherwise violated his or her nonimmigrant status.

"(6) Bar on Sponsor of Overstay.—The United States citizen or Y-1 nonimmigrant sponsor of an alien—

"(A) admitted as visitor for pleasure under the terms and conditions of this subsection, and

"(B) who remains in the United States beyond his or her authorized period of admission, shall be permanently barred from sponsoring that alien or any other alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y-1 nonimmigrant sponsor, shall have his Y-1 nonimmigrant status terminated.

"(7) Construction.—Nothing in this subsection shall be construed, except as provided in this subsection, to make inapplicable the requirements for admissibility and eligibility, as well as the terms and conditions of admission, as a nonimmigrant under section 101(a)(15)(B).".

SEC. 507. PREVENTION OF VISA FRAUD.

(a) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding a paragraph at the end:

"(h) Fraud Prevention.—The Secretary of Homeland Security may audit and evaluate the information furnished as part of the applications filed under subsection (a) and refer evidence of fraud to appropriate law enforcement agencies based on the audit information."

(b) Sections 286(v)(2)(B) and (C) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(B), (C)) are amended to read as follows:

"(B) Secretary of Homeland Security.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Homeland Security until expended for programs and activities to prevent and detect immigration benefit fraud, including but not limited to fraud with respect to petitions under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15).

"(C) Secretary of Labor.—One third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Labor until expended for enforcement programs, and activities described in section 212(n), and for enforcement programs, and fraud detection and prevention activities not otherwise authorized under 212(n), to be conducted by the Secretary of Labor that focus on industries likely to employ nonimmigrants."

SEC. 508. INCREASING PER-COUNTRY LIMITS FOR FAMILY-BASED AND EMPLOYMENT-BASED IMMIGRANTS.

(a) Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a) is amended by amending paragraph (2) to read as follows:

"(2) Per country levels for family-sponsored and merit-based immigrants.—Subject to paragraphs (3), (4), (5), (6), and (7), the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsections (a) and (b) of section 203 in any fiscal year may not exceed 10 percent (in the case of a single foreign state) or 3 percent (in the case of dependent area) of the total number of such visas made available under such subsections in that fiscal year;

(b) Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a) is amended by adding at the end the following:

"(6) Rules for certain family-based petition filed before May 1, 2005.—In the event that the per country levels in paragraph (2) prevent the use of otherwise available visas described in section 201(c)(1)(B), then the per country level will not apply for such visas.

"(7) Exception for Z nonimmigrants.—Paragraph (2) shall not apply to aliens who are nonimmigrants described in section 101(a)(15)(Z) of this Act who are eligible to seek lawful permanent resident status based on a petition for classification under section 203(b)(1) of this Act.".

TITLE VI—NONIMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS

SEC. 601.

(a) In General.—Notwithstanding any other provision of law, (including section 244(h) of the Immigration and Nationality Act (hereinafter "the Act") (8 U.S.C. 1254a(h)), the Secretary may permit an alien, or dependent of such alien, described in this section, to remain lawfully in the United States under the conditions set forth in this Title.

(b) Definition of Nonimmigrants.—Section 101(a)(15) of the Act (8 U.S.C. 1101(a)(15)) is amended by inserting at the end the following new subparagraph—

"(Z) subject to Title VI of the [Insert title of Act], an alien who—

"(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, is employed, and seeks to continue performing labor, services or education; or

"(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and

"(I) is the spouse or parent (65 years of age or older) of an alien described in (i); or

"(II) was within two years of the date on which [NAME OF THIS ACT] was introduced, the spouse of an allen who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant.

"(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and was born to or legally adopted by at least one parent who is at the time of application described in (i) or (ii).".

(c) Presence in the United States.—

(1) In General—The alien shall establish that the alien was not present in lawful status in the United States on January 1, 2007, under any classification described in section 101(a)(15) of the Act (8 U.S.C. 1101(a)(15) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) Continuous presence.—For purposes of this section, an absence from the United States without authorization for a continuous period of 90 days or more than 180 days in the aggregate shall constitute a break in continuous physical presence.

(d) Other Criteria.—

(1) Grounds of ineligibility.—An alien is ineligible for Z nonimmigrant status if the Secretary determines that the alien—

(A)(1) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)], except as provided in paragraph (2);

(2) Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien.

(B) is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

(C) is described in or is subject to section 241(61)(5) of the Act;

(D) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(E) is an alien—

(i) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense as described in section 101(h) of the Act outside the United States before arriving in the. United States; or

(ii) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

(F) has been convicted of—

(i) a felony;

(ii) an aggravated felony as defined at section 101(a)(43) of the Act;

(iii) 3 or more misdemeanors under Federal or State law; or

(iv) a serious criminal offense as descried in section 101(h) of the Act;

(G) has entered or attempted to enter the United States illegally on or after January 1, 2007; and

(H) with respect to an applicant for Z–2 or Z–3 nonimmigrant status, a Z–2 nonimmigrant, or a Z–3 nonimmigrant who is under 18 years of age, the alien is ineligible for nonimmigrant status if the principal Z–1 nonimmigrantb Z–1 nonimmigrant status applicant is ineligible.

(I) The Secretary may in his discretion waive ineligibility under subparagraph (B) or (C) if the alien has not been physically removed from the United States and if the alien demonstrates that his departure from the United States would result in extreme hardship to the alien or the alien's spouse, parent or child.

(2) Grounds of inadmissibility—

(A) In General.—In determining an alien's admissibility under paragraph (1)(A)—

(i) paragraphs (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled before the date of application, but not with respect to an alien who has arrived in the United States on or after January 1, 2007), (6)(B), (6)(C)(i), (6)(C)(II), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Act shall not apply, but only with respect to conduct occurring or arising before the date of application;

(ii) the Secretary may not waive—

(I) subparagraph (A), (B), (C), (D)(ii), (E), (F), (G), (H), or (I) of section 212(a)(2) of the Act (relating to criminals);

(II) section 212(a)(3) of the Act (relating to security and related grounds);

(III) with respect to an application for Z nonimmigrant status, section 212(a)(6)(i) of the Act;

(IV) paragraph (6)(A)(i) of section 212(a) of the Act (with respect to any entries occurring on or after January 1, 2007);

(V) section 212(a)(9)(C)(i)(II);

(VI) subparagraph (A), (C), or (D) of section 212(a)(10) of the Act (relating to polygamists, child abductors, and unlawful voters);

(iii) the Secretary may in his discretion waive the application of any provision of section 212(a) of the Act not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest; and

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a) of the Act.

(e) ELIGIBILITY REQUIREMENTS.—To be eligible for Z nonimmigrant status an alien shall meet the following and any other applicable requirements set forth in this section:

(1) ELIGIBILITY.—The alien must not fall within a class of aliens ineligible for Z nonimmigrant status listed under subsection (d)(1).

(2) ADMISSIBILITY.—The alien must not be inadmissible as a nonimmigrant to the United States under section 212, except as provided in subsection (d)(2), regardless of whether the alien has previously been admitted to the United States.

(3) PRESENCE.—To be eligible for Z–1 or Z–2 nonimmigrant status, or for nonimmigrant status under section 101(a)(15)(Z)(iii)(I), the alien must—

(A) have been physically present in the United States before January 1, 2007, and have maintained continuous physical presence in the United States since that date;

(B) be physically present in the United States on the date of application for Z nonimmigrant status; and

(C) be on January 1, 2007, and on the date of application for Z nonimmigrant status, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(4) EMPLOYMENT.—An alien seeking Z–1 nonimmigrant status must be employed in the United States on the date of filing of the application for Z–1 nonimmigrant status.

(6) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(I) An alien making an initial application for Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application; but no more than $1.500 for single Z nonimmigrant.

(ii) An alien applying for extension of his Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application; but no more than $1,500 for a single Z nonimmigrant.

(B) PENALTIES.—

(i) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) A Z–1 nonimmigrant making an initial application for Z–1 nonimmigrant status shall be required to pay a $500 penalty for each alien seeking Z–2 or Z–3 nonimmigrant status derivative to the 2–1 applicant.

(iii) An alien who is a Z–2 or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, a Z–1 nonimmigrant making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286(m) and (n).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by section 286(w).

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by section 286(x).

(7) INTERVIEW.—An applicant for Z nonimmigrant status must appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610 of the [NAME OF THIS ACT], the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for nonimmigrant status for a period of one year starting the first day of the first month beginning no more than 180 days after the date of enactment of this section. If, during the one-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary of Homeland Security determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may in his discretion extend the period for accepting applications by up to 12 months.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status must submit biometric data in accordance with procedures established by the Secretary of Homeland Security.

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Z nonimmigrant status.

(2) APPLICATION INFORMATION.—

(A) IN GENERAL.—The application form shall request such information as the Secretary deems necessary and appropriate, including but not limited to, information concerning the alien's physical and mental health; complete criminal history, including all arrests and dispositions; gang membership, renunciation of gang affiliation; immigration history; employment history; and claims to United States citizenship.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not accord Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under paragraphs (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in paragraph (h)(1). The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire no later than six months after the date on which the Secretary begins to approve applications for Z nonimmigrant status.

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of enactment and the date on which the period for

initial registration closes under subsection (f)(2), and the alien can establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of documentation of status, as described in subsection (j), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under Section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of

(I) presence or employment required under this section, or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (i) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center;

(v) remittance records;

(vi) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, that contain—

(aa) the name, address, and telephone number of the affiant;

(bb) the nature and duration of the relationship between the affiant and the alien; and

(cc) other verification or information.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(4) DENIAL OF APPLICATION.—

(i) An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have his application denied and may not file additional applications.

(ii) An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except where the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have his application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) EVIDENCE OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each Z nonimmigrant.

(2) FEATURES OF DOCUMENTATION.—Documentary evidence of Z nonimmigrant status:

(A) shall be machine-readable, tamper-resistant, and shall contain digitized photograph and other biometric identifiers that can be authenticated;

(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a Port of Entry.

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

(E) shall be issued to the nonimmigrant by the Secretory of Homeland Security promptly after final adjudication of such aliens application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary of Homeland Security.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be four years.

(2) EXTENSIONS.—

(A) IN GENERAL.—Z nonimmigrant may seek an indefinite number of four-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for nonimmigrant status;

(ii) ENGLISH LANGUAGE AND CIVICS.—

"(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in sections 312(a)(1) and (2) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2). The alien may make up to three attempts to demonstrate such understanding and knowledge but must satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirement of subclauses (1) and (II) shall not apply to any parson who, on the date of the filing of the person's application for an extension of nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to comply therewith;

(bb) is over fifty years of age and has been living the United States for periods totaling at least twenty years, or

(cc) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 or Z–3 nonimmigrant status an alien must demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent authorized period of stay as of the date of application; and

(iv) FEES.—The alien must pay processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a single Z nonimmigrant.

(C) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of Z nonimmigrant status may be required to submit to a renewed security and law enforcement background check that must be completed to the satisfaction of the Secretary of Homeland Security before such extension may be granted.

(D) TIMELY FILING AND MAINTENANCE OF STATUS.

(i) IN GENERAL.—An extension of stay under this paragraph, or a change of status to another nonimmigrant status under subsection (I), may not be approved for an applicant who failed to maintain Z nonimmigrant status or where such status expired or terminated before the application was filed.

(ii) EXCEPTION.—Failure to file before the period of previously authorized status expired or terminated may be excused in the discretion of the Secretary and without separate application, with any extension granted from the date the previously authorized stay expired, where it is demonstrated at the time of filing that:

(I) the delay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the delay commensurate with the circumstances; and

(II) the alien has not otherwise violated his Z nonimmigrant status.

(iii) EXEMPTIONS FROM PENALTY AND EMPLOYMENT REQUIREMENTS.—An alien demonstrating extraordinary circumstances under clause (ii), including the spouse of a Z-1 nonimmigrant who has been battered or has been the subject of extreme cruelty perpetrated by the Z-1 nonimmigrant, and who is changing to Z-1 nonimmigrant status, may be exempted by the Secretary, in his discretion, from—

(I) the requirements under subsection (m) for period of up to 180 days; and

(II) the penalty provisions of section (e)(6)(B)(iii), except that the alien must pay the penalty under section (e)(6)(B) at the time of application for the alien's first subsequent extension of Z–1 nonimmigrant status.

(E) BARS TO EXTENSION.—Except as provided in subparagraph (D), a Z nonimmigrant shall not be eligible to extend such nonimmigrant status if:

(i) the alien has violated any term or condition of his or her Z nonimmigrant status, including but not limited to failing to comply with the change of address reporting requirements under section 265;

(ii) the period of authorized admission of the Z nonimmigrant has been terminated for any reason; or

(iii) with respect to a Z–2 or Z–3 nonimmigrant, the principal alien's Z–1 nonimmigrant status has been terminated.

(l) CHANGE OF STATUS.—

(1) CHANGE FROM NONIMMIGRANT STATUS.—

(A) IN GENERAL.—A Z nonimmigrant may not change status under section 248 to another nonimmigrant status, except another Z nonimmigrant status or status under subparagraph (U) of section 101(a)(15).

(B) CHANGE FROM Z–A STATUS.—A Z–A nonimmigrant may change status to Z nonimmigrant status at the time of renewal referenced in section 214A(j)(1)(C) of the Immigration and Nationality Act.

(C) LIMIT ON CHANGES.—A Z nonimmigrant may not change status more than one time per 365-day period. The Secretary may, in his discretion, waive the application of this subparagraph to an alien if it is established to the satisfaction of the Secretary that application of this subparagraph would result in extreme hardship to the alien.

(2) NO CHANGE TO Z NONIMMIGRANT STATUS.—A nonimmigrant under the immigration laws may not change status under section 248 to Z nonimmigrant status.

(m) EMPLOYMENT.—

(1) Z–1 AND Z–3 NONIMMIGRANTS.—

(A) IN GENERAL.—Z–1 and Z–3 nonimmigrants shall be authorized to work in the United States.

(B) CONTINUOUS EMPLOYMENT REQUIREMENT.—All requirements that an alien be employed or seeking employment for purposes of this Title shall not apply to an alien who is under 16 years or over 65 years of age. A Z–1 or Z–3 nonimmigrant between 16 and 65 years of age must remain continuously employed full time in the United States as a condition of such nonimmigrant status, except where—

(i) the alien is pursuing full course of study at an established college, university, seminary, conservatory, trade school, academic high school, elementary school, or other academic institution or language training program;

(ii) the alien is employed while also engaged in study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or language training program;

(iii) the alien cannot demonstrate employment because of a physical or mental disability (as defined under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)) or as a result of pregnancy if such condition is evidenced by the submission of documentation prescribed by the Secretary; or

(iv) the alien's ability to work has been temporarily interrupted by an event that the Secretary has determined to be a force majeure interruption.

(2) Z–2 nonimmigrants.—Z–2 nonimmigrants shall be authorized to work in the United States.

(3) PORTABILITY.—Nothing in this subsection shall be construed to limit the ability of a Z nonimmigrant to change employers during the alien's period of authorized admission.

(n) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL—A Z NONIMMIGRANT.—

(A) may travel outside of the United States; and

(B) may be readmitted (if otherwise admissible) without having to obtain a visa if:

(i) the alien's most recent period of authorized admission has not expired;

(ii) the alien is the bearer of valid documentary evidence of Z nonimmigrant status that satisfies the conditions set forth in section (j); and

(iii) the alien is not subject to the bars on extension described in subsection (k)(2)(E).

(2) ADMISSIBILITY—On seeking readmission to the United States after travel outside the United States an alien granted Z nonimmigrant status must establish that he or she is not inadmissible, except as provided by subsection (d)(2).

(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the most recent period of authorized admission in the United States under subsection (k).

(o) TERMINATION OF BENEFITS.—

(1) IN GENERAL.—Any benefit provided to a Z nonimmigrant or an applicant for Z nonimmigrant status under this section shall terminate if—

(A) the Secretary determines that the alien is ineligible for such classification and all review procedures under section 603 of the [Insert title of Act] have been exhausted or waived by the alien;

(B)(i) the alien is found removable from the United States under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227);

(ii) the alien becomes inadmissible under section 212 (except as provided in subsection (d)(2), or

(iii) the alien becomes ineligible under subsection (d)(1);

(C) the alien has used documentation issued under this section for unlawful or fraudulent purposes;

(D) in the case of the spouse or child of an alien applying for a Z nonimmigrant visa or classified as a Z nonimmigrant under this section, the benefits for the principal alien are terminated;

(E) with respect to a Z–1 or Z–3 nonimmigrant, the employment or study requirements under subsection (m) have been violated; or

(F) with respect to probationary benefits, the alien's application for Z nonimmigrant status is denied.

(2) DENIAL OF IMMIGRANT VISA OR ADJUSTMENT APPLICATION.—Any application for an immigrant visa or adjustment of status to lawful permanent resident status made under this section by an alien whose Z nonimmigrant status is terminated under paragraph (1) shall be denied.

(3) DEPARTURE FROM THE UNITED STATES.—Any alien whose period of authorized admission or probationary benefits is terminated under paragraph (1), as well as the alien's Z–2 or Z–3 nonimmigrant dependents, shall depart the United States immediately.

(4) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (j) or pursuant to subsection (h)(4) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

(p) REVOCATION.—If, at any time after an alien has obtained status under section 601 of the [Insert title of Act] but not yet adjusted such status to that of an alien lawfully admitted for permanent residence under section 602, the Secretary may, for good and sufficient cause, if it appears that the alien was not in fact eligible for status under section 601, revoke the alien's status following appropriate notice to the alien.

(q) DISSEMINATION OF INFORMATION ON Z PROGRAM.—During the 2 year period immediately after the issuance of regulations implementing this title, the Secretary, in cooperation with entities approved by the Secretary, shall broadly disseminate information respecting Z classification under this section and the requirements to be satisfied to obtain such classification. The Secretary shall disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in no fewer than the top five principal languages, as determined by the Secretary in his discretion, spoken by aliens who would qualify for classification under this section, including to television, radio, and print media to which such aliens would have access.

(r) DEFINITIONS.—In this title and section 214A of the Immigration and Nationality Act:

(1) Z NONIMMIGRANT; Z NONIMMIGRANT WORKER.—The term 'Z nonimmigrant worker' means an alien admitted to the United States under paragraph (Z) of subsection 101(a)(15). The term does not include aliens granted probationary benefits under subsection (h) and whose applications for nonimmigrant status under section 101(a)(15)(Z) of the Act have not yet been adjudicated.

(2) Z–1 NONIMMIGRANT; Z–1 WORKER.—The term 'Z–1 nonimmigrant' or 'Z–1 worker' means an alien admitted to the United States under paragraph (i)(I) of subsection 10 1(a)(15)(Z).

(3) Z–A NONIMMIGRANT; Z–A WORKER.—The term 'Z–A nonimmigrant' or 'Z–A worker' means an alien admitted to the United States under paragraph (ii)(II) of subsection 101(a)(15)(Z).

(4) Z–2 NONIMMIGRANT.—The term 'Z–2 nonimmigrant' means an alien admitted to the United States under paragraph (ii) of subsection 101(a)(15)(Z).

(5) Z–3 NONIMMIGRANT; Z–3 WORKER.—The term 'Z–3 nonimmigrant' or 'Z–3 worker' means an alien admitted to the United States under paragraph (iii) of subsection 101(a)(15)(z).

SEC. 602. EARNED ADJUSTMENT FOR Z STATUS ALIENS.

(a) LAWFUL PERMANENT RESIDENCE.—

(1) Z–1 NONIMMIGRANTS.—

(A) PROHIBITION ON IMMIGRANT VISA.—A Z–1 nonimmigrant may not be issued an immigrant visa pursuant to sections 221 and 222.

(B) ADJUSTMENT.—Notwithstanding sections 245(a) and (c), the status of any Z–1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(C) REQUIREMENTS.—A Z–1 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, including the merit requirements set forth in section 203(b)(1)(A)[INSERT CITE], the following requirements:

(i) STATUS.—The alien must be in valid Z–1 nonimmigrant status;

(ii) CONSULAR APPLICATION.—

(I) IN GENERAL.—A Z–1 nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence must be filed in person with a United States consulate abroad.

(II) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z–1 nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien's country of origin. A consular office in a country that is not Z–1 nonimmigrant's country of origin may as a matter of discretion, or shall at the direction of the Secretary of State, accept an application for adjustment of status from such an alien.

(iii) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Act or have an approved petition that was filed pursuant to the evaluation system under section 203(b)(1)(A) of the Act;

(iv) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a), except for those grounds previously waived under subsection (d)(2);

(v) FEES AND PENALTIES.—In addition to the fees payable to the Secretary of Homeland Security and Secretary of State in connection with the filing of an immigrant petition and application for adjustment of status, a Z–1 head of household must pay a $4,000 penalty at the time of submission of any immigrant petition on his behalf, regardless of whether the alien submits such petition on his own behalf or the alien is the beneficiary of an immigrant petition filed by another party; and

(D) EXEMPTIONS.—Section 602(a)(1)(c)(ii) shall not apply to an alien who, on the date on which the application for adjustment of status is filed under this section, is exempted from the employment requirements under subsection (m)(1)(B)(iii).

(E) FAILURE TO ESTABLISH LAWFUL ADMISSION TO THE UNITED STATES.—Unless exempted under subparagraph (D), a Z immigrant who fails to depart and reenter the United States in accordance with paragraph (1) may not become a lawful permanent resident under this section.

(2) Z–2 AND Z–3 NONIMMIGRANTS.—

(A) RESTRICTION ON VISA ISSUANCE OR ADJUSTMENT.—An application for an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence of a Z–2 nonimmigrant or a Z–3 nonimmigrant under 18 years of age may not be approved before the adjustment of status of the alien's principal Z–1 nonimmigrant.

(B) ADJUSTMENT OF STATUS.—

(i) ADJUSTMENT.—Notwithstanding sections 245(a) and (c), the status of any Z–2 or Z–3 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(ii) REQUIREMENTS.—A Z–2 or Z–3 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, the following requirements:

(I) STATUS.—The alien must be in valid Z–2 or Z–3 nonimmigrant status;

(II) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Act or have an approved petition that was filed pursuant to the merit-based evaluation system under section 203(b)(1)(A) of the Act;

(III) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a), except for those grounds previously waived under subsection (d)(2);

(IV) FEES.—The alien must pay the fees payable to the Secretary of Homeland Security and Secretary of State in connection with the filing of an immigrant petition and application for an immigrant visa; and

(3) MAINTENANCE OF WAIVERS OF INADMISSIBILITY.—The grounds of inadmissibility not applicable under section (d)(2) shall also be considered inapplicable for purposes of admission as an immigrant or adjustment pursuant to this subsection.

(4) APPLICATION OF OTHER LAW.—In processing applications under this subsection on behalf of aliens who have been battered or subjected to extreme cruelty, the Secretary shall apply—

(A) the provisions under section 204(a)(1)(J) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(J)); and

(B) the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

(5) BACK OF THE LINE.—An alien may not adjust status to that of a lawful permanent resident under this section until 30 days after an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Act that were filed before May 1, 2005.

(6) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted under this section shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

(7) MEDICAL EXAMINATION.—An applicant for earned adjustment shall undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

(8) PAYMENT OF INCOME TAXES.—

(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the applicant shall satisfy any applicable Federal tax liability accrued during the period of status by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been paid; or

(iii) the applicant has entered into, and is in compliance with, an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to—

(i) the applicant, upon request, to establish the payment of all taxes required under this subsection; or

(ii) the Secretary, upon request, regarding the payment of Federal taxes by an alien applying for benefit under this section.

(9) DEPOSIT OF FEES.—Fees collected under this paragraph shall be deposited into the Immigration Examination Fee Account and shall remain available as provided under subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(10) DEPOSIT OF PENALTIES.—Penalties collected under this paragraph shall be deposited into the Temporary Worker Program Account and shall remain available as provided under section 286(w) of the Immigration and Nationality Act.

SEC. 603. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE.—

(1) EXCLUSIVE REVIEW.—Administrative review of a determination respecting nonimmigrant status under this title shall be conducted solely in accordance with this subsection.

(2) ADMINISTRATIVE APPELLATE REVIEW.—Except as provided in subparagraph (b)(2), an alien whose status under this title has been denied, terminated, or revoked may file not more than one appeal of the denial, termination, or rescission with the Secretary not later than 30 calendar days after the date of the decision or mailing thereof, whichever occurs later in time. The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of a denial, termination, or rescission of status under [this Act].

(3) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional newly discovered or previously unavailable evidence as the administrative appellate review authority may decide to consider at the time of the determination.

(4) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the administrative appellate review process the alien may file not more than one motion to reopen or to reconsider. The Secretary's decision whether to consider any such motion is committed to the Secretary's discretion.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) SELF-INITIATED REMOVAL.—Any alien who receives a denial under subsection (a) may request, not later than 30 calendar days after the date of the denial or the mailing thereof, whichever occurs later in time, that the Secretary place the alien in removal proceedings. The Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal, provided that no court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings. If the alien is subject to an administratively final order of removal, the alien may seek review of the denial under this section pursuant to subsection 242(h) as though the order of removal had been entered on the date of the denial, provided that the court shall not review the order of removal except as otherwise provided by law.

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(i) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clause (1)(F)(ii) of subsection 601(d) of [this Act] because the alien has been convicted of an aggravated felony, as defined in paragraph 101(a)(43) of the INA, may be placed forthwith in proceedings pursuant to section 238(b) of the INA.

(ii) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clauses (1)(F)(i), (iii), or (iv) of subsection [CITE: 601(d)] of [this Act] may be placed forthwith in removal proceedings under section 240 of the INA.

(iii) FINAL DENIAL, TERMINATION OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in clauses (i) and (ii) of this subparagraph shall be final for purposes of subparagraph 242(h)(3)(C) of the INA and shall represent the exhaustion of all review procedures for purposes of subsections 601(h) (relating to treatment of applicants) and 601(o) (relating to termination of proceedings) of this Act, notwithstanding paragraph (a)(2) of this section.

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection the alien may file not more than one motion to reopen or to reconsider. The Secretary's or Attorney General's decision whether to consider any such motion is committed to the Attorney General's discretion.

(c) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act is amended by adding at the end the following subsection (h):

"(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINATIONS RELATING TO STATUS UNDER TITLE VI OF [THIS ACT].

"(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title VI of [this Act], including, without limitation, denial, termination, or rescission of such status.

"(2) NO REVIEW FOR LATE FILINGS.—An alien may not file an application for status under title VI of [this Act] beyond the period for receipt of such applications established by subsection 601(f) thereof. The denial of any application filed beyond the expiration of the period established by that subsection shall not be subject to judicial review or remedy.

"(3) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS UNDER TITLE VI OF [THIS ACT].—A denial, termination, or rescission of status under subsection 601 of [this Act] may be reviewed only in conjunction with the judicial review of an order of removal under this section, provided that:

"(A) the venue provision set forth in (b)(2) shall govern;

"(B) the deadline for filing the petition for review in (b)(1) shall control;

"(C) the alien has exhausted all administrative remedies available to the alien as of right, including but not limited to the timely filing of an administrative appeal pursuant to subsection 603(a) of [this Act];

"(D) the court shall decide a challenge to the denial of status only on the administrative record on which the Secretary's denial, termination, or rescission was based;

"(E) LIMITATION ON REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court reviewing denial, termination, or rescission of status under Title VI of [this Act] may review any discretionary decision or action of the Secretary regarding any application for or termination or rescission of such status; and

"(F) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—The alien may file not more than one motion to reopen or to reconsider in proceedings brought under this section.

"(4) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the Secretary's denial, termination, or rescission of status under title VI of [this Act] relating to any alien shall be based solely upon the administrative record before the Secretary when he enters final denial, termination, or rescission. The administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary. The legal determinations are conclusive unless manifestly contrary to law.

"(5) CHALLENGES ON VALIDITY OF THE SYSTEM.—

"(A) IN GENERAL.—Any claim that title VI of [this Act], or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement that title, violates the Constitution of the United States or is otherwise in violation of law is available exclusively in an action instituted in the United States District Court for the District of Columbia in accordance with the procedures prescribed in this paragraph. Nothing in this subparagraph shall preclude an applicant for status under title VI of [this Act] from asserting that an action taken or decision made by the Secretary with respect to his status under that title was contrary to law in proceeding under section 603 of [this Act] and paragraph (b)(2) of this section.

"(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph,

"(i) must, if it asserts a claim that title VI of [this Act] or any regulation, written policy, or written directive issued by or under the authority of the Secretary to implement that title violates the Constitution or is otherwise unlawful, be filed no later than one year after the date of the publication or promulgation of the challenged regulation, policy or directive or, in cases challenging the validity of the Act, within one year of enactment; and

"(ii) must, if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution or is otherwise unlawful, be filed no later than one year after the plaintiff knew or reasonably should have known of the unwritten policy or practice.

"(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with Public Law 109–2 and the Federal Rules of Civil Procedure.

"(D) PRECLUSIVE EFFECT.—The final disposition of any claim brought under subparagraph (5)(A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under subsection 603 [of this Act].

"(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under subsection 603 of [this Act], but nothing shall prevent the court from staying proceedings under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In issuing such a stay, the court shall take into account any harm the stay may cause to the claimant. The court shall have no authority to stay proceedings initiated under any other section of the INA.".

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer, employee or contractor of such agency or bureau, may—

(1) use the information furnished by an applicant under section 601[and 602] of the [—] or the fact that the applicant applied for such Z status for any purpose other than to make a determination on the application, any subsequent application to extend such status under section 601 of such Act, or to adjust status to that of an alien lawfully admitted for permanent residence under section 602 of such Act;

(2) make or release any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) EXCEPTIONS TO CONFIDENTIALITY.—

(1) Subsection (a) shall not apply with respect to—

(A) an alien whose application has been denied, terminated or revoked based on the Secretary's finding that the alien—

(i) is inadmissible under sections 212(a)(2), (3), (6)(C)(i) (with respect to information furnished by an applicant under section 601 or 602 of the [—]), or (6)(E) of the Act;

(ii) is deportable under sections 237(a)(1)(E), (1)(G), (2), or (4) of the Act;

(iii) was physically removed and is subject to reinstatement pursuant to section 241(a)(5).

(B) an alien whose application for Z nonimmigrant status has been denied, terminated, or revoked under section 601(d)(1)(F);

(C) an alien whom the Secretary determines has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in particular social group, or political opinion;

(D) an alien whom the Secretary determines has, in connection with his application under sections 601 or 602, engaged in fraud or willful misrepresentation, concealment of a material fact, or knowingly offered a false statement, representation or document;

(E) an alien who has knowingly and voluntarily waived in writing the confidentiality provisions in subsection (a); or

(F) an order from a court of competent jurisdiction.

(2) Nothing in this subsection shall require the Secretary to commence removal proceedings against an alien whose application has been denied, terminated, or revoked based on the Secretary's finding that the alien is inadmissible or deportable.

(c) AUTHORIZED DISCLOSURES.—Information furnished on or derived from an application described in subsection (a) may be disclosed to—

(1) a law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, of [—], any application to extend such status under section 601(k) of such Act, or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602 of such Act, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) Use of Information in Petitions and Applications Subsequent to Adjustment of Status.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602 of [—], then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the application for status pursuant to sections 601 or 602 to make a determination on any petition or application.

(g) Penalties.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) Construction.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an application filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

SEC. 605. EMPLOYER PROTECTIONS.

(a) Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for Z nonimmigrant status shall not be used in prosecution or investigation (civil or criminal) of that employer under section 247A (8 U.S.C. 1324a) or the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination.

(b) Applicability of Other Law.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) Insured Status.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by:

(1) amending subsection (c) by deleting "For" and inserting "Except as provided in subsection (e), for"; and

(2) adding at the end the following new subsections:

"(d)(1) Except as provided in paragraph (2) and subsection (e), for purposes of this section and for purposes of determining a qualifying quarter of coverage under 8 U.S.C. 1612(b)(2)(B), no quarter of coverage shall be credited if, with respect to any individual who is assigned a social security account number after 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who satisfies the criterion specified in subsection (c)(2).

"(e) Subsection (d) shall not apply with respect to a determination under subsection (a) or (b) for a deceased individual in the case of a child who is a United States citizen and who is applying for child's insurance benefits under section 202(d) based on the wages and self-employment income of such deceased individual.".

(b) Benefit Computation.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ";and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d)."

(c) Effective Date.—The amendment made by subsection (a) that provides for a new section 214(e) of the Social Security Act shall be effective with respect to applications for benefits filed after the sixth month following the month this Act is enacted.

SEC. 608. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in Section 601(e)(6)(B) and Section 602(a)(1)(C)(v) through an installment payment plan.

(b) Any penalties received under this title with respect to an application for Z-1 nonimmigrant status shall be used in the following order of priority:

(1) shall be credited as offsetting collections to appropriations provided pursuant to section 611 for the fiscal year in which this Act is enacted and the subsequent fiscal year; and

(2) shall be deposited and remain available as otherwise provided under this title.

SEC. 609. LIMITATIONS ON ELIGIBILITY.

(a) In General.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by the [NAME OF THIS ACT), during the period beginning on the date of the enactment of such Act and ending on the date on which the alien applies for any benefits under this title, except with respect to any forgery, fraud or misrepresentation on the application for Z nonimmigrant status filed by the alien.

(b) Prosecution.—An alien who commits a violation of section 1.543, 1544, or 1546 of such title or any amendments made by the [Name of This Act], during the period beginning on the date of the enactment of such Act and ending on the date that the alien applies for eligibility for such benefit may be prosecuted for the violation if the alien's application for such benefit is denied.

SEC. 610. RULEMAKING.

(a) The Secretary shall issue an interim final rule within six months of the date of enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset two years after issuance unless the Secretary issues a final rule within two years of the issuance of the interim final rule.

(b) The exemption provided under this section shall sunset no later than two years after the date of enactment of this subtitle, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by the Secretary under such exemptions.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this title and the amendments made by this title.

(b) Availability of Funds.—Funds appropriated pursuant to subsection (a) shall remain available until expended.

(c) Sense of Congress.—It is the sense of the Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections 601 and 602.

Subtitle B—DREAM Act

SEC. 612. SHORT TITLE.

This subtitle may be cited as the "Development, Relief, and Education for Alien Minors Act of 2007" or the "DREAM Act of 2007".

SEC. 613. DEFINITIONS.

In this subtitle:

(1) Institution of higher education.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) Uniformed services.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 614. ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children.—

(1) In general.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary may beginning on the date that is three years after the date of enactment of this Act adjust to the status of an alien lawfully admitted for permanent residence an alien who is determined to be eligible for or has been issued a probationary Z or Z nonimmigrant visa if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period since January 1, 2007, is under 30 years of age on the date of enactment, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has earned a high school diploma or obtained a general education development certificate in the United States;

(C) the alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) the alien has—

(i) acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) the alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) the alien has provided a list of all of the secondary educational institutions that the alien attended in the United States; and

(F) the alien is in compliance with the eligibility and admissibility criteria set forth in section 601(d).

(b) Treatment of Period for Purposes of Naturalization.—Solely for purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien who has been granted probationary benefits under section 601(h) or Z nonimmigrant status and has satisfied the requirements of subparagraphs (a)(1)(A) through (F) shall beginning on the date that is eight years after the date of enactment be considered to have satisfied the requirements of Section 316(a)(1) of the Act (8 U.S.C. 1427(a)(1)).

(c) Exemption From Numerical Limitations.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status.

(d) Regulations.—

(1) Proposed regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) Interim, final regulations.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

SEC. 615. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that no additional fee will be charged to an applicant for a Z nonimmigrant visa for applying for benefits under this subtitle.

SEC. 616. HIGHER EDUCATION ASSISTANCE.

(a) Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) shall have no force or effect with respect to an alien who is a probationary Z or Z nonimmigrant.

(b) Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title, or who is a probationary Z or Z nonimmigrant under this title and who meets the eligibility criteria set forth in section 614(a)(1)(A), (B), and (F), shall be eligible for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 617. DELAY OF FINES AND FEES.

(a) Payment of the penalties and fees specified in section 601(e)(6) shall not be required with respect to an alien who meets the eligibility criteria set forth in section 614(a)(1)(A), (B), and (F) until the date that is six years and six months after the date of enactment of this Act or the alien reaches the age of 24, whichever is later. If the alien makes all of the demonstrations specified in section 614(a)(1) by such date, the penalties shall be waived. If the alien fails to make the demonstrations specified in section 614(a)(1) by such date, the alien's Z nonimmigrant status will be terminated unless the alien pays the penalties and fees specified in section 601(e)(6) consistent with the procedures set forth in section 608 within 90 days.

(b) With respect to an alien who meets the eligibility criteria set forth in section 614(a)(1)(A) and (F), but not the eligibility criteria in section 614(a)(1)(B), the individual who pays the penalties specified in section 601(e)(6) shall be entitled to a refund when the alien makes all the demonstrations specified in section 614(a)(1).

SEC. 618. GAO REPORT.

Seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for adjustment of status under section 623(a);

(2) the number of aliens who applied for adjustment of status under section 623(a); and

(3) the number of aliens who were granted adjustment of status under section 623(a).

SEC. 619. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) Regulations.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) Effective Date.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 620. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) In General.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle C—Agricultural Workers

SEC. 621. SHORT TITLE.

This subtitle may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2007" or the "AgJOBS Act of 2007".

PART I—ADMISSION OF AGRICULTURAL WORKERS

SEC. 622. ADMISSION OF AGRICULTURAL WORKERS.

(a) Z–A Nonimmigrant Visa Category.—

(1) Establishment.—Paragraph (15) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section 601(b), is further amended by adding at the end the following new subparagraph:

"(Z–A)(i) an alien who is coming to the United States to perform any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in subparagraph (H)(ii)(a), who meets the requirements of section 214A of this Act; or

"(ii) the spouse or minor child of an alien described in clause (i) who is residing in the United States.".

(b) Requirements for Issuance of Nonimmigrant Visa.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 214 the following new section:

"SEC. 214A. ADMISSION OF AGRICULTURAL WORKERS.

"(a) Definitions.—In this section:

"(1) Agricultural employment.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) Department.—The term 'Department' means the Department of Homeland Security.

"(3) Employer.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(4) Qualified designated entity.—The term 'qualified designated entity' means—

"(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

"(B) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245, the Act entitled 'An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by that Act.

"(5) Secretary.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(6) Temporary.—A worker is employed on a 'temporary' basis when the employment is intended not to exceed 10 months.

"(7) Work day.—The term 'work day' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

"(8) Z–A dependent visa.—The term 'Z–A dependent visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(ii).

“(9) Z–A VISA.—The term ‘Z–A visa’ means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(i).

“(b) AUTHORIZATION FOR PRESENCE, EMPLOYMENT, AND TRAVEL IN THE UNITED STATES.—

“(1) IN GENERAL.—An alien issued a Z–A visa or a Z–A dependent visa may remain in, and be employed in, the United States during the period such visa is valid.

“(2) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted a Z–A visa or a Z–A dependent visa an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

“(3) AUTHORIZED TRAVEL.—An alien who is granted a Z–A visa or a Z–A dependent visa is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

“(c) QUALIFICATIONS.—

“(1) Z–A VISA.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant a Z–A visa to an alien if the Secretary determines that the alien—

“(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

“(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

“(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4);

“(D) has not been convicted of any felony or misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; and

“(E) meets the requirements of paragraph (3).

“(2) Z–A DEPENDENT VISA.—Notwithstanding any other provision of law, the Secretary shall grant a Z–A dependent visa to an alien who is—

“(A) described in section 101(a)(15)(Z–A)(ii);

“(B) meets the requirements of paragraph (3); and

“(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4).

“(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

“(A) FINGERPRINTS.—An alien seeking a Z–A visa or a Z–A dependent visa shall submit fingerprints to the Secretary at such time and in manner as the Secretary may require.

“(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints provided under subparagraph (A) and other biometric data provided by an alien to conduct a background check of the alien, including searching the alien's criminal history and any law enforcement actions taken with respect to the alien and ensuring that the alien is not a risk to national security .

“(4) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa the following shall apply:

“(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply.

“(B) WAIVER OF OTHER GROUNDS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any provision of such section 212(a), other than the paragraphs described in subparagraph (A), in the case of individual aliens for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

“(ii) GROUNDS THAT MAY NOT BE WAIVED.—Except as provided in subparagraph (C), subparagraphs (A), (B), and (C) of paragraph (2), and paragraphs (3) and (4) of section 212(a) may not be waived by the Secretary under clause (i).

“(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

“(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for a Z–A visa or a Z–A dependent visa by reason of a ground of inadmissibility under section 212(a)(4) if the alien demonstrates history of employment in the United States evidencing self-support without reliance on public cash assistance.

“(d) APPLICATION.—

“(1) IN GENERAL.—An alien seeking a Z–A visa shall submit an application to the Secretary for such a visa, including information regarding any Z–A dependent visa for the spouse of child of the alien.

“(2) SUBMISSION.—Applications for a Z–A visa under may be submitted--

“(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations (or similar successor regulations); or

“(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

“(3) PROOF OF ELIGIBILITY.—

“(A) IN GENERAL.—An alien may establish that the alien meets the requirement for a Z–A visa through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

“(B) DOCUMENTATION OF WORK HISTORY.—

“(i) BURDEN OF PROOF.—An alien applying for a Z–A visa or applying for adjustment of status described in subsection (j) has the burden of proving by a preponderance of the evidence that the alien has performed the requisite number of hours or days of agricultural employment required for such application or adjustment of status, as applicable.

“(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of such records under regulations to be promulgated by the Secretary.

“(iii) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under clause (i) to establish that the alien has performed the requisite number of hours or days of agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

“(4) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

“(A) REQUIREMENTS.—Each qualified designated entity shall agree—

“(i) to forward to the Secretary an application submitted to that entity pursuant to paragraph (2)(B) if the alien for whom the application is being submitted has consented to such forwarding;

“(ii) not to forward to the Secretary any such application if such an alien has not consented to such forwarding; and

“(iii) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

“(B) NO AUTHORTIY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this sction to be made by the Secretary.

“(5) APPLICATION FEES.—

“(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

“(i) shall be charged for applying for a Z–A visa under this section or for an adjustment of status described in subsection (j); and

“(ii) may be charged by qualified designated entities to help defray the costs of services provided to such aliens making such an application.

“(B) PROHIBTION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

“(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to [ ].

“(7) TREATMENT OF APPLICANTS.—

“(A) IN GENERAL.—An alien who files an application under this section to receive a Z–A visa and any spouse or child of the alien seeking a Z–A dependant visa, on the date described in subparagraph (B)—

“(i) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

“(ii) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

“(iii) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z–A visa; and

“(iv) may not be considered an unauthorized alien (as defined in section 274A) until the date on which [the alien's application for a Z–A visa] is denied.

“(B) TIMING OF PROBATIONARY BENEFITS.—

“(i) IN GENERAL.—Subject to clause (ii), an alien who submits an application for a Z–A visa under subsection (d), including any evidence required under such subsection, and any spouse or child of the alien seeking a Z–A dependent visa shall receive the probationary benefits described in clauses (i) through (iv) of subparagraph (A) at the earlier of—

“(I) the date and time that the alien has passed all appropriate background checks, including name and fingerprint checks; or

“(II) the end of the next business day after the date that the Secretary receives the alien's application for Z–A visa.

“(ii) EXCEPTION.—If the Secretary determines that the alien fails the background checks referred to in clause (i)(I), the alien may not be granted probationary benefits described in clauses (i) through (iv) of subparagraph (A).

“(C) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien granted probationary benefits described in clauses (i) through (iv) of subparagraph (A) with a counterfeit-resistant document that reflects the benefits and status set forth in subparagraph (A). The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed.

"(D) CONSTRUCTION.—Nothing in this section may be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under this paragraph.

"(8) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(A) BEFORE APPLICATION PERIOD.—Beginning on the date of enactment of the AgJOBS Act of 2007, the Secretary shall provide that, in the case of an alien who is apprehended prior to the first date of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z–A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

"(i) may not be removed; and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

"(B) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for a Z–A visa during the application period described in subsection (c)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

"(i) may not be removed; and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

"(e) NUMERICAL LIMITATIONS.—

"(1) Z–A VISA.—The Secretary may not issue more than 1,500,000 Z–A visas.

"(2) Z–A DEPENDENT VISA.—The Secretary may not count any Z–A dependent visa issued against the numerical limitation described in paragraph (1).

"(f) EVIDENCE OF NONIMMIGRANT STATUS.—

"(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each alien granted a Z–A visa or a Z–A dependent visa.

"(2) FEATURES OF DOCUMENTATION.—Documentary evidence of a Z–A visa or a Z–A dependent visa—

"(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

"(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

"(C) shall serve as a valid travel and entry document for an alien granted a Z–A visa or a Z–A dependent visa for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

"(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A; and

"(E) shall be issued to the alien granted the visa by the Secretary promptly after final adjudication of such alien's application for the visa, except that an alien may not be granted a Z–A visa or a Z–A dependent visa until all appropriate background checks on each alien are completed to the satisfaction of the Secretary.

"(g) FINE.—An alien granted a Z–A visa shall pay a fine of $100 to the Secretary.

"(h) TREATMENT OF ALIENS GRANTED A Z–A VISA.—

"(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien granted a Z–A visa or a Z–A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

"(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted a Z–A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

"(3) TERMS OF EMPLOYMENT.—

"(A) PROHIBITION.—No alien granted a Z–A visa may be terminated from employment by any employer during the period of a Z–A visa except for just cause.

"(B) TREATMENT OF COMPLAINTS.—

"(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted a Z–A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

"(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

"(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

"(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

"(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

"(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

"(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

"(4) RECORD OF EMPLOYMENT.—

"(A) IN GENERAL.—Each employer of an alien who is granted a Z–A visa shall annually—

"(i) provide a written record of employment to the alien; and

"(ii) provide a copy of such record to the Secretary.

"(B) CIVIL PENALTIES.—

"(i) IN GENERAL.-If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted a Z–A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

"(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

"(i) TERMINATION OF A GRANT OF Z–A VISA.—

"(1) IN GENERAL.—The Secretary may terminate a Z–A visa or a Z–A dependent visa granted to an alien only if the Secretary determines that the alien is deportable.

"(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z–A visa or a Z–A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z–A visa or Z–A dependent visa if—

"(A) the Secretary finds, by a preponderance of the evidence, that the grant of a Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

“(B) the alien—

“(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

“(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

“(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

“(iv) in the case of an alien granted a Z-A visa, fails to perform the agricultural employment described in subsection (j)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(1)(A)(iii).

“(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien granted a Z-A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5 year work period, which may include submission of an application pursuant to this subsection.

“(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

“(1) Z–A VISA.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien granted a Z-A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

“(A) QUALIFYING EMPLOYMENT.—

“(i) IN GENERAL.—Subject to clauses (i) and (ii), the alien has performed at least—

“(I) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of enactment of the AgJobs Act of 2007; or

“(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on such date of enactment.

“(ii) FOUR YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on such date of enactment.

“(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

“(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

“(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

“(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

“(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

“(i) the record of employment described in subsection (h)(4); or

“(ii) such documentation as may be submitted under subsection (d)(3).

“(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

“(i) apply for adjustment of status; or

“(ii) renew the alien's Z visa status as described in section 601(k)(2).

“(D) FINE.—The alien pays to the Secretary a fine of $400; or

“(2) SPOUSES AND MINOR CHILDREN.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under paragraph (1), including any individual who was a minor child on the date such alien was granted a Z–A visa, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

“(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted a Z–A visa or a Z–A dependent visa an adjustment of status under this Act and provide for termination of such visa if—

“(A) the Secretary finds by a preponderance of the evidence that grant of the Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

“(B) the alien—

“(i) commits an act that makes the alien inadmissible to the United States under section 212, except as provided under subsection (c)(4);

“(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

“(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

“(4) GROUNDS FOR REMOVAL.—Any alien granted Z-A visa status who does not apply for adjustment of Z status or renewal of Z status under section 601(k)(2) prior to the expiration of the application period described in subsection (c)(1)(B) or who fails to meet the other requirements of paragraph (1) by the end of the application period, is deportable and may be removed under section 240.

“(5) PAYMENT OF TAXES.—

“(A) IN GENERAL.—Not later than the date on which an alien's status is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

“(i) no such tax liability exists;

“(ii) all such outstanding tax liabilities have been paid; or

“(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

“(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term ‘applicable Federal tax liability’ means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

“(C) IRS COOPERATION.— The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

“(6) ENGLISH LANGUAGE.—

“(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or renewed under section 601(k)(2), a Z–A nonimmigrant who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2).

“(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z–A nonimmigrant status—

“(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

“(ii) is over fifty years of age and has been living in the United States for periods totaling at least twenty years, or

“(iii) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years.

“(7) PRIORITY OF APPLICATIONS.—

“(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Act that were filed before May 1, 2005 (referred to in this paragraph as the ‘processing date’).

“(B) OTHER APPLICANTS.— The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

“(C) CONSULAR APPLICATION.—

“(i) IN GENERAL.—A Z–A nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence must be filed in person with a United States consulate abroad.

“(ii) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z-A nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien's country of origin. The Secretary of State shall direct a consular office in a country that is not a Z-A nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, where the Z–A nonimmigrant's country of origin is not contiguous to the United States, and as consular resources make possible.

“(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z–A nonimmigrant status under this subtitle shall be afforded confidentiality as provided under section 604.

“(l) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

“(1) CRIMINAL PENALTY.—Any person who—

“(A) applies for a Z–A visa or a Z–A dependent visa under this section or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

“(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

“(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

“(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321-53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C.

2996 et seq.) from providing legal assistance directly related to an application for a Z–A visa under subsection (b) or an adjustment of status under subsection (j).

"(n) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z–A visa shall be such as is provided under section 603.

"(o) PUBLIC OUTREACH.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z–A visas, the benefits of such visas, and the requirements to apply for and be granted such a visa.".

(c) NUMERICAL LIMITATIONS.—

(1) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by [ ], is further amended—

(A) in subparagraph (A), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (N)"; and

(B) by adding at the end, the following new subparagraph:

"(N) Aliens issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.".

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR Z–A NONIMMIGRANTS.—An immigrant visa may be made available to an alien issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) without regard to the numerical limitations of this section.".

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 214 the following:

"Sec. 214A. Admission of agricultural worker.".

SEC. 623. AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(y) AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Agricultural Worker Immigration Status Adjustment Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214A;

"(2) USE OF FEES.—The fees deposited into the Agricultural Worker Immigration Status Adjustment Account shall be used by the Secretary of Homeland Security for processing applications made by aliens seeking nonimmigrant status under section 101(a)(15)(Z–A) or for processing applications made by such an alien who is seeking an adjustment of status.

"(3) AVAILABILITY OF FUNDS.—All amounts deposited in the Agricultural Worker Immigration Status Adjustment Account under this subsection shall remain available until expended.".

SEC. 624. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 625. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

TITLE VII—MISCELLANEOUS

Subtitle A—Miscellaneous Immigration Reform

SEC. 701. WAIVER OF REQUIREMENT FOR FINGERPRINTS FOR MEMBERS OF THE ARMED FORCES.

Notwithstanding any other provision of law or any regulation, for aliens currently serving in the U.S. Armed Forces overseas and applying for naturalization from overseas, the Secretary of Defense shall provide in a form designated by the Secretary of Homeland Security, and the Secretary of Homeland Security shall use the fingerprints provided by the Secretary of Defense for such individuals, if the individual—

(a) may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440);

(b) was fingerprinted in accordance with the requirements of the Secretary of Defense at the time the individual enlisted in the Armed Forces; and

(c) submits the application to become a naturalized citizen of the United States not later than 12 months after the date the applicant is fingerprinted.

SEC. 702. DECLARATION OF ENGLISH.

(a) English is the common language of the United States.

(b) PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.—The Government of the United States shall preserve and enhance the role of English as the language of the United States of America. Nothing herein shall diminish or expand any existing rights under the laws of the United States relative to services or materials provided by the Government of the United States in any language other than English.

(c) DEFINITION.—For the purposes of this section, law is defined as including provisions of the United States Constitution, the United States Code, controlling judicial decisions, regulations, and Presidential Executive Orders.

SEC. 703. PILOT PROJECT REGARDING IMMIGRATION PRACTITIONER COMPLAINTS.

(a) Within 180 days of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General, shall institute a three-year pilot project to—

(1) Encourage alien victims of immigration practitioner fraud, and related crimes, to come forward and file practitioner fraud complaints with the Department of Homeland Security by utilizing existing statutory and administrative authority;

(2) Cooperate with federal, state, and local law enforcement officials who are responsible for investigating and prosecuting such crimes; and

(3) Increase public awareness regarding the problem of immigration practitioner fraud.

(b) REPORTING.—Not later than 1 year after the end of the three-year pilot period, the Secretary of Homeland Security shall submit to Congress a report that includes information concerning—

(1) the number of individuals who file practitioner fraud complaints via the pilot program;

(2) the demographic characteristics, nationality, and immigration status of the complainants;

(3) the number of indictments that result from the pilot; and

(4) the number of successful fraud prosecutions that result from the pilot.

Subtitle B—Assimilation and Naturalization

SEC. 704. THE OFFICE OF CITIZENSHIP AND INTEGRATION

Section 451(f) of the Homeland Security Act of 2002, Pub. L. 107–296 (6 U.S.C. 271(f)), is amended by—

(a) inserting "and Integration" after "Office of Citizenship" the two times that phrase appears; and

(b) in paragraph (f)(2), striking "instruction and training on citizenship responsibilities" and inserting "civic integration, and instruction and training on citizenship responsibilities and requirements for citizenship".

SEC. 705. SPECIAL PROVISIONS FOR ELDERLY IMMIGRANTS.

Section 312(b) of the Immigration and Nationality Act (8 U.S.C. 1423(b)) is amended by adding at the end the following: "(4) The requirements of subsection (a) of this section shall not apply to a person who is over 75 years of age on the date of filing an application for naturalization; *Provided*, That the person expresses, in English or in the applicant's native language, at the time of examination for naturalization that the person understands and agrees to the elements of the oath required by section 337 of this Act.".

SEC. 706. FUNDING FOR THE OFFICE OF CITIZENSHIP AND IMMIGRANT INTEGRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security the sum of [$100] million to carry out the mission and operations of the Office of Citizenship and Immigrant Integration in U.S. Citizenship and Immigration Services, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

SEC. 707. CITIZENSHIP AND INTEGRATION COUNCILS.

"(a) GRANTS AUTHORIZED.—The Office of Citizenship and Immigrant Integration shall provide grants to states and municipalities for effective integration of immigrants into American society through the creation of New Americans Integration Councils.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Grants awarded under this section shall be used—

"(A) To report on the status of new immigrants, lawful permanent residents, and citizens within the state or municipality;

"(B) To conduct a needs assessment, including the availability of and demand for English language services and instruction classes, for new immigrants, lawful permanent residents, Z nonimmigrants, and citizens;

"(C) To convene public hearings and meetings to assist in the development of a comprehensive plan to integrate new immigrants, lawful permanent residents, Z nonimmigrants, and citizens; and

"(D) To develop a comprehensive plan to integrate new immigrants, lawful permanent residents, Z non-immigrants, and citizens into states and municipalities.

"(2) MEMBERSHIP OF INTEGRATION COUNCILS.—New Americans Integration Councils established under this section shall consist of no less than ten and no more than fifteen individuals from the following sectors:

"(A) State and local government;

"(B) Business;

"(C) Faith-based organizations;

"(D) Civic organizations;

"(E) Philanthropic leaders; and

"(F) Nonprofit organizations with experience working with immigrant communities.

"(c) REPORTING.—The Government Accountability Office, in coordination with the Office of Citizenship and Immigrant Integration, shall conduct an annual evaluation of the grant program conducted under this section. Such evaluation shall be used by the Office of Citizenship and Immigrant Integration—

"(1) To determine and improve upon the program's effectiveness;

"(2) To develop recommended best practices for states and municipalities who receive grant awards; and

"(3) To further define the program's goals and objectives.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Citizenship and Immigrant Integration such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.]

SEC. 708. HISTORY AND GOVERNMENT TEST.

(a) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance provided by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) into the history and government test given to applicants for citizenship. Nothing in this Act, other than the amendment made by this subsection, shall be construed to influence the naturalization test redesign process currently underway under the direction of U.S. Citizenship and Immigration Services.

SEC. 709. ENGLISH LEARNING PROGRAM.

(a) The Secretary of Education shall develop an open source electronic program, useable on personal computers and through the Internet, that teaches the English language at various levels of proficiency, up to and including the ability to pass the Test of English as a Foreign Language, to individuals inside the United States whose primary language is a language other than English. The Secretary shall make the program available to the public for free, including by placing it on the Department of Education website, and shall ensure that it is readily accessible to public libraries throughout the United States. The program shall be fully accessible, at a minimum, to speakers of the top five foreign languages spoken inside the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Education such sums as are necessary to carry out the purposes of this section.

SEC. 710. GAO STUDY ON THE APPELLATE PROCESS FOR IMMIGRATION APPEALS.

(a) IN GENERAL.—The Comptroller General of the United States shall, not later than 180 days after enactment of this Act, conduct a study on the appellate process for immigration appeals.

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Comptroller General shall consider the possibility of consolidating all appeals from the Board of Immigration Appeals and habeas corpus petitions in immigration cases into 1 United States Court of Appeals, by—

(1) consolidating all such appeals into an existing circuit court, such as the United States Court of Appeals for the Federal Circuit;

(2) consolidating all such appeals into a centralized appellate court consisting of active circuit court judges temporarily assigned from the various circuits, in a manner similar to the Foreign Intelligence Surveillance Court or the Temporary Emergency Court of Appeals; or

(3) implementing a mechanism by which a panel of active circuit court judges shall have the authority to reassign such appeals from circuits with relatively high caseloads to circuits with relatively low caseloads.

(c) FACTORS TO CONSIDER.—In conducting the study under subsection (a), the Comptroller General, in consultation with the Attorney General, the Secretary, and the Judicial Conference of the United States, shall consider—

(1) the resources needed for each alternative, including judges, attorneys and other support staff, case management techniques including technological requirements, physical infrastructure, and other procedural and logistical issues as appropriate;

(2) the impact of each plan on various circuits, including their caseload in general and caseload per panel;

(3) the possibility of utilizing case management techniques to reduce the impact of any consolidation option, such as requiring certificates of reviewability, similar to procedures for habeas and existing summary dismissal procedures in local rules of the courts of appeals;

(4) the effect of reforms in this Act on the ability of the circuit courts to adjudicate such appeals;

(5) potential impact, if any, on litigants; and

(6) other reforms to improve adjudication of immigration matters, including appellate review of motions to reopen and reconsider, and attorney fee awards with respect to review of final orders of removal.

The PRESIDING OFFICER. The Senator from Washington.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent the Senate proceed to morning business and the following Senators on our side be recognized for the time amounts that I will give, alternating with Republican Senators on the other side if they so request, limited to 10 minutes. On the Democratic side the order would be: Senator BYRD for 15 minutes, Senator KERRY for 10 minutes, Senator BOXER for 5 minutes, Senator MURRAY for 10 minutes, Senator CONRAD for 5 minutes, Senator DODD for 10 minutes, Senator BROWN for 5 minutes, Senator LANDRIEU for 5 minutes, Senator LEVIN for 5 minutes, and Senator DURBIN for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object. I asked for 20 minutes. How do I fit into that?

Mrs. MURRAY. The unanimous consent would allow for every other Senator to be from that side, at your discretion. I did limit it to 10 minutes and I will be happy to amend the unanimous consent for Senator GRASSLEY for 15 minutes following Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from West Virginia is recognized.

The Senator will suspend. The Senate is awaiting the comments from the senior Senator from West Virginia. Will those Senators having conversations retire from the Chamber.

The Senator from West Virginia is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Mr. President, a few weeks ago, Congress approved legislation that would have changed the course of the U.S. occupation of Iraq. I say occupation because, frankly, that is what this is. Our troops won the battle they were sent to fight. The dictator Saddam Hussein is deposed and executed. His rotten government is no more, replaced with a democratically elected Parliament, President, and Prime Minister. We all are cheered at the skill of our soldiers.

But, sadly, this President has not done justice by our brave troops. The dreadful management of this occupation has resulted in chaos. Iraq is at war with itself and our troops are caught in the middle. That is why this Congress established a new direction for bringing our troops home from this misbegotten occupation. The bill the President vetoed would have refocused our military, not on the civil war in Iraq but, rather, on Osama bin Laden and his base of operations. It is time for the President to take off his blinders and uncover his ears. White House obstinacy cannot continue to drive our military plans in Iraq.

With this supplemental funding legislation we begin to shift the responsibility for Iraq's future off the shoulders of our military, and onto the shoulders of the Iraqi Government and the Iraqi people. The White House wanted a blank check for the President's mangled occupation of Iraq. We are not going to sign on that dotted line—not now, not ever. The legislation that is before the Senate today is a step toward that goal. It is not a giant leap, but it is progress. And it is only a first step. In a few weeks, this Senate is expected to focus on the Defense Department authorization bill. I shall press for a vote on the proposal Senator CLINTON and I have outlined in the authorization for the Iraq war and to give Congress a chance, just a chance, to decide whether the so-called new mission in Iraq should continue. If this mission is so critical, then let the administration make its case and let the people's elected Representatives—that is us—let the people's elected Representatives vote.

In July we will turn our attention to the Pentagon's fiscal 2008 funding request, and in September we will consider the $145 billion war funding request for the next fiscal year. Each of these bills is an opportunity to shape the future course of the mission in Iraq. Clearly, Congress is not turning from the debate on Iraq. On the contrary, we are just beginning this debate.

We have all committed to protecting our men and women in uniform. This legislation provides the funding to do just that. We ensure $3 billion for the purchase of mine-resistant, ambush-protected vehicles. The 2,000 additional advanced armored vehicles that will be built with these funds will help to save the lives of American soldiers and American marines as they travel the lonely streets of Baghdad—the lonely streets of Iraq.

If our soldiers are injured in battle, this legislation ensures they will receive high-quality health care when they come home. The fiasco at Walter Reed should be seared into our national consciousness. That is why this legislation provides $4.8 billion to ensure that troops and veterans receive the health care they have earned with their service.

A few weeks ago, we watched Kansas families try to put their lives back together after deadly tornadoes ripped through their homes. The Kansas Governor pointed out that her State's National Guard equipment was parked in Iraq and not at home, slowing cleanup and recovery efforts. Other States faced the potential for the exact same problem. This supplemental bill provides $1 billion—that is 1 dollar for every minute since Jesus Christ was born—$1 billion for the National Guard and reserve to replace the trucks and heavy equipment that Guard units have been directed to leave in Iraq.

Again today President Bush warned of terrorist attacks on American soil. He talks a great deal about the threats of such attacks, but very seldom does he provide resources to protect the country. If the President's warnings are accurate, the $1 billion contained in this bill should help to save lives.

We include funds for port security and for mass transit security, for explosive detection equipment at airports, and for several initiatives in the 9/11 bill that recently passed the Senate, including a more aggressive screening of cargo on passenger airlines. We will not—no, we will not—close our eyes to the huge gaps in our protections at home.

We also work to heal the devastated communities still struggling to recover from Hurricane Katrina and Hurricane Rita. To this day, mangled trash heaps stand where homes and families once lived. This White House, the Bush White House, sends billions of dollars to rebuild Baghdad but ignores the overwhelming needs in New Orleans, Slidell, Biloxi, and so many other places at home.

This bill invests $6.4 billion—that is $6.40 for every minute since Jesus was born—this bill invests $6.4 billion to rebuild the gulf coast communities and to restore the vibrance of this proud region.

I close, and I thank my ranking member, Senator THAD COCHRAN, for his help. I thank Representative DAVE OBEY, chairman of the House Appropriations Committee, and the Senate leaders, Senator HARRY REID and Senator MITCH MCCONNELL. I thank the Appropriations Committee staff: staff director, Charles Kieffer; Republican staff director, Bruce Evans; and our subcommittee and professional staff members.

I appreciate, I deeply appreciate the long hours they have worked—yes, long hours they have worked to craft the supplemental legislation. I urge Senators, all Senators on both sides of the aisle, to support this legislation. It is the product of bipartisan negotiations. That is right, isn't it, THAD?

Mr. COCHRAN. Sometimes.

Mr. BYRD. It meets the critical needs of this country. It moves us forward in our efforts to change the dynamic in Iraq. We must challenge—we must challenge—this President, our President, to open his eyes to the truth and adopt the new direction in Iraq that this Nation and the world so eagerly—yes, so anxiously—awaits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to talk first about the process and then the substance of this legislation. As everybody knows, we will soon be considering the war supplemental bill entitled "The U.S. Troop Readiness, Veterans Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007."

That title is very important. As the title says, the legislation is an appropriations bill. The title refers to troop readiness. There is finally, after several months of legislative wrangling, funding for the troops that the President can sign.

The title refers to veterans care. There is funding for that. The title refers to Katrina recovery. There are funds for Hurricane Katrina damage. The title also refers to Iraq accountability. There is language finally in the form acceptable to the President so that he can sign it dealing with benchmarks on our mission in Iraq and the role of the Iraqi Government.

The title of the bill, however, does not refer to any matters within the jurisdiction of a committee I am very familiar with, the Finance Committee. But take a look and you will find three categories of Finance Committee matters: One, the small business tax relief package; two, the so-called pension technicals; and, three, Medicaid and SCHIP provisions.

Now, why does it matter whether these policy provisions travel in a tax-writing committee bill or an appropriations bill? It matters for several reasons. I had the pleasure of serving on both the Finance Committee, and for a very short period of time during my career in the Senate, on the Appropriations Committee. They are the money committees of the Senate.

Appropriations bills, by and large, spend money. That is not entitlements, that is the set-asides in the budget. Finance Committee bills, on the other hand, raise revenue and deal with most of the health and welfare entitlement spending.

Both the Appropriations and Finance Committees have very strong constitutional traditions, expertise in the complex subject matter, and seasoned memberships motivated and dedicated to service of the respective committees. All you have to do is look at the careers of Chairman BYRD, the ranking member, or Senator BAUCUS, to know that they dedicate themselves to these two great money committees of the Senate.

So when policy issues are processed outside of the Appropriations or outside the Finance Committee, necessary care, expertise, and experience is lost. When I was chairman, I took great pains to avoid taking on appropriations matters. More often than not, policy made outside of either of these committee jurisdictions will, it seems, somehow need to be corrected.

There is another reason it matters; that is, policy made through the committee process is very transparent, and that is what American Government and the Congress is all about, transparency—the public business to be done publicly. The committee's role is to air and carefully consider proposals in the areas of committee jurisdiction.

We are really talking about transparency. Sunshine is the best disinfectant. When the committee process is end-run, as I will demonstrate in part of this bill, there is usually no positive reason. Usually the reason is expediency on the part of people, maybe even beyond the control of the committee chairman, and I would suggest legislative leadership.

It has happened not just now, it has happened under Republicans and under Democrats. But I am pleased to say it has been effectively very rare over the last few years. Skipping the committee process on new proposals was the exception rather than the rule.

Unfortunately, now, with respect to the critical pieces of Finance Committee jurisdiction, it looks as if leadership prefers to skip the committee, after I have been told privately and publicly so many times all of the work is going to be done through the committee. So I am hoping that what I am going to complain about is pretty much a temporary pattern.

To sum it up, the people's business should be done in committees in a transparent way so the people of this country know what is going on. Committee process means sunshine. I think the committee process was abused on this legislation.

But the conference process was also abused. We never even went through the trappings of the committee process. We have an amended House bill that because of the imperative of an acceptable war funding package has the force of a conference report.

How was the process abused? Just take a look at the bill, and you will find a patchwork of unconnected provisions in the Finance Committee jurisdiction that is not even mentioned in the title. Aside from a small business tax relief provision, no real back-and-forth discussion occurred on these matters, either in the Finance Committee or in conference.

With respect to the small business tax relief provisions, the House and Senate Democratic leadership set an arbitrary ceiling that constrained our outstanding chairman, Senator BAUCUS, from reaching a bipartisan agreement which is so much in the tradition of how Senator BAUCUS and I work together.

The bottom line is, Republicans opened the door to a conference agreement without receiving assurances of a fair deal. I don't think we got a fair deal. Once Republicans opened the door to the conference, the door was effectively shut on full and meaningful participation.

Now, in the past, Republican leadership did similar things, and Democrats cried foul. I am proud to say that on most, not all, Finance Committee conferences, the Senate Democrats were represented and present for final conference agreements. After crying foul about some conference processes, the Senate Democratic leadership insisted in previous years on preconference agreements before letting Republicans go to conference.

As I feared earlier in the year, the Senate Republican leadership will have to similarly insist on assurances before conferences are convened. This supplemental and its vetoed predecessor made the case that the conference process can't be trusted.

Senate Republicans have no recourse other than to insist on preconference agreements, as we can learn from the Democratic minority of the previous 4 years.

Now, I want to turn to the substance of three categories of the Finance Committee matters that were inserted in the process, after spending my previous minutes on that process. Now to the substance.

The first matter deals with the small business tax relief package that traveled with a minimum wage increase. The deal in the conference is basically the same deal presented by the Democratic negotiators on the last appropriations bill. It favors the House position in number and composition of that package, practically ignoring the great work that Senator BAUCUS and I did on these provisions.

From a small business standpoint, the House bill was a peanut shell. The Senate bill was real peanuts. Real peanuts—still not enough from my perspective but more, much more than what the House has.

As you can see here, I have got Mr. Peanut up here to demonstrate the Senate bill, the House bill, and the conference report. From a small business standpoint, then, I want to repeat: The House bill was a peanut shell. The Senate bill was real peanuts. It is a missed opportunity because a conference agreement is a single, shriveled peanut, not helping small business the way small business ought to have been helped to offset the negative impacts on small business of a minimum wage tax increase.

We could have, in fact, provided small business with meaningful tax relief that is contemporaneous with the effects of the minimum wage hike that I say, and I think economists agree, are negative toward small business.

This chart shows Mr. Peanut. It shows this bill at each of its stages—a peanut, a peanut shell, and shriveled peanut. What we are going to be voting on will be that shriveled peanut.

There is another matter that bothers me and this is the so-called pension technical corrections. What is a technical correction, one might ask. Technical corrections measures are routine for major tax bills. Last year's landmark bipartisan pension reform bill certainly can be described as a major tax bill. It contained the most significant retirement security policy changes within a generation. There are proposals necessary to ensure that the provisions of the pension reform bill are working consistently within congressional intent and to provide clerical corrections. That is what technical corrections means. Because these measures carry out congressional intent, no revenue gain or loss is scored by the Congressional Budget Office.

Technical corrections is derived from a deliberative and consultative process among the congressional as well as administration tax staffs, where there is a great deal of expertise. That means the Republican as well as the Democratic staffs, regardless of who is in the majority or minority of both the House Ways and Means Committee and the Senate Finance Committee, are involved, as well as Treasury Department personnel, whether we have a Republican or Democratic President. All of this work is performed with the participation and guidance of the nonpartisan professional staff of the Joint Committee on Taxation. A technical enters the list only if all staffs agree it is appropriate. Any one segment I have listed can veto it. That is why we know it is nonpartisan. That is why we know it is technical. That is why we know it is not a substantive change in law. If it were, it would not be technical.

The pension provisions in this bill, the one we will be voting on in a little while, represent then forgetting this process so you know things are done right. It represents a cherry-picking of some, not all, of the technical corrections that these professional people, in a nonpartisan way, are currently trying to put together with a bill that will come up later on.

In addition, there are pension provisions included in this bill that are called technical but are of great substance and are not then technical. Some of these proposals are even controversial. I have reviewed legislative history over the last 15-plus years, and that history informs me that this may be an unprecedented treatment of technical corrections. Techincals were processed on a 2000 year bill that was not a tax-writing committee bill, but that package was a consensus package. All the committees and the administration had signed off that year, 7 years ago. In other instances, technicals were processed on tax-writing committee vehicles. In all these instances, the packages represented an agreement between all the tax-writing committees, Republican and Democratic, and the Treasury.

In this case, there are four committees involved, the two tax-writing committees and the Senate Health, Education, Labor, and Pensions Committee, what we call the HELP Committee, and the House Education and Labor Committee. To illustrate the controversy over the pensions technical package, I ask unanimous consent to print in the RECORD a copy of a letter from HELP Committee Chairman KENNEDY and Ranking Member ENZI. The letter lays out their objections to the House technical process. I also ask unanimous consent that a copy of a letter I wrote regarding the Finance Committee's jurisdiction be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC, May 22, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR LEADERS: Last year we worked with other committees to author the most extensive overhaul of pension funding rules in a generation. The Pension Protection Act of 2006 (PPA) was signed into law in August 2006, following extensive bipartisan, bicameral negotiations. Conferees were intent on ensuring that retirement plans are properly funded, and that Americans' retirement savings will be there when they need it. This law passed the Senate with overwhelming support, 93–5.

We understand that a number of pension provisions originating in the House may be included in the emergency war spending bill. While moving forward on pensions technical corrections is a goal that many members share, moving House pension technical corrections separately on this spending bill from Senate priorities creates a disparity. We are very concerned at this disregard for equal consideration and lack of discussion of Senate priorities and prerogatives.

Retirement security is a cornerstone of the HELP Committee's jurisdiction, and we recognize that immediate technical corrections are needed to the PPA. Bicameral, staff-level meetings are taking place regularly, and we are working with the Administration to ensure that the needed corrections are promptly addressed. The HELP Committee has a history of finding common ground on complex legislative challenges, and we are confident that we will reach consensus on a package soon. We urge you to provide us with the opportunity to bring a finished pension technical package to the floor in a timely fashion in order to give our colleagues the chance to have their priorities considered.

Sincerely,

EDWARD M. KENNEDY,
Chairman.
MICHAEL B. ENZI,
Ranking Member.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, May 15, 2007.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BYRD AND RANKING MEMBER COCHRAN: I am writing to express my continued opposition to the consideration of any provision concerning intergovernmental transfers/cost based reimbursement by the Committee on Appropriations for the supplemental appropriation bill we will be voting on shortly. I am also opposed to the inclusion of tax provisions that passed separately through the Senate as part of the supplemental appropriations. As you know, the Medicaid matter pertains to programs under the Social Security Act and the tax provisions amend the Internal Revenue Code. Both the Social Security Act and the Internal Revenue Code fall clearly and solely within the jurisdiction of the Committee on Finance.

Throughout the years, the Committee on Finance has worked to safeguard and improve the programs under its jurisdiction, including the Medicaid program. The Finance Committee has unique expertise with these programs and is the only Committee in the position to assess the possible effects of individual changes on all Social Security Act programs as a whole. Any requests for additional changes to these programs must be examined with great care, and the Committee on Finance is the only Committee with experience necessary for this task. Accordingly, the Committee will legislate to modify these programs only after thorough analysis of the issues involved and potential solutions.

The proposed intergovernmental transfers/cost based reimbursement provision in question is case in point of why it should not be considered in an appropriations bill. This provision would halt the implementation of a Department of Health and Human Services (HHS) regulation on cost based reimbursement. The regulation addresses the questionable practice of states recycling Medicaid funds paid to providers. The Government Accountability Office (GAO) has opined numerous times about the inappropriateness of the practice and the Finance Committee has worked to expose it as well. Restricting payments to cost and requiring claims documentation both are in the best interest of the integrity of the Medicaid program, and forbidding HHS from acting in these areas is extraordinarily short-sighted. In fact, the Administration believes the new rule will save $5 billion over the next five years. Clearly, halting implementation will have an impact on Medicaid resources and, therefore, decisions that have such an impact are more appropriate for the Finance Committee.

Certainly, a one-year moratorium is an improvement over the two-year moratorium that was in the bill that was originally passed by the Senate, but the language in the bill still encourages states to push the envelope on payment schemes. If a state submits a proposed waiver or state plan amendment that is in contravention with the regulation, the agency will not have the authority to deny the proposal. This is a provision written for the benefit of special interests so they can avoid real scrutiny of their financing arrangements. This provision will encourage states to offer payment schemes that CMS has previously disallowed as being inappropriate. It will encourage litigation if CMS tries to assert that they do still maintain jurisdiction.

The inspector general has investigated and reported to Congress on why there are problems in the areas the rule addresses. The Finance Committee has not had the first hearing on why the rule doesn't work and must be stopped.

The way that this provision is paid for is equally problematic. The extension of the Wisconsin pharmacy plus waiver is an unnecessary earmark. Every state but Wisconsin has changed their pharmacy assistance program as the MMA required. Furthermore, the way the language is written sets a very bad precedent. The language is written in a way that alters Medicaid's budget neutrality test. It's written to guarantee that it appears to save money. The reality is that Wisconsin will be providing many poor seniors with less of a benefit than they could get through Part D. Wisconsin charges greater cost-sharing than Medicare for low income seniors.

Legislating to prevent CMS from cleaning up intergovernmental transfers scams on this appropriation bill sets a bad precedent. That is clear. It is legislation on Medicaid and that is a basic part of the jurisdiction of the Finance Committee.

I am also concerned that the supplemental appropriation includes tax provisions which also fall solely in the jurisdiction of the Finance Committee. The power of the purse, appropriations, is Congress' power and we are directly accountable to our constituents for our spending actions. In that vein, I deeply respect the deep traditions of the Appropriations Committee. As a former Chairman, and now, Ranking Member of the Finance Committee, I deeply respect that division of power. The power to tax is our power and we are directly accountable to our constituents for our taxing actions.

We should rarely mix the jurisdiction of the two great money committees. It should only occur, if at all, when the four senior members of the tax writing and appropriations committees agree. Mixing tax writing and appropriations jurisdiction should not occur at the whim of leadership. Those kinds of actions demean the committees. Fortunately, I insisted and the leadership respected this division of jurisdiction between the tax writers and appropriators over the last six years.

Earlier this year, the Senate acted on the minimum wage bill/small business tax relief bill after the House had passed its own version of the bill. We worked with our House counterparts to resolve differences between the two bills. However, because of a bicameral Democratic Leadership obsession with a top-line number on the tax side, the conference options were severely limited. Chairman Baucus was able to accommodate far less than half the tax policy the Senate sent to conference. The Senate's authority was limited by the Leadership decision to attach the bill to the supplemental appropriations bill where Chairman Baucus was not a conferee. Legitimate tax policy proposals on the revenue losing and revenue raising sides were left on the conference's cutting room floor.

The composition of the final package is heavily weighted towards an extension and modification of the work opportunity tax credit. I support that credit. But the benefits of that policy are delayed. Small businesses need the tax relief to be in synch with the time the minimum wage kicks in.

Both of these outcomes do not reflect a proportionate agreement between the House and Senate bills. The arbitrary ceiling on the amount of tax relief was not a fair balance.

I appreciate your Committee members' interest in the Social Security Act programs and the Internal Revenue Code. I ask that they work with the Committee on Finance to see that their objectives are examined and addressed at the appropriate time, in the appropriate setting. Thanks for your assistance.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

Mr. GRASSLEY. The bottom line is, the Republicans now know that the conference process and the committee process will not be respected. We are doing things of a substantive nature. We are doing things for which there is a process to make sure that the term "technical" is abided by. That process that worked so perfectly is ignored. So if the committee process will not be respected, we have to do things to make sure that it is. In the future, we will need to protect the committee and the conference process, and we will need to do some preconferencing agreements as we ought to have learned from now what is the majority, the Democrats, when they were in the minority, that they got Republicans to agree to. It seems to me that is legitimate. It may not be exactly the way it ought to work, but it is something we have to do to make sure these things don't happen again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, history has proven it was a mistake to give this President the power to go to Iraq, and I believe history will prove it is a mistake to give him the open-ended power that this supplemental bill leaves in his hands. This war is not what this President says it is. I believe we have an obligation not to vote for the continuation of a policy that empowers the President to simply continue the war at his discretion. I have listened to some of my colleagues and others who have suggested that this bill will somehow change the course. I have to respectfully disagree. This bill does not provide a strategy worthy of our soldiers' sacrifice. Instead it permits more of the same, a strategy that relies on sending American troops into the alleys and back roads of Iraq to referee a deadly civil war.

Instead of the same misguided strategy, I believe we had an opportunity. While I understand the votes and I understand the threat of veto, and I am not new to this process, I still believe we had an opportunity to elicit a legitimate, fundamental change and some commitments from this administration with respect to the way in which we would hold Iraqis accountable and the way in which this administration itself would be held accountable.

I say with all due respect, that is what the American people voted for in November 2006. That is what they have a right to expect from this Congress. The fact is, we could show our support for our troops in many different ways in this legislation. I don't believe the only way to show that support is by letting the President have full discretion to continue to do what the President has been doing for these last years. I believe the way you do it is by requiring—and setting up real measurements with real consequences—the Iraqis to stand up for Iraq. I am convinced, because the last years have proven it, the President is wrong to keep suggesting we will stand down when they stand up. I believe they will not stand up until we stand down. That is the reality.

The fact is, the benchmarks in this supplemental are not meaningful benchmarks. The President has a complete waiver. All we require is a report, a certification from the President. Is there anybody here, based on the statements the President has made for the last 5 years, who doesn't know exactly what the President is going to say with respect to progress? All we require is that there be some measurement of "progress."

Let me say very clearly, because I have been there before in this argument, I know what happens when you vote in a way that people can easily try to pick up and construe as a vote other than what it is. There is good in this supplemental. Yes, we need money for readiness for troops, and every single one of us wants our troops to be as ready as they can be. Yes, it is good that there is money for care for veterans, and our veterans deserve the best care in the world. In fact, the money available in this bill is a far cry from the real needs of our veterans with respect to mental health, outreach centers, the veterans centers, the VA, care in the hospitals. That could be a great deal stronger. But we are for that. We are also for the money for Katrina. So let me make it clear to anybody who wants to try to distort this vote: I am in favor of the money for readiness. I am in favor of giving our troops all the care they need and deserve. I am in favor of money for support for Katrina.

But the fundamental gravamen of this bill, the heart of this bill, is the strategy with respect to the war in Iraq. The heart of this bill are the consequences that we invite as a result of our votes.

In the last week or two, I have been to three funerals, one funeral, the son of a man who was opposed to the war, a military man, a West Pointer, a man who gave his career, but he is opposed to this war. He dared to use the word to me in a conversation on the very day that his son was being buried about how it was important for us to redouble our efforts in the Senate to bring this to a close, how it was important for us not to allow these young men and women to have their lives "wasted," a word that if any politician used, we would be pilloried for. But the father of a man who was being buried used that word on the very day his son was being buried. Another funeral I attended with a father who was overcome from emotion speaking from the pulpit, left the pulpit, came down, stood beside his son's coffin and said: I have to talk beside my son. He put his hand on the coffin and talked to us about his son's pride, his son's patriotism, his son's love of his fellow soldiers, his son's and his commitment to what he was doing personally but, obviously, the agony they feel over a war that so many people don't support.

We have a responsibility with respect to those young men and women, with respect to those families. I believe that responsibility is not met when you give the President the very same power to continue on a daily basis what he has been doing for these last years. There isn't one person in this body who doesn't know what this President is going to say with respect to progress. How many times have we heard, in the midst of this war, Vice President CHENEY come out: We are making progress. The President yesterday talked about progress, even as he mischaracterizes what this war is about, talking principally about al-Qaida, when all of us know this war is principally a civil war, a slaughter now between Shia and Sunni over the political spoils of Iraq. Our presence is empowering that.

A few days ago, we set a new strategy, forcing Iraqis to do what only Iraqis can do. We gave the President the full discretion to leave the troops necessary to complete the training of Iraqi security forces, to chase al-Qaida and protect U.S. forces and facilities. In the sixth year of this war, which we will reach by next year, it seems to me fair that we should expect that Iraqis can assume that responsibility. The Iraqi Government has said they can. The Iraqi Parliament has said they don't want us there. Our own CIA tells us our presence is creating more terrorists, that we are creating a bigger target. We have become a recruitment tool for fundraising by al-Qaida out of Pakistan and Afghanistan. We now know that al-Qaida is using our presence in Iraq to raise money and recruit jihadists around the world. This policy is counter to the best security interests of our Nation.

This vote is a vote about those best security interests. We demanded a little while ago a strategy of real benchmarks. There is not in this supplemental one benchmark that can be enforced, not one. I don't disagree with the benchmarks themselves. Yes, we want an oil deal. But I listened to Secretary of State Rice in front of our committee months ago say: The oil deal is just about to be approved, right around the corner.

It hasn't even been put to the Parliament. It is not approved months later and too many lives lost later because of the procrastination of Iraqi politicians. How do you say to an American family that their son or daughter ought to give up their life so Iraqi politicians can spin around and play a game between each other at our expense?

It is unconscionable. It is bad strategy. It is bad policy. It defies common sense. That is what this vote is about: why and when we, as a Congress, are going to insist—now, I understand they do not want the deadline, and the President insists he is not going to have the deadline, notwithstanding—notwithstanding—we gave the President full discretion to leave troops there to complete the training, to leave troops to chase al-Qaida, to leave troops there to protect American facilities and forces.

Those kids we are burying deserve an honest debate, not a debate where people come to the floor and say: Oh, these are the cut-and-run folks. These are the folks who are looking for defeat. It is an insult to any Member of the Senate to suggest somebody is actively looking for defeat. We have a different way of finding success. As Thomas Jefferson said: Dissent is the highest form of patriotism. Even the patriotism of people who offer a different road has been questioned. Well, not any longer, and I have no fear about casting this vote against this because this is the wrong policy for Iraq. This continues the open-ended lack of accountability. This allows the President to certify whatever the President wants, to waive whatever the President wants.

I promise my colleagues, we will be back here in September having the same debate with the same benchmark questions, and they will not have moved in their accountability. Even the strategy is still changing.

Let me ask my colleagues something: When can you remember in American history hearing about a President of the United States casting about to find a general to act as the czar for a war, where four four-star generals said no to the President?

Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. General Sheehan, a career military man—these are people whose lives are committed to defending our Nation, whose lives are committed to the troops, who, when a President would call them, you would think would be so honored and so unbelievably challenged by the moment, they would say: Of course, Mr. President, I will do what I need to do for my country. But four of them said no. And one of them was quoted, in saying no: Why would I do that because they don't know where the hell they're going. And as he said it, he said: I would go over there for a year, I would get an ulcer, I would come back, and it would be the same thing.

We have an obligation to vote for a change. That is why I will cast my vote "no" on this supplemental—yes for the money for troops; yes for care; yes for readiness; yes for all the things we need to do; but, most importantly, a "yes" that we are not able to cast for a change in the entire dynamic with the Iraqis themselves and the accountability we will hold this administration to, the accountability we hold the Iraqis to, and, ultimately, a strategy for real success, not just in Iraq but in the Middle East, where we have made Hamas more powerful, Iran more powerful, Nasrallah and Hezbollah more powerful, and our interests are being set back.

It is time for us to get the policy right. That is how you support the troops.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from California.

Mrs. BOXER. Mr. President, in March and April I voted for an emergency spending bill that would have fully funded our troops in Iraq but would have changed their mission—would have changed their mission—to a sound mission. That mission would have taken our troops out of the middle of a civil war and put them into a support role, as the Iraq Study Group suggested, training Iraqi soldiers and police. We would have allowed them to fight al-Qaida and protect our troops.

The President did not agree to that, and he will not agree to that. As a matter of fact, the President will not agree to any change in strategy in Iraq. That is more than a shame. For the American people, it is a tragedy.

It does not seem to matter how many Americans die in Iraq, how many funerals we have here at home, or what the American people think. This President will not budge. This new bill on Iraq keeps the status quo. Oh, it has a few frills around the outside, a few reports, a few words about benchmarks—while our troops die and our troops get blown up.

Now, I understand why this legislation is before us today. It is because this President wants to continue his one-man show in Iraq. That is the only thing he will sign. The President does not respect the Congress. What is worse, he does not respect the American people when it comes to Iraq. He wants to brush us all off like some annoying spot on his jacket. Well, that is wrong, and we won't be brushed off.

We have lost 3,427 American soldiers in Iraq. Of those, 731—or 21 percent—have been from my State of California or based in my State of California. Mr. President, 25,549 American soldiers have been wounded.

If you come to my office, on big boards, I have the names of the California dead and they are now blocking the doorway, there are so many names, and we have to send the charts back for smaller and smaller print.

Today, after several days of worrying and praying, we received the tragic news of the death of PVT Joseph Anzack, Jr., 20 years old, of Torrance, CA, who was abducted during a deadly ambush south of Baghdad almost 2 weeks ago. One member of his platoon, SPC Daniel Seitz, summed it up this way to the Associated Press:

> It just angers me that it's just another friend I've got to lose and deal with, because I've already lost 13 friends since I've been here, and I don't know if I can take any more of this.

He should not have to. But with this bill, he will.

The first half of this year has already been deadlier than any 6-month period since the war began more than 4 long years ago. In this month alone, 83 U.S. servicemembers have already been killed in Iraq.

Let me be clear: There are many things in this bill I strongly support—many provisions I worked side by side with my colleagues to fight for, for our troops, for our veterans, for their mental health, for our farmers, for the victims of Hurricane Katrina, who so deserve our attention—but I must take a stand against this Iraq war and, therefore, I will vote "no" on this emergency spending bill.

Mr. President, we are not going away. You cannot brush us off like some spot on your jacket because we are going to be back.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to express my concern and deep regret over the conference report to H.R. 2206, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Appropriations Act of 2007.

I am extremely disappointed our troops have to continue to pay the price for our political posturing on this legislation and the inclusion of funding for pet programs in a must-pass military funding bill.

I want to make very clear my strong support for the members of our Armed Forces and the vital work they are doing around the world every day. I have the greatest admiration for all of them, for their commitment to preserving our freedoms and maintaining our national security. They are all true heroes, and they are the ones who are doing the heavy lifting and making the great sacrifices in our country's name so we might continue to be the land of the free and the home of the brave.

We are faced with a vote on a bill that our troops need, but the troops are not the focus of this legislation. This supplemental is yet another example of a Congress whose fiscal house is not in order. It contains more than $17 billion in unrequested items—$17 billion in funding that has nothing to do with the war on terror.

The intent of this legislation is to fund our troops and to provide them with the resources they need to win the war on terror. Emergency supplementals are not intended to be a Christmas tree that includes presents in the form of every Member's favorite pet programs. Unfortunately, the bill we will be voting on is just that.

This legislation includes funding for a number of programs I would support on their own merits. It includes agricultural disaster assistance for our Nation's ranchers who have suffered through years of drought. Many of those are in Wyoming. It includes funding for the Secure Rural Schools program. These are both important priorities for people in Wyoming, and although I support the programs on their merits, I do not support their inclusion in this emergency war supplemental.

This legislation is not intended to deal with drought relief. It is not intended to deal with SCHIP. It is not intended to deal with wildland fire management. It is intended to fund our troops. Instead of attaching these unrelated programs to a must-pass troop funding bill, a fiscally responsible Congress would examine each of these programs on their own merits through our regular appropriations process—or else we ought to call ourselves irresponsible.

The American people have made clear that we need to be fiscally responsible. They have made clear they do not support spending billions of taxpayers' dollars with little or no debate. Unfortunately, if this legislation passes, that is exactly what we are going to do.

The war supplemental also touches on various issues before the Committee on Health, Education, Labor, and Pensions, including minimum wage and pensions. Unfortunately, our committee was not consulted on this language nor made any part of the discussions on this supplemental.

The supplemental contains a provision that will boost the Federal minimum wage from $5.15 to $7.25 an hour. I have always believed any increase in the minimum wage must be accompanied by appropriate relief for those small business employers who have to absorb those costs. It is a mandate. Small businesses are the proven engine for our economy, and they are the greatest source of employment opportunity for U.S. workers. A raise in the minimum wage is of no value to a worker without a job or a job seeker without prospects.

It was for these very reasons the minimum wage package which passed the Senate, with overwhelming bipartisan support—overwhelming bipartisan support; I think there were two votes in opposition—contained a series of provisions designed to provide relief for small businesses. That is how we got it. That was bipartisan.

The Senate-passed versions of the minimum wage legislation contained significant tax relief that was targeted to small businesses and industries most likely to employ minimum wage workers. Unfortunately, much of this tax relief has been stripped from the current version of the supplemental. While some tax relief remains, the lion's share of that relief is contained in the Work Opportunity Tax Credit provisions, which, as a practical matter, are not utilized by small businesses.

While the bill does continue to contain important regulatory relief provisions, such as compliance assistance for small businesses, and a small business childcare grant authorization, the tax relief this body overwhelmingly determined was necessary to help small businesses offset the cost of a new Federal minimum wage is no longer contained in the legislative package, nor were any of us consulted. I cannot support legislation that dramatically raises the Federal minimum wage and fails to acknowledge and adequately offset the impact of such an increase on our small businesses.

With respect to pensions, last year the Senate Committee on Health, Education, Labor, and Pensions worked with other committees in landmark legislation to author the most extensive overhaul of pension funding rules in a generation. The Pension Protection Act of 2006 was signed into law in August 2006, following extensive—extensive—bipartisan, bicameral negotiations. Conferees were intent on ensuring that retirement plans are properly funded and that Americans' retirement savings would be there when they need it.

One of the fundamental reasons for pension funding reform was to ensure—to ensure—the solvency of the Pension Benefit Guaranty Corporation and its ability to guarantee benefits in plans that are underfunded. I am very concerned that there are provisions in the war supplemental that the House leadership claims are technical corrections to the Pension Protection Act. Any changes to the Pension Protection Act must be considered by the committees that have jurisdiction, the ones that know about all the intricacies and interrelationships of the parts that are in there, instead of legislating on an appropriations bill.

Chairman KENNEDY and I sent a letter to Senate leadership on Tuesday night citing our concerns with the House approach. I ask unanimous consent to have printed in the RECORD a copy of that letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON HEALTH
EDUCATION, LABOR, AND PENSIONS,
Washington, DC, May 22, 2007.

Hon. HARRY REID,
Majority Leader,
U.S. Senate, The Capitol, Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader,
U.S. Senate, The Capitol, Washington, DC.

DEAR LEADERS: Last year, we worked with other committees to author the most extensive overhaul of pension funding rules in a generation. The Pension Protection Act of 2006 (PPA) was signed into law in August 2006, following extensive bipartisan, bicameral negotiations. Conferees were intent on ensuring that retirement plans are properly funded, and that Americans' retirement savings will be there when they need it. This law passed the Senate with overwhelming support, 93–5.

We understand that a number of pension provisions originating in the House may be included in the emergency war spending bill. While moving forward on pensions technical corrections is a goal that many members share, moving House pension technical corrections separately on this spending bill from Senate priorities creates a disparity. We are very concerned at this disregard for equal consideration and lack of discussion of Senate priorities and prerogatives.

Retirement security is a cornerstone of the HELP Committee's jurisdiction, and we recognize that immediate technical corrections are needed to the PPA. Bicameral, staff-level meetings are taking place regularly, and we are working with the Administration to ensure that the needed corrections are promptly addressed. The HELP Committee has a history of finding common ground on complex legislative challenges, and we are confident that we will reach consensus on a package soon. We urge you to provide us with the opportunity to bring a finished pension technical package to the floor in a timely fashion in order to give our colleagues the chance to have their priorities considered.

Sincerely,

EDWARD M. KENNEDY,
Chairman.
MICHAEL B. ENZI,
Ranking Member.

Mr. ENZI. Retirement security is a cornerstone of the HELP Committee's jurisdiction. I recognize that technical corrections are needed to the over 900 pages of the Pension Protection Act. Bicameral, staff-level meetings are taking place at this very time, and we are working with the administration to assure that the needed corrections are promptly addressed. With the huge bipartisan, bicameral support that had before, there should be no difficulty with that, and people have been working on it since the very time that we passed it. House leadership, by cherry-picking certain technical corrections intended for certain special interest groups, is not the way to legislate, and I would contend that they are not technical corrections.

Chairman KENNEDY and I, together with Chairman BAUCUS and Senator GRASSLEY, have worked extremely well on making sure that everyone has a voice at the table and that the process is transparent.

Generally, these provisions undo, in a piecemeal fashion, what was accomplished in the Pension Protection Act as far as strengthening funding requirements. It permits some plans to choose to have reduced funding obligations and reduced pension benefit guarantee premiums. In fact, it means that the Pension Benefit Guaranty Corporation must refund some premiums to some employers.

Again, I want to provide our troops with the funding and the resources they need to be successful in all their tasks. Unfortunately, this conference does not make our troops the priority of congressional business. The men and women of our armed services deserve better than this spending bill. The people of the United States deserve better.

I yield the floor.

Mrs. MURRAY. Mr. President, I rise this evening to support the supplemental appropriations bill we will be considering shortly.

Let me be very clear. I strongly disagree with the President on our course in Iraq. I was one of only 23 Members of the Senate to vote against going to the war in Iraq, and I am committed to changing the course, redeploying our troops, and refocusing our efforts on fighting the global war on terror. I have voted time and again for resolutions and amendments to change direction. I believe the President is wrong to continue on with an open-ended commitment to an Iraqi government that has repeatedly failed to meet deadlines and take responsibility for its own country. I believe the President is wrong to continue to ignore the warnings of generals, experts, and the will of the American people.

But I also believe the President is wrong when, in his stubborn refusal to change, he also withholds money for our troops whom he has sent into harm's way. The President did just that on May 1 when he vetoed a congressionally approved supplemental that provided $4 billion more than he asked for for our troops. When the President vetoed that bill, he was the one who denied our troops the resources, equipment, and funding they need to do their jobs safely. The President was wrong, but he hasn't changed his mind. He and the majority of Republicans in Congress are blocking funding for our troops.

As we head into this Memorial Day, I will vote for this supplemental because the President has blocked this funding for too long, and I will vote for this supplemental because Democrats in Congress have changed our course. With this bill, we have taken a responsible path forward, in spite of the President, on many of our Nation's most pressing issues.

This bill, for the first time, funds the needs of our veterans and wounded warriors who have sacrificed for all of us and whose needs the President has refused to acknowledge as the cost of war. This bill makes our homeland more secure by investing critical funds in our ports and our borders, and this bill aids the recovery of hard-hit communities across the country and in the gulf coast where families have continued to suffer due to neglect from this administration. In just 5 short months, Democrats have provided a new commitment to the American people, a new direction in Iraq, and we are going to continue on this new path to change.

From the start of the war in Iraq, the Republican Congress allowed President Bush a free hand. They held few oversight hearings. They demanded no accountability. There were no wide-ranging investigations into this administration's endless mistakes. Year after year, they sent the President blank checks in the form of emergency supplementals. Now, 5 years into this war, after 5 years without accountability, 3,400 of our heroes have died, and over 25,000 have been injured. Our troops are now policing a civil war in Iraq. Billions of taxpayer dollars are unaccounted for. The reconstruction of Iraq is far from complete, and our veterans are facing awful conditions when they return home.

In November, voters asked for an end to this. They voted for us to stand up, ask difficult questions, and hold those who make mistakes accountable for them. Democrats heard that call.

Immediately after being sworn in, we began to hold hearings. We heard from military and foreign affairs experts and called administration officials to testify—under oath. We began conducting investigations into prewar intelligence, the waste of taxpayer dollars, and the treatment of our veterans. Democrats began holding vote after vote on Iraq. We forced Republicans to make clear to Americans where they stood on the war: Are they for escalation or redeployment? Are they for allowing Iraqis to continue to shirk their responsibility or for forcing them to stand up?

In January, President Bush ignored calls from Congress to follow the Iraq Study Group recommendations. Instead, he escalated our troops in Iraq. Congressional Republicans refused to criticize the escalation and stood by the President and attacked anyone who spoke out against that surge.

But congressional Democrats stood strong. We upheld our constitutional duties and what Americans put us in office for—conducting oversight and holding the administration accountable for its actions. This trend continued for months, and eventually, though slowly, some of my Republican colleagues began separating from the President and siding with us and the American people. After months of this, Democrats overcame Republican opposition and passed a bill with redeployment provisions. We sent that bill, based on the advice from the Iraq Study Group and military leaders and supported by 64 percent of Americans, to the President. We hoped he would read that bill. We hoped he would realize it was the best way forward in Iraq. But he didn't, and he vetoed it.

Now, finally, after months of blindly following the President, more and more of our colleagues on the other side are beginning to stand up to the President, demanding benchmarks and a timeline for change in Iraq.

It is clear that despite a slim majority in the House and only a one-vote margin in the Senate, Democratic efforts are working. Today is further evidence of that.

The bill we pass tonight will not be perfect. It doesn't go nearly as far as many of us would like. We, along with the American people, have made it clear what we want—a new direction that forces Iraqis to take control of their own country. Unfortunately, the President has said he would veto that bill.

So today we have a bill that takes a step forward with our changing course in Iraq. It forces the White House to acknowledge the will of the American people and the role of Congress, it pressures Iraqis to stand up, and, importantly, it funds our troops. The hard truth, of course, is that not enough Democrats are here to override a veto. We realize that another veto will not serve our troops well. They need our funds; they don't need another White House delay. So we are moving ahead.

I will say it again: This bill is not all I hoped for, but this war is not going to be brought to a close in 1 day. It is not going to be brought to a close with one bill. We will support our troops, and we will bring an end to the war in Iraq. We will continue to debate and force votes on this war week after week after week. Americans will continue to hear where the Republicans stand on this war.

We face terror threats around the world. We must, and we will, defeat them. Unfortunately, the Iraqi civil war is not making us more secure. We do need to refocus our fight back on the war on terror, and we do need to rebuild our military. I support a new direction in Iraq so that we can focus on the larger security challenges our country faces, and they are high. But I know we can improve security at home, that we can track down and eliminate terrorists around the world, and that we can take care of our servicemembers. It is a matter of getting our priorities straight. Redeploying our troops from Iraq is an important first step toward getting those priorities straight. It is a step the Senate must take, just as passing this bill tonight is one.

This bill, however, is about much more than just Iraq; it is about taking care of the best military in the world, both when they are deployed and when they return home. It is about rebuilding here in America, on the gulf coast and on family farms from coast to coast, and it is about providing hard-working Americans struggling to care for their families with a desperately needed raise.

I am not satisfied with the Iraq language in this bill. I disagree with Senator WARNER's language. I voted against it last week. But I am proud of what we were able to accomplish in this bill—in particular, taking care of the troops, which this bill does. It includes billions more than the President requested to train and equip and take care of our fighting men and women and to make sure we care for them when they come home.

So tonight, when we vote, I will cast my vote as a yes—not for the Warner language, not for the language on Iraq, but to make sure that those men and women whom we have sent to battle, despite how I feel, have the care and support they need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise tonight in support of the supplemental.

I opposed the authorization to go to war in Iraq because I thought it would be a tragic error, and it has proved to be. Iraq did not attack this country: al-Qaida did. Sometimes I think that is somehow lost in this discussion. It was al-Qaida, led by Osama bin Laden, not Iraq, led by Saddam Hussein, who masterminded the attacks of September 11. That is a fact. That is a reality. I think it was one of the great mistakes in American history that we launched an attack on Iraq before ever finishing business with al-Qaida.

Now we face a difficult choice. We have 160,000 troops in the field, and I believe we must fund those troops until there is a responsible plan to redeploy them. Unfortunately, this President has absolutely refused to construct such a plan. I believe that leaves us with little choice but to fund the troops in this resolution before us tonight.

We also have in this package a matter of great interest to the people whom I represent, so I would like to speak for just a moment on a separate subject; that is, the disaster relief which is contained in this legislation.

I introduced a comprehensive disaster plan 3 years ago. The Senate has supported it, most recently in a vote of 74 to 23 on the Senate floor. The House supported it 2 weeks ago in a vote of over 302 Members in support. Today, it received 348 votes. Now we have an assurance we did not have before—that the disaster package will be signed by President Bush. This has been a long, hard fight, but it is critically important to the people whom I represent.

These have been the headlines all across my State:

Crops Lost To Flooding.
Beet Crop Smallest in 10 Years.
Heavy Rain Leads to Crop Diseases.
Rain Halts Harvest.
Area Farmers Battle Flooding and Disease.

This is the picture which we saw in my State 2 years ago. I flew over southeastern North Dakota, and it looked like a giant lake. Over a million acres were prevented from even being planted. Another million acres had tremendous losses in production.

Then, irony of ironies, last year we had one of the worst droughts in our Nation's history—by scientific measurement, the third worst drought in American history—and the Dakotas were the epicenter of that drought.

Mr. President, it got very little attention. It wasn't like Hurricanes Katrina and Rita, which were disasters that were immediately evident, and which received enormous national media attention. This was a slow-developing tragedy but a tragedy nonetheless. The Dakotas were right at the heart of it—North Dakota and South Dakota. It was rated as an exceptional drought—not extreme or severe or moderate, which are the other measurements, but an exceptional drought. Exceptional it was.

Here is the map of the U.S. Drought Monitor. They concluded it was the third worst drought in our Nation's history, right down the center of our country.

As you can see in this picture taken near my home in Burleigh County, ND, the corn is supposed to be knee-high by July 4, but it was just over the edge of this man's boot. I went into a cornfield that was irrigated. The farmer started shucking the corn, and every other row was empty. I asked him how can that be? He told me: Senator, this week it was 112 degrees one day. We had day after day where it was over 100 degrees.

This led to a devastating series of losses. The bankers of my State came to me and said: If there is not help, 5 to 10 percent of our clients are going to be out of business. That is how serious and consequential this is. Without this help, thousands of farm and ranch families will be forced off the land.

This legislation is funded as an emergency and doesn't require offsets from other programs. This is a change from the 2004 agriculture disaster package. Producers will be eligible for assistance for one year only. Assistance payments plus the value of crop sales and crop insurance cannot exceed 95 percent of the expected crop value, so nobody is getting rich.

It doesn't allow producers to receive multiple benefits for the same loss. So there is no double-dipping.

Crop assistance eligibility requires a 35-percent loss before there is a dime of assistance, and the payment rate is 42 percent of the established price for insured crops.

Livestock producers are eligible for both a livestock compensation program to help offset forage losses and feed costs and a livestock indemnity program to help cover death losses.

I thank my colleagues in the Senate and the House who have worked tirelessly for the last 3 years to help deliver this assistance. It has been bipartisan in the Senate. It has been a long and hard fight, but it is going to be a lifeline to thousands of farm and ranch families in my State. This is a bill the President should sign.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am glad this long and unfortunate political process has apparently come to an end, so we can now provide the funding for our troops that has been needed for some time. The failure to do so has created uncertainty and ambiguity and has, I believe, undermined our policies in Iraq in a number of different ways. Historically, politics have stopped at the water's edge. That was a cardinal rule of American foreign policy that you might agree with or not, but you would not criticize fundamental decisions made by the United States while things are ongoing in various places in the world and, certainly, you would not take steps and actions that would undermine our troops in combat someplace in the world.

Vigorous debate is absolutely a part of who we are as a Nation. A lot of people who have been critical of our war efforts in Iraq have made suggestions that have been good. A number of their criticisms have been correct, and it is certainly welcome and a part of our heritage that we would have that kind of debate. I don't mean to suggest otherwise. But the delays we have been seeing now in actually providing the funding necessary for our military men and women in harm's way has been too long. I believe it has had a tendency to embolden our enemies and raise questions in the minds of our own soldiers.

So as I have said a number of times on the floor of the Senate, those soldiers in Iraq and Afghanistan today are there for one reason, and that is because we sent them. They are doing tough, hot, demanding, dangerous work. I have been there six times. I have to tell you, I have never been more impressed. They don't complain. They do their work with professionalism. They care about what they are doing. They believe in what they are doing. They want to succeed, and I tell you that with every fiber in my being. It is their desire to help the country of Iraq achieve stability and progress.

They are executing lawful policies of the U.S. Government. That includes the Congress—the House and Senate—as well as the President of the United States. We have, through lawful processes, deployed them to execute policies that we have decided on. This Congress, of course, has the power to bring them home at any moment that we desire. I think people are wrestling with that. Some think they should come home now. Some think that is not the appropriate decision. The President believes that is not the appropriate decision. We have accepted and have fundamentally affirmed the surge that has sent additional troops there. They are there to execute our mission. That is all I wish to say. They are there to execute our mission.

I talked to a mother not long ago whose son was killed in Iraq. She told me her son told her he believed in what he was doing. He told me when they went into neighborhoods, the women and children were glad they were there. They wanted them in the neighborhoods. That is all I am telling you. You can read what you want to in the newspaper. But because it brought a sense of security there, they wanted them there. I know there are limits to our ability to achieve what we would like to achieve, no matter what we would like to achieve; I know we are not unlimited in our ability to achieve it. We have to be realistic, and we cannot commit a single soldier to an effort a single day longer than we conclude is an appropriate thing for them to be doing. If we think it is not justified and worthwhile, we need to bring them home. I certainly agree with that.

This is a serious discussion we have been having, and I don't dispute the people who have different views of how this ought to occur. I will say again that real support of the soldiers in harm's way means we affirm them and their mission as long as we fund their mission, as long as we order them there. You may say we didn't order them there, but we did order them there. We have funded them to stay there, according to the President's tactical decision. But we authorized him to do so, and we can end that authorization as we choose.

But the truth is, we have invested a tremendous amount in Iraq. General Petraeus—what a fabulous general he is—told us the truth, I believe. The truth is it is hard, but it is not impossible. He also has said what we are doing there is important. It is important that a stable, decent government be maintained in Iraq. That is not a little thing; it is a very important thing. The soldiers who have been there—the soldiers who serve—would be, indeed, in pain and be hurt if we prematurely give up on what they have sacrificed to achieve and what so many of them truly believe in, if you talk to them.

I have to tell you that the surge of troops into Iraq was a bitter pill to me. I remember distinctly when General Casey said in late 2005 he believed we could start bringing home troops in 2006. That was absolutely music to my ears and what I wanted to hear. Then he said he had to delay the troops coming home because the sophisticated, sustained effort by al-Qaida to attack Shia individuals in holy places had created a reaction by Shia, with the formation of a Shia militia, and they were killing Sunni individuals and that broke out into a spate of violence in Baghdad, the capital city, the central focus of Iraq, and that was extremely unfortunate.

So my thinking is this: Benchmarks for the Iraqi Government—if we write that correctly and don't do it in a way that is unwise and counterproductive, as I believe this language is, at least it would be language the President can accept, and I would be prepared to accept the demand that they do certain things. That is all right with me. Our commitment is not open-ended. We cannot continue to try to lift a government that cannot function effectively. We want them to function. We want them to have a healthy, prosperous government. There are some good things that have happened—really and truly, there have been good things. But there are very difficult things also that are not going well. This is a challenge to the Iraqi Government.

I truly hope the benchmarks and language in this funding resolution will be such that it will be a positive spur to the Iraqi Government to confront their reconciliation difficulties, spur them to reach agreements on other constitutional questions that are critical, and be an effective step in helping that Government stand up and assume responsibility for its own fate.

I have to say I am not comfortable and am indeed uneasy with high troop levels sustained in what would be considered an occupation or a stand-in for the democratically elected Government of Iraq. That Government has to stand up and assume greater and greater responsibility. I do hope and pray that they will because it is exceedingly important that they do.

I yield the floor.

Mrs. MURRAY. Mr. President, I think it is important that, in response to the comments of my friend Senator ENZI, I set the record straight for the Senate and the American people regarding the practice of including unrequested emergency funding in war supplementals.

The emergency supplemental bills approved by Republican Congresses in 2003, 2004, 2005, and 2006 included emergency funding for many of the same issues that are in the emergency supplemental, such as: agriculture disaster assistance—fiscal year 2006 war supplemental—$500 million; border security—fiscal year 2006 war supplemental—$1.9 billion; pandemic flu—fiscal year 2006 war supplemental—$2.3 billion; wildland fire suppression—fiscal year 2005 Defense Appropriations Act, which carried $25.8 billion war supplemental—$500 million; airline security—fiscal year 2003 war supplemental—$2.396 billion; and fisheries assistance—fiscal year 2006 war supplemental—$112 million.

The White House has complained about Democrats including agricultural disaster assistance in the war supplemental. Not only did the Republican Congress approve a targeted agriculture disaster package in 2006, but there is also precedent for including assistance to a sector in the economy that has been hard hit by a disaster. In 2003, Congress approved $515 million of relief for the aviation industry.

The White House has also complained about Democrats including other matter in a war supplemental, such as the minimum wage increase.

Yet under Republican control, war supplemental laws included such unrelated matters as the REAL ID Act, fiscal year 2005, a temporary worker program, fiscal year 2005, and budget process provisions, fiscal year 2006.

So I am glad to have the opportunity to clarify for my colleagues the real record when it comes to meeting the needs of the American people in emergency supplemental appropriation bills.

Mr. KENNEDY. Mr. President, while there are many aspects of this conference report that I cannot support, I am pleased that it will finally allow us to get a minimum wage bill to the President's desk. The minimum wage has been stuck at $5.15 an hour for more than 10 years, but now—finally Americans across the country will get the raise they need and deserve. For the millions of working families who will benefit, this increase may be long overdue, but it is nonetheless something to celebrate.

Mr. President, 13 million Americans will see more money in their paychecks for the first time in a decade. They will have a few more dollars to spend on the essentials of life, or maybe they will have a few more hours to spare to spend time with their families; 6 million children will have better food, better health, and better opportunities for the future.

I deeply regret that this vital increase was so long in coming. The minimum wage bill passed the House and Senate by overwhelming margins in January and February of this year. Had we been able to send that bill to the President's desk right away, the first phase of the raise would already be in effect.

Unfortunately, my colleagues on the other side of the aisle would not let that happen. They prevented the minimum wage bill from going to conference until they could make sure it included a big enough tax giveaway for businesses. That is why were here talking about it today. We had to put in on a bill they couldn't block to get it to the President's desk.

We have overcome many obstacles—and faced every procedural trick in the book—to get this minimum wage increase across the finish line. Democrats stood together, and stood firm, to say that no one who works hard for a living should have to live in poverty.

But we didn't do it alone. The passage of the minimum wage is not merely a legislative victory—it's a victory for the American people.

After years of delay and inexcusable inaction by Congress, the American people took this fight into their own hands. They started a grassroots movement that spread across the Nation like wildfire. They pounded the pavements. They prayed in their pews.

They refused to take no for an answer. We are here today because of their efforts, and they deserve the gratitude of our Nation.

The minimum wage is one of the great achievements of our proud democracy. It is a reflection of our values, and a cornerstone of the American dream. It is about the kind of country we want to be.

Americans want to live in a country where everyone has opportunity and the chance to succeed. Where anyone who works hard and plays by the rules can build a better life for their family. Where there is no permanent underclass, and everyone has hope for a brighter future. When the President signs a minimum wage increase into law, we will be one step closer to that noble goal.

Certainly, the increase we have passed today is only the first of many steps we must take to address the problems of poverty and inequality in our society. There is no doubt that we need to do much, much more. But it's important to take a moment today to celebrate this victory. Raising the minimum wage will add dignity to the lives of millions of working families. It is one of the proudest achievements of this new Congress.

Mr. COLEMAN. Mr. President, due to a family medical emergency, I am returning to Minnesota this evening and will be unable to cast my vote in favor of the supplemental appropriations bill. I believe the Senate is taking responsible action by passing critical funding for the troops without attaching it to arbitrary timelines for withdrawal. Moreover, this bill contains critical agricultural disaster assistance funding that I have been fighting to deliver for Minnesota's farmers for over a year. Had I been present, I would have voted "aye" on the supplemental.

Mr. DODD. Mr. President, I rise today to announce that I am voting against the Iraq war supplemental. I wish I didn't have to. I wish that I looked at Iraq and saw a stable, united government, a society free of terrorists and insurgents, and liberal democracy around the corner, if only we spent another billion dollars, or a hundred lives, or another year of waiting. I wish that our surge had, at long last, brought quiet to the tortured city of Baghdad. I wish that our President's policies were working.

I wish that I could look at Iraq and say, with a clear voice and a clean conscience: I share our President's confidence.

I wish; and even as I wish, the truth tells me otherwise. It tells me that 3,415 men and women in uniform have already sacrificed everything in Iraq, with no end in sight. It tells me that our military is being hollowed out by the Iraq experience, that two-thirds of our Army in the United States and 88 percent of our National Guard are forced to report: Not ready for duty, sir. It tells me that the American people demand an end to this war, and that the Iraqi people—for whose sake we toppled a dictator and established elections, precisely so we could hear their voice—demand the same.

I look at this bill and I don't see the truth in it. It exists in a world in which the President's plans are all meeting their mark. It gives us a status-quo strategy that has failed and failed again. It writes the President a blank check.

I had hoped that this supplemental would have passed with strong timetables for withdrawal, a unambiguous line in the sand. A responsible supplemental would have established definitive guidance for the President to transition the mission of our forces away from combat operations. It would have defined that mission clearly as counter-terrorism, training of Iraqi forces, and American force protection. It would have required a diplomatic and economic strategy in Iraq. And it would have held both the President and the Iraqi Government accountable. The Feingold-Reid-Dodd bill contained just such timetables, and mandated a responsible transition in mission, all backed by Congress's constitutional power of the purse.

But I cannot, in good conscience, support the half-measure that has taken its place. Instead of establishing realistic timetables, this supplemental does one thing only: It delays for 4 months, until funding runs out again, the decision we all know is coming: ultimately, combat troops will be redeployed from Iraq. This bill allows 4 more months of reckless endangerment of our troops and our national security.

A Senator shouldn't talk like that, some will say. I will be told I am declaring surrender right here on the Senate floor. Those are the words that will come from the other side of the aisle, big, grand words—surrender, triumph, defeat, victory—words that will blur and swirl together until they lose all mooring in reality. The President's supporters want to paint us a picture of a world in which we line up on a field of battle, the terrorists on one side and America on the other, and fight pitched warfare until one side waves the white flag.

But Iraq does not exist in that world. General Petraeus tells us that there will be no military solution; so does the Iraq Study Group. Senator HAGEL, a war hero and member of the Foreign Relations Committee, tells us that "there will be no victory or defeat in Iraq . . . Iraq belongs to the 25 million Iraqis who live there . . . Iraq is not a prize to be won or lost."

So I am not conceding defeat in Iraq—because there is no defeat to be conceded. There is only the hope that Sunni, Shia, and Kurd will reconcile in government, call off their militias and death squads, and turn against the foreign terrorists who have helped to spark this civil war. Our combat presence in Iraq cannot make that hope real. We can, and must, continue to assist the Iraqis in trying to reach these goals—but we cannot do it with military might alone. In the end, the challenges in Iraq can only be addressed through political means.

We are told, again and again, that we are failing to "support the troops"—support that is subject to only the vaguest of measurements: "Messages" and "signals" and "resolve."

We answer with fact. We answer with young lives lost and dollars squandered. We answer with the wisdom of James Baker and Lee Hamilton. We ask how any conceivable definition of "support" would leave our troops stranded in a civil war of strangers, with no mission or end in sight. And we say, unequivocally, that the only way to support our troops is to bring them home—now.

In fact, from the very outset of this war, it has been the President's defense policies that have hollowed out our Armed Forces and further threatened our national security. To reverse this negligence, Democrats have taken concrete action for our troops, again and again.

In 2003, I offered an amendment to the emergency supplemental appropriations bill to add $322 million for critical protective gear identified by the Army, which the Bush administration had failed to include in its budget. But it was blocked by the administration and its allies.

In 2004 and 2005, I authored legislation, signed into law, to reimburse troops for equipment they had to purchase on their own, because the Rumsfeld Pentagon failed to provide them with the body armor and other gear they needed to stay alive.

And last year, working with Senators INOUYE, REED, and STEVENS, I offered an amendment to help address a $17 billion budget shortfall to replace and repair thousands of war-battered tanks, aircraft, and vehicles. This provision was approved unanimously and enacted in law.

That is support—support that can be measured, support that carries a cost beyond words.

And it is support that will continue, even if this supplemental fails, as it should. The Defense Department has ample funds to maintain our combat troops in Iraq until they can be withdrawn responsibly. The failure of this bill will not turn funds off like a spigot—the military simply does not work like that. Instead, our troops are supported by the more than $150 billion in the Pentagon's regular operations and maintenance account—and in the meantime, we might negotiate with the President for a responsible drawdown of combat troops. Any implication that we are stranding our soldiers in the desert—without fuel or bullets or rations—is totally specious.

And it follows that the President's Memorial Day deadline is totally arbitrary. The lives of our troops are more important than the President's vacation schedule. Why should he set timelines for Democrats but not for Iraqis?

Instead, let us vote down this bill and then join President Bush at the table, with the dignity befitting an equal branch of government, and the authority vested in us by the American people and our Constitution. Let us bring this disastrous war to a responsible end. And after 4 years of failed policy, let our voice be loud and unmistakeable: This far, and no further.

Mr. LEAHY. Mr. President, I will vote against the fiscal year 2007 emergency supplemental conference report. Although there are many sound and worthy provisions in this bill—such as assistance for Afghanistan and other countries, and additional funds not requested by the administration to help address the backlog of equipment for the National Guard—the inescapable fact is that this legislation would not reverse this administration's disastrous Iraq policy. I simply cannot vote in favor of a bill, containing tens of billions of additional dollars for the President's policy in Iraq, that does not begin to bring our troops home.

As one of the 23 Senators who opposed authorizing this war, I believe it is vital that we send a strong signal that Congress is going to exercise its article I constitutional powers and end our central involvement in Iraq's civil war. Every Senator—for or against this military adventure—must take a stand on whether to continue the status quo or change course. That, at the end of the day, is what this vote represents.

Congress had a workable and I believe widely acceptable plan in the original version of this supplemental bill. Taking a page from the Iraq Study Group recommendations, the plan was to end the military mission in Iraq as we currently know it. We would reduce American forces to the contingent necessary for limited Iraqi troop training, counterterrorism operations, and protecting remaining American personnel.

I and others joined with Senator FEINGOLD in an effort to strengthen that position by ensuring that no funding could go toward deployment, beyond those narrow purposes. About a month ago, we all saw the President veto the supplemental bill. Then last week, the President muscled his congressional allies to vote against the stronger Feingold-Reid-Leahy provision.

So what we are left with is this new version of the supplemental—the status quo, more of the same old stay the course. The reality is that this new conference report does nothing to stop the President's open-ended escalation. It will not force the Iraqis to make the difficult political compromises which they need to make. Nor will it begin a redeployment of American forces. The final legislation drops the mandatory timetable for planning and commencing redeployment with a targeted completion date. Beyond some reporting requirements, there is no limitation on troop levels.

What the legislation does do is limit our aid to the Iraqi government if actions toward reconciliation are not taken, although the President may waive these limitations.

I agree that we should tie our aid to the Iraqi government to clear benchmarks. But that alone is not sufficient. The reality is that despite spending hundreds of billions of dollars in Iraq, the violence has increased. We all know that the trends are going in the wrong direction. This piecemeal approach assures that our troops will remain in the middle of harm's way for the foreseeable future.

And when it comes to changing the dynamic in Iraq, it is troop levels that matter. The introduction of more forces through this open-ended escalation that the President calls the surge is sending the wrong signal to the Iraqis and to countries in the region that have interests there. It says they do not have to make the tough decisions because the American forces are there to do the dirty work, to spill their blood and to contain sectarian militias or deal with unwelcome foreign fighters.

Rory Stewart, a perspicacious observer with hands-on experience in Iraq, rightly pointed out in a recent public forum that our presence there is fundamentally undermining Iraq's political system, "infantilizing" Iraq politics, to use his phrase. He notes that Iraqi politicians are far more capable of making deals and reaching compromise than we think, but that our troop presence allows them to play hardball with each other. "Were we to leave," Mr. Stewart says, "they would be weaker and under more pressure to compromise."

As I have said, there are many aspects of this supplemental that I support. We have, for example, included $1 billion in unrequested funding to help rebuild our National Guard, which is suffering from dangerously low equipment stocks because so much of the Guard's equipment has been sent to Iraq. We have funded the Marla Ruzicka Fund to aid innocent Iraqi civilians who have suffered casualties, and a similar program to aid civilian victims of war in Afghanistan. There is other funding for refugees and humanitarian assistance in Africa and the Middle East, as well as for Kosovo. I am gratified that we have been able to include funding for elections in Nepal, to support reintegration of former combatants in northern Uganda, and to begin the clean up of dioxin-contaminated sites in Vietnam and for health programs in nearby communities.

These are just a few of the things carried over from the original, vetoed version of the bill that I support and for which I have worked hard. I thank Senator GREGG, the ranking member of the State, Foreign Operations Subcommittee, and our counterparts in the House, Chairwoman LOWEY and Ranking Member WOLF, for working together in a bipartisan way to allocate the foreign assistance funding in this bill.

Yet there is a central fact that we must meet head on. This war has been a costly disaster for our country. Our ability to fight terrorism, pursue our larger national security and foreign policy goals, and secure the welfare of every American has been diminished because of it. Thousands of our troops have lost their lives or suffered grievous, life-altering injuries. Tens of thousands—and possibly hundreds of thousands—of innocent Iraqis have lost their lives. We have opened a gaping wound in the Middle East and severely damaged our image and our influence. This war has been a foreign policy failure of epic proportions.

It is time to bring our troops home. It is time to show the Iraqi people that they cannot expect us to make these sacrifices if they won't make the hard decisions that are spread before them. I regret that this legislation whitewashes what was a reasonable, good faith effort to bring real pressure to bear in Baghdad and beyond. I cannot in good conscious vote for it.

DEFENSE SUBCOMMITTEE FUNDING

Mr. INOUYE. Mr. President, the Senate is about to act on H.R. 2206, the emergency supplemental appropriations bill for fiscal year 2007, which will fully fund the needs of our men and women in uniform. The process that we have used to reach this point has been somewhat different from our normal course of business. As such, I wanted to engage my cochairman of the Defense Subcommittee, the Senator for Alaska, in a colloquy on the defense portion of this bill. The bill before the Senate is not accompanied by the customary report because of the way the process unfolded. However, it is also true that for matters involving the allocation of funding and direction for those matters under the jurisdiction of the Defense Subcommittee, the bill closely mirrors the conference report to accompany H.R. 1591 as printed in House Report 110-107 that the Senate passed on April 26, 2007. Would my friend from Alaska agree that in terms of funding, the bill is nearly identical to that which the Senate previously approved?

Mr. STEVENS. I say to my friend from Hawaii that it is my understanding that the Senator is correct. I am advised that the funding in this bill for Defense Subcommittee matters is identical to that agreed to by the Senate on April 26, 2007, except in three areas. The increase in this bill for the Defense Health program is nearly $1.876 billion while the previous bill would have increased the health program by $2.126 billion. In addition, this bill has reduced funding for the Defense Working Capital Fund by $200 million and reduced the initiative for the Strategic Reserve Readiness Fund by $385 million. Aside from these changes the funding in this bill is exactly the same as previously passed.

Mr. INOUYE. I thank my colleague for that clarification. Therefore, I ask my friend whether he agrees that the allocation of funds that the Congress provided for these defense programs as described in the joint explanatory statement of the committee of conference to accompany H.R. 1591, except for those three areas that he just specified, is exactly the intent of this bill that we are about to pass?

Mr. STEVENS. I agree completely with my good friend. The intent of those of us who oversee the Defense Department and the drafting of this bill was to provide funds as specified in the joint explanatory statement which accompanied H.R. 1591.

Mr. INOUYE. Again, I thank my colleague. If I could make another inquiry, the Congress also included items in House Report 110–60 and Senate Report 110–37 which provided guidance to the Defense Department on several items in this bill. Would the Senator from Alaska agree with me that the intent of the chairman and ranking member of the Appropriations Subcommittee on Defense was that the guidance in these reports should be adhered to except in those areas that were altered in this bill or those areas that were addressed to the contrary in the joint explanatory statement to H.R. 1591?

Mr. STEVENS. I concur in the Senator's assessment. The Defense Subcommittee reviewed many matters before it prepared Senate Report 110–37 regarding the supplemental appropriations request before the Senate. In putting together H.R. 2206, our intent was to continue the guidance that the Senate included in its report. In addition, we have concurred in the guidance of House Report 110–60 except in those areas specifically noted in the joint explanatory statement which accompanied H.R. 1591.

Mr. INOUYE. I thank my friend. Then would you agree with me that it is our intent that the Defense Department should adhere to the guidance under the conditions which you and I have described above?

Mr. STEVENS. I say to my friend I agree with his assertion. I share his view that the Department of Defense should use the two committee reports and the joint explanatory statement of the committee of conference accompanying H.R. 1591 to discern the will of Congress in respect to this bill H.R. 2206.

Mr. INOUYE. I appreciate the comments of my friend, the Senator from Alaska, and concur. It is our view and intent that the Defense Department shall adhere to the funding allocation and comply with the guidance in the above described reports in interpreting the will of the Congress with respect to H.R. 2206, except in those few areas which are also described above. I thank the Senator from Alaska for his time and cooperation in this matter.

Mr. McCAIN. Mr. President, our service men and women on the front lines in the war on terror have been waiting too long for the funding this bill provides. Our soldiers, airmen, and marines need this appropriation to carry out their vital work, and we should have provided it months ago. The Congress, which authorized the wars in Iraq and Afghanistan, has an obligation to give our troops everything they need to prevail in their missions. As such, I will vote for its passage. But I do so with deep reservations. The legislation we are considering now is the wrong way to fund this war, and it fails the most basic tests imposed on us as stewards of taxpayer dollars.

This emergency supplemental appropriations bill contains $120 billion in funding, approximately $17 billion above the President's request. It is filled with billions of dollars in nonemergency spending that has nothing to do with funding the troops. In a time of war, with large federal budget deficits, we should be constraining our Federal expenditures. Sadly, we have chosen, once again, to do the opposite, and loaded this bill with billions of dollars in spending we don't need, spending that was not requested, spending that will only add to the already excessive size of government.

The President submitted his supplemental funding request on February 5 nearly 4 months ago. The Senate finally passed a very flawed version of a bill on March 29 a bill that everyone knew was nothing more than a political stunt, one that was dead before arrival to the President. Instead of putting our country first and providing the troops with full funding as expeditiously as possible, we let partisan politics rule the day. While some may believe that they scored political points by forcing meaningless procedural votes, I would ask them to reflect for a moment. What gain inheres in playing partisan politics with the lives of our honorable warriors and their families? How can we possibly find honor in using the fate of our servicemen to score political advantage in Washington? There is no pride to be had in such efforts. We are at war, a hard and challenging war, and we do no service for the best of us—those who fight and risk all on our behalf—by playing politics with their service.

So now, nearly 4 months after the supplemental funding request was submitted, here we are, with money literally running out to fund this war. We are about to pass a bill that while better than the last version, still contains billions of dollars that have nothing to do with the war on terror. We can do better than this. The American taxpayers deserve and expect more.

As my colleagues know, I have been meeting with citizens across the country, and let me assure you, they are not happy with the workings of Congress. There is a reason that the poll results on Congress's favorability rating are at such lows the latest at 31 percent. It is because of partisan politics having a greater priority in Washington than doing the people's business. It is because we are not making the tough choices to halt deficit spending and fix the out of control entitlement programs. It is because we seem to care more about our own reelections than about reforming government. This is not the way the American public wants their elected officials to behave. What will it take for that to sink in?

Let me mention some of the unrequested and unauthorized items contained in this bill: $110 million in aid to the shrimp and fisheries industries; $11 million for flood control projects in New York and New Jersey; $37 million to modernize the Farm Service Agency's computer system; $13 million for the Save America's Treasures program; and, $3 billion in agriculture disaster assistance, including $22 million to support the Department of Agriculture in implementing programs to provide this un-requested and unauthorized funding.

There are also several items in this bill that seek to legislate on an appropriations bill rather than allowing such items to move through the regular legislative process. Examples include language that: raises the minimum wage; restricts the Department of Transportation from implementing the North American Free Trade Agreement's, NAFTA, provisions expanding cross-border trade between Mexico and the United States with the introduction of a pilot program that would allow a select group of Mexican trucking companies to make deliveries into our country beyond the 25 miles that current law permits; extends several tax credits, while setting forth new Internal Revenue Service definitions and exempting some programs from taxation; and, amends the Food Security Act to make adjustments to the Department of Agriculture's land and soil conservation program.

Another provision that seeks to legislate on this appropriations bill is a provision that would end-run the Defense Base Realignment and Closure, BRAC, process. The 2005 BRAC commission decided to close the Naval Air

Station at Willow Grove, Pennsylvania, and the Department of Navy was in the process of closing the base in accordance with the law. This bill, however, would transfer the land and facilities to the Air Force even though the Secretary of the Air Force stated on April 12, 2007, that there is not a military need for the land it will be forced to receive. This provision was not requested by the administration, is not an emergency, and is not a responsible way to legislate. It was not reviewed or debated in any committee, and the committee of jurisdiction has had no say in the matter. Yet the American people will now be forced to continue to pay for the maintenance of this unwanted land when the Air Force receives it.

Despite these unacceptable earmarks and legislative language, I am pleased that this bill does not contain a timeline for the withdrawal of American troops from Iraq, regardless of the conditions there. Such a mandate would have had grave consequences for the future of Iraq and the security of Americans. The President was right to veto the first iteration of this legislation.

I do have concerns, however, with the way in which this measure conditions aid to the Iraqi Government by requiring the government to meet benchmarks. Although I support benchmarks for the Iraqi Government, and I believe that we should encourage the Iraqi government to move ahead as rapidly as possible on a number of fronts, some of the benchmarks contained in this bill are beyond the control of the Iraqi leadership. One of the benchmarks, for example, mandates that there will be no safe haven for "any outlaws." This should of course be an aspiration, but if terrorists or insurgents hang on and hole up in Baghdad, should this constitute a reason why the United States withholds economic aid to the government? Similarly, another benchmark requires the Iraqi Government to reduce the level of sectarian violence. But if sectarian violence does not decline as rapidly as we would like, does this suggest that the answer is to cut off reconstruction aid? It's not at all clear to me that it does.

I believe that, instead of legislating a list of benchmarks that must be met by the Iraqis, and imposing statutory penalties for nonperformance, it would be preferable for the administration to reach agreement on a series of benchmarks with the Iraqi government, a timeline for implementation, and consequences attached to each. Such an approach would make clear to the Iraqis that they must make progress, but would do so in a way that is specific, flexible, and realistic.

If this bill is to have benchmarks at all, it should be a benchmark that Congress may not approve any earmark, no matter how valid the cause, without an authorization, an administration request or inclusion in the budget. The national debt grows $75 million an hour and $1.3 billion a day. Congress should benchmark its spending sprees on zero debt, but it won't. This body would rather set benchmarks for others around the world than take responsibility for its own actions. For these reasons, this bill is flawed and irresponsible, but I will vote for it nonetheless in order to support our brave men and women fighting for freedom in Iraq and Afghanistan.

Mr. BAUCUS. Mr. President, the tax provisions included in this bill would help small businesses to succeed. These provisions would spur investment and thus create jobs. They would provide greater opportunity for workers looking for a job. They all enjoy strong support.

The bill helps businesses to provide jobs for workers who have experienced barriers to entering the workforce by extending and expanding the Work Opportunity Tax Credit, or WOTC.

WOTC encourages businesses to hire workers who might not otherwise find work. WOTC allows employers a tax credit for wages that they pay to economically disadvantaged employees. WOTC has been remarkably successful. By reducing expenditures on public assistance, WOTC is highly cost-effective. The business community is highly supportive of these credits. Industries like retail and restaurants that hire many low-skill workers find it especially useful.

The bill would extend WOTC for more than 3 years, and the bill would increase and expand the credit for employers who hire disabled veterans. The bill would also expand the credit to make it available to employers who hire people in counties that have suffered significant population losses.

To carry out day-to-day activities, small business owners are often required to invest significant amounts of money in depreciable property, such as machinery. The bill would help business owners to afford these large purchases for their businesses. To do so, the bill would extend for another year expensing under section 179 of the Internal Revenue Code.

New equipment and property are necessary to successfully operate a business. But large business purchases generally require depreciation across a number of years, and depreciation requires additional bookkeeping.

Expensing under section 179 allows for an immediate 100-percent deduction of the cost for most personal property purchased for use in a business. The bill increases the expensing limit from $112,000 to $125,000, and the bill increases the phase-out threshold from $450,000 to $500,000 for 2007.

When small business owners are able to expense equipment, they no longer have to keep depreciation records on that equipment. So extending section 179 expensing would ease small business bookkeeping burdens.

The bill includes a package of tax incentives to help recovery of small business and low-income housing in areas hit by Hurricanes Katrina, Rita, and Wilma. The bill also requires GAO to conduct a study on how State and local governments have allocated and utilized the tax incentives that have been provided for these areas since 2005. We want to make sure that the tax incentives that Congress provided for hurricane recovery are being properly used, and we want to make sure that these incentives are providing the much-needed help for which they were created.

Tips received by restaurant employees are treated as wages for purposes of Social Security taxes. As such, employers must pay Social Security taxes on tips received by their employees. These employers receive a business tax credit for taxes paid on tip income in excess of the Federal minimum wage rate. The bill would prevent a decrease in the amount of this business tax credit that restaurant owners may claim despite an increase in the Federal minimum wage.

Currently, if a small business jointly owned by a married couple files taxes as a sole proprietorship, only the filing spouse receives credit for paying Social Security and Medicare taxes. Furthermore, unless the married couple is located in a community property State, both the married couple and the business are subject to penalties for failing to file as a partnership.

The bill would allow an unincorporated business that is jointly owned by a married couple in a common law State to file as a sole proprietorship without penalty. The bill would also ensure that both spouses receive credit for paying Social Security and Medicare taxes.

Current law limits a small business' ability to claim WOTC and the tip credit by imposing a limitation that such credits cannot be used to offset taxes that would be imposed under the alternative minimum tax, or AMT. The bill would provide a permanent waiver for WOTC and the tip credit and would allow WOTC and the tip credit to be taken under AMT.

The bill would help small businesses by modifying S corporation rules. These modifications reduce the effect of what some call the "sting tax." These modifications would improve the viability of community banks.

The tax language included in the bill is a responsible package. It would ensure the continued growth and success of small businesses.

And we have also paid for it.

The offsets include a proposal to discourage the practice of transferring investments to one's child for the purpose of avoiding higher tax rates.

The offsets also include proposals to improve tax administration.

The offsets would allow the IRS more time to notify the taxpayer about a deficiency before it must stop charging interest and penalties. The offsets include making permanent the fees that the IRS is authorized to charge for private letter rulings and other forms of guidance.

The offsets also enhance penalties that the IRS may impose when taxpayers and preparers do not comply with the law. The offsets would also prohibit employers from using the collection due process to delay or prevent the IRS from collecting delinquent trust fund employment taxes.

The hard-working American taxpayers whom we are trying to help in this bill should not have to pay more in taxes because some taxpayers are abusing the tax system.

The nonpartisan Joint Committee on Taxation has made available to the public a technical explanation of the tax provisions of H.R. 2206. The technical explanation expresses the committee's understanding and legislative intent behind this important legislation. It will be available on the Joint Committee's website at www.house.gov/jct.

These are sound tax policy changes. Let's finally enact an increase in the minimum wage, and let's also pass this useful package of tax benefits to help America's small businesses. I urge my colleagues to support the bill.

Mr. BYRD. Mr. President, the following are additional explanatory materials regarding the appropriations for the Department of Defense made by the House amendments to the Senate amendment to H.R. 2206.

I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE—MILITARY PROGRAM EXECUTION

The Department of Defense shall execute the appropriations provided in this Act consistent with the allocation of funds contained in the joint explanatory statement of the committee of conference accompanying H.R. 1591 when such appropriations (by account) are equal to those appropriations (by account) provided in this Act. The Department is further directed to adhere to the reporting requirements in Senate Report 110-37 and House Report 110-60 except as otherwise contravened by the joint explanatory statement of the committee of conference accompanying H.R. 1591 or the following statement.

REPORTING REQUIREMENTS

The Secretary of Defense shall provide a report to the congressional defense committees within 30 days after the date of enactment of this legislation on the allocation of the funds within the accounts listed in this Act. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this Act are no longer available for obligation. These reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this Act by program and subactivity group for the continuation of the war in Iraq and Afghanistan; and a listing of equipment procured using funds provided in this Act. In order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified. The Department of Defense shall follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this Act.

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex.

OPERATION AND MAINTENANCE

SOAR VIRTUAL SCHOOL DISTRICT

The Deputy Undersecretary of Defense for Military Community and Family Policy is directed to comply with the guidance contained in the joint explanatory statement of the committee of conference accompanying H.R. 1591 regarding the Student Online Achievement Resources (SOAR Virtual School District) program.

IRAQ SECURITY FORCES FUND

The Department is directed to report to the House and Senate Committees on Appropriations within 90 days of enactment of this Act the accountability requirements DoD has applied to the train-and-equip program for Iraq and the plans underway to formulate property accountability rules and regulations that distinguish between war and peace.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The Joint Improvised Explosive Device Defeat Organization (JIEDDO) shall report on JIEDDO staffing levels no later than June 29, 2007.

PROCUREMENT

SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM (SINCGARS) FAMILY

The Department of the Army is directed to comply with the guidance contained in the joint explanatory statement of the committee of conference accompanying H.R. 1591 regarding funding limitations and reporting requirements for the Single Channel Ground and Airborne Radio Systems.

DEFENSE HEALTH PROGRAM

TRAUMATIC BRAIN INJURY (TBI) AND POST-TRAUMATIC STRESS DISORDER (PTSD) TREATMENT AND RESEARCH

If a service member is correctly diagnosed with TBI or PTSD, the better chance he or she has of a full recovery. It is critical that health care providers are given the resources necessary to make accurate, timely referrals for appropriate treatment and that service members have high priority access to such services. Therefore, $900,000,000 is provided for access, treatment and research for Traumatic Brain Injury (TBI) and Post-Traumatic Stress Disorder (PTSD). Of the amount provided, $600,000,000 is for operation and maintenance and $300,000,000 is for research, development, test and evaluation to conduct peer reviewed research.

By increasing funding for TBI and PTSD, the Defense Department will now have significant resources to dramatically improve screening for risk factors, diagnosis, treatment, counseling, research, facilities and equipment to prevent or treat these illnesses.

To ensure that patients receive the best care available, the Department shall develop plans for the allocation of funds for TBI and PTSD by reviewing the possibility of conducting research on: therapeutic drugs and medications that "harden" the brain; and, testing and treatment for tinnitus which impacts 49 percent of blast victims. The Department also should consider in its planning the establishment of brain functioning base lines prior to deployment and the continued measurement of concussive injuries in theater.

If the Secretary of Defense determines that funds made available within the operation and maintenance account for the treatment of Traumatic Brain Injury and Post-Traumatic Stress Disorder are excess to the requirements of the Department of Defense, the Secretary may transfer excess amounts to the Department of Veterans Affairs to be available for the same purpose.

The Secretary of Defense shall notify the congressional defense committees no later than 15 days following any transfer of funds to the VA for PTSD/TBI treatment.

SUSTAINING THE MILITARY HEALTH CARE BENEFIT

Provided herein is $410,750,000 to fully fund the Defense Health Program for fiscal year 2007. The Department is expected to examine other ways to sustain the benefit without relying on Congress to enact legislation that would increase the out-of-pocket costs to the beneficiaries.

HEALTH CARE IN SUPPORT OF ARMY MODULAR FORCE CONVERSION AND GLOBAL POSITIONING

The Assistant Secretary of Defense for Health Affairs and the Surgeon General of the Army shall coordinate an effort and report back to the congressional defense committees within 120 days after enactment of this Act on how these anticipated costs will be funded to ensure soldiers and their families affected by AMF and global positioning will have access to the health care they deserve.

MEDICAL SUPPORT FOR TACTICAL UNITS

The Department of the Army is directed to address medical requirements for those tactical units currently deployed to or returning from the Iraq or Afghanistan theaters. The Department of the Army shall focus funding on the replenishment of medical supply and equipment needs within the combat theaters, to include bandages and the provision of medical care for soldiers who have returned home in a medical holdover status.

MEB/PEB IMPROVEMENTS

The system for evaluating soldiers' eligibility for disability benefits has diminished, causing the soldiers' needs to go unmet. In particular, the thousands of soldiers wounded in the wars in Iraq and Afghanistan have overwhelmed the system leading to failure to complete reviews in a timely manner. In some cases, lack of management, caseworkers, specialists to help identify depression and post-traumatic stress disorder, medical hold facilities and even wheelchair access has meant that wounded soldiers have had to overcome many obstacles during their medical care.

Therefore, within the funds provided, $30,000,000 is to be used for strengthening the process, programs, formalized training for personnel, and for the hiring of administrators and caseworkers. The resources provided are to be used at Walter Reed, Brooke, Madigan, and Womack Army Medical Centers and National Naval Medical Center, San Diego.

SUMMARY AND TABULAR MATERIALS

The following tables provide details of the supplemental appropriations for the Department of Defense–Military.

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
DEPARTMENT OF DEFENSE - MILITARY	
Military Personnel	
Military Personnel, Army (emergency).................	8,853,350
Military Personnel, Navy (emergency).................	1,100,410
Military Personnel, Marine Corps (emergency)..........	1,495,827
Military Personnel, Air Force (emergency).............	1,218,587
Reserve Personnel, Army (emergency)....................	147,244
Reserve Personnel, Navy (emergency)..................	86,023
Reserve Personnel, Marine Corps (emergency)...........	5,660
Reserve Personnel, Air Force (emergency)..............	11,573
National Guard Personnel, Army (emergency)............	545,286
National Guard Personnel, Air Force (emergency).......	44,033
Subtotal.......................................	13,507,993
Operation and Maintenance	
Operation and Maintenance, Army (emergency)...........	20,373,379
Operation and Maintenance, Navy (emergency)...........	4,676,670
(Transfer to Coast Guard) (emergency)............	(-120,293)
Operation and Maintenance, Marine Corps (emergency)...	1,146,594
Operation and Maintenance, Air Force (emergency)......	6,650,881
Operation and Maintenance, Defense-Wide (emergency)...	2,714,487
Operation and Maintenance, Army Reserve (emergency)...	74,049
Operation and Maintenance, Navy Reserve (emergency)...	111,066
Operation and Maintenance, Marine Corps Reserve (emergency)...	13,591
Operation and Maintenance, Air Force Reserve (emergency)...	10,160
Operation and Maintenance, Army National Guard (emergency)...	83,569
Operation and Maintenance, Air National Guard (emergency)...	38,429
Afghanistan Security Forces Fund (emergency)..........	5,906,400
Iraq Security Forces Fund (emergency)................	3,842,300
Iraq Freedom Fund (emergency).......................	355,600
Joint Improvised Explosive Device Defeat Fund (emergency)...	2.432.800
Strategic Reserve Readiness Fund (emergency)..........	1,615,000
Subtotal.......................................	50,044,975
Procurement	
Aircraft Procurement, Army (emergency)...............	619,750
Missile Procurement, Army (emergency)................	111,473
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency).................................	3,404,315
Procurement of Ammunition, Army (emergency)...........	681,500
Other Procurement, Army (emergency)..................	11,076,137
Aircraft Procurement, Navy (emergency)...............	1,090,287
Weapons Procurement, Navy (emergency)................	163,813
Procurement of Ammunition, Navy and Marine Corps (emergency)...	159,833
Other Procurement, Navy (emergency)..................	748,749
Procurement, Marine Corps (emergency)................	2,252,749
Aircraft Procurement, Air Force (emergency)...........	2,106,468
Missile Procurement, Air Force (emergency)............	94,900
Procurement of Ammunition, Air Force (emergency)......	6,000
Other Procurement, Air Force (emergency).............	2,096,200
Procurement, Defense-Wide (emergency)................	980,050
Subtotal.......................................	25,592,224

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
Research, Development, Test and Evaluation	
Research, Development, Test and Evaluation, Army (emergency)	100,006
Research, Development, Test and Evaluation, Navy (emergency)	298,722
Research, Development, Test and Evaluation, Air Force (emergency)	187,176
Research, Development, Test and Evaluation, Defense-wide (emergency)	512,804
Subtotal	1,098,708
Revolving And Management Funds	
Defense Working Capital Funds (emergency)	1,115,526
National Defense Sealift Fund (emergency)	5,000
Subtotal	1,120,526
Other Department of Defense Programs	
Defense Health Program (emergency)	3,001,853
Operation and maintenance (emergency)	(2,552,153)
Procurement (emergency)	(118,000)
Research, development, test and evaluation (emergency)	(331,700)
Medical support fund (emergency)	---
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	254,665
Subtotal	3,256,518
Related Agencies	
Intelligence Community Management Account (emergency)	71,726
General Provisions	
Sec. 1302. New transfer authority (emergency)	(3,500,000)
Sec. 1305. Defense Cooperative Account transfer authority (emergency)	1,000
Sec. 1322. Military Construction, Army (by transfer) (emergency)	(-6,250)
Sec. 1313. Economic Support Fund (Department of State) (by transfer) (emergency)	(-110,000)
Total, Department of Defense	94,693,670

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
RECAPITULATION	
MILITARY PERSONNEL, ARMY	8,853,350
MILITARY PERSONNEL, NAVY	1,100,410
MILITARY PERSONNEL, MARINE CORPS	1,495,827
MILITARY PERSONNEL, AIR FORCE	1,218,587
RESERVE PERSONNEL, ARMY	147,244
RESERVE PERSONNEL, NAVY	86,023
RESERVE PERSONNEL, MARINE CORPS	5,660
RESERVE PERSONNEL, AIR FORCE	11,573
NATIONAL GUARD PERSONNEL, ARMY	545,286
NATIONAL GUARD PERSONNEL, AIR FORCE	44,033
GRAND TOTAL, MILITARY PERSONNEL	13,507,993

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
50	MILITARY PERSONNEL, ARMY	
100	ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
150	BASIC PAY	493,534
200	RETIRED PAY ACCRUAL	169,837
250	BASIC ALLOWANCE FOR HOUSING	411,479
300	BASIC ALLOWANCE FOR SUBSISTENCE	16,060
350	SPECIAL PAYS	415,457
400	SOCIAL SECURITY TAX	36,012
450	TOTAL, BUDGET ACTIVITY 1	1,542,379
500	ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
550	BASIC PAY	1,323,548
600	RETIRED PAY ACCRUAL	466,287
650	BASIC ALLOWANCE FOR HOUSING	1,409,965
700	SPECIAL PAYS	1,896,707
750	SOCIAL SECURITY TAX	101,057
800	TOTAL, BUDGET ACTIVITY 2	5,197,564
850	ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
900	BASIC ALLOWANCE FOR SUBSISTENCE	155,782
950	SUBSISTENCE-IN-KIND	1,216,195
1000	TOTAL, BUDGET ACTIVITY 4	1,371,977
1050	ACTIVITY 5: PERMANENT CHANGE OF STATION	
1100	ACCESSION TRAVEL	19,679
1150	OPERATIONAL TRAVEL	182,113
1200	ROTATIONAL TRAVEL	218,906
1250	TOTAL, BUDGET ACTIVITY 5	420,698
1300	ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS	
1350	INTEREST ON SOLDIERS DEPOSITS	21,779
1400	RESERVE INCOME REPLACEMENT PROGRAM	8,208
1450	UNEMPLOYMENT BENEFITS	144,489
1500	DEATH GRATUITIES	95,056
1550	SGLI/TSGLI INSURANCE PREMIUM	51,200
1700	TOTAL, BUDGET ACTIVITY 6	320,732
1750	TOTAL, MILITARY PERSONNEL, ARMY	8,853,350

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

MILITARY PERSONNEL, ARMY	
BA-1: PAY AND ALLOWANCES OF OFFICERS	
Basic Allowance for Housing	411,479
BA-2: PAY AND ALLOWANCES OF ENLISTED	
Basic Allowance for Housing	1,409,965

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
1800	MILITARY PERSONNEL, NAVY	
1850	ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
1900	BASIC PAY	78,148
1950	RETIRED PAY ACCRUAL	20,681
2000	BASIC ALLOWANCE FOR HOUSING	20,374
2050	BASIC ALLOWANCE FOR SUBSISTENCE	2,233
2100	SPECIAL PAYS	43,929
2150	SOCIAL SECURITY TAX	5,966
2200	TOTAL, BUDGET ACTIVITY 1	171,331
2250	ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
2300	BASIC PAY	145,279
2350	RETIRED PAY ACCRUAL	38,494
2400	BASIC ALLOWANCE FOR HOUSING	471,174
2450	SPECIAL PAYS	152,440
2500	SOCIAL SECURITY TAX	11,110
2550	TOTAL, BUDGET ACTIVITY 2	818,497
2600	ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
2650	BASIC ALLOWANCE FOR SUBSISTENCE	14,103
2700	SUBSISTENCE-IN-KIND	13,149
2750	TOTAL, BUDGET ACTIVITY 4	27,252
2800	ACTIVITY 5: PERMANENT CHANGE OF STATION	
2850	ACCESSION TRAVEL	7,911
2950	OPERATIONAL TRAVEL	15,936
3000	ROTATIONAL TRAVEL	4,437
3050	SEPARATION TRAVEL	6,216
3150	TOTAL, BUDGET ACTIVITY 5	34,500
3200	ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS	
3300	RESERVE INCOME REPLACEMENT PROGRAM	3,000
3350	UNEMPLOYMENT BENEFITS	28,200
3400	DEATH GRATUITIES	11,001
3450	SGLI/TSGLI INSURANCE PREMIUM	6,629
3600	TOTAL, BUDGET ACTIVITY 6	48,830
3650	TOTAL, MILITARY PERSONNEL, NAVY	1,100,410

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

MILITARY PERSONNEL, NAVY:	
BA-2: PAY AND ALLOWANCES OF ENLISTED	
Basic Allowance for Housing	471,174

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

3700	MILITARY PERSONNEL, MARINE CORPS	
3750	ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
3800	BASIC PAY	185,119
3850	RETIRED PAY ACCRUAL	49,056
3900	BASIC ALLOWANCE FOR HOUSING	63,537
3950	BASIC ALLOWANCE FOR SUBSISTENCE	5,839
4000	SPECIAL PAYS	27,331
4050	SOCIAL SECURITY TAX	14,162
4100	TOTAL, BUDGET ACTIVITY 1	345,044
4150	ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
4200	BASIC PAY	241,654
4250	RETIRED PAY ACCRUAL	64,039
4300	BASIC ALLOWANCE FOR HOUSING	241,915
4350	SPECIAL PAYS	438,168
4400	SOCIAL SECURITY TAX	18,487
4450	TOTAL, BUDGET ACTIVITY 2	1,004,263
4500	ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
4550	BASIC ALLOWANCE FOR SUBSISTENCE	38,624
4650	TOTAL, BUDGET ACTIVITY 4	38,624
4700	ACTIVITY 5: PERMANENT CHANGE OF STATION	
4750	ACCESSION TRAVEL	4,131
4850	OPERATIONAL TRAVEL	43,038
5050	TOTAL, BUDGET ACTIVITY 5	47,169
5100	ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS	
5250	UNEMPLOYMENT BENEFITS	20,500
5300	DEATH GRATUITIES	31,121
5350	SGLI/TSGLI INSURANCE PREMIUM	9,106
5500	TOTAL, BUDGET ACTIVITY 6	60,727
5550	TOTAL, MILITARY PERSONNEL, MARINE CORPS	1,495,827

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

MILITARY PERSONNEL, MARINE CORPS:	
BA-1: PAY AND ALLOWANCES OF OFFICERS	
Basic Allowance for Housing	63,537
BA-2: PAY AND ALLOWANCES OF ENLISTED	
Basic Allowance for Housing	241,915

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
5600	MILITARY PERSONNEL, AIR FORCE	
5650	ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
5700	BASIC PAY	143,092
5750	RETIRED PAY ACCRUAL	40,182
5800	BASIC ALLOWANCE FOR HOUSING	91,989
5850	BASIC ALLOWANCE FOR SUBSISTENCE	5,156
5900	SPECIAL PAYS	6,721
5950	ALLOWANCES	4,650
6000	SOCIAL SECURITY TAX	11,599
6050	TOTAL, BUDGET ACTIVITY 1	303,389
6100	ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
6150	BASIC PAY	348,642
6200	RETIRED PAY ACCRUAL	99,309
6250	BASIC ALLOWANCE FOR HOUSING	259,124
6300	SPECIAL PAYS	44,859
6350	ALLOWANCES	16,623
6400	SOCIAL SECURITY TAX	28,668
6450	TOTAL, BUDGET ACTIVITY 2	797,225
6500	ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
6550	BASIC ALLOWANCE FOR SUBSISTENCE	34,424
6600	SUBSISTENCE-IN-KIND	66,848
6650	TOTAL, BUDGET ACTIVITY 4	101,272
6700	ACTIVITY 5: PERMANENT CHANGE OF STATION	
6850	OPERATIONAL TRAVEL	5,500
7050	TOTAL, BUDGET ACTIVITY 5	5,500
7100	ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS	
7250	UNEMPLOYMENT BENEFITS	16,200
7300	DEATH GRATUITIES	8,453
7350	SGLI/TSGLI INSURANCE PREMIUM	8,548
7500	TOTAL, BUDGET ACTIVITY 6	33,201
7510	ADJUSTMENT TO PAY AND ALLOWANCES	-22,000
7550	TOTAL, MILITARY PERSONNEL, AIR FORCE	1,218,587

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

MILITARY PERSONNEL, AIR FORCE:	
BA-1: PAY AND ALLOWANCES OF OFFICERS	
Basic Allowance for Housing	91,989
BA-2: PAY AND ALLOWANCES OF ENLISTED	
Basic Allowance for Housing	259,124
Adjustment to Pay and Allowances - Transfer to National Guard Personnel, Air Force	-22,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
7600 RESERVE PERSONNEL, ARMY	
7650 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
7660 SPECIAL TRAINING (PRE/POST MOB TRAINING)..............	1,103
7700 SPECIAL TRAINING (PRE/POST MOB TRAINING)(BAH).........	6,397
7750 RECRUITING AND RETENTION	139,744
7900 TOTAL RESERVE PERSONNEL, ARMY........................	147,244

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
7950 RESERVE PERSONNEL, NAVY	
8000 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
8050 UNIT TRAINING	35,000
8060 SPECIAL TRAINING (PRE/POST MOB TRAINING)	22,689
8100 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)	10,334
8110 SCHOOL TRAINING (PRE/POST MOB TRAINING)	11,960
8150 SCHOOL TRAINING (PRE/POST MOB TRAINING)(BAH)	1,040
8160 RECRUITING AND RETENTION	5,000
8200 TOTAL, RESERVE PERSONNEL, NAVY	86,023

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

RESERVE PERSONNEL, NAVY:	
BA-1: RESERVE COMPONENT TRAINING & SUPPORT	
Special Training (PRE/POST MOB Training) (BAH)	10,334
Recruitment and Retention	5,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
8250 RESERVE PERSONNEL, MARINE CORPS	
8300 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
8340 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	5,660
	============
8400 TOTAL, RESERVE PERSONNEL, MARINE CORPS..............	5,660

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

RESERVE PERSONNEL, MARINE CORPS:	
BA-1: RESERVE COMPONENT TRAINING & SUPPORT	
Special Training (PRE/POST MOB Training) (BAH)	5,660

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
8450 RESERVE PERSONNEL, AIR FORCE	
8500 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
8550 SPECIAL TRAINING (PRE/POST MOB TRAINING)	3,000
8555 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	6,073
8560 RECRUITING AND RETENTION	2,500
	============
8600 TOTAL, RESERVE PERSONNEL, AIR FORCE................	11,573

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

RESERVE PERSONNEL, AIR FORCE:	
BA-1: RESERVE COMPONENT TRAINING & SUPPORT	
Special Training (PRE/POST MOB Training) (BAH)	6,073
Recruitment and Retention	2,500

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
8650 NATIONAL GUARD PERSONNEL, ARMY	
8700 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
8800 SPECIAL TRAINING (PRE/POST MOB TRAINING)	24,666
8810 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)	112,593
8850 SCHOOL TRAINING (PRE/POST MOB TRAINING)	15,475
8860 SCHOOL TRAINING (PRE/POST MOB TRAINING) (BAH)	7,766
8900 RECRUITING AND RETENTION	339,600
8910 RECRUITING AND RETENTION (BAH)	40,786
8950 DISABILITY AND DEATH GRATUITY	4,400
9000 TOTAL, NATIONAL GUARD PERSONNEL, ARMY	545,286

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

NATIONAL GUARD PERSONNEL, ARMY:	
BA-1: RESERVE COMPONENT TRAINING & SUPPORT	
Special Training (PRE/POST MOB Training) (BAH)	112,593

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
9010 NATIONAL GUARD PERSONNEL, AIR FORCE	
9015 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
9020 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	19,533
9035 RECRUITING AND RETENTION	2,500
9037 ADJUSTMENT TO PAY AND ALLOWANCES.....................	22,000
	============
9040 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE..........	44,033

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

NATIONAL GUARD PERSONNEL, AIR FORCE:	
BA-1: RESERVE COMPONENT TRAINING & SUPPORT	
Special Training (PRE/POST MOB Training) (BAH)	19,533
Recruitment and Retention	2,500
Adjustments to Pay and Allowances - Transfer from Military Personnel, Air Force	22,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
RECAPITULATION	
OPERATION AND MAINTENANCE, ARMY	20,373,379
OPERATION AND MAINTENANCE, NAVY	4,676,670
OPERATION AND MAINTENANCE, MARINE CORPS	1,146,594
OPERATION AND MAINTENANCE, AIR FORCE	6,650,881
OPERATION AND MAINTENANCE, DEFENSE-WIDE	2,714,487
OPERATION AND MAINTENANCE, ARMY RESERVE	74,049
OPERATION AND MAINTENANCE, NAVY RESERVE	111,066
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	13,591
OPERATION AND MAINTENANCE, AIR FORCE RESERVE	10,160
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	83,569
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	38,429
GRAND TOTAL, OPERATION AND MAINTENANCE	35,892,875
AFGHANISTAN SECURITY FORCES FUND	5,906,400
IRAQ SECURITY FORCES FUND	3,842,300
IRAQ FREEDOM FUND	355,600
JOINT IED DEFEAT FUND	2,432,800
STRATEGIC RESERVE READINESS FUND	1,615,000
GRAND TOTAL	50,044,975

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
50	OPERATION AND MAINTENANCE, ARMY	
70	BUDGET ACTIVITY 1: OPERATING FORCES	
90	ADDITIONAL ACTIVITIES	17,606,616
110	COMMANDER'S EMERGENCY RESPONSE PROGRAM	456,400
150	TOTAL, BUDGET ACTIVITY 1	18,063,016
165	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	
170	SECURITY PROGRAMS	597,614
190	SERVICE-WIDE TRANSPORTATION	1,712,749
195	TOTAL, BUDGET ACTIVITY 4	2,310,363
211	TOTAL, O&M, ARMY	20,373,379

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1	
OPERATION AND MAINTENANCE, ARMY	
BA-1: OPERATING FORCES	
Additional Activities	**17,606,616**
Unjustified request	-50,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
270	OPERATION AND MAINTENANCE, NAVY	
290	BUDGET ACTIVITY 1: OPERATING FORCES	
310	MISSION & OTHER FLIGHT OPERATIONS	1,121,040
330	FLEET AIR TRAINING	41,661
350	INTERMEDIATE MAINTENANCE	1,420
370	AIR OPERATIONS AND SAFETY SUPPORT	6,614
390	AIR SYSTEMS SUPPORT	6,005
410	AIRCRAFT DEPOT MAINTENANCE	56,104
430	MISSION & OTHER SHIP OPERATIONS	767,758
450	SHIP OPERATIONAL SUPPORT/TRAINING	15,417
470	SHIP DEPOT MAINTENANCE	109,235
490	SHIP DEPOT OPERATIONS SUPPORT	11,463
510	COMBAT COMMUNICATIONS	10,656
530	ELECTRONIC WARFARE	9,088
550	SPACE SYSTEMS & SURVEILLANCE	3,190
570	WARFARE TACTICS	11,861
590	OP METEOROLOGY AND OCEANOGRAPHY	4,919
610	COMBAT SUPPORT FORCES	1,074,667
630	EQUIPMENT MAINTENANCE	8,991
650	IN-SERVICE WEAPONS SYSTEMS SUPPORT	23,316
670	WEAPONS MAINTENANCE	6,671
690	OTHER WEAPONS SYSTEMS SUPPORT	463
710	FACILITIES SUSTAINMENT, RESTORATION & MOD (FSRM)	27,665
730	BASE OPERATING SUPPORT (BOS)	491,069
760	OPERATION ENDURING FREEDOM OPTEMPO	100,000
770	TOTAL, BUDGET ACTIVITY 1	3,909,273
790	BUDGET ACTIVITY 2: MOBILIZATION	
810	SHIP PREPOSITIONING & SURGE	162,761
850	FLEET HOSPITAL PROGRAM	7,903
870	TOTAL, BUDGET ACTIVITY 2	170,664

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
890	BUDGET ACTIVITY 3: TRAINING AND RECRUITING	
910	OFFICER ACQUISITION	71
950	SPECIALIZED SKILL TRAINING	67,849
970	FLIGHT TRAINING	8,656
990	RECRUITING & ADVERTISING	1,152
1050	TOTAL, BUDGET ACTIVITY 3	77,728
1070	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	
1090	ADMINISTRATION	6,027
1110	EXTERNAL RELATIONS	98
1130	MILITARY MANPOWER/PERSONNEL MANAGEMENT	1,188
1150	OTHER PERSONNEL SUPPORT	2,392
1170	SERVICE-WIDE COMMUNICATIONS	71,489
1190	SERVICE-WIDE TRANSPORTATION	194,011
1210	PLANNING, ENGINEER & DESIGN	3
1230	ACQUISITION AND PROGRAM MANAGEMENT	54,212
1250	COMBAT/WEAPONS SYSTEM	436
1270	SPACE & ELECTRONIC WARFARE SYSTEM	55
1290	SECURITY PROGRAMS	65,147
1310	NAVAL INVESTIGATIVE SERVICE	3,654
1350	TRANSFER TO COAST GUARD	120,293
1390	TOTAL, BUDGET ACTIVITY 4	519,005
1410	TOTAL, O&M, NAVY	4,676,670

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1	
OPERATION AND MAINTENANCE, NAVY	
BA-1: OPERATING FORCES	
OEF OPTEMPO	100,000
Aircraft Depot Maintenance	**56,104**
Funds not executable in FY 2007	-137,000
Aircraft survivability equipment (Marine Corps)	2,800
Ship Depot Maintenance	**109,235**
Funds not executable in FY 2007	-169,000
Combat Support Forces Maintenance	**1,074,667**
Funds not executable in FY 2007	-160,612

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
1430	OPERATION AND MAINTENANCE, MARINE CORPS	
1450	BUDGET ACTIVITY 1: OPERATING FORCES	
1490	OPERATIONAL FORCES	514,633
1510	FIELD LOGISTICS	381,632
1570	SUSTAINMENT, RESTORATION, AND MODERNIZATION	19,186
1590	BASE SUPPORT	33,474
1592	OPERATION ENDURING FREEDOM OPTEMPO	45,000
1595	TOTAL, BUDGET ACTIVITY 1	993,925
1605	BUDGET ACTIVITY 3: TRAINING AND RECRUITING	
1650	TRAINING SUPPORT	62,936
1670	RECRUITING AND ADVERTISING	24,000
1675	TOTAL, BUDGET ACTIVITY 3	86,936
1685	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	
1730	SERVICE-WIDE TRANSPORTATION	65,733
1735	TOTAL, BUDGET ACTIVITY 4	65,733
1750	TOTAL, O&M, MARINE CORPS	1,146,594

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1	
OPERATION AND MAINTENANCE, MARINE CORPS	
BA-1: OPERATING FORCES	
OEF OPTEMPO	**45,000**
Operational Forces	**514,633**
Unexecutable Funding	-150,000
Field Logistics	**381,632**
Unexecutable Funding	-150,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
1770 OPERATION AND MAINTENANCE, AIR FORCE	
1790 BUDGET ACTIVITY 1: OPERATING FORCES	
1810 PRIMARY COMBAT FORCES	1,252,192
1830 PRIMARY COMBAT WEAPONS	2,427
1850 COMBAT ENHANCEMENT FORCES	91,586
1890 COMBAT COMMUNICATIONS	339,480
1910 DEPOT MAINTENANCE	85,400
1930 FSRM	184,505
1950 BASE OPERATING SUPPORT	1,711,157
1970 GLOBAL C3I AND EARLY WARNING	20,872
1990 NAVIGATION AND WEATHER SUPPORT	6,344
2010 OTHER COMBAT OPS SUPPORT	257,732
2030 MANAGEMENT AND OPERATIONAL	95,139
2050 TACTICAL INTEL & OTHER SUPPORT	930
2070 LAUNCH FACILITIES	1,103
2090 LAUNCH VEHICLES	20
2110 SPACE CONTROL SYSTEMS	572
2130 SATELLITE SYSTEMS	73
2150 OTHER SPACE OPERATIONS	7,949
2170 FSRM	157
2190 BASE OPERATING SUPPORT	9,058
2195 OPERATION ENDURING FREEDOM OPTEMPO	65,000
2210 TOTAL, BUDGET ACTIVITY 1	4,131,696
2225 BUDGET ACTIVITY 2: MOBILIZATION	
2230 AIRLIFT OPERATIONS	1,551,583
2270 AIRLIFT OPERATIONS C3I	12,284
2290 MOBILIZATION PREPAREDNESS	19,988
2310 DEPOT MAINTENANCE	209,000
2330 FSRM	1,464
2350 BASE OPERATING SUPPORT	95,302
2370 TOTAL, BUDGET ACTIVITY 2	1,889,621

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

2385	BUDGET ACTIVITY 3: TRAINING AND RECRUITING	
2390	RECRUIT TRAINING	54
2430	BASE OPERATING SUPPORT	1,510
2450	SPECIALIZED SKILL TRAINING	65,036
2470	FLIGHT TRAINING	25
2490	PROFESSIONAL DEVELOPMENT TRAINING	692
2510	TRAINING SUPPORT	1,241
2530	FSRM	2,406
2550	BASE OPERATING SUPPORT	15,000
2570	RECRUITING AND ADVERTISING	72
2590	TOTAL, BUDGET ACTIVITY 3	86,036
2605	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	
2610	LOGISTICS OPERATIONS	191,550
2650	TECHNICAL SUPPORT ACTIVITIES	1,101
2670	SERVICE-WIDE TRANSPORTATION	113,776
2690	FSRM	145
2710	BASE OPERATING SUPPORT	15,124
2730	ADMINISTRATION	1,421
2750	SERVICE-WIDE COMMUNICATION	40,765
2770	PERSONNEL PROGRAMS	222
2790	OTHER SERVICE-WIDE ACTIVITIES	47,486
2810	OTHER PERSONNEL SUPPORT	2,603
2830	BASE OPERATING SUPPORT	2,862
2850	SECURITY PROGRAMS	102,842
2870	INTERNATIONAL SUPPORT	23,631
2890	TOTAL, BUDGET ACTIVITY 4	543,528
2910	TOTAL, O&M, AIR FORCE	6,650,881

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1	
OPERATION AND MAINTENANCE, AIR FORCE	
BA-1: OPERATING FORCES	
OEF OPTEMPO	**65,000**
Base Operating Support	**1,711,157**
Unjustified Growth	-300,000
BA-2: MOBILIZATION	
Airlift Operations	**1,551,583**
Unjustified Growth	-150,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
2930 OPERATION AND MAINTENANCE, DEFENSE-WIDE	
2950 BUDGET ACTIVITY 1: OPERATING FORCES	
2970 THE JOINT STAFF (TJS)	60,200
2990 US SPECIAL OPERATIONS COMMAND (US SOCOM)	653,147
3010 TOTAL, BUDGET ACTIVITY 1	713,347
3025 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	
3030 AMERICAN FORCES INFORMATION SERVICE (AFIS)	18,785
3050 DEFENSE CONTRACT AUDIT AGENCY (DCAA)	16,372
3070 DEFENSE CONTRACT MANAGEMENT AGENCY (DCMA)	6,169
3090 DEFENSE HUMAN RESOURCES ACTIVITY (DHRA)	6,551
3110 DEFENSE INFORMATION SYSTEMS AGENCY (DISA)	76,347
3170 DOD EDUCATION ACTIVITY (DODEA)	129,922
3190 DEFENSE SECURITY COOPERATION AGENCY (DSCA)	500,000
3210 DEFENSE THREAT REDUCTION AGENCY (DTRA)	1,200
3230 OFFICE OF THE SECRETARY OF DEFENSE	45,180
3250 WASHINGTON HEADQUARTERS SERVICES (WHS)	4,800
3270 CLASSIFIED	1,180,814
3275 OPERATION ENDURING FREEDOM OPTEMPO	15,000
3300 TOTAL, BUDGET ACTIVITY 4	2,001,140
3310 TOTAL, O&M, DEFENSE-WIDE	2,714,487

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Conference
The Joint Staff (TJS)	**60,200**
Contingency planning database (CPD) and effects-based assessment system (EBASS)	-1,704
US Special Operations Command (US SOCOM)	**653,147**
Program reduction	-14,050
Defense Contract Audit Agency (DCAA)	**16,372**
Iraq reconstruction efforts: civilian personnel	1,263
Iraq reconstruction efforts: temporary/additional duty	13
Iraq reconstruction efforts: miscellaneous contracts	96
Defense Contract Management Agency (DCMA)	**6,169**
Contract oversight of Iraq and Afghanistan mission requirements: pay	287
Defense Human Resources Activity (DHRA)	**6,551**
Homeland Security Presidential Directive No. 12	-15,130
Defense Information Systems Agency (DISA)	**76,347**
Expeditionary virtual network (EVNO)	-86,000
Defense Logistics Agency (DLA)	**0**
Lithium battery program adjustment	-24,600
DoD Education Activity (DoDEA)	**129,922**
Family assistance for Guard and Reserve	4,000
Child care for Guard and Reserve	6,000
Defense Security Cooperation Agency (DSCA)	**500,000**
Support to coalition partners: global lift and sustain	-50,000
Support to coalition partners: global train and equip	-300,000
Coalition support reduction	-100,000
Office of the Secretary of Defense	**45,180**
Transfer from Procurement of Ammunition, Air Force only for Handgun Replacement Study	5,000
Classified	**1,180,814**
OEF OPTEMPO	**15,000**

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
3330 OPERATION AND MAINTENANCE, ARMY RESERVE	
3351 ADDITIONAL ACTIVITIES	74,049
3370 TOTAL, O&M, ARMY RESERVE	74,049

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
3410 OPERATION AND MAINTENANCE, NAVY RESERVE	
3430 MISSION & OTHER FLIGHT OPERATIONS	43,601
3450 INTERMEDIATE MAINTENANCE	9,110
3470 MISSION & OTHER SHIP OPERATIONS	22,151
3490 COMBAT COMMUNICATIONS	1,170
3510 COMBAT SUPPORT FORCES	29,000
3530 BASE OPERATING SUPPORT (BOS)	6,034
3550 TOTAL, O&M, NAVY RESERVE	111,066

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
3570	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	
3590	OPERATIONAL FORCES	13,591
3650	TOTAL, O&M, MARINE CORPS RESERVE	13,591

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
3670 OPERATION AND MAINTENANCE, AIR FORCE RESERVE	
3710 PRIMARY COMBAT FORCES	7,100
3730 BASE SUPPORT	3,060
3750 TOTAL, O&M, AIR FORCE RESERVE	10,160

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
3770 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	
3850 ADDITIONAL ACTIVITIES...............................	83,569
3870 TOTAL, O&M, ARMY NATIONAL GUARD....................	83,569

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
3890 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	
3910 AIRCRAFT OPERATIONS	27,200
3930 MISSION SUPPORT OPERATIONS	11,229
3951 TOTAL, O&M, AIR NATIONAL GUARD	38,429

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
4010 AFGHANISTAN SECURITY FORCES FUND	
4030 MINISTRY OF DEFENSE FORCES:	
4050 INFRASTRUCTURE	209,900
4070 EQUIPMENT AND TRANSPORTATION	3,214,500
4090 TRAINING	185,900
4110 SUSTAINMENT	255,200
4130 MINISTRY OF INTERIOR FORCES:	
4150 INFRASTRUCTURE	594,200
4170 EQUIPMENT AND TRANSPORTATION	624,200
4190 TRAINING	414,800
4210 SUSTAINMENT	399,500
4230 RELATED ACTIVITIES	8,200
4250 TOTAL, AFGHANISTAN SECURITY FORCES FUND	5,906,400

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
IRAQ SECURITY FORCES FUND	
MINISTRY OF DEFENSE FORCES:	
INFRASTRUCTURE	264,800
EQUIPMENT AND TRANSPORTATION	1,584,300
TRAINING	51,700
SUSTAINMENT	1,079,600
MINISTRY OF INTERIOR FORCES:	
INFRASTRUCTURE	205,000
EQUIPMENT AND TRANSPORTATION	373,600
TRAINING	52,900
SUSTAINMENT	72,900
RELATED ACTIVITIES	157,500
TOTAL, IRAQ SECURITY FORCES FUND	3,842,300

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
4550 IRAQ FREEDOM FUND	
4570 JOINT RAPID ACQUISITION FOR GLOBAL WAR ON TERROR......	100,000
4590 REMAINS, TRANSPORTATION...............................	105,600
4595 STATE OWNED FACTORY RESTART, IRAQ.....................	50,000
4600 PROVINCIAL RECONSTRUCTION TEAMS, IRAQ.................	100,000
4610 TOTAL, IRAQ FREEDOM FUND............................	355,600

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
4630 JOINT IMPROVISED EXPLOSIVE DEVICE (IED) DEFEAT FUND	
4650 ATTACK THE NETWORK	834,500
4670 DEFEAT THE DEVICE	1,485,700
4690 TRAIN THE FORCE	112,600
4730 TOTAL, JOINT IED DEFEAT FUND	2,432,800

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
SUMMARY	
ARMY	
AIRCRAFT	619,750
MISSILES	111,473
WEAPONS, TRACKED COMBAT VEHICLES	3,404,315
AMMUNITION	681,500
OTHER	11,076,137
TOTAL, ARMY	15,893,175
NAVY	
AIRCRAFT	1,090,287
WEAPONS	163,813
AMMUNITION	159,833
OTHER	748,749
MARINE CORPS	2,252,749
TOTAL, NAVY	4,415,431
AIR FORCE	
AIRCRAFT	2,106,468
MISSILES	94,900
AMMUNITION	6,000
OTHER	2,096,200
TOTAL, AIR FORCE	4,303,568
DEFENSE-WIDE	
DEFENSE-WIDE	980,050
TOTAL PROCUREMENT	25,592,224

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
50		AIRCRAFT PROCUREMENT, ARMY	
100	3	ARMED RECONNAISSANCE HELICOPTER	---
150	5	UH-60M BLACKHAWK (MYP)	136,303
250	8	GUARDRAIL MODS (TIARA)	33,000
300	9	ARL MODS (TIARA)	15,000
350	10	AH-64 MODS	64,200
400	12	CH-47 CARGO HELICOPTER MODS	120,000
450	23	ASE INFRARED CM	231,555
500	26	COMMON GROUND EQUIPMENT	1,811
550	27	AIRCREW INTEGRATED SYSTEMS	10,200
600	28	AIR TRAFFIC CONTROL	7,681
650		TOTAL, AIRCRAFT PROCUREMENT, ARMY	619,750

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Conference
3	**Armed Reconnaissance Helicopter**	**0**
	Baseline budget requirement	-38,000
5	**UH-60M Blackhawk Multiyear**	**136,303**
	War Replacement Aircraft	30,000
12	**CH-47 Cargo Helicopter Mods**	**120,000**
	(Note: The conference agreement includes one SOCOM CH-47 battle loss and three CH-47s for the Army National Guard)	

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
700		MISSILE PROCUREMENT, ARMY	
750	5	JAVELIN	74,673
800	8	GUIDED MLRS ROCKET	---
850	15	ITAS/TOW MODIFICATIONS	36,800
900		TOTAL, MISSILE PROCUREMENT, ARMY	111,473

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Conference
5	**Javelin**	**74,673**
	Unexecutable Request	-29,000
8	**GMLRS**	**0**
	Unit Cost Efficiencies	-19,700

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

950		PROCUREMENT OF W&TCV, ARMY	
1000	2	BRADLEY BASE SUSTAINMENT (G80718)	520,800
1150	5	STRYKER VEHICLE (G85100)	767,685
1200	6	CARRIER, MOD (GB1930)	36,191
1250	7	FIST VEHICLE (MOD) (GZ2300)	16,257
1300	9	BFVS SERIES (MOD) (GZ2400)	115,190
1350	10	HOWITZER, MED SP FT 155MM M109A6 (MOD) (GA0400)	15,785
1400	12	IMPROVED RECOVERY VEHICLE (M88 MOD) (GA0570)	61,635
1500	14	M1 ABRAMS TANK (MOD) (GA0700)	75,259
1550	15	SYSTEM ENHANCEMENT PGM: (SEP M1A2) (GA0730)	325,000
1600	18	HOWITZER, LIGHT, TOWED, 105MM, M119 (G01300)	17,696
1650	20	M240 MEDIUM MACHINE GUN (7.62MM) (G13000)	72,277
1700	21	M249 SAW MACHINE GUN, 5.56MM (G12900)	3,314
1750	22	MK-19 GRENADE MACHINE GUN (40MM) (G13400)	41,871
1800	23	MORTAR SYSTEMS (G02200)	35,212
1850	25	M107, CAL 50, SNIPER RIFLE (G01500)	719
1900	26	XM110 SEMI -AUTOMATIC SNIPER SYSTEM (SASS) (G01505)	317
1950	27	M4 CARBINE (G14904)	98,412
2000	28	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) (G18300)	---
2050	29	COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) (G047	220,000
2100	32	M4 CARBINE MODS (GB3007)	129,752
2150	33	M2 50 CAL MACHINE GUN MODS (GB4000)	4,000
2200	34	M249 SAW MACHINE GUN MODS (GZ1290)	13,556
2250	35	M240 SAW MACHINE GUN MODS (GZ1300)	3,591
2300	36	PHALANX MODS (GL1000)	150,000
2350	39	M16 RIFLE MODS (GZ2800)	1,947
2400	40	MODS LESS THAN $5.0M (WOCV-WTCV) (GC0925)	21,900
2450	41	ITEMS LESS THAN $5.0M (WOCV-WTCV) (GL3200)	4,996
2500	44	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) (GC0076)	8,202
2550	45	REF SMALL ARMS (G15400)	560
2600	48	MACHINE GUN, CAL .50 M2 ROLL (GB2000)	41,369
2650	49	XM320 GRENADE LAUNCHER MODULE (GLM) (G01501)	4,471
2700	50	ABRAMS UPGRADE PROGRAM (M1A2 SEP) (GA0750)	596,351
2750		TOTAL, PROCUREMENT OF W&TCV, ARMY	3,404,315

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Conference
5	**Stryker Vehicle (G85100)**	**767,685**
	Premature Funding Request, Mobile Gun System	-90,000
12	**Improved Recovery Vehicle (M88 MOD) (GA0570)**	**61,635**
	Pricing Adjustment	-4,000
28	**Shotgun, Modular Accessory System (G18300)**	**0**
	Premature Funding	-4,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

2800		PROCUREMENT OF AMMUNITION, ARMY	
2900	2	7.62MM ALL TYPES	25,000
2950	4	CTG, .50 CAL, ALL TYPES	39,300
3000	5	20MM ALL TYPES	38,100
3050	6	25MM ALL TYPES	15,000
3100	7	30MM ALL TYPES	40,000
3150	8	40MM ALLTYPES	165,200
3200	14	CTG, TANK, 120MM TACTICAL, ALL TYPES	8,000
3250	19	MACS	20,000
3300	23	MINE CLEARING CHARGE ALL TYPES	6,000
3350	25	SHOULDER FIRED ROCKETS ALL TYPES	30,000
3400	26	ROCKET, HYDRA 70, ALL TYPES	28,000
3450	27	DEMOLITION MUNITIONS ALL TYPES	23,500
3500	28	GRENADES ALL TYPES	2,000
3550	29	SIGNALS ALL TYPES	163,900
3600	30	SIMULATORS ALL TYPES	12,000
3650	32	NON-LETHAL AMMUNITION ALL TYPES	55,500
3700	34	ITEMS LESS THAN $5M	10,000
3750		TOTAL, PROCUREMENT OF AMMUNITION, ARMY	681,500

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
3800		OTHER PROCUREMENT, ARMY	
3850	1	TACTICAL TRAILERS/DOLLY SETS (DA0100)	11,417
3900	2	SEMITRAILERS, FLATBED: (D01001)	27,544
3950	3	SEMITRAILERS, TANKERS (D02001)	6,173
4000	4	HI MOB MULTI-PURP WLHD (HMMWV) (D15400)	953,548
4300	5	FAMILY OF MEDIUM TACTICAL VEH (FMTV) (D15500)	1,541,661
4350	7	FAMILY OF HEAVY TACTICAL VEH (FTHV) (DA0500)	574,432
4450	8	ARMORED SECURITY VEHICLES (ASV) (D02800)	301,498
4500	10	TRUCK, TRACTOR, LIN HAUL, M915/M915 (DA0600)	181,873
4650	13	MODIFICATION OF IN SVC EQUIP (DA0924)	1,159,889
4700	17	PASSENGER CARRYING VEHICLES (D23000)	---
4750	18	NON TACTICAL VEHICLES, OTHER (D3000)	193,721
4760		ADD-ON ARMOR FOR COMMERCIAL VEHICLES	7,400
4800	22	DEFENSE ENTERPRISE WIDEBAND SATCOM SYS (SPACE) (BB8500	19,200
4850	24	SAT TERM, EMUT (SPACE) (K77200)	17,600
4950	25	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) (K47800)	34,398
5000	26	SMART-T (SPACE) (BC4002)	8,960
5050	28	GLOBAL BRDCST SVC - GBS (BC4120)	1,800
5100	29	MOD OF IN-SVC EQUIP (TAC SAT) (BB8417)	12
5150	31	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) (BU1400)	58,127
5200	34	SINCGARS FAMILY (BW0006)	458,709
5250	37	BRIDGE TO FUTURE NETWORKS (BB1500)	390,723
5300	41	COMBAT SURVIVOR EVADER LOCATOR (CSEL) (B03200)	49,360
5350	42	RADIO, IMPROVED HF (COTS) FAMILY (BU8100)	509,260
5450	43	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) (MA8046)	56,997
5500	45	TSEC - ARMY KEY MGT SYS (AKMS) (BA1201)	1,517
5550	46	INFORMATION SYSTEM SECURITY PROGRAM-ISSP (TA0600)	55,201
5600	52	INFORMATION SYSTEMS (BB8650)	1,000
5650	59	ALL SOURCE ANALYSIS SYS (ASAS) (MIP) (KA4400)	40,858
5700	60	JTT/CIBS-M (MIP) (V29600)	840
5750	61	PROPHET GROUND (MIP) (BZ7326)	23,000
5800	62	TACTICAL UNMANNED AERIAL SYS (TUAS)MIP (B00301)	197,479
5950	63	SMALL UNMANNED AERIAL SYSTEM (SUAS) (B00303)	5,372

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

6000	64	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP) (KA2550).....	17,000
6050	66	TACTICAL EXPLOITATION SYSTEM (MIP) (BZ7317)...........	19,500
6100	67	DCGS-A (MIP) (BZ7316)................................	69,705
6150	71	CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS) (MIP) (BK5275	1,928
6200	72	ITEMS LESS THAN $5.0M (MIP) (BK5278)..................	33,827
6250	73	LIGHTWEIGHT COUNTER MORTAR RADAR (B05201).............	10,470
6300	74	WARLOCK (VA8000)......................................	---
6350	75	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES (BL5283).	206,233
6400	77	NIGHT VISION DEVICES (KA3500).........................	144,696
6450	78	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM (K38300)	14,073
6500	80	NIGHT VISION, THERMAL WPN SIGHT (K22900)..............	109,547
6550	83	ARTILLERY ACCURACY EQUIP (AD3200).....................	3,500
6600	87	PROFILER (K27900).....................................	16,195
6650	88	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (BZ7325)......	64,556
6700	89	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) (W61900).	347,295
6750	90	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLDR) (K3110	91,200
6800	91	COMPUTER BALLISTICS: LHMBC XM32 (K99200)............	11,446
6850	92	MORTAR FIRE CONTROL SYSTEM (K99300)...................	---
6900	95	TACTICAL OPERATIONS CENTERS (BZ9865)..................	162,472
6950	96	AFATDS..	3,378
7000	98	LWTFDS..	23
7050	99	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BCS3) (W346	1,249
7100	100	FAAD C2 (AD5050)......................................	21,500
7150	101	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD PCS)....	65,248
7200	102	FED...	8,514
7250	103	KNIGHT FAMILY (B78504)................................	3,488
7300	104	LIFE CYCLE SOFTWARE SUPPORT (LCSS) (BD3955)...........	3,316
7350	105	LOGTECH...	24,000
7400	106	TC AIMS II (BZ8900)...................................	12,403
7450	108	TACTICAL INTERNET MANAGER (B93900)....................	12,472
7500	109	MANEUVER CONTROL SYSTEM (MCS) (BA9320)................	58,654
7600	114	AUTOMATED DATA PROCESSING EQUIP (BD3000)..............	12,100
7650	115	CSS COMMUNICATIONS (BD3501)...........................	37,423
7750	123	CBRN SOLDIER PROTECTION (M01001)......................	134,830
7800	124	SMOKE & OBSCURANT FAMILY: SOF (NONAAO ITEM) (MX0600)..	107

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
7850	125	TACTICAL BRIDGE (MX0100)	26,000
7900	126	TACTICAL BRIDGE, FLOAT-RIBBON (MA8890)	13,000
7950	127	HANDHELD STANDOFF MINE DETECTION SYSTEM (R68200)	5,551
8000	129	GRND STANDOFF MINE DETECTION SYSTEMS (R68200)	1,386,640
8050	131	EXPLOSIVE ORDNANCE DISPOSAL EQUIP (MA9200)	6,600
8100	133	HEATERS AND ECU'S (MF9000)	12,772
8150	134	LAUNDRIES, SHOWERS, AND LATRINES (M82700)	12,300
8250	135	SOLDIER ENHANCEMENT (MA6800)	9,662
8300	139	FIELD FEEDING EQUIPMENT (M65800)	7,032
8350	141	ITEMS LESS THAN $5M (ENG SPT) (ML5301)	611
8400	143	QUALITY SURVEILLANCE EQUIPMENT (MB6400)	42,220
8450	144	DISTRIBUTION SYSTEMS, PETROLEUM & WATER (MA6000)	3,283
8500	145	WATER PURIFICATION SYSTEMS (R05600)	9,401
8550	146	COMBAT SUPPORT MEDICAL (MN1000)	24,579
8600	147	SHOP EQ CONTACT MAINTENANCE TRK MTD (M61500)	52,474
8650	148	WELDING SHOP, TRAILER MTD (M62700)	7,171
8700	149	ITEMS LESS THAN $5.0M (MAINT EQ) (ML5345)	67,912
8800	153	LOADERS (R04500)	145
8850	154	HYDRAULIC EXCAVATOR (X01500)	10
8900	155	TRACTOR FULL TRACKED (M05800)	1,435
8950	156	CRANES (M06700)	25
9000	157	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS (R05901)	7,740
9050	159	ITEMS LESS THAN $5.0M (CONST. EQUIP)	1,487
9150	165	GENERATORS AND ASSOCIATED EQUIP (MA9800)	50,792
9200	166	ROUGH TERRAIN CONTAINER HANDLER (M41200)	---
9250	167	ALL TERRAIN LIFTING ARMY SYSTEM (M41800)	5,548
9300	168	COMBAT TRAINING CENTERS (CTC) SUPPORT (MA6601)	309
9350	169	TRAINING DEVICES, NONSYSTEM (NA0100)	15,819
9400	172	CALIBRATION SETS EQUIPMENT (N1000)	17,100
9450	173	INTEGRATED FAMILY OF TEST EQUIPMENT (MB4000)	96,303
9500	174	TEST EQUIPMENT MODERNIZATION (TEMOD) (N11000)	10,920
9550	175	RAPID EQUIPPING SOLDIER SUPPORT EQUIP (M80101)	20,036
9600	177	PHYSICAL SECURITY SYSTEMS (OPA3) (MA0780)	152,678
9650	179	MODIFICATION OF IN-SVC EQUIP (OPA3) (MA4500)	4,917
9700	181	BUILDING PRE-FAB RELOCATABLE (MA9160)	93,603

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
9750	185	INITIAL SPARES FOR LARGE AREA SMOKE OBSCURANT SYS. (M5	948
9800	187	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM (B88605).	12,813
9850	188	COUNTER-ROCKET ARTILLERY & MORTAR (CRAM).............	245,000
9900	189	FIRE SUPPORT C2 FAMILY (B28501)......................	987
9950	999	CLASSIFIED PROGRAMS..................................	527
10000		AMC CRITICAL ITEMS...................................	37,870
10150		TOTAL, OTHER PROCUREMENT, ARMY......................	11,076,137

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Conference
2	**Semitrailers, Flatbed: (D01001)**	**27,544**
	Premature Funding Request	-4,000
3	**Semitrailers, Tankers (D02001)**	**6,173**
	Premature Funding Request	-17,992
5	**Family of Medium Tactical Vehicles (FMTV) (D15500)**	**1,541,661**
	Stabilize Production Rate	-75,000
17	**Passenger Carrying Vehicles (D23000)**	**0**
	Funded in IFF	-6,149
18	**Non Tactical Vehicles, Other (D3000)**	**193,721**
	Funded in IFF	-9,851
34	**SINCGARS Family (BW0006)**	**458,709**
	Unexecutable Request	-75,000
46	**Information System Security Program (TA0600)**	**55,201**
	Transfer to RDT&E, A, line 174 for Execution	-23,300
52	**Information Systems**	**1,000**
	Information Systems Equipment Adjustment	-12,200
74	**Warlock**	**0**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund	-13,250
92	**Mortar Fire Control System (K99300)**	**0**
	Slow Execution	-3,474
96	**AFATDS**	**3,378**
	Baseline Budget Requirement	-3,500
106	**TC AIMS II**	**12,403**
	Defer non-emergency TC AIMS II procurement	-20,000
115	**CSS Communications (BD3501)**	**37,423**
	Defer non-emergency upgrades in CSS Communications	-37,434
129	**Ground Standoff Mine Detection Systems (R68200)**	**1,386,640**
	Mine Resistant Ambush Protected (MRAP) Vehicles	447,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Conference
146	**Combat Support Medical (MN1000)**	**24,579**
	Medical Equipment Modernization and Replacement	4,000
166	**Rough Terrain Container Handler (M41200)**	**0**
	Premature Funding Request	-15,400
179	**Modification of In-Service Equipment (MA4500)**	**4,917**
	Baseline Budget Requirement	-5,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

10200		AIRCRAFT PROCUREMENT, NAVY	
11350	2	EA-18G	75,000
11400	4	F/A-18E/F (FIGHTER) HORNET (MYP)	208,000
11450	9	UH-1Y/AH-1Z	50,000
11460	16A	C-12	21,000
11500	25	EA-6 SERIES	178,495
11550	26	AV-8 SERIES	9,850
11600	28	F-18 SERIES	90,014
11650	29	H-46 SERIES	70,505
11700	30	AH-1W SERIES	21,100
11750	31	H-53 SERIES	181,848
11800	32	SH-60 SERIES	15,956
11850	33	H-1 SERIES	18,007
11900	35	P-3 SERIES	18,800
11950	37	E-2 SERIES	7,000
12000	40	C-130 SERIES	29,815
12050	42	CARGO/TRANSPORT ACFT SERIES	4,259
12100	45	SPECIAL PROJECT ACFT	5,120
12150	49	AVIATION LIFE SUPPORT MODS	486
12200	50	COMMON ECM EQUIPMENT	71,900
12250	54	V-22 (TILT/ROTOR ACFT) OSPREY SERIES	---
12300	55	SPARES AND REPAIR PARTS	10,332
12350	56	COMMON GROUND EQUIPMENT	2,800
12400		TOTAL, AIRCRAFT PROCUREMENT, NAVY	1,090,287

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
4	**F/A-18E/F (Fighter) Hornet (MYP)**	**208,000**
	3 F/A-18's combat loss replacements	192,000
16A	**C-12**	**21,000**
	2 C-12 Aircraft for USMC (ASE for USMC)	21,000
28	**F-18 Series**	**90,014**
	JHMCS modification - requires R&D funding	-3,400
	Station 4 integration - incomplete effort	-3,400
29	**H-46 Series**	**70,505**
	CH-46E IR Engine Suppression (ASE for USMC)	22,700
	CH-46E Wire Strike (ASE for USMC)	9,100
	CH-46E Countermeasures (ALE-47) (ASE for USMC)	7,200
	CH-46E Ramp Mounted Weapon System (ASE)	2,700
30	**AH-1W Series**	**21,100**
	Fund installations through FY 2009 only	-21,100
31	**H-53 Series**	**181,848**
	DIRCM protection upgrades (ASE for USMC)	135,000
35	**P-3 Series**	**18,800**
	Non-emergency obsolesence upgrades	-5,500
50	**Common ECM Equipment**	**71,900**
	Non-emergency obsolesence and testing upgrades	-21,000
	AAR-47B(V) (Rotary Wing Common ECM) (ASE)	58,000
54	**V-22 (Tilt/Rotor Acft) Osprey Series**	**0**
	Change to program plan	-3,510
55	**Spares and Repair Parts**	**10,332**
	Support facilities	-11,216
	SHARP Spares - buying ahead of need	-19,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
12450		WEAPONS PROCUREMENT, NAVY	
12600	7	JT STANDOFF WEAPON (JSOW).............................	---
12650	10	HELLFIRE..	400
12700	26	SMALL ARMS AND WEAPONS...............................	72,113
12750	29	GUN MOUNT MODS.......................................	72,000
12800		MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM..........	19,300

12850		TOTAL, WEAPONS PROCUREMENT, NAVY...................	163,813

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
7	**JT Standoff Weapon (JSOW)**	**0**
	JSOW unjustified request	-8,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

12900		PROCUREMENT OF AMMO, NAVY & MARINE CORPS	
12950	3	AIRBORNE ROCKETS, ALL TYPES	15,553
13000	8	AIR EXPENDABLE COUNTERMEASURES	7,966
13050	10	5 INCH/54 GUN AMMUNITION	11,000
13100	12	INTERMEDIATE CALIBER GUN AMMO	27
13150	13	OTHER SHIP GUN AMMUNITION	18,412
13200	14	SMALL ARMS & LNDG PARTY AMMO	21,862
13250	15	PYROTECHNIC AND DEMOLITION	274
13300	17	5.56 MM, ALL TYPES	4,658
13350	18	7.62 MM, ALL TYPES	2,132
13400	19	LINEAR CHARGES, ALL TYPES	2,412
13450	20	.50 CALIBER	2,420
13500	21	40 MM, ALL TYPES	4,093
13550	22	60 MM, ALL TYPES	9,864
13600	23	81 MM, ALL TYPES	10,088
13650	24	120 MM, ALL TYPES	7,779
13700	25	CTG 25 MM, ALL TYPES	80
13750	26	9 MM ALL TYPES	155
13800	27	GRENADES, ALL TYPES	1,138
13850	28	ROCKETS, ALL TYPES	5,125
13900	29	ARTILLERY, ALL TYPES	13,045
13950	31	DEMOLITION MUNITIONS, ALL TYPES	705
14000	32	FUZE, ALL TYPES	661
14050	33	NON LETHALS	4,891
14100	34	AMMO MODERNIZATION	15,394
14150	35	ITEMS LESS THAN $5 MILLION	99
14200		TOTAL, PROCUREMENT AMMUNITION, NAVY	159,833

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

14250		OTHER PROCUREMENT, NAVY	
14500	19	CHEMICAL WARFARE DETECTORS	436
14550	24	STANDARD BOATS	35,614
14600	40	TACTICAL SUPPORT CENTER	5,850
14650	43	SHIPBOARD IW EXPLOIT	45,750
14700	47	GCCS-M EQUIPMENT	6,966
14750	56	MATCALS	10,890
14800	73	PORTABLE RADIOS	25,850
14850	74	SHIP COMMUNICATIONS AUTOMATION	5,784
14900	75	COMMUNICATIONS ITEMS UNDER $5M	10,777
14950	83	NAVAL SHORE COMMUNICATIONS	1,077
15000	93	METEOROLOGICAL EQUIPMENT	---
15050	95	AVIATION LIFE SUPPORT	3,300
15150	122	CONSTRUCTION & MAINTENANCE EQUIPMENT	199,561
15200	123	FIRE FIGHTING EQUIPMENT	700
15250	124	TACTICAL VEHICLES	215,330
15300	127	ITEMS UNDER $5 MILLION	28,446
15350	129	MATERIALS HANDLING EQUIPMENT	46,810
15400	132	SPECIAL PURPOSE SUPPLY SYSTEMS	5,900
15450	134	COMMAND SUPPORT EQUIPMENT	28,720
15500	137	INTELLIGENCE SUPPORT EQUIPMENT	8,400
15550	138	OPERATING FORCES SUPT EQUIP	25,500
15600	141	PHYSICAL SECURITY EQUIPMENT	8,166
15650	147	SPARES AND REPAIR PARTS	28,922
15750		TOTAL, OTHER PROCUREMENT, NAVY	748,749

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
73	**Portable Radios**	**25,850**
	ELMR - Baseline Budget requirement	-15,000
93	**Meteorological Equipment**	**0**
	Non-emergency NITES upgrades	-7,497
122	**Construction & Maint Equip**	**199,561**
	Seabee equipment	25,700
124	**Tactical Vehicles**	**215,330**
	Mine Resistant Ambush Protected (MRAP) Vehicles	8,040
134	**Command Support Equipment**	**28,720**
	NMCMPS	-7,919

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

15800		PROCUREMENT, MARINE CORPS	
15850	1	AAV7A1 PIP	48,352
16050	8	M1A1 FIREPOWER ENHANCEMENTS	4,470
16100	13	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	20,571
16150	14	WPNS & CMBT VEHS UNDER $5 MILLION	16,162
16200	15	MODULAR WEAPON SYSTEM	2,589
16250	17	WEAPONS ENHANCEMENT PROGRAM	21,170
16300	20	JAVELIN	1,200
16400	23	MODIFICATION KITS	34,623
16650	24	UNIT OPERATIONS CENTER	57,100
16700	25	REPAIR AND TEST EQUIPMENT	5,214
16750	29	COMBAT SUPPORT SYSTEM	85
16800	30	MODIFICATION KITS	16,571
16850	33	AIR OPERATIONS C2 SYSTEMS	---
16900	37	RADAR SYSTEMS	20,900
16950	41	FIRE SUPPORT SYSTEM	21,282
17000	43	INTELLIGENCE SUPPORT EQUIPMENT	32,073
17050	47	NIGHT VISION EQUIPMENT	73,431
17100	48	COMMON COMPUTER RESOURCES	27,631
17150	49	COMMAND POST SYSTEMS	18,083
17200	50	RADIO SYSTEMS	111,084
17250	51	COMM SWITCHING & CONTROL SYSTEMS	7,273
17300	52	COMM & ELEC INFRASTRUCTURE SUPT	1,606
17350	56	5/4T TRUCK HMMWV (MYP)	69,985
17400	57	MOTOR TRANSPORT MODIFICATIONS	52,000
17450	58	MEDIUM TACTICAL VEH REPL	26,215
17500	60	LOGISTICS VEHICLE SYSTEM REP	16,800
17550	61	FAMILY OF TACTICAL TRAILERS	2,818
17600	62	ITEMS LESS THAN $5 MILLION	2,370
17650	63	ENV CNTRL EQUIP ASSORTED	143
17700	65	BULK LIQUID EQUIPMENT	28
17750	66	TACTICAL FUEL SYSTEMS	168
17800	68	POWER EQUIPMENT ASSORTED	364
17850	70	EOD SYSTEMS	1,316,024
17950	72	PHYSICAL SECURITY EQUIPMENT	---

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
18000 74	MATERIAL HANDLING EQUIP	40,000
18050 77	FIELD MEDICAL EQUIPMENT	692
18100 79	TRAINING DEVICES	110,043
18150 80	CONTAINER FAMILY	2,172
18200 81	FAMILY OF CONSTRUCTION EQUIPMENT	45,000
18300 82	FAMILY OF INTERNALLY TRANS VEH (ITV)	7,875
18350 84	RAPID DEPLOYABLE KITCHEN	391
18500 86	ITEMS LESS THAN $5 MILLION	18,191
18700	TOTAL, PROCUREMENT, MARINE CORPS	2,252,749

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
33	**Air Operations C2 Systems**	**0**
	Premature Request	-56,800
50	**Radio Systems**	**111,084**
	E-Land Mobile Radios - Baseline budget requirement	-152,194
	Communications Installs on US Navy Ships Program Delay	-36,000
70	**EOD Systems**	**1,316,024**
	Mine Resistant Ambush Protected (MRAP) Vehicles	585,360
72	**Physical Security Equipment**	**0**
	Rapid Aerostat Initial Deployment (RAID)/Ground-Based Operational Surveillance System (G-BOSS)	-143,332

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

18750		AIRCRAFT PROCUREMENT, AIR FORCE	
18850	7	C -17	---
18900	11	C-130J	388,000
18950	18	CV-22 OSPREY	99,252
19000	25	PREDATOR UAV	443,700
19100	27	B-1	6,880
19150	30	A-10	163,886
19200	31	F-15	112,762
19250	35	C-5	35,600
19300	38	C-17	122,000
19350	41	C-37	112,400
19400	52	C-40	90,500
19450	53	C-130	252,663
19500	56	COMPASS CALL	23,700
19550	58	DARP	15,000
19600	61	E-8C	---
19650	65	OTHER AIRCRAFT	23,950
19700	69	INITIAL SPARES/REPAIR PARTS	2,480
19750	73	B-2A ICS	4,000
19800	80	OTHER PRODUCTION CHARGES	209,695
19850		TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	2,106,468

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
7	**C-17**	**0**
	Premature funding request	-111,100
11	**C-130J**	**388,000**
	Five Aircraft	388,000
18	**CV-22 Osprey**	**99,252**
	One Aircraft	146,300
	Transfer to Procurement, Defense-Wide, Line 42, for CV-22 SOF Modifications	-47,048
25	**Predator UAV**	**443,700**
	Predator UAV	10,000
	Reaper UAV	35,000
30	**A-10**	**163,886**
	Unjustified request	-32,400
	Premature funding request for missile rails and EIRCM	-53,500
31	**F-15**	**112,762**
	AESA	-9,200
	JHMCS	-70,000
35	**C-5**	**35,600**
	LAIRCM for C-5B Aircraft only	30,000
38	**C-17**	**122,000**
	LAIRCM	30,000
53	**C-130**	**252,663**
	LAIRCM	30,000
61	**E-8C**	**0**
	Premature funding request	-17,500
65	**Other Aircraft**	**23,950**
	TARS Block 40/50 Modification	-4,320
	TARS Initial Spares	-5,300
80	**Other Production Charges**	**209,695**
	Classified Requirement	65,000
	Baseline budget requirement	-3,800

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
19900	MISSILE PROCUREMENT, AIR FORCE	
19950 6	PREDATOR HELLFIRE MISSILE	78,900
20000 7	SMALL DIAMETER BOMB	16,000
20050	TOTAL, MISSILE PROCUREMENT, AIR FORCE	94,900

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
6	**Hellfire**	**78,900**
	Unexecutable request	-25,400
7	**Small Diameter Bomb**	**16,000**
	Unjustified request	-20,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
20100	PROCUREMENT OF AMMUNITION, AIR FORCE	
20150 2	CARTRIDGES...	---
20200 9	EXPLOSIVE ORDNANCE DISPOSAL (EOD).....................	3,000
20250 16	SMALL ARMS...	3,000
20300	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE.........	6,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
2	**Cartridges**	**0**
	Handgun Replacement Program - Baseline budget requirement	-19,100
16	**Small Arms**	**3,000**
	Handgun Replacement Program - Baseline budget requirement	-65,700
	Transfer to Operation & Maintenance, Defense-Wide, only for the Handgun Replacement Study	-5,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

20350		OTHER PROCUREMENT, AIR FORCE	
20500	2	PASSENGER CARRYING VEHICLES	360
20550	8	MEDIUM TACTICAL VEHICLE	154,140
20600	22	FIRE FIGHTING/CRASH RESCUE VEHICLES	18,888
20650	26	HALVORSEN LOADER	620
20700	31	RUNWAY SNOW REMOVAL AND CLEANING EQUIPMENT	400
20750	34	ITEMS LESS THAN $5 MILLION (VEHICLES)	4,440
20800	39	INTELLIGENCE COMM EQUIPMENT	16,600
20850	40	TRAFFIC CONTROL/LANDING	3,300
20900	41	NATIONAL AIRSPACE SYSTEM	9,000
20950	42	THEATER AIR CONTROL SYSTEM IMPROVEMENT	14,800
21000	43	WEATHER OBSERVATION FORECAST	2,433
21050	51	AIR FORCE PHYSICAL SECURITY SYSTEM	10,680
21100	57	AIR OPERATIONS CENTER (AOC)	1,250
21150	66	MILSATCOM SPACE	---
21200	69	TACTICAL CE EQUIPMENT	34,750
21250	70	COMBAT SURVIVOR EVADER LOCATER	44,010
21300	71	RADIO EQUIPMENT	5,400
21350	74	BASE COMM INFRASTRUCTURE	19,020
21400	76	COMM ELECT MODS	16,000
21450	80	NIGHT VISION GOGGLES	9,317
21500	86	BASE PROCURED EQUIPMENT	10,530
21550	88	AIR BASE OPERABILITY	7,200
21600	93	ITEMS LESS THAN $5 MILLION (BASE SUPPORT)	18,000
21650	97	DARP, MRIGS	21,607
21700	999	CLASSIFIED PROGRAMS	1,658,455
21710		OPERATION ENDURING FREEDOM OPTEMPO	15,000
21750		TOTAL, OTHER PROCUREMENT, AIR FORCE	2,096,200

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
8	**Medium Tactical Vehicles**	**154,140**
	Mine Resistant Ambush Protected Vehicles	123,840
22	**Fire Fighting / Crash Rescue Vehicles**	**18,888**
	HAZMAT Vehicles - Baseline Budget Request	-4,325
40	**Traffic Control/Landing**	**3,300**
	USAFE Instrument Landing System	-4,200
66	**MILSATCOM Space**	**0**
	GBS-RPRS Premature funding request	-35,000
999	**Classified Programs**	**1,658,455**
	Program Adjustment	-91,869
	Operation Enduring Freedom OPTEMPO	**15,000**

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

21800		PROCUREMENT, DEFENSE-WIDE	
22400	11	GLOBAL COMMAND AND CONTROL SYSTEM	3,142
22450	13	TELEPORT	3,670
22500	16	NET-CENTRIC ENTERPRISE SERVICES (NCES)	975
22550	17	DEFENSE INFORMATION SYSTEMS NETWORK (DISN)	5,324
22600	23	MAJOR EQUIPMENT, DLA	1,600
22650	25	MAJOR EQUIPMENT, TJS	32,700
22660	38	MH-47 SLEP	22,000
22670	42	CV-22 MODIFICATIONS	47,048
22700	44	C-130 MODS	49,833
22750	48	SOF ORDNANCE REPLENISHMENT	45,788
22800	49	SOF ORDNANCE ACQUISITION	53,176
22850	50	COMM EQPT & ELECTRONICS	78,342
22900	51	SOF INTELLIGENCE SYSTEMS	5,120
22950	52	SMALL ARMS AND WEAPONS	57,805
23000	56	SOF COMBATANT CRAFT SYSTEMS	16,900
23050	59	TACTICAL VEHICLES	165,100
23100	60	MISSION TRAINING AND PREPARATION SYS	5,300
23150	61	COMBAT MISSION REQUIREMENTS	150,000
23200	63	UNMANNED VEHICLES	107,731
23250	67	MISC EQUIPMENT	1,000
23300	69	SOF OPERATIONAL ENHANCEMENTS	65,678
23350	999	CLASSIFIED PROGRAMS	60,662
23400	999	CLASSIFIED PROGRAMS	1,156
23450		TOTAL, PROCUREMENT, DEFENSE-WIDE	980,050

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
25	**Major Equipment, TJS**	**32,700**
	Request in excess of validated requirement	-26,750
38	**MH-47 SLEP**	**22,000**
	MH-47 Mods for Battle-loss MH-47	22,000
42	**CV-22 SOF Modifications**	**47,048**
	CV-22 SOF Modifications (Transferred from AP;AF Line 18 for execution)	47,048
49	**SOF Ordnance Acquisition**	**53,176**
	SOPGM - Unexecutable request	-1,800
50	**Comm Eqpt & Electronics**	**78,342**
	TACLAN - E - Unexecutable Request	-300
	Forward Deployed Equipment - Transfer from Line 67	20,610
51	**SOF Intelligence Systems**	**5,120**
	MERLIN - Unjustified request	-29,983
	Forward Deployed Equipment - Transfer from line 67	1,220
52	**Small Arms and Weapons**	**57,805**
	Forward Deployed Equipment - Transfer from Line 67	8,030
56	**SOF Combatant Craft Systems**	**16,900**
	IBS Upgrade - Unexecutable request	-13,600
59	**Tactical Vehicles**	**165,100**
	Lightweight ATV - Unexecutable Request	-750
	Forward Deployed Equipment - Transfer from Line 67	21,540
	Mine Resistant Ambush Protected (MRAP) Vehicles	35,760
67	**Misc Equipment**	**1,000**
	Forward Deployed Equipment - Transfer to Lines 50,51,52,59 for execution	-51,410
	MK 5 Clamshell - Unexecutable request	-470
69	**SOF Operational Enhancements**	**65,678**
	Program Adjustments	-20,975
999	**Classified Programs**	**60,662**

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

RECAPITULATION	(In thousands of dollars)
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY......	100,006
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY......	298,722
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE.	187,176
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE.......................................	512,804
GRAND TOTAL...	1,098,708

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

50		RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY	
100	34	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	---
150	63	SOLDIER SUPPORT AND SURVIVABILITY	7,625
200	82	ALL SOURCE ANALYSIS SYSTEM (ASAS)	3,400
250	85	INFANTRY SUPPORT WEAPONS	8,158
300	100	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE	38,900
350	102	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	---
400	141	MATERIEL SYSTEMS ANALYSIS	---
450	174	INFORMATION SYSTEMS SECURITY PROGRAM	31,600
500	177	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	---
550		TACTICAL WHEELED VEHICLE (TWV) PRODUCT	10,323
600		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	100,006

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

R-1		Conference
34	**Combat Vehicle and Automotive Advanced Technology**	**0**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund	-3,560
63	**Soldier Support and Survivability**	**7,625**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund	-20,000
102	**Automatic Test Equipment Development**	**0**
	Defer non-emergency development of aviation test equipment	-6,500
141	**Materiel Systems Analysis**	**0**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund	-5,410
174	**Information Systems Security Program**	**31,600**
	Transfer from OPA, Line 46 for Execution	23,300
177	**WWMCCS/Global Command and Control System**	**0**
	Database interoperability applications for situational awareness	-3,800

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
650	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY	
1000 58	MARINE CORPS GRND CMBT/SUPT SYS	5,000
1050 140	TACTICAL CRYPTOLOGIC SYSTEMS	5,000
1060 84	OTHER HELO DEVELOPMENT	13,000
1070 93	H-1 UPGRADES	18,000
1100 95	V-22A	---
1150 98	ELECTRONIC WARFARE (EW) DEV	1,245
1200 158	MARINE CORPS PROGRAM WIDE SUPT	2,000
1250 179	HARM IMPROVEMENT	---
1300 183	AVIATION IMPROVEMENTS	500
1350 186	MARINE CORPS COMMS SYSTEMS	41,540
1400 187	MC GROUND CMBT SPT ARMS SYS	2,000
1450 188	MARINE CORPS CMBT SERVICES SUPT	14,851
1500	CLASSIFIED PROGRAMS	130,500
1550 205	MANNED RECONNAISSANCE SYS	65,086
1600	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	298,722

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		
58	**Marine Corps Ground Combat/Support System**	**5,000**
	Joint Light Tactical Vehicle (JLTV)	-31,800
84	**Other Helo Development**	**13,000**
	DIRCM Integration (ASE for USMC)	1,000
	NRE for LW/DIRCM (ASE for USMC)	12,000
93	**H-1 Upgrades**	**18,000**
	Aircraft survivability (DIRCM) for H-1(ASE for USMC)	18,000
95	**V-22A**	**0**
	Excess to need	-3,800
158	**Marine Corps Program Wide Supt**	**2,000**
	Program Wide Support	-8,100
179	**Harm Improvement**	**0**
	Defer Thermobaric Modification	-2,230
186	**Marine Corps Communications Systems**	**41,540**
	Funds near-term deliverables	-123,808
187	**Marine Corps Ground Combat Support Arms System**	**2,000**
	Ground Weaponry PIP	-2,000
188	**Marine Corps Cmbt Services Supt**	**14,851**
	Funds near-term deliverables	-715
xx	**Classified Programs**	**130,500**
	Classified Program Adjustment	-20,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
1650		RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE	
1700	50	INTEGRATED BROADCAST SERVICE	4,000
1750	67	B-1B	17,030
1800	79	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	2,000
1850	121	B-52 SQUADRONS	24,500
1900	129	A-10 SQUADRONS	10,000
1950	162	MISSION PLANNING SYSTEMS	13,300
2000	199	DRAGON U-2 (JMIP)	---
2050	200	AIRBORNE RECONNAISSANCE SYSTEMS	---
2100	201	MANNED RECONNAISSANCE SYSTEMS	20,540
2150	203	PREDATOR UAV (JMIP)	20,000
2200	204	GLOBAL HAWK UAV	---
2250	999	CLASSIFIED PROGRAMS	75,806
2300		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE	187,176

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		
50	**Integrated Broadcast Service**	**4,000**
	CO-GINS Funding ahead of need	-5,000
199	**Dragon U-2 (JMIP)**	**0**
	SYERS-2 Qualification and Certification Testing	-660
200	**Airborne Reconnaissance Systems**	**0**
	TARS Integration on Block 40/50 F-16 Aircraft	-6,000
204	**Global Hawk UAV**	**0**
	MASINT and SIGINT Capability Development	-19,033
999	**Classified Programs**	**75,806**
	Program Adjustment	-2,852

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
2350	RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	
2400 186	CRITICAL INFRASTRUCTURE PROGRAM (CIP).................	15,700
2450 999	CLASSIFIED PROGRAMS..................................	497,104
2500	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW.......	512,804

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1	
999 Classified Programs	**497,104**
Classified Program Adjustment	-138,060

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
Defense Working Capital Funds (emergency)............	1,115,526

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
Defense Health Program (emergency)	3,001,853
Operation and maintenance (emergency)	(2,552,153)
Procurement (emergency)	(118,000)
Research, development, test and evaluation (emergency)	(331,700)
Medical support fund (emergency)	---

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

OPERATION AND MAINTENANCE	**2,552,153**
Amputee Care	61,950
Bethesda Emergency Preparedness Plan	5,000
Blast Injury Prevention, Mitigation & Treatment	14,800
Improved Identification and Access to Mental Health/PTSD Treatment	300,000
Improved Identification and Access to Traumatic Brain Injury Treatment	300,000
Care Givers Support Program	12,000
Burn Care	14,800
Comprehensive Combat Casualty Care (C5)	6,500
BAMC Infrastructure (Elevators)	1,500
WRAMC Infrastructure (Building 18 & other infrastructure)	20,000
Efficiency Wedge	382,000
Restores Funding for Legislative Proposal not adopted	410,750
PROCUREMENT	**118,000**
Efficiency Wedge	118,000
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION	**331,700**
Peer Reviewed Post Traumatic Stress Disorder Research	150,000
Peer Reviewed Traumatic Brain Injury Research	150,000
Peer Reviewed Burn, Orthopedic, and Trauma Research	31,700
MEDICAL SUPPORT FUND	**0**

The PRESIDING OFFICER. The Senator from Washington is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate, at 8:25 p.m., vote, without any intervening action or debate, on the motion to concur in the House amendment to the Senate amendment to H.R. 2206; that the time from 7:55 to 8:25 p.m. be equally divided between the two leaders, with the majority leader in control of the last 15 minutes, and that no other amendments or motions be in order prior to the vote, with the time allocated as follows: Senator DURBIN, 5 minutes; Senator LEVIN, 5 minutes; Senator LANDRIEU, 5 minutes, and Senator BROWN, 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, in a few moments, the Senate will vote on a funding bill for the war in Iraq.

It is a historic vote and a very important one over which many of us have anguished.

I come to this decision with sadness and anger—sadness that we are in the fifth year of this war, a war that has lasted longer than World War II; sadness that we have lost 3,435 of our bravest, our American soldiers; sadness that over 25,000 of these soldiers have been injured, 8,000 or 9,000 grievously injured; sadness that we spent over $500 billion on a war that is second only to World War II in its cost to our Nation.

I also come to this floor with anger—anger that we do not have it in our power to make the will of the people of America the law of our land; anger that this President has vetoed a bipartisan bill carefully crafted to start bringing America's troops home; anger that we continue to bury our Nation's heroes every day while this Congress fails to muster the votes and some of the will to bring this war to an end.

In October of 2002, I stood on this Senate floor and joined 22 other Senators in casting my vote against this war. I felt then, and I believe today, that the invasion of Iraq was a serious mistake. I believe, as I stand here, it has been the most flawed and failed policy of any administration in our history.

That night when the vote was cast, this ornate Chamber was quiet. There was a lonely feel about it in the closing moments of the session. Those of us who lingered knew that regardless of what the White House said, this President would waste no time invading Iraq—regardless of the flawed intelligence, regardless of the lack of allies, regardless of a battle plan that left us in a position stronger after the invasion than before.

Today, 4½ years later, 4½ years after that vote and after this invasion, America is not safer, Iraq is in turmoil, and our position as a nation in this world has been compromised by this tragic decision by this administration.

I said at the time, and I will stand by it with my vote this evening, that though I loathe this decision to go to war, I will not take my feelings out on the troops who are in the field. I will continue to provide the resources they need to be trained and equipped and rested and ready to go into battle and to come home safely.

The debate will continue over this policy, but our soldiers should never be bargaining chips in this political debate. That is why I will vote this evening for this bill. But I want to make it clear with this vote that this bill is not the end of the debate on the war in Iraq. This debate will continue until our Nation comes to its senses, until our troops come home, and until we put this sorry chapter in our Nation's history behind us.

We have summoned our friends on the Republican side of the aisle to join us in this effort. Two have had the courage to step forward. I hope that as they reflect on this war and its cost to America that more Republicans will join us, that we will not have to wait until President Bush walks out of the White House to see an end to this war.

I pledge to you, Mr. President, this Senator and so many others will continue this debate beyond today, beyond tonight, every day until those troops come home safely. When we consider the Defense authorization bill in just a few weeks, we will return to this national debate. We will push for that timetable to bring these troops home. We will stand by our soldiers and show our devotion to them with our commitment to bringing them home safely, in an honorable way. The debate will continue until the soldiers are safe and until they are home.

I pray this will happen soon, happen before we lose more of these great men and women. This morning at my desk upstairs, I sat down and penned more notes to the grieving parents and spouses of fallen soldiers in my State of Illinois. I never dreamed 4½ years ago that I would still be writing those notes today. It is a sad testimony to what this failed policy has cost our Nation.

With this vote tonight, the debate will not end: the debate will continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I continue to believe that Congress must act to change course in Iraq because the Bush administration will not. Congress needs to force the Iraqi political leaders to accept responsibility for their country's future. Four years of painful history have shown that the only way to accomplish that goal is to write into law a requirement that we reduce the number of U.S. troops in Iraq beginning in 120 days. That amount of time would give the Iraqi leaders the time to make the political settlements that are the only hope of ending the sectarian fighting.

Setting that beginning point would also force the Iraqi leaders to face the reality that we will not be their endless security blanket. That approach got 51 votes in the Senate on March 29. It was sent to the President. The President vetoed it. But pressure continues to build for a change in course, even in the President's party.

We will renew the effort to force a change in course in June when we take up the Defense authorization bill currently scheduled for late June. The way we will do that is we will make and renew the effort to require the President to begin reducing American troops in Iraq within 120 days.

I voted against the authorization to attack Iraq 4 years ago, and I will continue to fight for a bill that forces the President to do the one thing which will successfully change course in Iraq. Reducing our presence starting in 120 days is a way of telling the Iraqi leaders that we cannot save them from themselves and that only they can make the decision as to whether they want an all-out civil war or they want a nation.

I cannot vote, however, to stop funding for our troops who are in harm's way. I simply cannot, and I will not do that. It is not the proper way we can bring this war to an end. It is not the proper way we can put pressure on the Iraqi leaders. It is a way of sending the wrong message to our troops because now that they are there, and now that they are in harm's way, I believe we must give them all of the support they need.

It is not only the absence from this bill of a beginning point for troop reductions, which is so troubling, I am also concerned about the benchmarks in this bill because they are not only toothless, they may actually be counterproductive. Benchmarks with no consequences for failure to achieve them will not put the necessary pressure on the Iraqi leaders to reach a political settlement. Only a law requiring the reduction of our troops can do that.

The benchmarks as written in this bill are doubly problematic because the schedule for reports, July 15 and September 15, could be used as a way of forestalling pressure on the administration and the Iraqi leaders since those reports are not due until after we are planning to take up the Defense authorization bill in June.

Perhaps the supporters of the current course in Iraq will say that those of us voting to fund the troops bill before us are also signing on to the toothless benchmarks with their arguably momentum-slowing requirements. So let me say plainly, I oppose the benchmarks and the reports as provided for in this bill.

Well, let me say plainly: I oppose the toothless benchmarks and momentum-delaying reports in this bill. I agree with the Iraq Study Group that continued U.S. military support for Iraq "depends on the Iraqi government's demonstrating political will and making substantial progress toward the achievement of milestones on national reconciliation, security and governance."

It has been clear for a long time that there is no military solution in Iraq and that an Iraqi political settlement is necessary if there is a chance of ending the violence in Iraq.

Most telling, perhaps, was Iraqi Prime Minister Maliki's acknowledgement of this essential point when he stated in November:

> The crisis is political, and the ones who can stop the cycle . . . of bloodletting of innocents are the [Iraqi] politicians.

Apparently, the Iraqi leaders, however, will realize that their future is in their hands only when they are forced into that recognition. That is one of the many reasons that we must pass a law requiring our President to begin reducing U.S. troops in Iraq in 120 days. We will continue our efforts to do so when the Defense authorization bill is before us.

The Washington Post reported yesterday that General Petraeus and Ambassador Crocker are working on a new strategy in Iraq. According to the Washington Post: "The end of 2008, is more political than military: to negotiate settlements between warring factions in Iraq from the national level down to the local level. In essence, it is as much about the political deals needed to defuse a civil war as about the military operations aimed at quelling a complex insurgency, said officials with knowledge of the plan."

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Ms. LANDRIEU. Mr. President, I begin by thanking majority leader HARRY REID for his extraordinary work in helping to negotiate the full Katrina-Rita package that many of us worked on to try to accelerate and jump-start the recovery that is underway slowly, solidly in some places, and not so solidly in others along the entire gulf coast of this Nation, America's energy coast. Louisiana sits in the middle of this great coastline and was hit not by one but by two monstrous storms 18 months ago. But, as my colleagues have heard me say many times, it wasn't just Katrina and Rita that did so much damage, it was the collapse of a Federal levee system that should have held but didn't hold. In Louisiana alone, 200,000 homes were totally destroyed. In Mississippi, it was over 65,000 homes because of the surge that came out of the gulf.

It is hard for people to comprehend what that means. It is still difficult for those of us who live there to get a handle on the scope of the damage and devastation. We are grateful for the generosity of this Nation. We are grateful for the private contributions, the many church groups and people of faith who have come to help us, and we are excited about this package in this emergency supplemental.

When we began this journey 4 or 5 months ago, there were some on the opposition side that said we didn't need to include any of this; that this is for an emergency overseas. But I really want to remind everyone that we are still in a state of emergency on the gulf coast, and asking for $3.7 billion in a $120 billion bill is really not too much to ask for hard-working American taxpayers whose homes had never flooded before. Many of these home owners and business owners never had an inch of water in them, but they suddenly came home or woke up to 12 to 14 feet of water, up to their roofs, ruining everything they had worked for, sometimes everything their parents and grandparents had worked for.

Briefly, what we have done, in this last minute as I summarize, is to waive the 10-percent match, which is critical. It is not only the money that is helpful, obviously, to not have to put up that 10 percent, but mostly by waiving the match we are waiving 90 percent of the redtape that is keeping these hard-working people who are doing everything they can to rebuild their lives.

There were some in the administration who wanted to play games with the levees, and move levees from the east bank to the west bank and say we will fund it later. Well, there is no later for us. There is now, and we are going to build these levees and protect the people in south Louisiana. That has been done.

One other part that is very important to me, and a provision I objected to when it was first implemented 2 years ago, is the option for the forgiveness of loans, which had been taken away. I said, on behalf of the people I represent, we are entitled to the same response that other communities have received, and this bill gives us justice on the gulf coast.

In addition, there is some money for help for our criminal justice system that needs improvement, and to correct some of the teacher shortages as a result of the collapse and damage to many schools, and teachers who have had to move to higher ground but who want to come back to teach the children.

Finally, let me thank Senator MURRAY, who has been extraordinary in her efforts on our behalf. I also thank Senator BYRD, the chairman of our committee. They were not going to let this bill get through without Katrina and Rita being recognized and the hundreds of thousands of people who are depending on this Congress to keep fighting for them and to at least meet them halfway. We do not look for charity, we look for a hand up. We look for our Government to meet us halfway.

We can afford at least 10 to 15 days' worth of Iraq spending toward rebuilding the great energy coast of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, it was important from the outset that this supplemental, these funds, be provided to the troops by Memorial Day. The President told us the first week in February that he needed the funds to support troops stationed overseas. A month and a half after the Secretary of Defense stepped in, he said delays would seriously disrupt key military programs. The Army Chief of Staff told us if he didn't get the funds soon, he would have to take Draconian measures that would impact readiness and impose hardships on soldiers and their families. The Chairman of the Joint Chiefs of Staff, General Pace, said delays would force the Army to cut quality-of-life initiatives.

Then the calls started coming from Iraq. The chief spokesman of the Multinational Forces, General Caldwell, told us that delays in funding have already started to hamstring our efforts to train Iraqi security units. That was more than a month and a half ago.

It was 108 days ago the President said he needed funds for the troops. But since that first request in early February until today, Congress has voted more than 30 times on Iraq-related measures without approving a single dime. Mr. President, 108 days and more than 30 votes later, Congress is finally sending these funds to the troops.

Many on this side of the aisle are disappointed that the final bill contains billions of dollars in spending for items unrelated to the war, but we are relieved the Democratic leadership has decided to strip a reckless and nonsensical surrender date from the bill.

One other thing. It is important the Iraqi Government be held accountable. It needs to engage in political reconciliation, and this bill calls upon them to do just that. Members on both sides are deeply frustrated with the Iraqi Government. Anything that puts pressure on them without putting pressure on U.S. troops is a step in the right direction.

I have been saying since January that benchmarks would be a good idea.

General Petraeus and General Pace have said the Baghdad security plan is a necessary precondition for political progress in Iraq. We need to be sure Iraqi politicians are putting the same effort into their half of the bargain as our men and women in uniform.

General Petraeus and Ambassador Crocker will report back to Congress at the end of the summer, and the success or failure of the security plan will be clear by the end of the year.

I strongly urge my colleagues to vote in favor of this bill, which finally gives the troops the funds they need. We should remember as we return home to our families this weekend that thousands of American men and women will be fighting for us far away from their homes. The very least we can do for them this Memorial Day is to give them the tools they need to stay in the fight.

Mr. President, I yield the floor.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007—CONFERENCE REPORT

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill, H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

H.R. 2206

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2206) entitled "An Act making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes", with the following:

House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED NEEDS
TITLE II—HURRICANE KATRINA RECOVERY
TITLE III—ADDITIONAL DEFENSE, INTERNATIONAL AFFAIRS, AND HOMELAND SECURITY PROVISIONS
TITLE IV—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY
TITLE V—OTHER EMERGENCY APPROPRIATIONS
TITLE VI—OTHER MATTERS
TITLE VII—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS
TITLE VIII—FAIR MINIMUM WAGE AND TAX RELIEF
TITLE IX—AGRICULTURAL ASSISTANCE
TITLE X—GENERAL PROVISIONS

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED NEEDS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,450,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $118,260,000, to remain available until September 30, 2008.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,468,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until September 30, 2008.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1201. Funds provided in this Act for the "Department of Justice, United States Marshals Service, Salaries and Expenses" shall be made available according to the language relating to such account in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107).

SEC. 1202. Funds provided in this Act for the "Department of Justice, Legal Activities, Salaries and Expenses, General Legal Activities", shall be made available according to the language relating to such account in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107).

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $8,510,270,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $692,127,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,386,871,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,079,287,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $147,244,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $77,800,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $5,500,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $436,025,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $24,500,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $20,373,379,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $4,652,670,000, of which up to $120,293,000 shall be transferred to Coast Guard, "Operating Expenses", for reimbursement for activities which support activities requested by the Navy.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,146,594,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $6,650,881,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,714,487,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be

made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $74,049,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $111,066,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $13,591,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $10,160,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $83,569,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $38,429,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", $5,906,400,000, to remain available until September 30, 2008.

IRAQ SECURITY FORCES FUND

For an additional amount for "Iraq Security Forces Fund", $3,842,300,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $355,600,000, to remain available for transfer until September 30, 2008: Provided, That up to $50,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,432,800,000, to remain available until September 30, 2009.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $619,750,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $111,473,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $3,404,315,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $681,500,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $9,859,137,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $1,090,287,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $618,709,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $989,389,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $2,106,468,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $94,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,957,160,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $721,190,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $100,006,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $298,722,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $187,176,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $512,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,115,526,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,123,147,000.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $254,665,000, to remain available until expended.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $71,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this Act are available for obligation until September 30, 2007, unless otherwise provided herein.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense (except for military construction) in this Act: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: Provided further, That funds previously transferred to the "Joint Improvised Explosive Device Defeat Fund" and the "Iraq Security Forces Fund" under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this Act may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense (except for military construction) or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, "Drug Interdiction and

Counter-Drug Activities, Defense", not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operation and maintenance in this Act to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. Section 9010 of division A of Public Law 109–289 is amended by striking "2007" each place it appears and inserting "2008".

SEC. 1309. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this Act may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1310. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking "$310,277,000" and inserting "$376,446,000".

SEC. 1311. Section 9007 of Public Law 109–289 is amended by striking "20" and inserting "287".

SEC. 1312. From funds made available for the "Iraq Security Forces Fund" for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

(TRANSFER OF FUNDS)

SEC. 1313. Notwithstanding any other provision of law, not to exceed $110,000,000 may be transferred to the "Economic Support Fund", Department of State, for use in programs in Pakistan from amounts appropriated by this Act as follows:

"Military Personnel, Army", $70,000,000.

"National Guard Personnel, Army", $13,183,000.

"Defense Health Program", $26,817,000.

SEC. 1314. (a) FINDINGS REGARDING PROGRESS IN IRAQ, THE ESTABLISHMENT OF BENCHMARKS TO MEASURE THAT PROGRESS, AND REPORTS TO CONGRESS.—Congress makes the following findings:

(1) Over 145,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States Armed Forces, and are deserving of the strong support of all Americans.

(2) Many American service personnel have lost their lives, and many more have been wounded in Iraq; the American people will always honor their sacrifice and honor their families.

(3) The United States Army and Marine Corps, including their Reserve components and National Guard organizations, together with components of the other branches of the military, are performing their missions while under enormous strain from multiple, extended deployments to Iraq and Afghanistan. These deployments, and those that will follow, will have a lasting impact on future recruiting, retention, and readiness of our Nation's all volunteer force.

(4) Iraq is experiencing a deteriorating problem of sectarian and intrasectarian violence based upon political distrust and cultural differences among factions of the Sunni and Shia populations.

(5) Iraqis must reach political and economic settlements in order to achieve reconciliation, for there is no military solution. The failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq.

(6) The responsibility for Iraq's internal security and halting sectarian violence rests with the sovereign Government of Iraq.

(7) In December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq, that will enable the United States to begin to move its combat forces out of Iraq responsibly.

(8) The President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists.

(9) It is essential that the sovereign Government of Iraq set out measurable and achievable benchmarks and President Bush said, on January 10, 2007, that "America will change our approach to help the Iraqi government as it works to meet these benchmarks".

(10) As reported by Secretary of State Rice, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006 that were: (A) reaffirmed by Iraq's Presidency Council on October 6, 2006; (B) referenced by the Iraq Study Group; and (C) posted on the President of Iraq's Web site.

(11) On April 21, 2007, Secretary of Defense Robert Gates stated that "our [American] commitment to Iraq is long-term, but it is not a commitment to have our young men and women patrolling Iraq's streets open-endedly" and that "progress in reconciliation will be an important element of our evaluation".

(12) The President's January 10, 2007, address had three components: political, military, and economic. Given that significant time has passed since his statement, and recognizing the overall situation is ever changing, Congress must have timely reports to evaluate and execute its constitutional oversight responsibilities.

(b) CONDITIONING OF FUTURE UNITED STATES STRATEGY IN IRAQ ON THE IRAQI GOVERNMENT'S RECORD OF PERFORMANCE ON ITS BENCHMARKS.—

(1) IN GENERAL.—

(A) The United States strategy in Iraq, hereafter, shall be conditioned on the Iraqi government meeting benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including:

(i) Forming a Constitutional Review Committee and then completing the constitutional review.

(ii) Enacting and implementing legislation on de-Baathification.

(iii) Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner.

(iv) Enacting and implementing legislation on procedures to form semi-autonomous regions.

(v) Enacting and implementing legislation establishing an Independent High Electoral Commission, provincial elections law, provincial council authorities, and a date for provincial elections.

(vi) Enacting and implementing legislation addressing amnesty.

(vii) Enacting and implementing legislation establishing a strong militia disarmament program to ensure that such security forces are accountable only to the central government and loyal to the Constitution of Iraq.

(viii) Establishing supporting political, media, economic, and services committees in support of the Baghdad Security Plan.

(ix) Providing three trained and ready Iraqi brigades to support Baghdad operations.

(x) Providing Iraqi commanders with all authorities to execute this plan and to make tactical and operational decisions, in consultation with U.S commanders, without political intervention, to include the authority to pursue all extremists, including Sunni insurgents and Shiite militias.

(xi) Ensuring that the Iraqi Security Forces are providing even handed enforcement of the law.

(xii) Ensuring that, according to President Bush, Prime Minister Maliki said "the Baghdad security plan will not provide a safe haven for any outlaws, regardless of [their] sectarian or political affiliation".

(xiii) Reducing the level of sectarian violence in Iraq and eliminating militia control of local security.

(xiv) Establishing all of the planned joint security stations in neighborhoods across Baghdad.

(xv) Increasing the number of Iraqi security forces units capable of operating independently.

(xvi) Ensuring that the rights of minority political parties in the Iraqi legislature are protected.

(xvii) Allocating and spending $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(xviii) Ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces.

(B) The President shall submit reports to Congress on how the sovereign Government of Iraq is, or is not, achieving progress towards accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires, or does not require, changes to the strategy announced on January 10, 2007.

(2) REPORTS REQUIRED.—

(A) The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

(B) The President, having consulted with the Secretary of State, the Secretary of Defense, the Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress.

(C) If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate.

(D) The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria outlined above.

(E) The reporting requirement detailed in section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived from the date of the enactment of this Act through the period ending September 15, 2007.

(3) TESTIMONY BEFORE CONGRESS.—Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress.

(c) LIMITATIONS ON AVAILABILITY OF FUNDS.—

(1) LIMITATION.—No funds appropriated or otherwise made available for the "Economic Support Fund" and available for Iraq may be obligated or expended unless and until the President of the United States certifies in the report outlined in subsection (b)(2)(A) and makes a further certification in the report outlined in subsection (b)(2)(D) that Iraq is making progress on each of the benchmarks set forth in subsection (b)(1)(A).

(2) WAIVER AUTHORITY.—The President may waive the requirements of this section if he submits to Congress a written certification setting forth a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring the Iraqi government into compliance with the benchmarks set forth in subsection (b)(1)(A). The certification shall be submitted in unclassified form, but may include a classified annex.

(d) REDEPLOYMENT OF U.S. FORCES FROM IRAQ.—The President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces.

(e) INDEPENDENT ASSESSMENTS.—

(1) ASSESSMENT BY THE COMPTROLLER GENERAL.—

(A) Not later than September 1, 2007, the Comptroller General of the United States shall submit to Congress an independent report setting forth—

(i) the status of the achievement of the benchmarks specified in subsection (b)(1)(A); and

(ii) the Comptroller General's assessment of whether or not each such benchmark has been met.

(2) ASSESSMENT OF THE CAPABILITIES OF IRAQI SECURITY FORCES.—

(A) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense, $750,000, that the Department, in turn, will commission an independent, private sector entity, which operates as a 501(c)(3), with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(i) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12 to 18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(ii) The training, equipping, command, control and intelligence capabilities, and logistics capacity of the ISF.

(iii) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in clause (i).

(B) REPORT.—Not later than 120 days after the enactment of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations/International Relations, and Intelligence.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $63,000,000, to remain available until expended.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,255,890,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $173,700,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That of the funds made available under this heading, $369,690,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: Provided further, That of the funds made available under this heading, $401,700,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That of the funds provided under this heading, $274,800,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $370,990,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $49,600,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That of the funds made available under this heading, $324,270,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Marine Corps end-strength growth to the Committees on Appropriations of the House of Representatives and the Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $43,300,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $3,000,000 shall be available for study, planning, design, and architect and engineer services.

GENERAL PROVISION—THIS CHAPTER

SEC. 1501. (a) Funds provided in this Act for the following accounts shall be made available for programs under the conditions contained in the language of the joint explanatory statement of managers accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107):

"Military Construction, Army".

"Military Construction, Navy and Marine Corps".

"Military Construction, Air Force".

(b) The Secretary of Defense shall submit all reports requested in House Report 110–60 and Senate Report 110–37 to the Committees on Appropriations of both Houses of Congress.

CHAPTER 6

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $836,555,000, to remain available until September 30, 2008, of which $64,655,000 for World Wide Security Upgrades is available until expended: Provided, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: Provided further, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: Provided further, That 20 percent of the amount available for Iraq operations shall not be obligated until the Committees on Appropriations receive and approve a detailed plan for expenditure, prepared by the Secretary of State, and submitted within 60 days after the date of enactment of this Act: Provided further, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for terrorism rewards.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $35,000,000, to remain available until December 31, 2008: Provided, That *such amount shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.*

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $283,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Child Survival and Health Programs Fund", $161,000,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, if the President determines and reports to the Committees on Appropriations that the human-to-human transmission of the avian influenza virus is efficient and sustained, and is spreading internationally, funds made available under the heading "Millennium Challenge Corporation" and "Global HIV/AIDS Initiative" in prior Acts making appropriations for foreign operations, export financing, and related programs may be transferred to, and merged with, funds made available under this heading to combat avian influenza: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $105,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $5,700,000, to remain available until September 30, 2008.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,502,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, $57,400,000 shall be made available to nongovernmental organizations in Iraq for economic and social development programs and activities in areas of conflict: Provided further, That the responsibility for policy decisions and justifications for the use of funds appropriated by the previous proviso shall be the responsibility of the United States Chief of Mission in Iraq: Provided further, That none of the funds appropriated under this heading in this Act or in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available for the Political Participation Fund and the National Institutions Fund: Provided further, That of the funds made available under the heading "Economic Support Fund" in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $214,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $255,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $190,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and not less than $60,000,000 shall be made available for the United States Agency for International Development, for democracy, human rights and rule of law programs in Iraq: Provided further, That not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $210,000,000, to remain available until September 30, 2008.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $71,500,000, to remain available until September 30, 2008, of which not less than $5,000,000 shall be made available to rescue Iraqi scholars.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $30,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $27,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $220,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $190,000,000, to remain available until September 30, 2008: Provided, That not later than 30 days after enactment of this Act and every 30 days thereafter until September 30, 2008, the Secretary of State shall submit a report to the Committees on Appropriations detailing the obligation and expenditure of funds made available under this heading in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs.

GENERAL PROVISION—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 1601. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

TITLE II—HURRICANE KATRINA RECOVERY

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief", $3,400,000,000, to remain available until expended.

TITLE III—ADDITIONAL DEFENSE, INTERNATIONAL AFFAIRS, AND HOMELAND SECURITY PROVISIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $100,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 3101. There is hereby appropriated $10,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

CHAPTER 2

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $139,740,000, of which $129,740,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, "A Review of the Federal Bureau of Investigation's Use of National Security Letters", of which $500,000 shall be transferred to and merged with "Department of Justice, Office of the Inspector General".

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $3,698,000, to remain available until September 30, 2008.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. Funds provided in this Act for the "Department of Justice, Federal Bureau of Investigation, Salaries and Expenses", shall be made available according to the language relating to such account in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107).

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $343,080,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $408,283,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $108,956,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $139,300,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $8,223,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $5,660,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $6,073,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $109,261,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $19,533,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $24,000,000.

STRATEGIC RESERVE READINESS FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided in this or any other Act, for training, operations, repair of equipment, purchases of equipment, and other expenses related to improving the readiness of non-deployed United States military forces, $1,615,000,000, to remain available until September 30, 2009; of which $1,000,000,000 shall be transferred to "National Guard and Reserve Equipment" for the purchase of equipment for the Army National Guard; and of which $615,000,000 shall be transferred by the Secretary of Defense only to appropriations for military personnel, operation and maintenance, procurement, and defense working capital funds to accomplish the purposes provided herein: Provided, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfers made pursuant to this authority: Provided further, That funds shall be transferred to the appropriation accounts not later than 120 days after the enactment of this Act: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,217,000,000, to remain available until September 30, 2009: Provided, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $130,040,000, to remain available until September 30, 2009: Provided, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $1,263,360,000, to remain available until September 30, 2009: Provided, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $139,040,000, to remain available until September 30, 2009: Provided, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $258,860,000, to remain available until September 30, 2009: Provided, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Defense Health Program", $1,878,706,000; of which $1,429,006,000 shall be for operation and maintenance, including $600,000,000 which shall be available for the treatment of traumatic brain injury and post-traumatic stress disorder and remain available until September 30, 2008; of which $118,000,000 shall be for procurement, to remain available until September 30, 2009; and of which $331,700,000 shall be for research, development, test and evaluation, to remain available until September 30, 2008: Provided, That if the Secretary of Defense determines that funds made available in this paragraph for the treatment of traumatic brain injury and post-traumatic stress disorder are in excess of the requirements of the Department of Defense, the Secretary may transfer amounts in excess of that requirement to the Department of Veterans Affairs to be available only for the same purpose.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3301. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 3302. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984)—

(1) section 2340A of title 18, United States Code;

(2) section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 3303. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2008. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 3304. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 3305. Not more than 85 percent of the funds appropriated to the Department of Defense in this Act for operation and maintenance shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees a report detailing the use of Department of Defense funded service contracts conducted in the theater of operations in support of United States military and reconstruction activities in Iraq and Afghanistan: Provided, That the report shall provide detailed information specifying the number of contracts and contract costs used to provide services in fiscal year 2006, with sub-allocations by major service categories: Provided further, That the report also shall include estimates of the number of contracts to be executed in fiscal year 2007: Provided further, That the report shall include the number of contractor personnel in Iraq and Afghanistan funded by the Department of Defense: Provided further, That the report shall be submitted to the congressional defense committees not later than August 1, 2007.

Sec. 3306. Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "A death gratuity" and inserting "Subject to subsection (d), a death gratuity";

(2) by redesignating subsection (d) as subsection (e) and, in such subsection, by striking "If an eligible survivor dies before he" and inserting "If a person entitled to all or a portion of a death gratuity under subsection (a) or (d) dies before the person"; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person covered by section 1475 or 1476 of this title may designate another person to receive not more than 50 percent of the amount payable under section 1478 of this title. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (1) through (5) of subsection (a).".

Sec. 3307. (a) Inspection of Military Medical Treatment Facilities, Military Quarters Housing Medical Hold Personnel, and Military Quarters Housing Medical Holdover Personnel.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) Purpose.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) Acceptable Standards.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Where appropriate, standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) Additional Inspections on Identified Deficiencies.—

(1) In general.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) Construction with Other Inspections.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) Reports on Inspections.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) Report on Standards.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to the congressional defense committees a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) where appropriate, standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

Sec. 3308. (a) Award of Medal of Honor to Woodrow W. Keeble for Valor During Korean War.—Notwithstanding any applicable time limitation under section 3744 of title 10, United States Code, or any other time limitation with respect to the award of certain medals to individuals who served in the Armed Forces, the President may award to Woodrow W. Keeble the Medal of Honor under section 3741 of that title for the acts of valor described in subsection (b).

(b) Acts of Valor.—The acts of valor referred to in subsection (a) are the acts of Woodrow W. Keeble, then-acting platoon leader, carried out on October 20, 1951, during the Korean War.

(TRANSFER OF FUNDS)

Sec. 3309. Of the amount appropriated under the heading "Other Procurement, Army", in title III of division A of Public Law 109–148, $6,250,000 shall be transferred to "Military Construction, Army".

Sec. 3310. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment or the Office of Dependents Education of the Department of Defense, shall use not less than $10,000,000 of funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds to provide special assistance to local education agencies.

Sec. 3311. Congress finds that United States military units should not enter into combat unless they are fully capable of performing their assigned mission. Congress further finds that this is the policy of the Department of Defense. The Secretary of Defense shall notify Congress of any changes to this policy.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $72,000,000 is provided for the International Nuclear Materials Protection and Cooperation Program, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(TRANSFER OF FUNDS)

Sec. 3401. The Administrator of the National Nuclear Security Administration is authorized to transfer up to $1,000,000 from Defense Nuclear Nonproliferation to the Office of the Administrator during fiscal year 2007 supporting nuclear nonproliferation activities.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

ANALYSIS AND OPERATIONS

For an additional amount for "Analysis and Operations", $8,000,000, to remain available until September 30, 2008, to be used for support of the State and Local Fusion Center program: Provided, That starting July 1, 2007, the Secretary of Homeland Security shall submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives detailing the information required in House Report 110–107.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $75,000,000, to remain available until September 30, 2008, to support hiring not less than 400 additional United States Customs and Border Protection Officers, as well as additional intelligence analysts, trade specialists, and support staff to target and screen U.S.-bound cargo on the Northern Border, at overseas locations, and at the National Targeting Center; to support hiring additional staffing required for Northern Border Air and Marine operations; to implement Security and Accountability For Every Port Act of 2006 (Public Law 109–347) requirements; to advance the goals of the Secure Freight Initiative to improve significantly the ability of United States Customs and Border Protection to target and analyze U.S.-bound cargo containers; to expand overseas screening and physical inspection capacity for U.S.-bound cargo; to procure and integrate non-intrusive inspection equipment into inspection and radiation detection operations; and to improve supply chain security, to include enhanced analytic and targeting systems using data collected via commercial and government technologies and databases: Provided, That up to $3,000,000 shall be transferred to Federal Law Enforcement Training Center "Salaries and Expenses", for basic training costs associated with the additional personnel funded under this heading: Provided further, That the Secretary shall submit an expenditure plan for the use of these funds to the Committees on Appropriations of the Senate and the House of Representatives no later than 30 days after enactment of this Act: Provided further, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives immediately if United States Customs and Border Protection does not expect to achieve its plan of having at least 1,158 Border Patrol agents permanently deployed to the Northern Border by the end of fiscal year 2007, and explain in detail the reasons for any shortfall.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", for air and marine operations on the Northern Border, including the final Northern Border air wing, $75,000,000, to remain available until September 30, 2008, to accelerate planned deployment of Northern Border Air and Marine operations, including establishment of the final Northern Border airwing, procurement of assets such as fixed wing aircraft, helicopters, unmanned aerial systems, marine and riverine vessels, and other equipment, relocation of aircraft, site acquisition, and the design and building of facilities: Provided, That the Secretary shall submit an expenditure plan for the use of these funds to the Committees on Appropriations of the Senate and the House of Representatives no later than 30 days after enactment of this Act.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000, to remain available until September 30, 2008; of which $5,000,000 shall be for the creation of a security advisory opinion unit within the Visa Security Program; and of which $1,000,000 shall be for the Human Smuggling and Trafficking Center.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for "Aviation Security", $390,000,000; of which $285,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; of which $25,000,000 shall be for checkpoint explosives detection equipment and pilot screening technologies, to remain available until expended; and of which $80,000,000 shall be for air cargo security, to remain available until September 30, 2009: Provided, That of the air cargo funding made available under this heading, the Transportation Security Administration shall hire no fewer than 150 additional air cargo inspectors to establish a more robust enforcement and compliance program; complete air cargo vulnerability assessments for all Category X airports; expand the National Explosives Detection Canine Program by no fewer than 170 additional canine teams, including the use of agency led teams; pursue canine screening methods utilized internationally that focus on air samples; and procure and install explosive detection systems, explosive trace machines, and other technologies to screen air cargo: Provided further, That no later than 90 days after the date of enactment of this Act, the Secretary shall provide the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan detailing how the Transportation Security Administration will utilize funding provided under this heading.

FEDERAL AIR MARSHALS

For an additional amount for "Federal Air Marshals", $5,000,000, to remain available until September 30, 2008: Provided, That no later than 30 days after enactment of this Act, the Secretary shall provide the Committees on Appropriations of the Senate and the House of Representatives a report on how these additional funds will be allocated.

NATIONAL PROTECTION AND PROGRAMS

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for "Infrastructure Protection and Information Security", $24,000,000, to remain available until September 30, 2008; of which $12,000,000 shall be for development of State and local interoperability plans as discussed in House Report 110–107; and of which $12,000,000 shall be for implementation of chemical facility security regulations: Provided, That within 30 days of the date of enactment of this Act the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for execution of these funds: Provided further, That within 30 days of the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the computer forensics training center detailing the information required in House Report 110–107.

OFFICE OF HEALTH AFFAIRS

For expenses for the "Office of Health Affairs", $8,000,000, to remain available until September 30, 2008: Provided, That of the amount made available under this heading, $5,500,000 is for nuclear event public health assessment and planning: Provided further, That the Office of Health Affairs shall conduct a nuclear event public health assessment as described in House Report 110–107: Provided further, That none of the funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For expenses for management and administration of the Federal Emergency Management Agency ("FEMA"), $14,000,000, to remain available until September 30, 2008: Provided, That of the amount made available under this heading, $6,000,000 shall be for financial and information systems, $2,500,000 shall be for interstate mutual aid agreements, $2,500,000 shall be for FEMA Regional Office communication equipment, $2,500,000 shall be for FEMA strike teams, and $500,000 shall be for the Law Enforcement Liaison Office, the Disability Coordinator and the National Advisory Council: Provided further, That none of such funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: Provided further, That unobligated amounts in the "Administrative and Regional Operations" and "Readiness, Mitigation, Response, and Recovery" accounts shall be transferred to "Management and Administration" and may be used for any purpose authorized for such amounts and subject to limitation on the use of such amounts.

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $247,000,000; of which $110,000,000 shall be for port security grants pursuant to section 70107(l) of title 46, United States Code to be awarded by September 30, 2007, to tier 1, 2, 3, and 4 ports; of which $100,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants to be awarded by September 30, 2007; of which $35,000,000 shall be for regional grants and regional technical assistance to tier one Urban Area Security Initiative cities and other participating governments for the purpose of developing all-hazard regional catastrophic event plans and preparedness, as described in House Report 110–107; and of which $2,000,000 shall be for technical assistance for operation and maintenance training on detection and response equipment that must be competitively awarded: Provided, That none of the funds made available under this heading may be obligated for such regional grants and regional technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: Provided further, That the Federal Emergency Management Agency shall provide the regional grants and regional technical assistance expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives on or before August 1, 2007: Provided further, That funds for such regional grants and regional technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants", $50,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for expenses of "United States Citizenship and Immigration Services" to address backlogs of security checks associated with pending applications and petitions, $8,000,000, to remain available until September 30, 2008: Provided, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for "Research, Development, Acquisition, and Operations" for air cargo security research, $5,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for "Research, Development, and Operations" for non-container, rail, aviation and intermodal radiation detection activities, $35,000,000, to remain available until expended: Provided, That $5,000,000 is to enhance detection links between seaports and railroads as authorized in section 121(i) of the Security and Accountability For Every Port Act of 2006 (Public Law 109–347); $8,000,000 is to accelerate development and deployment of detection systems at international rail border crossings; and $22,000,000 is for development and deployment of a variety of screening technologies at aviation facilities.

SYSTEMS ACQUISITION

For an additional amount for "Systems Acquisition", $100,000,000, to remain available until expended: Provided, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 3502. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

CHAPTER 6

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,437,000, as follows:

ALLOWANCES AND EXPENSES

For an additional amount for allowances and expenses as authorized by House resolution or law, $6,437,000 for business continuity and disaster recovery, to remain available until expended.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Government Accountability Office, $374,000, to remain available until September 30, 2008.

CHAPTER 7

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended: Provided, That within 30 days of the enactment of this Act, the Secretary of Defense shall submit a detailed spending plan to the Committees on Appropriations of the House of Representatives and the Senate.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to close Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped: Provided, That to ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to maintain the maximum level of inpatient and outpatient services.

SEC. 3702. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

SEC. 3703. The Secretary of the Navy shall, notwithstanding any other provision of law, transfer to the Secretary of the Air Force, at no cost, all lands, easements, Air Installation Compatible Use Zones, and facilities at NASJRB Willow Grove designated for operation as a Joint Interagency Installation for use by the Pennsylvania National Guard and other Department of Defense components, government agencies, and associated users to perform national defense, homeland security, and emergency preparedness missions.

CHAPTER 8

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $34,103,000, to remain available until September 30, 2008, of which $31,845,000 for World Wide Security Upgrades is available until expended: Provided, That of the amount available under this heading, $258,000 shall be transferred to, and merged with, funds available in fiscal year 2007 for expenses for the United States Commission on International Religious Freedom: Provided further, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading "Emergencies in the Diplomatic and Consular Service" to reimburse expenditures from that account in facilitating the evacuation of persons from Lebanon between July 16, 2006, and the date of enactment of this Act.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $1,500,000, to remain available until December 31, 2008.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $50,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $60,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $3,000,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $3,500,000, to remain available until September 30, 2008.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $122,300,000, to remain available until September 30, 2008.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $5,000,000, to remain available until September 30, 2008.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $42,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $59,000,000, to remain available until September 30, 2008.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $25,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $30,000,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $45,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $40,000,000, to remain available until September 30, 2008: Provided, That funds appropriated under this heading shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform.

GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 3801. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting "or fiscal year 2007" after "fiscal year 2006".

LEBANON

SEC. 3802. (a) LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading "Economic Support Fund" for cash transfer assistance for the Government of Lebanon may be made available for obligation until the Secretary of State reports to the Committees on Appropriations on Lebanon's economic reform plan and on the specific conditions and verifiable benchmarks that have been agreed upon by the United States and the Government of Lebanon pursuant to the Memorandum of Understanding on cash transfer assistance for Lebanon.

(b) LIMITATION ON FOREIGN MILITARY FINANCING PROGRAM AND INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading "Foreign Military Financing Program" or "International Narcotics Control and Law Enforcement" for military or police assistance to Lebanon may be made available for obligation until the Secretary of State submits to the Committees on Appropriations a report on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in United States training and assistance programs and on the end use monitoring of all equipment provided under such programs to the Lebanese armed forces and police forces.

(c) CERTIFICATION REQUIRED.—Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings "Foreign Military Financing Program"

and "Nonproliferation, Anti-Terrorism, Demining and Related Programs", the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

(d) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on the Government of Lebanon's actions to implement section 14 of United Nations Security Council Resolution 1701 (August 11, 2006).

(e) SPECIAL AUTHORITY.—This section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5).

DEBT RESTRUCTURING

SEC. 3803. Amounts appropriated for fiscal year 2007 for "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring" may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 3804. To facilitate effective oversight of programs and activities in Iraq by the Government Accountability Office (GAO), the Department of State shall provide GAO staff members the country clearances, life support, and logistical and security support necessary for GAO personnel to establish a presence in Iraq for periods of not less than 45 days.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 3805. The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 3806. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the "Inspector General") may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 1 additional year.

(3) Not more than 10 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2007. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES, REPORTS AND DIRECTIVES

SEC. 3807. (a) Funds provided in this Act for the following accounts shall be made available for countries, programs and activities in the amounts contained in the respective tables and should be expended consistent with the reporting requirements and directives included in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107):

"Diplomatic and Consular Programs".

"Office of the Inspector General".

"Educational and Cultural Exchange Programs".

"Contributions to International Organizations".

"Contributions for International Peacekeeping Activities".

"Child Survival and Health Programs Fund".

"International Disaster and Famine Assistance".

"Operating Expenses of the United States Agency for International Development".

"Operating Expenses of the United States Agency for International Development Office of Inspector General".

"Economic Support Fund".

"Assistance for Eastern Europe and the Baltic States".

"Democracy Fund".

"International Narcotics Control and Law Enforcement".

"Migration and Refugee Assistance".

"Nonproliferation, Anti-Terrorism, Demining and Related Programs".

"Foreign Military Financing Program".

"Peacekeeping Operations".

(b) Any proposed increases or decreases to the amounts contained in the tables in the joint explanatory statement shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 3808. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter and under the headings in chapter 6 of title I, except for funds appropriated under the heading "International Disaster and Famine Assistance": Provided, That funds appropriated under the headings in this chapter and in chapter 6 of title I, except for funds appropriated under the heading named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CONDITIONS ON ASSISTANCE FOR PAKISTAN

SEC. 3809. None of the funds made available for assistance for the central Government of Pakistan under the heading "Economic Support Fund" in this Act may be made available for non-project assistance until the Secretary of State submits to the Committees on Appropriations a report on the oversight mechanisms, performance benchmarks, and implementation processes for such funds: Provided, That notwithstanding any other provision of law, funds made available for non-project assistance pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds made available for assistance for Pakistan under the heading "Economic Support Fund" in this Act, $5,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, for political party development and election observation programs.

CIVILIAN RESERVE CORPS

SEC. 3810. Of the funds appropriated by this Act under the heading "Diplomatic and Consular Programs", up to $50,000,000 may be made available to support and maintain a civilian reserve corps: Provided, That none of the funds for a civilian reserve corps may be obligated without specific authorization in a subsequent Act of Congress: Provided further, That funds made available for this purpose shall be subject to the regular notification procedures of the Committees on Appropriations.

EXTENSION OF AVAILABILITY OF FUNDS

SEC. 3811. Section 1302(a) of Public Law 109–234 is amended by striking "one additional year" and inserting "two additional years".

SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES

SEC. 3812. (a) INCREASE IN NUMBERS ADMITTED.—Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking "as a translator" and inserting ", or under Chief of Mission authority, as a translator or interpreter";

(B) in subparagraph (C), by inserting "the Chief of Mission or" after "recommendation from"; and

(C) in subparagraph (D), by inserting "the Chief of Mission or" after "as determined by"; and

(2) in subsection (c)(1), by striking "section during any fiscal year shall not exceed 50." and inserting the following: "section—

"(A) during each of the fiscal years 2007 and 2008, shall not exceed 500; and

"(B) during any other fiscal year shall not exceed 50.".

(b) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—Section 1059(c)(2) of such Act is amended—

(1) by amending the paragraph designation and heading to read as follows:

"(2) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—"; and

(2) by inserting "and shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4))" before the period at the end.

(c) ADJUSTMENT OF STATUS.—Section 1059 of such Act is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

"(1) was paroled or admitted as a nonimmigrant into the United States; and

"(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act.".

TITLE IV—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 4101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended *by striking "During calendar year 2006, the" and inserting "The".*

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $50,000,000, to remain available until expended: Provided, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina: Provided further, That these funds shall be apportioned among the States in quotient to their level of violent crime as estimated by the Federal Bureau of Investigation's Uniform Crime Report for the year 2005.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", for necessary expenses related to the consequences of Hurricanes Katrina and Rita on the shrimp and fishing industries, $110,000,000, to remain available until September 30, 2008.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities" for necessary expenses related to the consequences of Hurricane Katrina, $20,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4201. Funds provided in this Act for the "Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", shall be made available according to the language relating to such account in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107).

SEC. 4202. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,300,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,407,700,000, to remain available until expended: Provided, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading "Flood Control and Coastal Emergencies", in chapter 3 of Public Law 109–148: Provided further, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled "Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi": Provided further, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing for all costs associated with operation and maintenance of the project: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4301. The Secretary is authorized and directed to determine the value of eligible reimbursable expenses incurred by local governments in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area that the Secretary determines to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 4302. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading "Flood Control and Coastal Emergencies" for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized, subject to the approval of the House and Senate Committees on Appropriation.

SEC. 4303. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges to the lakefront or in combination with discharges directly to the Mississippi River in Jefferson Parish; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: Provided, That the analysis should be conducted at Federal expense: Provided further, That the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SEC. 4304. Using funds made available in Chapter 3 under title II of Public Law 109–234, under the heading "Investigations", the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: Provided, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $181,069,000, to remain available until expended, shall be used for administrative expenses to carry out the disaster loan program, which may be transferred to and merged with "Small Business Administration, Salaries and Expenses", of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be paid to appropriations for the Office of Inspector General; of which $171,569,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,000,000 is for indirect administrative expenses.

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $25,000,000 shall be made available for loans under section 7(b)(2) of the Small Business Act to pre-existing businesses located in an area for which the President declared a major disaster because of the hurricanes in the Gulf of Mexico in calendar year 2005, of which not to exceed $8,750,000 is for direct administrative expenses and may be transferred to and merged with "Small Business Administration, Salaries and Expenses" to carry out the disaster loan program of the Small Business Administration.

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $150,000,000 is transferred to the "Federal Emergency Management Agency, Disaster Relief" account.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief", $710,000,000, to remain available until expended: Provided, That $4,000,000 shall be transferred to "Office of Inspector General": Provided further, That the Government Accountability Office shall review how the Federal Emergency Management Agency develops its estimates of the funds needed to respond to any given disaster as described in House Report 110–60.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4501. (a) In General.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Wilma, Dennis, and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) Applicability.—

(1) In general.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

(2) Limitation.—In the case of disaster assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share provided by subsection (a) shall be limited to assistance provided for projects for which a "request for public assistance form" has been submitted.

Sec. 4502. (a) Community Disaster Loan Act.—

(1) In general.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88) is amended by striking "Provided further, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:".

(2) Effective date.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88).

(b) Emergency Supplemental Appropriations Act.—

(1) In general.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended under Federal Emergency Management Agency, "Disaster Assistance Direct Loan Program Account" by striking. "Provided further, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

(2) Effective date.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

Sec. 4503. (a) In General.—Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended by striking "12 months" and inserting "24 months".

(b) Effective Date.—The amendment made by this section shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

CHAPTER 6

DEPARTMENT OF THE INTERIOR

National Park Service

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until September 30, 2008: Provided, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: Provided further, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: Provided further, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

Sec. 4601. Of the disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, "National Park Service—Historic Preservation Fund", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season that were allocated to the State of Mississippi by the National Park Service, $500,000 is hereby transferred to the "National Park Service—National Recreation and Preservation" appropriation: Provided, That these funds may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: Provided further, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF EDUCATION

Higher Education

For an additional amount under part B of title VII of the Higher Education Act of 1965 ("HEA") for institutions of higher education (as defined in section 101 or section 102(c) of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to Hurricanes Katrina or Rita, $30,000,000: Provided, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: Provided further, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA: Provided further, That the Secretary shall award funds available under this paragraph not later than 60 days after the date of the enactment of this Act.

Hurricane Education Recovery

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators, who commit to work for at least three years in school-based positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness, with priority given to teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators who previously worked or lived in one of the affected areas, are currently employed (or become employed) in such a school in any of the affected areas after those disasters, and commit to continue that employment for at least 3 years, Provided, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity, knowledge, and skill of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school-based school principals, assistant principals, principal resident directors, and assistant directors; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: Provided further, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State Superintendent of Education: Provided further, That, in the case of any State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and in collaboration with local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, the State educational agency shall develop a plan for a rating system for performance bonuses, and if no agreement has been reached that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately send a letter notifying Congress and shall, not later than 30 days after such notification, establish and implement a rating system that shall be based on classroom observation and feedback more than once annually, conducted by multiple sources (including, but not limited to, principals and master teachers), and evaluated against research-based rubrics that use planning, instructional, and learning environment standards to measure teacher performance, except that the requirements of this proviso shall not apply to a State that has enacted a State law in 2006 authorizing performance pay for teachers.

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e), for the following costs: (1) recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators for school-based positions in public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness; (2) activities to build the capacity, knowledge, and skills of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (3) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and school-based school principals, assistant principals, principal resident directors, and assistant directors; and (4) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: "With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008.".

SEC. 4702. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading "Social Services Block Grant" in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2009.

SEC. 4703. (a) In the event that Louisiana, Mississippi, Alabama, or Texas fails to meet its match requirement with funds appropriated in fiscal year 2006 or 2007, for fiscal years 2008 and 2009, the Secretary of Health and Human Services may waive the application of section 2617(d)(4) of the Public Health Service Act for Louisiana, Mississippi, Alabama, and Texas.

(b) The Secretary may not exercise the waiver authority available under subsection (a) to allow a grantee to provide less than a 25 percent matching grant.

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $871,022,000, to remain available until expended: Provided, That section 125(d)(1) of title 23, United States Code, shall not apply to emergency relief projects that respond to damage caused by the 2005–2006 winter storms in the State of California: Provided further, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $871,022,000 are rescinded: Provided further, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $35,000,000, for the operating and capital costs of transit services, to remain available until expended: Provided, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $7,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4801. The third proviso under the heading "Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) is amended by striking "for up to 18 months" and inserting "until December 31, 2007".

SEC. 4802. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: ": Provided further, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2007 based on the higher of the amounts the agencies would receive under the previous proviso or the amounts the agencies received in calendar year 2006, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2007 equal to the amounts the agencies received in calendar year 2006, except that public housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the previous proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the United States Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the previous proviso than they would receive under this proviso and that have been placed in receivership or the Secretary has declared to be in breach of an Annual Contributions Contract by June 1, 2007; and (3) public housing agencies that spent more in calendar year 2006 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2006 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2005 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2006".

SEC. 4803. Section 901 of Public Law 109–148 is amended by deleting "calendar year 2006" and inserting "calendar years 2006 and 2007".

CHAPTER 9

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for Department of Veterans Affairs, "Construction, Minor Projects", $14,484,754, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season.

Of the funds available until September 30, 2007, for the "Construction, Minor Projects" account of the Department of Veterans Affairs, pursuant to section 2702 of Public Law 109-234, $14,484,754 are hereby rescinded.

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 5101. In addition to any other available funds, there is hereby appropriated $40,000,000 to the Secretary of Agriculture, to remain available until expended, for programs and activities of the Department of Agriculture, as determined by the Secretary, to provide recovery assistance in response to damage in conjunction with the Presidential declaration of a major disaster (FEMA-1699-DR) dated May 6, 2007, for needs not met by the Federal Emergency Management Agency or private insurers: Provided, That, in addition, the Secretary may use funds provided under this section, consistent with the provisions of this section, to respond to any other Presidential declaration of a major disaster issued under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act), declared during fiscal year 2007 for events occurring before the date of the enactment of this Act or a Secretary of Agriculture declaration of a natural disaster, declared during fiscal year 2007 for events occurring before the date of the enactment of this Act.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $60,400,000, to remain available until September 30, 2008: Provided, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for "Investigations" for flood damage reduction studies to address flooding associated with disasters covered by Presidential Disaster Declaration FEMA-1692-DR, $8,165,000, to remain available until expended.

CONSTRUCTION

For an additional amount for "Construction" for flood damage reduction activities associated with disasters covered by Presidential Disaster Declarations FEMA-1692-DR and FEMA-1694-DR, $11,200,000, to remain available until expended.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels related to the consequences of hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law, $153,300,000, to remain available until expended: Provided, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That of the funds provided under this heading, $7,000,000 shall be available for drought emergency assistance.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $18,000,000, to remain available until expended for drought assistance: Provided, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $95,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for the implementation of a nationwide initiative to increase protection of national forest lands from drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $370,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION—THIS CHAPTER

SEC. 5401. (a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking "2006" and "2007" each place they appear and inserting "2007" and "2008", respectively.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: Provided, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: Provided further, That the amount provided under this heading shall remain available until September 30, 2008.

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148), $50,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS)

SEC. 5501. (a). From unexpended balances available for the Training and Employment Services account under the Department of Labor, the following amounts are hereby rescinded—

(1) $3,589,000 transferred pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38);

(2) $834,000 transferred pursuant to the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211); and

(3) $71,000 for the Consortium for Worker Education pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117).

(b) From unexpended balances available for the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117), $4,100,000 are hereby rescinded.

SEC. 5502. (a) For an additional amount under "Department of Education, Safe Schools and Citizenship Education", $8,594,000 shall be available for Safe and Drug-Free Schools National Programs for competitive grants to local educational agencies to address youth violence and related issues.

(b) The competition under subsection (a) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

SEC. 5503. Unobligated balances from funds appropriated in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117) to the Department of Health and Human Services under the heading "Public Health and Social Services Emergency Fund" that are available for bioterrorism preparedness and disaster response activities in the Office of the Secretary shall also be available for the construction, renovation and improvement of facilities on federally-owned land as necessary for continuity of operations activities.

CHAPTER 6

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "Capitol Police, General Expenses", $10,000,000 for a radio modernization program, to remain available until expended: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", $50,000,000, for utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: Provided, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

CHAPTER 7

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $466,778,000, to remain available until expended, of which $30,000,000 shall be for the establishment of at least one new Level I comprehensive polytrauma center; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $10,000,000 shall be for additional transition caseworkers; $20,000,000 shall be for substance abuse treatment programs; $20,000,000 shall be for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 shall be for additional polytrauma points of contact; $228,982,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $25,000,000 shall be for prosthetics.

MEDICAL ADMINISTRATION

For an additional amount for "Medical Administration", $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: Provided, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation: Provided further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan, by project, for non-recurring maintenance prior to obligation: Provided further, That semi-annually, on October 1 and April 1, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a report on the status of funding for non-recurring maintenance, including obligations and unobligated balances for each project identified in the expenditure plan.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for "Medical and Prosthetic Research", $32,500,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "General Operating Expenses", $83,200,000, to remain available until expended, of which $1,250,000 shall be for digitization of military records; $60,750,000 shall be for expenses related to hiring and training new claims processing personnel; up to $1,200,000 shall be for an independent study of the organizational structure, management and coordination processes, including seamless transition, utilized by the Department of Veterans Affairs to provide health care and benefits to active duty personnel and veterans, including those returning Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $20,000,000 shall be for disability examinations: Provided, That not to exceed $1,250,000 of the amount appropriated under this heading may be transferred to the Department of Defense for the digitization of military records used to verify stressors for benefits claims.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $35,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of Operation Enduring Freedom and Operation Iraqi Freedom veterans benefits claims, including making electronic Department of Defense medical records available for claims processing and enabling electronic benefits applications by veterans; and $15,100,000 shall be for electronic data breach remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $326,000,000, to remain available until expended, of which up to $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5701. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next 10 years.

SEC. 5702. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 5703. (a)(1) The Secretary of Veterans Affairs (referred to in this section as the "Secretary") may convey to the State of Texas, without consideration, all rights, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary shall conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

(c) Nothing in this section may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SEC. 5704. (a) Funds provided in this Act for the following accounts shall be made available for programs under the conditions contained in the language of the joint explanatory statement of managers accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107):

"Medical Services".
"Medical Administration".
"Medical Facilities".
"Medical and Prosthetic Research".
"General Operating Expenses".
"Information Technology Systems".
"Construction, Minor Projects".

(b) The Secretary of Veterans Affairs shall submit all reports requested in House Report 110–60 and Senate Report 110–37, to the Committees on Appropriations of both Houses of Congress.

SEC. 5705. Subsection (d) of section 2023 of title 38, United States Code, is amended by striking "shall cease" and all that follows through "program" and inserting "shall cease on September 30, 2007".

TITLE VI—OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Farm Service Agency, $37,500,000, to remain available until September 30, 2008: Provided, That this amount shall only be available for network and database/application stabilization.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6101. Of the funds made available through appropriations to the Food and Drug Administration for fiscal year 2007, not less than $4,000,000 shall be for the Office of Women's Health of such Administration.

SEC. 6102. None of the funds made available to the Department of Agriculture for fiscal year 2007 may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6201. Hereafter, Federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 6202. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6301. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C.

15302(a)(3)(B)) is amended by striking "January 1, 2006" and inserting "March 1, 2008".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

SEC. 6302. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 6303. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 6304. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 6305. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs, the House Committee on Financial Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee a written report, which may include a classified annex, containing the names of companies which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, are known to conduct significant business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction as required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress, which may include a classified annex, regarding the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

SEC. 6306. (a) Of the funds provided for the General Services Administration, "Office of Inspector General" in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $4,500,000 are rescinded.

(b) For an additional amount for the General Services Administration, "Office of Inspector General", $4,500,000, to remain available until September 30, 2008.

(c) With the additional amount of $9,336,000 appropriated in Public Law 110–5 and in this Act, above the amount appropriated in Public Law 109–115, of which $4,500,000 remains available for obligation in fiscal year 2008, the Office of Inspector General shall hire additional staff for internal audits and investigations, and the remaining funds shall be for one-time associated needs such as information technology and other such administrative support.

SEC. 6307. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) is amended by adding a new subsection (j) as follows:

"(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this Act for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.".

SEC. 6308. It is the sense of Congress that the Small Business Administration will provide, through funds available within amounts already appropriated for Small Business Administration disaster assistance, physical and economic injury disaster loans to Kansas businesses and homeowners devastated by the severe tornadoes, storms, and flooding that occurred beginning on May 4, 2007.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6401. Not to exceed $30,000,000 from unobligated balances remaining from prior appropriations for United States Coast Guard, "Retired Pay", shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose: Provided, That within 45 days after the date of enactment of this Act, the United States Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following: (1) a report on steps being taken to improve the accuracy of its estimates for the "Retired Pay" appropriation; and (2) quarterly reports on the use of unobligated balances made available by this Act to address the projected shortfall in the "Retired Pay" appropriation, as well as updated estimates for fiscal year 2008.

SEC. 6402. (a) IN GENERAL.—Any contract, subcontract, task or delivery order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement that no procurement subject to subsection (b) for lead asset production or the implementation of a major design change shall be entered into unless an independent third party with no financial interest in the development, construction, or modification of any component of the asset, selected by the Commandant, determines that such action is advisable.

(4) A requirement for independent life-cycle cost estimates of lead assets and major design and engineering changes.

(5) A requirement for the measurement of contractor and subcontractor performance based on the status of all work performed. For contracts under the Integrated Deepwater Systems program, such requirement shall include a provision that links award fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as chair of each integrated product team and higher-level team assigned to the oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity for the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) CONTRACTS, SUBCONTRACTS, TASK AND DELIVERY ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract; and

(3) any task or delivery order issued pursuant to such a contract or subcontract.

(c) EXPENDITURE OF DEEPWATER FUNDS.—Of the funds available for the Integrated Deepwater Systems program, $650,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset;

(2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(6) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(7) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A–11, part 7;

(8) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements, and that any conflicts of interest have been sufficiently addressed;

(9) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(10) includes a certification that the Assistant Commandant of the Coast Guard for Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater Systems program; and

(11) identifies progress in complying with the requirements of subsection (a).

(d) REPORTS.—(1) Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the

THE PAPER AND INK USED IN THE ORIGINAL PUBLICATION MAY AFFECT THE QUALITY OF THE MICROFORM EDITION.

Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: (i) a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater Systems program; and (ii) a report on how the Coast Guard will utilize full and open competition for any contract that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater Systems program, entered into after the date of enactment of this Act.

(2) Within 30 days following the submission of the expenditure plan required under subsection (c), the Government Accountability Office shall review the plan and brief the Committees on Appropriations of the Senate and the House of Representatives on its findings.

SEC. 6403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, and the Coast Guard Academy, except as specifically authorized by a statute enacted after the date of enactment of this Act.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 6404. (a) RESCISSIONS.—The following unobligated balances made available pursuant to section 505 of Public Law 109–90 are rescinded: $1,200,962 from the "Office of the Secretary and Executive Management"; $512,855 from the "Office of the Under Secretary for Management"; $461,874 from the "Office of the Chief Information Officer"; $45,080 from the "Office of the Chief Financial Officer"; $968,211 from Preparedness "Management and Administration"; $1,215,486 from Science and Technology "Management and Administration"; $450,000 from United States Secret Service "Salaries and Expenses"; $450,000 from Federal Emergency Management Agency "Administrative and Regional Operations"; and $25,595,532 from United States Coast Guard "Operating Expenses".

(b) ADDITIONAL APPROPRIATIONS.—

(1) For an additional amount for United States Coast Guard "Acquisition, Construction, and Improvements", $30,000,000, to remain available until September 30, 2009, to mitigate the Service's patrol boat operational gap.

(2) For an additional amount for the "Office of the Under Secretary for Management", $900,000 for an independent study to compare the Department of Homeland Security senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies as detailed in House Report 110–107: Provided, That the Department of Homeland Security shall provide to the Committees on Appropriations of the Senate and the House of Representatives by July 20, 2007, a report on senior staffing, as detailed in Senate Report 110–37, and the Government Accountability Office shall report on the strengths and weakness of this report within 90 days after its submission.

SEC. 6405. (a) IN GENERAL.—With respect to contracts entered into after July 1, 2007, and except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

(b) EXCEPTION.—An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

(1) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Commerce, Science and Transportation of the Senate that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(d) REGULATIONS UPDATE.—Not later than July 1, 2007, the Secretary of Homeland Security shall update the acquisition regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be: (1) a precise and comprehensive definition of the term "lead system integrator", modeled after that used by the Department of Defense; and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: "; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54".

SEC. 6502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: ", of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required".

SEC. 6503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after "$55,663,000" the following: "of which $13,000,000 shall be for Save America's Treasures".

SEC. 6504. Funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading "Land Acquisition" may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "National Institute of Allergy and Infectious Diseases", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "Office of the Director", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $300,000, to remain available until expended, for necessary expenses related to the requirements of the Post-Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RESCISSIONS)

SEC. 6601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after "$5,000,000": "(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost), to remain available through September 30, 2008,".

SEC. 6602. (a) None of the funds available to the Mine Safety and Health Administration under the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) shall be used to enter into or carry out a contract for the performance by a contractor of any operations or services pursuant to the public-private competitions conducted under Office of Management and Budget Circular A–76.

(b) Hereafter, Federal employees at the Mine Safety and Health Administration shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 6603. Section 20607 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting "of which $9,666,000 shall be for the Women's Bureau," after "for child labor activities,".

SEC. 6604. Of the amount provided for "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" in the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $23,000,000 shall be for Poison Control Centers.

SEC. 6605. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $500,000 are rescinded.

SEC. 6606. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking "$7,172,994,000" and inserting "$7,176,431,000";

(2) amending subparagraph (A) to read as follows: "(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;"; and

(3) amending subparagraph (C) to read as follows: "(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;".

SEC. 6607. The provision in the first proviso under the heading "Rehabilitation Services and Disability Research" in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

SEC. 6608. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for administrative expenses of the Department of Education, $500,000 are rescinded: Provided, That such reduction shall not apply to funds available to the Office for Civil Rights and the Office of the Inspector General.

SEC. 6609. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading "National and Community Service Programs, Operating Expenses" under the heading "Corporation for National and Community Service", to the account under the heading "Salaries and Expenses" under the heading "Corporation for National and Community Service".

SEC. 6610. (a) Section 1310.12(a) of title 45, Code of Federal Regulations, shall take effect 30 days after the date of enactment of this Act.

(b)(1) Not later than 60 days after the National Highway Traffic Safety Administration of the Department of Transportation submits its study on occupant protection on Head Start transit vehicles (related to Government Accountability Office report GAO–06–767R), the Secretary of Health and Human Services shall review and shall revise as necessary the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) relating to allowable alternate vehicles used to transport children for a Head Start program. In making any such revision, the Secretary shall revise the standards to be consistent with the findings contained in such study, including making a determination on the exemption of such a vehicle from Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, if such vehicle meets all other applicable Federal motor vehicle safety standards, including standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling).

(2) Notwithstanding subsection (a), until such date as the Secretary of Health and Human Services completes the review and any necessary revision specified in paragraph (1), the provisions of section 1310.12(a) relating to Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, for allowable alternate vehicles used to transport children for a Head Start program, shall not apply to such a vehicle if such vehicle meets all other applicable Federal motor vehicle safety standards, as described in paragraph (1).

SEC. 6611. (a)(1) Section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)(G)) (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended—

(A) in clause (i)(II)(aa), by striking "for each of the 3 plan years immediately before the date of the enactment of the Pension Protection Act of 2006," and inserting "for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan,";

(B) in clause (ii), by striking "starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006" and inserting "starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under clause (i)(II)"; and

(C) by adding at the end the following new clause:

"(vii) For purposes of this Act and the Internal Revenue Code of 1986, a plan making an election under this subparagraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.".

(2) Paragraph (6) of section 414(f) of the Internal Revenue Code of 1986 (relating to election with regard to multiemployer status) (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended—

(A) in subparagraph (A)(ii)(I), by striking "for each of the 3 plan years immediately before the date of enactment of the Pension Protection Act of 2006," and inserting "for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan,";

(B) in subparagraph (B), by striking "starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006" and inserting "starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under subparagraph (A)(ii)"; and

(C) by adding at the end the following new subparagraph:

"(F) MAINTENANCE UNDER COLLECTIVE BARGAINING AGREEMENT.—For purposes of this title and the Employee Retirement Income Security Act of 1974, a plan making an election under this paragraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.".

(b)(1) Clause (vi) of section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended by striking "if it is a plan—" and all that follows and inserting the following: "if it is a plan sponsored by an organization which is described in section 501(c)(5) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which was established in Chicago, Illinois, on August 12, 1881.".

(2) Subparagraph (E) of section 414(f)(6) of the Internal Revenue Code of 1986 (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended by striking "if it is a plan—" and all that follows and inserting the following: "if it is a plan sponsored by an organization which is described in section 501(c)(5) and exempt from tax under section 501(a) and which was established in Chicago, Illinois, on August 12, 1881.".

(c) The amendments made by this section shall take effect as if included in section 1106 of the Pension Protection Act of 2006.

SEC. 6612. (a) Subclause (III) of section 420(f)(2)(E)(i) of the Internal Revenue Code of 1986 is amended by striking "subsection (c)(2)(E)(ii)(II)" and inserting "subsection (c)(3)(E)(ii)(II)".

(b) Section 420(e)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "funding shortfall" and inserting "funding target".

(c) The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 6613. (a) Subparagraph (A) of section 420(c)(3) of the Internal Revenue Code of 1986 is amended by striking "transfer." and inserting "transfer or, in the case of a transfer which involves a plan maintained by an employer described in subsection (f)(2)(E)(i)(III), if the plan meets the requirements of subsection (f)(2)(D)(i)(II).".

(b) The amendment made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

SEC. 6614. (a) Section 402(i)(1) of the Pension Protection Act of 2006 is amended by striking "December 28, 2007" and inserting "January 1, 2008".

(b) The amendment made by subsection (a) shall take effect as if included in section 402 of the Pension Protection Act of 2006.

SEC. 6615. (a) Section 402(a)(2) of the Pension Protection Act of 2006 is amended by inserting "and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)" after "such plan year".

(b) The amendment made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Gloria W. Norwood, widow of Charles W. Norwood, Jr., late a Representative from the State of Georgia, $165,200.

For payment to James McDonald, Jr., widower of Juanita Millender-McDonald, late a Representative from the State of California, $165,200.

GENERAL PROVISION—THIS CHAPTER

SEC. 6701. (a) There is established in the Office of the Architect of the Capitol the position *of Chief Executive Officer for Visitor Services (in this section referred to as the "Chief Executive Officer"), who shall be appointed by the Architect of the Capitol.*

(b) The Chief Executive Officer shall be responsible for the operation and management of the Capitol Visitor Center, subject to the direction of the Architect of the Capitol. In carrying out these responsibilities, the Chief Executive Officer shall report directly to the Architect of the Capitol and shall be subject to policy review and oversight by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(c) The Chief Executive Officer shall be paid at an annual rate equal to the annual rate of pay for the Chief Operating Officer of the Office of the Architect of the Capitol.

(d) This section shall apply with respect to fiscal year 2007 and each succeeding fiscal year.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

TECHNICAL AMENDMENT

SEC. 6801. (a) Notwithstanding any other provision of law, subsection (c) under the heading "Assistance for the Independent States of the Former Soviet Union" in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109-289, division B) as amended by Public Laws 109-369, 109-383, and 110-5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102) is amended, in the second proviso, by inserting after "subsection (b) of that section" the following: "and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section".

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Law 110–5), the amount of funds appropriated for "Foreign Military Financing Program" pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

SEC. 6802. Notwithstanding any provision of title I of division B of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 109–369, 109–383, and 110–5), the dollar amount limitation of the first proviso under the heading, "Administration of Foreign Affairs, Diplomatic and Consular Programs", in title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2319) shall not apply to funds appropriated under such heading for fiscal year 2007.

CHAPTER 9

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $6,150,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109-115: Provided, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6901. (a) Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexico-domiciled motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

(b) Prior to the initiation of the pilot program described in subsection (a) in any fiscal year—

(1) the Inspector General of the Department of Transportation shall transmit to Congress and the Secretary of Transportation a report verifying compliance with each of the requirements of subsection (a) of section 350 of Public Law 107–87, including whether the Secretary of Transportation has established sufficient mechanisms to apply Federal motor carrier safety laws and regulations to motor carriers domiciled in Mexico that are granted authority to operate beyond the United States municipalities and commercial zones on the United States-Mexico border and to ensure compliance with such laws and regulations; and

(2) the Secretary of Transportation shall—

(A) take such action as may be necessary to address any issues raised in the report of the Inspector General under subsection (b)(1) and submit a report to Congress detailing such actions; and

(B) publish in the Federal Register, and provide sufficient opportunity for public notice and comment—

(i) comprehensive data and information on the pre-authorization safety audits conducted before and after the date of enactment of this Act of motor carriers domiciled in Mexico that are granted authority to operate beyond the United States municipalities and commercial zones on the United States-Mexico border;

(ii) specific measures to be required to protect the health and safety of the public, including enforcement measures and penalties for noncompliance;

(iii) specific measures to be required to ensure compliance with section 391.11(b)(2) and section 365.501(b) of title 49, Code of Federal Regulations;

(iv) specific standards to be used to evaluate the pilot program and compare any change in the level of motor carrier safety as a result of the pilot program; and

(v) a list of Federal motor carrier safety laws and regulations, including the commercial drivers license requirements, for which the Secretary of Transportation will accept compliance with a corresponding Mexican law or regulation as the equivalent to compliance with the United States law or regulation, including for each law or regulation an analysis as to how the corresponding United States and Mexican laws and regulations differ.

(c) During and following the pilot program described in subsection (a), the Inspector General of the Department of Transportation shall monitor and review the conduct of the pilot program and submit to Congress and the Secretary of Transportation an interim report, 6 months after the commencement of the pilot program, and a final report, within 60 days after the conclusion of the pilot program. Such reports shall address whether—

(1) the Secretary of Transportation has established sufficient mechanisms to determine whether the pilot program is having any adverse effects on motor carrier safety;

(2) Federal and State monitoring and enforcement activities are sufficient to ensure that participants in the pilot program are in compliance with all applicable laws and regulations; and

(3) the pilot program consists of a representative and adequate sample of Mexico-domiciled carriers likely to engage in cross-border operations beyond United States municipalities and commercial zones on the United States-Mexico border.

(d) In the event that the Secretary of Transportation in any fiscal year seeks to grant operating authority for the purpose of initiating cross-border operations beyond United States municipalities and commercial zones on the United States-Mexico border either with Mexico-domiciled motor coaches or Mexico-domiciled commercial motor vehicles carrying placardable quantities of hazardous materials, such activities shall be initiated only after the conclusion of a separate pilot program limited to vehicles of the pertinent type. Each such separate pilot program shall follow the same requirements and processes stipulated under subsections (a) through (c) of this section and shall be planned, conducted and evaluated in concert with the Department of Homeland Security or its Inspector General, as appropriate, so as to address any and all security concerns associated with such cross-border operations.

SEC. 6902. Funds provided for the "National Transportation Safety Board, Salaries and Expenses" in section 21031 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) include amounts necessary to make lease payments due in fiscal year 2007 only, on an obligation incurred in 2001 under a capital lease.

SEC. 6903. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: ": Provided further, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading 'Annual Contributions for Assisted Housing', the heading 'Housing Certificate Fund', and the heading 'Project-Based Rental Assistance' for fiscal year 2006 and prior fiscal years: Provided further, That paragraph (3) under such heading in Public Law 109-115 (119 Stat. 2441) shall be funded at $47,500,000: Provided further, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: Provided further, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance".

SEC. 6904. Section 232(b) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377) is amended to read as follows:

"(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) as in effect before such enactment, or under section 8(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)) as in effect before the enactment of the Quality Housing and Work Responsibility Act of 1998 (title V of Public Law 105–276), assistance may be renewed or extended under such section 8(o)(13), as amended by subsection (a), provided that the initial contract term and rent of such renewed or extended assistance shall be determined pursuant to subparagraphs (F) and (H), and subparagraphs (C) and (D) of such section shall not apply to such extensions or renewals.".

TITLE VII—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

STATE CHILDREN'S HEALTH INSURANCE FUND

For an additional amount to provide additional allotments to remaining shortfall States under section 2104(h)(4) of the Social Security Act, as inserted by section 6001, such sums as may be necessary, but not to exceed $650,000,000 for fiscal year 2007, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 7001. (a) ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking "REMAINDER OF REDUCTION" and inserting "PART"; and

(2) by striking paragraph (4) and inserting the following:

"(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

"(A) IN GENERAL.—From the amounts provided in advance in appropriations Acts, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

"(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected Federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and

"(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).".

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking "subject to paragraph (4)(B) and";

(2) in paragraph (2)(B), by striking "subject to paragraph (4)(B) and";

(3) in paragraph (5)(A), by striking "and (3)" and inserting "(3), and (4)"; and

(4) in paragraph (6)—

(A) in the first sentence—

(i) by inserting "or allotted" after "redistributed"; and

(ii) by inserting "or allotments" after "redistributions"; and

(B) by striking "and (3)" and inserting "(3), and (4)".

SEC. 7002. (a) PROHIBITION.—

(1) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to—

(A) finalize or otherwise implement provisions contained in the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations);

(B) promulgate or implement any rule or provisions similar to the provisions described in subparagraph (A) pertaining to the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act; or

(C) promulgate or implement any rule or provisions restricting payments for graduate medical education under the Medicaid program.

(2) CONTINUATION OF OTHER SECRETARIAL AUTHORITY.—The Secretary of Health and Human Service shall not be prohibited during the period described in paragraph (1) from taking any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to enforce a provision of law in effect as of the date of enactment of this Act with respect to the Medicaid program or the State Children's Health Insurance Program, or to promulgate or implement a new rule or provision during such period with respect to such programs, other than a rule or provision described in paragraph (1) and subject to the prohibition set forth in that paragraph.

(b) REQUIREMENT FOR USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER THE MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking "or" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; or"; and

(C) by inserting after paragraph (22) the following new paragraph:

"(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions executed after September 30, 2007.

(c) EXTENSION OF CERTAIN PHARMACY PLUS WAIVERS.—

(1) AUTHORITY TO CONTINUE TO OPERATE WAIVERS.—Notwithstanding any other provision of law, any State that is operating a Pharmacy Plus waiver described in paragraph (2) which would otherwise expire on June 30, 2007, may elect to continue to operate the waiver through December 31, 2009, and if a State elects to continue to operate such a waiver, the Secretary of Health and Human Services shall approve the continuation of the waiver through December 31, 2009.

(2) PHARMACY PLUS WAIVER DESCRIBED.—For purposes of paragraph (1), a Pharmacy Plus waiver described in this paragraph is a waiver approved by the Secretary of Health and Human Services under the authority of section 1115 of the Social Security Act (42 U.S.C. 1315) that provides coverage for prescription drugs for individuals who have attained age 65 and whose family income does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of such Act (42 U.S.C. 1397jj(c)(5))).

TITLE VIII—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 8101. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 8102. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 8103. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a)—

(1) the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this paragraph is equal to the minimum wage set forth in such section; and

(2) the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) the applicable wage rate in effect for each industry and classification under section 697 of title 29, Code of Federal Regulations, on the date of enactment of this Act;

(B) increased by $0.50 an hour, beginning on the 60th day after the date of enactment of this Act; and

(C) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended—

(A) by striking sections 5 and 8; and

(B) in section 6(a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 60 days after the date of enactment of this Act.

SEC. 8104. STUDY ON PROJECTED IMPACT.

(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

(1) assess the impact of the wage increases required by this Act through such date; and

(2) project the impact of any further wage increase,

on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) REPORT.—Not later than the date that is 8 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).

Subtitle B—Small Business Tax Incentives

SEC. 8201. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Small Business and Work Opportunity Tax Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Sec. 8201. Short title; amendment of Code; table of contents.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

SUBPART A—GENERAL PROVISIONS

Sec. 8211. Extension and modification of work opportunity tax credit.
Sec. 8212. Extension and increase of expensing for small business.
Sec. 8213. Determination of credit for certain taxes paid with respect to employee cash tips.
Sec. 8214. Waiver of individual and corporate alternative minimum tax limits on work opportunity credit and credit for taxes paid with respect to employee cash tips.
Sec. 8215. Family business tax simplification.

SUBPART B—GULF OPPORTUNITY ZONE TAX INCENTIVES

Sec. 8221. Extension of increased expensing for qualified section 179 Gulf Opportunity Zone property.
Sec. 8222. Extension and expansion of low-income housing credit rules for buildings in the GO Zones.
Sec. 8223. Special tax-exempt bond financing rule for repairs and reconstructions of residences in the GO Zones.
Sec. 8224. GAO study of practices employed by State and local governments in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005.

SUBPART C—SUBCHAPTER S PROVISIONS

Sec. 8231. Capital gain of S corporation not treated as passive investment income.
Sec. 8232. Treatment of bank director shares.
Sec. 8233. Special rule for bank required to change from the reserve method of accounting on becoming S corporation.
Sec. 8234. Treatment of the sale of interest in a qualified subchapter S subsidiary.
Sec. 8235. Elimination of all earnings and profits attributable to pre-1983 years for certain corporations.
Sec. 8236. Deductibility of interest expense on indebtedness incurred by an electing small business trust to acquire S corporation stock.

PART 2—REVENUE PROVISIONS

Sec. 8241. Increase in age of children whose unearned income is taxed as if parent's income.
Sec. 8242. Suspension of certain penalties and interest.
Sec. 8243. Modification of collection due process procedures for employment tax liabilities.
Sec. 8244. Permanent extension of IRS user fees.
Sec. 8245. Increase in penalty for bad checks and money orders.
Sec. 8246. Understatement of taxpayer liability by return preparers.
Sec. 8247. Penalty for filing erroneous refund claims.
Sec. 8248. Time for payment of corporate estimated taxes.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 8211. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking "December 31, 2007" and inserting "August 31, 2011".

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) DESIGNATED COMMUNITY RESIDENTS.—

"(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability, and—

"(I) having a hiring date which is not more that 1 year after having been discharged or released from active duty in the Armed Forces of the United States, or

"(II) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.".

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "ONLY FIRST $6,000 OF" in the heading and inserting "LIMITATION ON".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 8212. EXTENSION AND INCREASE OF EXPENSING FOR SMALL BUSINESS.

(a) EXTENSION.—Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179 (relating to election to expense certain depreciable business assets) are each amended by striking "2010" and inserting "2011".

(b) INCREASE IN LIMITATIONS.—Subsection (b) of section 179 is amended—

(1) by striking "$100,000 in the case of taxable years beginning after 2002" in paragraph (1) and inserting "$125,000 in the case of taxable years beginning after 2006", and

(2) by striking "$400,000 in the case of taxable years beginning after 2002" in paragraph (2) and inserting "$500,000 in the case of taxable years beginning after 2006".

(c) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(5) is amended—

(1) by striking "2003" and inserting "2007",

(2) by striking "$100,000 and $400,000" and inserting "$125,000 and $500,000", and

(3) by striking "2002" in clause (ii) and inserting "2006".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8213. DETERMINATION OF CREDIT FOR CERTAIN TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) IN GENERAL.—Subparagraph (B) of section 45B(b)(1) is amended by inserting "as in effect on January 1, 2007, and" before "determined without regard to".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to tips received for services performed after December 31, 2006.

SEC. 8214. WAIVER OF INDIVIDUAL AND CORPORATE ALTERNATIVE MINIMUM TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) Allowance Against Alternative Minimum Tax.—Subparagraph (B) of section 38(c)(4) is amended by striking "and" at the end of clause (i), by inserting a comma at the end of clause (ii), and by adding at the end the following new clauses:

"(iii) the credit determined under section 45B, and

"(iv) the credit determined under section 51.".

(b) Effective Date.—The amendments made by this section shall apply to credits determined under sections 45B and 51 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2006, and to carrybacks of such credits.

SEC. 8215. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) In General.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Qualified Joint Venture.—

"(1) In general.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

"(A) such joint venture shall not be treated as a partnership,

"(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

"(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

"(2) Qualified joint venture.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—'

"(A) the only members of such joint venture are a husband and wife,

"(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

"(C) both spouses elect the application of this subsection.".

(b) Net Earnings From Self-Employment.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking ", and" at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of paragraph (16) and inserting "; and", and by inserting after paragraph (16) the following new paragraph:

"(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.".

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subpart B—Gulf Opportunity Zone Tax Incentives

SEC. 8221. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking "this subsection, the term" and inserting:

"this subsection—

"(A) In general.—The term", and

(2) by adding at the end the following new subparagraph:

"(B) Extension for certain property.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

"(i) without regard to subsection (d)(6), and

"(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.".

SEC. 8222. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) Time for Making Low-Income Housing Credit Allocations.—Subsection (c) of section 1400N (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) Time for making low-income housing credit allocations.—Section 42(h)(1)(B) shall not apply to an allocation of housing credit dollar amount to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone, if such allocation is made in 2006, 2007, or 2008, and such building is placed in service before January 1, 2011.".

(b) Extension of Period for Treating GO Zones as Difficult Development Areas.—

(1) In general.—Subparagraph (A) of section 1400N(c)(3) is amended by striking "2006, 2007, or 2008" and inserting "the period beginning on January 1, 2006, and ending on December 31, 2010".

(2) Conforming amendment.—Clause (ii) of section 1400N(c)(3)(B) is amended by striking "such period" and inserting "the period described in subparagraph (A)".

(c) Community Development Block Grants Not Taken Into Account in Determining if Buildings Are Federally Subsidized.—Subsection (c) of section 1400N (relating to low-income housing credit), as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) Community development block grants not taken into account in determining if buildings are federally subsidized.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.".

SEC. 8223. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Subsection (a) of section 1400N (relating to tax-exempt bond financing) is amended by adding at the end the following new paragraph:

"(7) Special rule for repairs and reconstructions.—

"(A) In general.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

"(B) Qualified GO zone repair or reconstruction.—For purposes of subparagraph (A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

"(C) Termination.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.".

SEC. 8224. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) In General.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) Submission of Report.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) Congressional Hearings.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

Subpart C—Subchapter S Provisions

SEC. 8231. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) In General.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraphs:

"(B) Gross receipts from the sales of certain assets.—For purposes of this paragraph—

"(i) in the case of dispositions of capital assets (other than stock and securities), gross receipts from such dispositions shall be taken into account only to the extent of the capital gain net income therefrom, and

"(ii) in the case of sales or exchanges of stock or securities, gross receipts shall be taken into account only to the extent of the gains therefrom.

"(C) Passive investment income defined.—

"(i) In general.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) Exception for interest on notes from sales of inventory.—The term 'passive investment income' shall not include interest on any *obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).*

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 8232. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f).".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 8233. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8234. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) IN GENERAL.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8235. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 8236. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

"(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART 2—REVENUE PROVISIONS

SEC. 8241. INCREASE IN AGE OF CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

"(A) such child—

"(i) has not attained age 18 before the close of the taxable year, or

"(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

"(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof)) for such taxable year,".

(b) CONFORMING AMENDMENT.—Subsection (g) of section 1 is amended by striking "MINOR" in the heading thereof.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 8242. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking "18-month period" and inserting "36-month period".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of this Act.

SEC. 8243. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a disqualified employment tax levy,".

(b) DISQUALIFIED EMPLOYMENT TAX LEVY.—Section 6330 of such Code (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(h) DISQUALIFIED EMPLOYMENT TAX LEVY.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of the preceding sentence, the term

'employment taxes' means any taxes under chapter 21, 22, 23, or 24.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies served on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 8244. PERMANENT EXTENSION OF IRS USER FEES.

Section 7528 (relating to Internal Revenue Service user fees) is amended by striking subsection (c).

SEC. 8245. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 8246. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking "income" each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking "subtitle A" each place it appears and inserting "this title".

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "TAX RETURN PREPARERS".

(ii) Section 6060(a) is amended—

(I) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(II) by striking "each income tax return preparer" and inserting "each tax return preparer", and

(III) by striking "another income tax return preparer" and inserting "another tax return preparer".

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking "**Income Tax Return Preparers**" in the heading and inserting "**Tax Return Preparers**".

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(B) Section 6103(k)(5) is amended—

(i) by striking "income tax return preparer" each place it appears and inserting "tax return preparer", and

(ii) by striking "income tax return preparers" each place it appears and inserting "tax return preparers".

(C)(i) Section 6107 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears in subsections (a) and (b) and inserting "a tax return preparer",

(III) by striking "INCOME TAX RETURN PREPARER" in the heading for subsection (b) and inserting "TAX RETURN PREPARER", and

(IV) in subsection (c), by striking "income tax return preparers" and inserting "tax return preparers".

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking "Income tax return preparer" and inserting "Tax return preparer".

(D) Section 6109(a)(4) is amended—

(i) by striking "an income tax return preparer" and inserting "a tax return preparer", and

(ii) by striking "INCOME RETURN PREPARER" in the heading and inserting "TAX RETURN PREPARER".

(E) Section 6503(k)(4) is amended by striking "Income tax return preparers" and inserting "Tax return preparers".

(F)(i) Section 6694 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**".

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) in subsection (c)(2), by striking "the income tax return preparer" and inserting "the tax return preparer",

(IV) in subsection (e), by striking "subtitle A" and inserting "this title", and

(V) in subsection (f), by striking "income tax return preparer" and inserting "tax return preparer".

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers.".

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

"(A) the tax return preparer knew (or reasonably should have known) of the position,

"(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

"(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

"(ii) there was no reasonable basis for the position.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $5,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

"(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

"(B) a reckless or intentional disregard of rules or regulations.

"(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 8247. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit which is subject to a penalty imposed under part II of subchapter A of chapter 68.".

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 *is amended by inserting after the item relating to section 6675 the following new item:*

"Sec. 6676. Erroneous claim for refund or credit.".

(c) Effective Date.—The amendments made by this section shall apply to any claim filed or submitted after the date of the enactment of this Act.

SEC. 8248. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "106.25 percent" and inserting "114.25 percent".

Subtitle C—Small Business Incentives

SEC. 8301. SHORT TITLE.

This subtitle may be cited as the "Small Business and Work Opportunity Act of 2007".

SEC. 8302. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) In General.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) Compliance Guide.—

"(1) In general.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) Publication of guides.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) Publication date.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) Compliance actions.—

"(A) In general.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) Explanation.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) Procedures.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) Agency preparation of guides.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) Reporting.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) Technical and Conforming Amendment.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SEC. 8303. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) Establishment.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) Application.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) Amount and Period of Grant.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) Use of Funds.—

(1) In general.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) Application.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) Preference.—

(A) In general.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) Consortium.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) Limitations.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) Matching Requirement.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) Requirements of Providers.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) State-Level Activities.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) Administration.—

(1) State responsibility.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) Audits.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) Misuse of funds.—

(A) Repayment.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) Appeals process.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) Reporting Requirements.—

(1) 2-year study.—

(A) In general.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local

level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) Report.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-year study.—

(A) In general.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) Report.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) Definitions.—In this section:

(1) Covered entity.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) Indian community.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) Indian tribe; tribal organization.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) Small business.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) State.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) Application to Indian Tribes and Tribal Organizations.—In this section:

(1) In general.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) Geographic references.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) State-level activities.—The term "State-level activities" includes activities at the tribal level.

(l) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) Studies and administration.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) Termination of Program.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 8304. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 8305. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) In General.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) Continued Funding for Centers.—

"(1) In general.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) Applicability.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) Application and approval criteria.—

"(A) Criteria.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) Contents.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) Notification.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) Award of grants.—

"(A) In general.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) Amount.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) Federal share.—The Federal share under this subsection shall be not more than 50 percent.

"(D) Priority.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) Renewal.—

"(A) In general.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) Unlimited renewals.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) Privacy Requirements.—

"(1) In general.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) Administration use of information.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) Regulations.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) Repeal.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) Transitional Rule.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SEC. 8306. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) In General.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) Reports.—

"(1) In general.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

"(2) Contents of report.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) Public availability.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) Exception for intelligence community.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section

3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

TITLE IX—AGRICULTURAL ASSISTANCE

SEC. 9001. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005, 2006, or 2007 crop, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before February 28, 2007, or, in the case of prevented planting or other total loss, would have been planted before February 28, 2007, in the absence of the damaging weather or any related condition.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 42 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 42 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 9002. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 61 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster

conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for assistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 26 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) LIVESTOCK DEFINED.—In this subsection, the term "livestock" means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

SEC. 9003. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $16,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

SEC. 9004. PAYMENT LIMITATIONS.

(a) REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.—The amount of any payment for which a producer is eligible under sections 9001 and 9002 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006 or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(b) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply with respect to assistance provided under sections 9001, 9002, and 9003.

SEC. 9005. ADMINISTRATION.

(a) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 9001 and 9002.

(b) PROCEDURE.—The promulgation of the implementing regulations and the administration of sections 9001 and 9002 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) USE OF COMMODITY CREDIT CORPORATION; LIMITATION.—In implementing sections 9001 and 9002, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 9001 and 9002 unless funds have been specifically appropriated for such purpose.

SEC. 9006. MILK INCOME LOSS CONTRACT PROGRAM.

(a) Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) in subparagraph (B), by striking "August" and all that follows through the end and inserting "September 30, 2007, 34 percent."; and

(3) by striking subparagraph (C).

(b) Section 10002 of this Act shall not apply to this section except with respect to fiscal years 2007 and 2008.

SEC. 9007. DAIRY ASSISTANCE.

There is hereby appropriated $16,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 9002 of this title, to remain available until expended.

SEC. 9008. NONINSURED CROP ASSISTANCE PROGRAM.

For states in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 9009. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

There is hereby appropriated $16,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

SEC. 9010. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking "section 726" and inserting in lieu thereof "section 726; section 741".

SEC. 9011. ADMINISTRATIVE EXPENSES.

There is hereby appropriated $22,000,000 for the "Farm Service Agency, Salaries and Expenses", to remain available until September 30, 2008.

SEC. 9012. CONTRACT WAIVER.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

TITLE X—GENERAL PROVISIONS

SEC. 10001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 10002. Amounts in this Act (other than in titles VI and VIII) are designated as emergency requirements and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

Mr. REID. Mr. President, I move to concur in the House amendment.

Mr. President, more than 4 years ago, the Bush administration took this Nation to war in Iraq—took this Nation to war in Iraq without sufficient troops, without a plan to win the peace, and without truth regarding Saddam Hussein's nonexistent weapons of mass destruction or his nonexistent links to al-Qaida.

Nearly 51 months later—6 months longer than it took this Nation to defeat Germany and Japan in World War II—the violence in Iraq continues and the cost to our military and our Nation has been frightening. More than 3,400 American troops have made the ultimate sacrifice—death. Nine were killed yesterday and two more today in this escalating violence across Iraq in which we are losing our brave men and women. Guard and Reserve units all across America lack equipment to do their jobs at home and in Iraq. U.S. citizens have provided nearly half a trillion dollars to cover the cost of this intractable civil war. And because of this war, our Nation has been totally distracted in its effort to defeat those who attacked us on 9/11. Indeed, more than 5 years after 9/11, Osama bin Laden is still free, and al-Qaida remains an important force.

Throughout all this, our military has performed heroically. Our troops have done everything asked of them and even more. Our troops toppled a dictator and gave the Iraqis a chance to establish a new government and a new way of life. Unfortunately, the Bush administration did not provide them a strategy to match that sacrifice. Iraq is now in a state of civil war, with no end in sight, and our valiant troops are caught in the middle.

Instead of accepting this reality, President Bush has stubbornly refused to change course. Instead of listening to his military commanders who say there is no military solution in Iraq, he has plunged our forces further into sectarian fighting. Instead of accepting a bipartisan path in Iraq offered by Congress and even the Iraq Study Group, this President stubbornly clings to his failed "my way or the highway" approach to governing America.

MG John Batiste, who commanded the First Infantry Division in Iraq, says this about the President's failed Iraq policy:

> Here is the bottom line: Americans must come to grips with the fact that our military alone cannot establish a democracy. We cannot sustain the current operational tempo without seriously damaging the Army and Marine Corps. Our troops have been asked to carry the burden of an ill-conceived mission.

Earlier this year, former U.S. Secretary of State Henry Kissinger said: The problems in Iraq are more complex than Vietnam, and military victory is no longer possible. Henry Kissinger said—and I repeat—the problems in Iraq are more complex than Vietnam, and military victory is no longer possible.

GEN George Casey, former Commander of U.S. Forces in Iraq, and currently Chief of Staff of the Army, said:

> It has always been my view that a heavy and sustained military presence was not going to solve the problem in Iraq.

That was General Casey. Six months ago, the Iraq Study Group said the situation in Iraq was grave and deteriorating. The civil war in Iraq has only gotten more pronounced since then. Unfortunately, the President's escalation strategy has not produced the positive results we seek. Attacks on U.S. forces have increased, not decreased. Since the onset of this latest surge, more than three U.S. soldiers have been killed every day. Nearly 90 soldiers have been killed this month so far, and almost 400 since the escalation plan began. Sectarian killings have increased to presurge levels.

According to today's Washington Post newspaper, over 300 unidentified corpses, most dumped in streets and alleys and water sewer systems, showing signs of torture and execution, were found all across the capital of Iraq in the month of May. And the month of May is not over.

Four million Iraqis, including 1.6 million children, have fled their homes because of the violence, setting the stage for a massive humanitarian crisis.

Our military has been pushed to the breaking point. To make up for the shortages of combat-ready forces, tours of duty have now been extended from 12 to 15 months, with many soldiers now in their third and fourth tours.

Mr. President, I spoke just last week to one Nevada family whose son was killed in action last week. We all remember there were three hostages, prisoners of war. I called the father, and he said: I pray that my boy is one of the three. There were four that were unidentified. Well, his prayers were not answered. His son was the one incinerated in the humvee, and they had to wait until they took DNA to find out it was his son.

This soldier had survived four vehicle explosions during his four tours of duty. That is too much to ask of any soldier or his family. Perhaps, not surprisingly after all, this soldier expressed reservations about the war in Iraq, is what he told his best friend before he left for the fourth time. His grandfather said:

> It is a waste of young lives. We should not be in the middle of a civil war.

Meanwhile, our capacity to respond to other challenges around the world has been greatly constrained. Terror attacks across the world are up, not down. U.S. influence and standing is down, not up. By focusing on Iraq and doing little or nothing in the rest of the Middle East, this critical region has been destabilized even further and stands even closer to a broader regional war.

The American people saw all this unfolding last November and they reached a conclusion that enough was enough. That is why they sent this President and Congress a clear and unmistakable challenge and a direct message: Find a responsible end to this war.

That is what congressional Democrats have done. From the very first day of this democratically controlled Congress, we have made it clear to the President that the days of blank checks and green lights for his failed policy are over. After 6 years of rubberstamping President Bush's failed policy, Congress has reasserted its rightful position in our constitutional form of Government.

Democrats have held more hearings on Iraq in 4 months than the Republican-controlled Congress held in 4 years. We have repeatedly forced our Republican colleagues in the Senate and in the House to debate and vote on where people stand with respect to the President's failed Iraq policy. With each step we have taken, the pressure on the President and his Republican allies to change course has grown.

The most important step we have taken occurred last month. In the face of heavy White House pressure and more misleading statements by administration officials, Congress was able to pass a bill that did what the American people asked us to do: No. 1, fully fund our troops and, No. 2, immediately change the direction of the war in Iraq.

In addition, the bill provides much needed funds to procure additional equipment for our Guard and Reserve and to provide health care services for active-duty troops and America's heroic veterans.

As the Senate Democratic leader, I am very proud of Senate Democrats. In less than 4 months of Democratic control, with virtual Democratic unanimity, Congress sent the President binding language that would truly compel him to do what the American people desire. Unfortunately, though, the President vetoed that important legislation, leaving him further isolated from the American people, military experts, and an increasing number of his own political party.

In the days since that veto, we have had negotiations with the administration about how to proceed. The President made it very clear as late as last night that he intended to veto any effort to implement timelines, transition the mission, or ensure the readiness of our troops before they are deployed. Furthermore, here in the Senate our minority colleagues made it clear they are determined to place procedural hurdles, most notably requiring 60 votes rather than a simple majority, in front of those who seek to significantly alter the President's Iraq policy. Democratic unanimity with a handful of Republicans will not be sufficient to do what we believe must be done. Until more Republicans develop the courage to step forward and insist that the President change course in Iraq, Republican intransigence has left us with no good options.

How to vote on this bill before us is a very difficult and personal decision for each Member of this Senate. There are many thoughtful members of my caucus who believe we should vote no, and continue to vote no until the President and his supporters come to their senses. There are equally thoughtful members who believe we must vote yes because this bill does take a step forward in holding the President and the Iraqis accountable and it does increase pressure on this administration and its supporters to change direction in Iraq.

Although this is a very close call for me, as I suspect it is for many Senators, I have decided to support this measure. But let me say, I know those who oppose this bill care as deeply about the safety of our troops as I do. They know I care as deeply about changing the course in Iraq as they do.

This bill before us clearly does not go as far as a bipartisan majority of Congress would like. But it goes a lot further than the President and his supporters were willing to go earlier this month. That is why we saw this headline in a recent edition of the Los Angeles Times. Here is what it said: "Senate Tilting On Iraq Policies; Republicans Show Their Strongest Willingness Yet To Rein In Bush."

Here is what the bill requires of the administration and Iraqis, the one before us tonight: It establishes 18 benchmarks on which to measure the Iraqi Government's performance; restricts the use of foreign aid to the Iraqi Government should they fail to make meaningful progress; requires the President to certify that the Iraqi Government deserves these funds even if they fail to perform as promised; requires the administration to testify before Congress and an independent assessment by the Government Accountability Office on the performance of the Iraqi Government; requires the President submit a report on the combat proficiency of Iraqi security forces; requires the President to redeploy our troops if the Iraqi Government concludes our presence is no longer desired; restricts use of Defense Department funding until Congress receives information about contractors in Iraq; and states official U.S. policy precludes permanent military bases in Iraq, no torture of detainees, and no designs on Iraqi oil.

When the President signs the bill, that will be the law. Some of this language is taken from an amendment offered by Senator JOHN WARNER last week. Senator WARNER offered his amendment as an alternative to the Feingold-Reid amendment that would have immediately transitioned the mission in Iraq and required a phased redeployment by April 2008. Naturally I said the Feingold-Reid language was far superior to the Warner language. However, today we don't have the option of choosing between Feingold-Reid and Warner. I wish we did. Although the Warner language is weak by comparison to Feingold-Reid, and I so stated on the Senate floor last week, I believe we can begin holding the administration accountable if we adopt the Warner language plus the other Iraq-related provisions contained in this bill, which I have outlined.

I know none of these measures comes close to the timelines and accountability provisions I supported in the vetoed bill. However, I also know these provisions will force the administration to do more than they have ever done before. I also know the stakes are too high and our obligation to the troops and the country is too great for us to stop working to force the President and his supporters to change course. The burden for securing and governing Iraq must now rest with the Iraqi people.

As General Abizaid said:

> It is easy for Iraqis to reply upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

GEN Doug Lute, recently nominated by President Bush to be his war czar, said:

> We believe at some point, in order to break this dependence on the coalition, you simply have to back off and let the Iraqis step forward.

As long as I am Democratic leader and this President persists in pursuing the worst foreign policy blunder in this Nation's history, the American people should know I am determined to fight for change in Iraq. The Senate Armed Services Committee reported the fiscal year 2008 Defense authorization bill earlier today. We will move to it in our next work period, which starts in about 10 days. This battle for responsible and effective Iraq policy will be joined in the Senate no later than when we take up that bill. Senate Democrats will not stop our efforts to change our course in this war until either enough Republicans join us to reject President Bush's failed policy or we get a new President.

In 1941, in an address at Harrow School, Winston Churchill said:

> Never give in. Never give in. Never, never, never. . . .

My colleagues here in the Senate, particularly my Republican colleagues, should know this is precisely my attitude when it comes to bringing about a change in course in the intractable civil war in Iraq. Although I didn't get everything I sought in the bill before us, and that is an understatement, I will not give up until the supporters of the President's failed policy accept the realities on the ground in Iraq, until they accept that the President's plan is not working, that this war must come to an end, and that it is time for our troops to come home in a safe and responsible way.

Paraphrasing the words of Winston Churchill, when it comes to forcing the President to change course in Iraq, Senate Democrats will never give in, never give in, never, never, never.

I ask for the yeas and nays.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Utah (Mr. HATCH), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 14, as follows:

The result was announced—yeas 80, nays 14, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—80

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Inouye
Isakson
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb

NAYS—14

Boxer
Burr
Clinton
Coburn
Dodd
Enzi
Feingold
Kennedy
Kerry
Leahy
Obama
Sanders
Whitehouse
Wyden

NOT VOTING—6

Brownback
Coleman
Hatch
Johnson
Schumer
Thomas

The motion was agreed to.

Mr. DURBIN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE EXPLANATION

• Mr. SCHUMER. Mr. President, I am entering this statement in the RECORD because I am attending my daughter's graduation baccalaureate service in New York. Had I been here I would have voted in favor of the supplemental appropriations bill because I believe we must fund the troops who are in harm's way. However, I believe just as strongly that we must change our mission in Iraq away from policing a civil war and toward a much more narrowly focused goal of counterterrorism, which requires a much smaller number of troops. That is what the Feingold-Reid amendment stood for and that is why I voted for it on May 16, 2007. Unfortunately, it did not have enough votes to pass. Our effort to force the President to change the mission in Iraq will continue almost immediately with the DOD authorization bill and will not end until we succeed.•

Mr. KYL. Mr. President, I voted tonight for H.R. 2206, but I am disappointed that it has taken so long to complete work on this legislation, while we have troops deployed and under fire fighting against an enemy that, as few others have in history, seeks our total destruction.

For 108 days, the majority held up vital funding for our troops' equipment and training. All this time, the majority has been playing politics with this funding, even sending to the President a bill that they knew would be vetoed. And this is not my analysis; we know this through the Democrats' own words. Senator HARRY REID, the Democratic leader in the Senate, said, "We are going to pick up Senate seats as a result of this war." And "well, it doesn't matter what resolution we move forward to. You know, I can count. I don't know if we'll get 60 votes. But I'll tell you one thing, there are 21 Republicans up for reelection this time."

So, with that in mind, we finally received the final version of the security supplemental at 8 p.m., the last night before the Memorial Day work period. While Democrats finally decided to listen to our generals and not MoveOn.org and yielded to Republicans' demand to exclude an arbitrary withdrawal date, this bill still has serious flaws. A policy that would potentially restrict the very economic reconstruction funds that are necessary to achieve the political and diplomatic solution General Petraeus says we need represents bad public policy, to say the least.

What's more, I am disappointed to see, yet again, that the majority would use the needs of our troops as leverage to include extraneous, and in many cases ill-conceived, spending and policy provisions. Among these are a raise in the federal minimum wage to $7.25 an hour; $22 million in Corps of Engineers funding specifically earmarked for Long Island and Westchester County, and certain areas of New Jersey; $40 million in agriculture assistance specifically earmarked for certain areas of Kansas affected by the recent tornadoes; $10 million for radios for the Capitol Police; several new provisions to give certain labor unions and Continental and American Airlines relief from their employer pension plan contribution obligations; and a provision that mandates that the Secretary of Health and Human Services approve a state's request to extend a waiver for the Pharmacy Plus program, making Wisconsin the only state to benefit from this provision.

The delay in passage of the security supplemental caused by the majority party created significant disruptions for the Department of Defense and for our men and women deployed in the war against terrorists.

Since the emergency request was submitted by the President, the Department of Defense has realigned significant funds internally and submitted to Congress approximately six reprogramming requests driven by the delays in the supplemental.

Secretary Gates stated in an April 11 letter to the Senate Appropriations Committee, "[i]t is a simple fact of life that if the . . . [supplemental] is not enacted soon, the Army faces a real and serious funding problem that will require increasingly disruptive and costly measures to be initiated—measures that will, inevitably, negatively impact readiness and Army personnel and their families."

Then, Secretary Gates in a May 9 letter to Senator MCCAIN wrote:

> [i]n submitting the FY07 supplemental request in early February, the Department planned on these funds becoming available by not later than mid-April. Accordingly, starting in mid-April, the Department began a series of actions to mitigate the impact of the delay in the supplemental on our deployed forces by slowing down spending in less critical accounts. In addition, funds budgeted for fourth quarter Army operations and personnel costs have been or are in the process of being moved forward and expended to partially make up the shortfall.
>
> These actions have resulted in the Army having to take a series of steps including deferring repair of equipment and restraining supply purchases. In short, these steps, while necessary to account for the delay in the supplemental, have already caused disruptions within the Department.

Mr. President, here are just a few specific examples of disruptions that have occurred within the Army:

> Facility maintenance and purchases for barracks, mold abatement projects, and dining facilities has been deferred. As a result, there is a risk of troops returning from combat tours to sub-standard barracks and facilities that had been scheduled for renovation or updates while soldiers were deployed;
>
> Orders of supplies have been reduced. Deferring orders for major repair parts and unit level maintenance items creates system lag and an accumulation of backlogged orders waiting to be placed. Units can sustain operations for only a limited time by consuming existing inventory.

In his May 9 letter to Senator MCCAIN, Secretary Gates also made clear that these disruptions would have effects on the war effort:

> [T]he lack of timely supplemental funds has limited the Department's ability to properly contract for the reconstitution of equipment for both the active and reserve forces. This situation increases the readiness risk of our military with each passing day should the nation require the use of these forces prior to the equipment becoming available. In other cases, the funding delay negatively impacts our forces in the field by needlessly delaying the accelerated fielding of new force protection capabilities such as the Mine Resistant Ambush Protected (MRAP) vehicle and counter-IED technologies developed and acquired by the Joint IED Defeat Organization (JIEDDO). Finally, the ongoing delay resulted in the depletion of funds necessary to accelerate the training of Iraqi security forces.

Multinational Force-Iraq spokesman, Army Maj. Gen. William Caldwell, on April 4 said, "At the current moment, because of this lack of funding, MNSTC-I—Multi-National Security Transition Command-Iraq—is unable to continue at the pace they were in the developmental process of the Iraqi security forces . . . It is starting to have some impact today, and will only have more of an impact over time."

While I firmly believe that the manner in which Democrats managed this legislation reveals their misplaced priorities, it is absolutely necessary that we get this funding to the men and women on the front line without further delay. That is why I will vote for this supplemental today. Having forced our troops to wait 108 days for this needed funding, there is no other choice but to accept this legislative blackmail.

I would also like to speak to a larger point, Mr. President. My friends on the other side of this issue in both houses talk about a failed strategy, and about a war that is lost. How do they know the Petraeus strategy has failed? It isn't even in place yet. The fifth brigade of the surge isn't there yet, and the fourth has only just arrived.

Even commentators like Joel Klein of Time magazine, no friend of this administration or this policy, in this week's edition have been forced to admit that progress is being made. While pointing out the many struggles that remain, Mr. Klein said:

> There is good news from Iraq, believe it or not. It comes from the most unlikely place: Anbar province, home of the Sunni insurgency. The level of violence has plummeted in recent weeks. An alliance of U.S. troops and local tribes has been very effective in moving against the al-Qaeda foreign fighters. A senior U.S. military official told me—confirming reports from several other sources—that there have been "a couple of days recently during which there were zero effective attacks and less than 10 attacks overall in the province (keep in mind that an attack can be as little as one round fired). This is a result of sheiks stepping up and opposing AQI [al-Qaeda in Iraq] and volunteering their young men to serve in the police and army units there." The success in Anbar has led sheiks in at least two other Sunni-dominated provinces, Nineveh and Salahaddin, to ask for similar alliances against the foreign fighters. And, as Time's Bobby Ghosh has reported, an influential leader of the Sunni insurgency, Harith al-Dari, has turned against al-Qaeda as well. It is possible that al-Qaeda is being rejected like a mismatched liver transplant by the body of the Iraqi insurgency.

What is now happening is an attempt to reconsider the vote of four years ago when, by large bipartisan majorities in both chambers, we authorized this war. In an effort to appease far left-wing groups, some are attempting to distance themselves from their votes to authorize this policy, and from their own statements acknowledging what the intelligence information told us: Saddam Hussein posed a grave threat to America's national security.

What they're not doing is talking about the consequences of defeat. It is clear from respected national security figures like General Anthony Zinni that "This is no Vietnam or Somalia or those places where you can walk away. If we just pull out, we will find ourselves back in short order."

Additionally, even the Brookings Institution released a study that argues:

> Iraq appears to have many of the conditions most conducive to spillover because there is a high degree of foreign "interest" in Iraq. Ethnic, tribal, and religious groups within Iraq are equally prevalent in neighboring countries and they share many of the same grievances. Iraq has a history of violence with its neighbors, which has fostered desires for vengeance and fomented constant clashes. Iraq also possesses resources that its neighbors covet—oil being the most obvious, but important religious shrines also figure in the mix. There is a high degree of commerce and communication between Iraq and its neighbors, and its borders are porous. All of this suggests that spillover from an Iraqi civil war would tend toward the more dangerous end of the spillover spectrum.

We cannot forget that Iran and Syria are fostering instability in Iraq. Al-Qaida and Hezbollah are both active there as well.

As I have mentioned before, but have not heard answered from the critics, we know that chaos in Iraq could draw in others in the region. For example, Saudi Arabian officials have threatened "massive intervention to stop Iranian-backed Shiite militias from butchering Iraqi Sunnis." A Kurdish secession would likely cause Turkish intervention.

Does anyone in Congress disagree that failing in Iraq would be a dramatic setback in the war against terrorists? Iraq must not be divorced from its context—the struggle between the forces of moderation and extremism in the Muslim world. After all, al-Qaida has been in Iraq since before the U.S. invaded and has dedicated itself to fomenting sectarian violence there. Osama bin Laden referred to Iraq as "capital of the Caliphate," arguing that "[t]he most . . . serious issue today for the whole world is this Third World War . . . [that] is raging in [Iraq]."

Terrorism expert Peter Bergen has told us that a:

> [U.S. withdrawal] would fit all too neatly into Osama bin Laden's master narrative about American foreign policy. His theme is that America is a paper tiger that cannot tolerate body bags coming home; to back it up, he cites President Ronald Reagan's 1984 withdrawal of United States troops from Lebanon and President Bill Clinton's decision nearly a decade later to pull troops from Somalia. A unilateral pullout from Iraq would only confirm this analysis of American weakness among his jihadist allies.

Failure in Iraq will encourage further attacks against the United States and provide a base from which to plan and train for attacks.

I will remind my friends who pushed so hard for this legislation, and who cheered for votes on an immediate withdrawal, and the passage of the first security supplemental which the President correctly vetoed, if you are going to advocate a strategy for failure or a precipitous withdrawal, you have the responsibility to tell the American people what the consequences would be, and to tell them how you would respond. These are the burdens of leadership.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

DARFUR

Mr. DURBIN. Mr. President, I come to the floor this evening to address the ongoing genocide in Darfur. I have been coming to the floor almost every week to try to make certain we don't forget what is happening in Sudan, even as we focus most of our energy on important issues such as the war in Iraq, immigration reform, and so many other things on our Senate agenda. But the crisis in Sudan is simply too great for us to ignore. It has now been over 2½ years since the President quite rightly called the situation in Sudan what it is, a genocide. It was September 9, 2004, when the President made that courageous statement, and we all know a statement like that has historic importance.

The United States, under the 1948 U.N. Convention on Genocide, is committed to providing effective penalties against the killers if it deems that genocide is taking place. We are compelled to act. Yet sadly, we have done precious little to change the situation to this point.

It is true that Congress, the administration, the private sector, and the nonprofit community have taken some steps to increase the pressure on the Sudanese Government to stop the killings and mass displacement of innocent people. That is at least a start. In Congress, Members have spoken out against the killings. They have introduced resolutions of condemnation, and they have proposed legislation in an effort to do something. I have introduced legislation that would support state governments which decide to encourage public funds to divest from Sudan-related investments. That bill has attracted strong bipartisan cosponsorship from over 25 Members of the Senate. Some of us have tried to make the right personal decisions to divest from Sudan-related investments in our own savings as a gesture of solidarity with the divestiture movement. But we have to do so much more.

As for the Bush administration, the Office of Foreign Assets Control within the Treasury Department, working with many agencies and departments, has worked hard to tighten economic and political sanctions against the leaders and supporters of the Sudanese regime. President Bush spoke out at the Holocaust Museum a few weeks ago. He has vowed to keep pushing for change in Sudan. Yet the administration must do more.

In the private sector, I was pleasantly surprised to see that Fidelity recently decided to sell part of its stake in PetroChina, a company listed on to the New York Stock Exchange, the parent of which is a state-owned Chinese oil company with massive operations in Sudan. Fidelity sold 91 percent of its PetroChina holdings in the United States and even though that only amounts to 38 percent of its global PetroChina holdings, this is nonetheless a positive sign. The divestiture movement is under way. Other investment firms such as Calvert have gone a step further and promised to hold no shares of any firm that operates to the benefit of the Government of Sudan. Yet the private sector must do more.

Within the nonprofit community, organizations such as the Sudan Divestment Task Force and the Genocide Intervention Network continue to apply pressure to governments and to private firms to get them all to do more to stop the genocide. Yet they too must do more. All of us must work together to do more in Congress, in the private sector, among nonprofit organizations and, yes, individuals and families concerned about this terrible situation. To that end, I am working with my colleagues in the Senate and House and with the Bush administration, with private sector advisors, and with the advocacy community to craft a new bill that will apply even more economic pressure on the Sudanese regime and those who support it.

My bill, which I will introduce when we return, is the Sudanese Disclosure and Enforcement Act. It would do the following: First, it expresses the sense of the Congress that the international community should continue to bring pressure against the Government of Sudan in order to convince that regime that the world will not allow this crisis to continue unabated.

Second, it requires more detailed SEC disclosures by U.S.-listed companies that operate in the Sudanese petroleum sector, in order to provide more information to investors that are considering divestiture.

Third, it increases civil and criminal penalties for violating American economic sanctions in order to create a true deterrent.

Fourth, it requires the administration to report on the effectiveness of the current sanctions regime and recommend other steps Congress can take to help end the crisis.

Fifth, it authorizes greater resources for the Office of Foreign Assets Control within the Department of Treasury to strengthen its capabilities in tracking Sudanese economic activity and pursuing sanctions violators.

I will introduce this bill when we return. I urge my colleagues to seriously consider it, and I hope they will join me.

I have recently written to President Bush urging him to support the bill but also to take the next step. He promised 5 weeks ago to take action. His speech was at an auspicious location, the Holocaust Museum in Washington, DC, a museum which notes the terrible tragedy that befell 6 million people during World War II. The President said on that day:

> You who have survived evil know that the only way to defeat it is to look it in the face and not back down. It is evil we are now seeing in Sudan—and we're not going to back down.

He went on to say:

> No one who sees these pictures can doubt that genocide is the only word for what is happening in Darfur and that we have a moral obligation to stop it.

Those are the words of the President. They are words worth repeating. The President declared that the current negotiations between the U.N. Secretary General Ban Ki-moon and President Bashir of Sudan are "the last chance" for Sudan to do the following: Follow through on the deployment of U.N. support forces, allow the deployment of a full joint U.N.-African Union peacekeeping force, end support for the Janjaweed militia, reach out to rebel leaders, allow humanitarian aid to reach the people of Darfur, stop his pattern of destruction once and for all.

President Bush then declared that if Bashir does not follow these steps, in a short time the Bush administration will take the following steps, in the President's words: Tighten U.S. economic sanctions on Sudan, target sanctions against individuals responsible for the violence, and prepare a strong new United Nations Security Council resolution.

Five weeks later, a short time has passed, and now it is time to act. In these 5 weeks, President Bashir has ignored the world. In fact, a spokesperson for the Secretary General of the United Nations has called recently renewed bombing in Sudan indiscriminate and a violation of international law. While we wait, while we ponder, while we think, while we work, while we vacation, innocent people die, victims of a genocide. How will history judge us? Will it judge us for having acknowledged this genocide and responding, or will it judge us for having acknowledged this terrible tragedy and responded with nothing?

It is time to act. We must do more. This is simply too important and too historic to ignore any longer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I compliment my friend from Illinois. He might be interested to know I met with the Secretary General of the United Nations on Monday in his office. I indicated I wanted to know what he was prepared to propose. As you know, there are three phases to the process whereby the Sudanese have agreed to the implementation of ultimately 21,000 troops made up of the African Union as well as United Nations forces. He indicated he would have an answer as to what he thought might be able to be done probably by the end of Memorial Day. My point to him was similar to my friend from Illinois. If, in fact, the Sudanese Government refuses to allow, on the basis of their sovereignty, the placement of U.N. forces on the ground, that it violates their sovereignty.

I indicated I believed—and others believe as well—that the country forfeits its sovereignty when it participates and engages in genocide and that we, the United States, should push the Security Council to implement the placement of those troops on the ground regardless of what Khartoum says. Further, if they don't, it is my view the United States unilaterally should engage through a no-fly zone as well as the placement of 2,500 troops on the ground to take out the Janjaweed. That is not a political settlement, but the point I made to the Secretary General was, as we talk about the ultimate problem, the need for a political settlement, it is like talking about a patient who has cancer and on the way to the operating room falls off the gurney and slits his jugular vein and is bleeding to death. Everybody says: We have to take care of the cancer. But they are going to bleed to death.

I have been in those camps in Darfur, actually on the border of Darfur. I have visited them in Chad. One camp with 30,000 women and children in it, over 300,000 in that region, deteriorating rapidly. It is a human disaster. I hope if, in fact, the United Nations doesn't act, the Senate will be prepared to act to support pushing the President to have the United States lead.

The point I am making is, I compliment my friend for continuing to keep this in the consciousness of our colleagues and the public.

IRAQ

Mr. BIDEN. But, Mr. President, the reason I rise today is to speak because there was not time for me to speak on the supplemental we just voted for.

Earlier this month, Congress sent the President an emergency spending bill for Iraq. It provided the President with every single dollar our troops needed and the President requested, and then some.

It also provided the American people a plan to bring this war to a responsible end, including the language Senator LEVIN and I wrote, which required to start to bring American troops home within 120 days, have the bulk of our combat troops out of Iraq by March—it turned out to be April 1 of 2008, and to, most importantly, limit the mission of the smaller number that would remain to fighting al-Qaida and training Iraqi troops.

In vetoing that bill, the President denied our troops funding they needed and the American people the plan they want. When the President did that, I urged, like others, that we send the bill back to him again and again and again. But the hard reality is, we found out we did not have the 53 votes we had the first time, that we did not have even 50 votes, that we would not be able to send it back. And ultimately, even if we had the 50 votes, we probably did not have 60 votes to stop a filibuster. We clearly do not have 67 votes to overcome another veto. We do not have those votes either.

I do not like the bill we just voted on, the one I voted for. It denies the American people a plan for a responsible way out of Iraq. It would also start to cut off funds for the Iraqis if the benchmarks are not met. What a silly idea. That would be self-defeating. We are trying to build the Iraqi Army so we can get out of harm's way, and we are going to tell the Iraqis, who have no possibility of getting themselves together, if they do not, we are going to stop training them.

I would like nothing better than to have voted against this bill, but I think we have to deal with the reality. The reality is, first, for now, those of us who want to change course in Iraq do not have the 67 votes to override a Presidential veto. As long as the President refuses to budge, the only way we can force him to change his policy in Iraq is with 67 votes.

Well, we have 49 Democrats and one Independent on our side. We need to bring 17 Republicans along all the way to our thinking, to the way a strong majority of the American people are thinking. We are making progress, but we are not there yet. So it is nice to talk about taking a stand on this, but we do not have the votes, though. We do not have the votes yet to turn our rhetoric into reality. That is the reality.

Secondly, I believe as long as we have troops on the front lines, it is our shared responsibility to give them the equipment and protection they need. The President may be prepared to play a game of political chicken with the well-being of our troops, but I am not, and I will not.

For example, if we do not get the money this bill provides into the pipeline right now, we are not going to have a chance to build and field the mine-resistant vehicles that are being so dearly sought after by the Marine

Corps and the rest of the services, and that I have been fighting for. If we build these mine-resistant vehicles, the facts show we can cut the deaths and casualties on the American side as a consequence of these bombings by two-thirds.

We just voted earlier on this bill—because we were going to drag out for 2 years the construction of these vehicles. In 2 years, another 2,000 people could die. They need to begin to be built now, and they all must be built by the end of this year.

Under anyone's plan for Iraq—even those who advocate pulling every single troop out of the country tomorrow—there is a reality: It would take months to get them out. In the meantime, our troops are riding around in humvees that are responsible for these roadside bombs: 70 percent—70 percent—70 percent—of the deaths and 70 percent of the casualties.

As long as there is a single soldier there, I believe we have an obligation, and speaking for myself, I will do everything to make sure he or she has the best protection this country can provide. That is my reality.

Third, I am prepared to cut funding to get our troops out of the sectarian civil war in Iraq and to start bringing most of them home, while limiting the mission of those who remain. That is why I voted for the Reid-Feingold amendment last week. But I am not prepared to vote for anything that cuts off 100 percent of the funding for all troops in Iraq because everyone in this room knows there is going to be a requirement—no matter what happens—to leave some troops in Iraq for a while.

So what are we going to do? Cut funding off for them to satisfy what is a very difficult—difficult—thing to explain to the vast majority of the American people who do not understand why we are not out of this war? We can and we must get most of our troops out by early next year. But we still need a much smaller number. That is my reality as well.

I know this supplemental bill is a bitter pill to swallow for so many Americans who believe, as I do, this war must end. I must tell you, in my present pursuit, it is not a smart vote for me to make because it requires explanation. But I do not believe people fully understand how it is that the people voted in the Democratic Party in November of last year, in large part to end this war, but we have not been able to do so yet.

Well, like it or not, we have a system that protects the rights of the minority and puts the burden on the majority in order to have its way. It also creates a balance of power between the President and the Congress. That is why it takes 60 votes in the Senate—not 51—to get something done if the minority is determined not to have it done. That is why it takes 67 votes in our Constitution to override a President's veto. That is a reality. Not my reality—that is a constitutional reality.

So where do those of us who are determined to end this war go from here? Well, day after day, vote after vote, we must, and we will, work to keep pressure on the Republicans to stop reflexively backing the President and start supporting a responsible path out of Iraq—make them vote against it again and again because, quite frankly, I do not expect to change the President's mind. But I believe we can change the mind of 17 Republicans.

Until that day comes—until that day comes—as long as this President is President, the carnage and chaos and stupidity in the conduct of this war is likely to continue. So I believe with every funding bill, we are going to have to come back at every juncture and require people to vote time and again against the will of American people in order to change the attitude of my colleagues on the Republican side. That is the reality. That is the reality that will bring this war to an end.

Like the most distinguished Member who serves in this body, the Senator from West Virginia, I was here during the Vietnam war, at the end. We all talk about how we cut off funds. We did not cut off funds until the vast majority of the troops were already out. We did not cut off funds until 1975. The reality was—the reality was—we did not do it. It is an incredibly blunt instrument.

So I would have felt better, I would have had less to explain, and it would have been easier, because I have been such a persistent critic, I think most of my colleagues will acknowledge, for the 4½ years of this war, to vote to cut off the funding. But as we head into the Memorial Day recess, I want to remind my colleagues it is clearly time for us to do our part as well to support our troops.

We in the Senate, and our colleagues in the House, and the military leadership, the President, and the American people have an overriding, overarching moral obligation to provide our forces, who are in the middle of a war, with the full weight of this Nation's productive capacity, and all that is humanly possible, as we send citizens to war, to protect them. We have not done that. This administration has not done that and has not asked for the money to do that. But we have to, and we must. We must speak to one specific situation which I fear, if I do not raise today and every day—as I have in the last 3 weeks—it will not come to pass, it may not get done. It goes back to why I felt I had to vote for this funding.

The issue is these mine-resistant vehicles, but it is bigger than that. The issue is giving the men and women on the front lines a dramatically better chance to survive. It is totally, completely within our power to do that. We have the technology to do that. We have the capacity to do that. We have the money to do that. We need only the will to do that.

We have proven technically that our technology can, in fact, meet this glaring deficiency that is killing so many of our troops. When I say proven, I mean it. Let me be specific.

At the Aberdeen Proving Center, those folks have been working 24 hours a day, 7 days a week, for the past 3 months to fully test every design and variation of the so-called MRAPs, mine-resistant ambush-protected vehicles, vehicles that are out there. By next week, I am told, they will have concrete test data that will back up the purchasing decision the military will have to make.

We already know these mine-resistant vehicles give four to five times more protection than uparmored HMMWVs. We already know the casualty and death rate will go down by two-thirds if we have these mine-resistant vehicles, which means we know we should be doing everything possible, as rapidly as possible, because every day we waste one more life is in jeopardy. We can save two-thirds of the lives being lost there—3,400 dead plus, and almost 24,000 severely wounded.

But why did these amazing test efforts only begin to happen this year? Why are we only now starting to build these mine-resistant vehicles? And why are we building them in such small quantities?

We learned this week the Marine commanders in Iraq in February of 2005—February of 2005—realized they needed these vehicles that have a V-shaped hull. They are designed specifically to defeat what everybody in America, unfortunately, has come to know about: IED, improvised explosive devices. They are the roadside bombs and mines that we know cause 70 percent of all the casualties and deaths.

Now, in February of 2005, the first characteristic these commanders asked for—and I am quoting from the statement they sent to the Pentagon called a Universal Needs Statement—they said: We need a vehicle to "protect the crew from IED/mine threat through integrated V-shaped monocoque hull designed specifically to disperse explosive blasts and fragmentary effects."

The PRESIDING OFFICER. The Senator has used his 10 minutes.

Mr. BIDEN. Mr. President, I ask unanimous consent that I may be able to proceed for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. The bottom line, in simple English, for nonphysicists is, no matter how much you reinforce a flat-bottomed vehicle, when a bomb goes off under the vehicle, it either penetrates the vehicle or penetrates the vehicle, bounces back, and comes back up off the ground again.

With these V-shaped vehicles, what happens is, when the blast goes off—other than the very point of the V—it takes the blast and, instead of it bouncing back on the ground and bouncing back up, it shoots it off to the side, thereby increasing by two-thirds the likelihood of survival.

No one should give us any of the malarkey I have heard from some in the military and the administration about how any uparmored humvee might have satisfied the need. The bottom line is, they cannot do what these V-shaped vehicles can do.

Now, not only have these mine-resistant vehicles been fully tested at Aberdeen, but our allies have been using similar technologies for years. We are going to get down to the bottom of what happened in 2005. But for now, let me get right to the chase. We have an overwhelming moral obligation to build as many of these vehicles as rapidly as possible and get them to the field as soon as possible—even if we are pulling out every single troop in January. Between now and January, we have an obligation to save lives. It is within our capability and within our power to do so.

One more thing I would bring to the attention of my colleagues. I also learned today—and we will soon find out—I learned today they have also developed, out at the Aberdeen Proving Center, the capacity to be able to thwart the ability of these things called EFPs, explosively formed penetrators. That is going to cost a lot of money. I hope I do not hear from anyone on this floor or anyone in the Congress that, notwithstanding the fact we now have the technology, we are going to wait down the road because it costs too much money to do it now or it will take too much time, and we may have to leave—as one military man said to me: We don't want to build all these. We are eventually going to be coming home. We will have to leave them behind. That is a little like Franklin Roosevelt saying, when asked to build landing craft for the invasion of D-Day: We don't want to build too many of these, it costs too much money, because we are going to have to leave some behind.

I say to my colleagues and to the distinguished Senator from West Virginia, Secretary Gates ended his press conference today by saying there were competing interests for dollars. That may be true. But when it comes to the life of an American soldier we know—we know—we know for a fact we can protect, there is no other competing interest. There is no other competing interest. Competing interests may exist, but there is only one interest, and that is as this foolish war continues under this President, our sons and daughters are being killed, and we have the capacity right now to begin to build vehicles that will diminish by two-thirds the casualty rate. There are no other competing interests.

So I am going to continue to talk about this, I say to my colleagues, and I hope once we get the final call from the Pentagon, no one here on this floor will rise to tell me we can't afford to do this.

I thank my colleague from West Virginia for his extreme courtesy, as always.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore is recognized.

MEMORIAL DAY

Mr. BYRD. Mr. President, I thank the Chair.

In Flanders fields the poppies blow
Between the crosses, row on row
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders fields.

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

John McCrae, who wrote "In Flanders Fields," was a Canadian physician. He fought on the western front in 1914 before he was transferred to the medical corps and assigned to a hospital in France. He died of pneumonia while on active duty in 1918, and his volume of poetry was published in 1919.

This Monday, in veterans cemeteries around the Nation, flags will be placed, tenderly placed—tenderly placed—before gravestones that carefully and simply mark the thousands of enlisted men and officers, soldiers, sailors, airmen and marines who, like John McCrae, did not come home to ticker tape parades but, rather, to slow caissons trailed by weeping families, final gunfire salutes, and the haunting melodies of "Taps" played by a lone bugler. Some of those graves will be lush with sod, and the final dates will bring back great battles in the campaigns from the Pacific, Africa, or Europe. Other graves will still be raw Earth, with dates on the headstones that mark the ambushes and improvised explosive devices of modern urban insurgent warfare. But on this day, none—none—will be forgotten, and all will be honored for their sacrifice, whatever their rank, whatever their service, and whatever their last proud moment. The red of the poppies and the red stripes in the flags recall the red badge of their courage.

The current conflicts in Afghanistan and Iraq have also given rise to some new ways to remember and honor the fallen. On the Internet, each soldier lost in Iraq has his or her name, his or her picture, and the date and the place of their death listed on a number of Web sites, including those hosted by several newspapers. A traveling exhibit of 1,319 portraits lets "America's Artists Honor America's Heroes" through their own talents—through their own talents. When the exhibit is over, those portraits will be given to the soldier's family. In these ways, each of us can put a face to these statistics. We can see the faces, young and old, just as their families remember them.

The Senate this week has also remembered those who have fallen and those still in harm's way in Afghanistan and Iraq. The Appropriations Committee has finalized the emergency supplemental bill to fund the operations of the military and provide more protective gear and technology to our troops in the field. I hope that this time the President, our President, will sign the bill and speed those funds to the troops. Also this week, the Senate Armed Services Committee is marking up the fiscal year 2008 Defense authorization bill. This bill too will look after all of our Active-Duty, Guard and Reserve forces that face the prospect of additional and longer tours in Iraq in the months ahead. Like the emergency supplemental bill put together by the Appropriations Committee, the Defense authorization bill will continue the work of ensuring that the wounded from these conflicts receive the best care and support as they recover from their injuries.

In 430 BC, after the first year of the Peloponnesian War, the Greek historian Thucydides recorded the funeral oration delivered by Pericles, the great Greek general. Thucydides records that Pericles did not speak of the battles but, rather, of the glories—the glories—of Athens and what a privilege it was—what a privilege it was—for each Athenian to live in such a perfect place. Pericles said that the sacrifice of those fallen in battle to keep the nation strong left them with the:

> Noblest of all tombs—the noblest of all tombs, I speak not of that in which their remains are laid, but of that in which their glory survives.

Pericles felt there could be no better place to live than Athens and no place more deserving of a soldier's sacrifice. Almost 2,500 years later, I feel confident that every soldier, sailor, airman, and marine who has fought and died in Afghanistan and Iraq probably felt the same way—yes—about the United States.

They were proud to be in uniform and ready to serve the Nation that they loved and held in such high regard. The Nation will ever mourn their loss and honor their sacrifice.

IRAQ

Mr. BIDEN. Mr. President, the President of the United States has recently stated that we are remaining in Iraq in order to defeat al-Qaida—a summary of a statement he made yesterday. Well, I wish to briefly state what I think the facts are.

Iraq has become a Bush-fulfilling prophecy. Al-Qaida was not there before the war, and it is there now. It is a problem, but it is not the primary problem. In my view, the President of the United States is inadvertently handing al-Qaida a propaganda victory here by vastly exaggerating its role in Iraq.

The sectarian war—the war between Sunnis and Shias, Sunnis and Shias killing each other—is the core problem, and our troops are caught in the middle of that war. New statistics from Iraq make it absolutely clear that sectarian violence is getting worse and now exceeds the levels immediately prior to the surging of American forces over a month ago.

The focus of the President of the United States on al-Qaida and Iraq, ironically, supports exactly what I have been arguing for. We need to dramatically limit the mission of U.S. troops in Iraq, getting them out of the middle of this sectarian civil war and refocusing their mission, which should be battling al-Qaida from occupying territory in Anbar Province and training Iraqi troops. That would require far fewer troops and allow us to begin to remove American troops immediately and get the vast majority of our combat troops out of Iraq early next year, consistent with the Biden-Levin provision that was in the bill the President vetoed.

Our troops cannot end the sectarian war. Mr. President, 500,000 American troops will not end the sectarian war. What is required is a political solution, even as we continue to take on al-Qaida, which is a growing but not the primary problem in Iraq.

The President continues to bank on a farfetched hope. His hope is well-intended, but it is farfetched that the Iraqis will rally behind a strong democratic central government in Baghdad. But there is no trust within the Government in Baghdad. There is no trust of the Government in Baghdad by the Iraqi people. And there is no capacity by that Government in Baghdad to deliver either services or security.

Instead, the President should throw his full weight—the full weight of his office—behind the solution based upon federalism in Iraq, allowing the Iraqis to have control over the fabric of their daily lives, helping them bring into reality the Iraqi Constitution, where article 1 says: We are a decentralized federal system. We should not impose this. We do not need to. It is already in the Iraqi Constitution.

The President should call for a U.N. summit to get the world's major powers and Iraq's neighbors to push for a political agreement. It is not an answer to put up a straw man and say we remain there because of al-Qaida. What is an answer is to call for the permanent five of the United Nations to call for a regional conference; make Iraq the world's problem. I met with the Security Council permanent four, with us being the fifth, in New York on Monday. It is like pushing an open door. They are ready to respond to the President's request to do that. This is doable. This is necessary. The President should begin to focus on the facts, not the fiction of al-Qaida being our rationale for being there.

I will end where I began. Al-Qaida's presence in Iraq has become a Bush-fulfilling prophecy. They were not there before. They are there now. But they are not the primary problem. It is the vicious cycle of sectarian violence. It must end.

MEMORIAL DAY TRIBUTE

Mr. McCONNELL. Mr. President, nearly 6 years after the worst terrorist attacks in American history, we have yet to be hit again on our soil. No one would have thought this possible immediately after the 9/11 attacks. But it is true because America is on offense in the war on terror.

Memorial Day is a time to reflect on the brave men and women of the Armed Forces who have made that achievement possible, and to honor their sacrifice. Since 2001, over 3,800 Americans have died fighting in Iraq or Afghanistan. Over 60 were from Kentucky.

Our country must honor those who died in the line of duty as well as their families. The debt we owe them can never be repaid. I have had the honor of meeting many of the families of these servicemembers, and I have told them their loved ones did not die in vain.

Many who fought in the war on terror live to tell their stories, and I recently heard one I had like to share involving soldiers from Fort Campbell, KY. Four soldiers of the 1st Battalion, 506th Infantry Regiment, 101st Airborne Division lived up to the warrior ethos of never leaving a fallen or wounded comrade behind.

The city of Ramadi, Iraq, has seen some of the worst battles between coalition forces and the terrorists. One night in March 2006, SGT Jeremy Wilzcek, SGT Michael Row, PFC Jose Alvarez and PFC Gregory Pushkin, among others, made their way through the city's narrow alleys back to base.

Suddenly Sergeant Row saw two figures run into a house. Immediately suspicious, he stopped the team in its tracks just as machine-gun and small-arms fire and grenades erupted on the street in front of them. The soldiers took cover and returned fire.

Private First Class Alvarez noticed a fellow soldier had been hit and was lying in the middle of the storm of bullets. Without thinking twice, he ran into the line of fire and threw himself over his comrade. But he was too late. The soldier was dead.

Private First Class Alvarez kept firing until he had unloaded his weapon at the enemy, and then stood up and began to carry the soldier's body to a safe area. Sergeant Row provided cover fire, while Sergeant Wilzcek and Private First Class Pushkin ran into the firefight to help Private First Class Alvarez carry their colleague.

The three soldiers were nearing cover when two rocket-propelled grenades exploded yards away from them, knocking all three down and slicing Private First Class Alvarez's knee with shrapnel. But the three continued, finally reaching a safe area out of the path of bullets.

Sergeant Wilzcek and Private First Class Pushkin then ran back into the enemy's kill zone several times, rescuing more trapped soldiers. Sergeant Row continued to lay down cover fire, even though the same explosion that injured Private First Class Alvarez's knee had buried shrapnel deep in his elbow. Finally, every soldier made it to a safe area.

They were out of immediate danger. But gunfire all around them made clear the terrorists were still out to kill. Sergeant Wilzcek, Sergeant Row and Private First Class Pushkin made their way to the roof of a building, and with the advantage of the high ground, successfully killed, captured or drove off the terrorists, enabling the squad to return to base safely.

This February, now-Staff Sergeant Wilzcek and now-Specialists Alvarez and Pushkin were awarded the Silver Star, the third-highest award given for valor in the face of the enemy. Sergeant Row was awarded the Bronze Star for Valor.

Their acts of heroism rank them among the finest America has to offer. But what I find most amazing is that they are everyday people who could be your neighbor, coworker or relative. And we have thousands more brave Americans in uniform all willing to do the same.

So this Memorial Day, remember the courage of our servicemen and women, performing extraordinary feats just like the men of Fort Campbell. Remember the sacrifice of those who don't make it back home. As long as America has fighters of such spirit, we can never be defeated on the battlefield.

Mr. AKAKA. Mr. President, we are approaching Memorial Day, a time to honor those servicemembers who gave their very lives—what Abraham Lincoln described as "the last full measure of devotion." When Lincoln spoke those words, he was dedicating a modest "soldiers cemetery" in a Pennsylvania town called Gettysburg. Today Gettysburg and the address Lincoln gave there hold a special place in our national memory. In fewer than 300 words, President Lincoln delivered one of the most famous speeches in the history of this great Republic.

In that speech, Lincoln said what was known: that it is good and right to dedicate a place to honor the brave servicemembers who rest beneath it. But more importantly, he put into words what was felt: that the best way to honor the dead is to remember their sacrifices, and dedicate our lives to the Nation for which they gave their lives.

What we now call Memorial Day was begun in the aftermath of that war, with two dozen cities and towns across the United States laying claim to being the birthplace of what was then called Decoration Day. Generations later, America paused in the aftermath of World War I, a massive conflict that inspired the poem, "In Flanders Field," about the lives the war took and the bond between the living and the dead. That poem roused the convictions of an American teacher named Moina Michael, who clung to the image of the red poppies in Flanders Field, which grew above the graves of World War I servicemembers. Miss Michael vowed to "keep the faith" with those who had died and to wear a red poppy as a sign of that pledge. She recorded her commitment in a poem she called "We Shall Keep the Faith," which reads, in part:

We Cherish, too, the poppy red,
That grows on fields where valor led;
It seems to signal to the skies
That blood of heroes never dies

Miss Michael spent the rest of her life raising money for veterans and survivors in need, by selling red poppies to honor the men and women who gave their lives in the service of our Nation. Through the sale of poppies made by disabled veterans, she raised approximately 200 million dollars for veterans and their survivors.

Today our great Nation steps further into the fifth year of our current conflict in Iraq, and our sixth year in Afghanistan. As we ponder how best to honor those who have died in these conflicts and in all prior wars, we can look to our history to find words and actions tó guide us. Just as Lincoln's Gettysburg Address turned sentiment into prose, Miss Michael turned it into poetry, and then into action. For ourselves, we can look at the sacrifices of those who have served and then look within ourselves to honor them with our lives.

For myself, I pledge my continued best effort to make certain that those who serve receive the thanks and the benefits and services they earned by their service and for those who gave their all, that their survivors are likewise given all they need.

TRIBUTE TO SENATOR TED STEVENS

Ms. SNOWE. Mr. President, I rise today to honor one of the true stalwarts of this institution an indefatigable legislator, a tireless advocate for his home State of Alaska, a public servant with a lifetime of contribution, and a treasured leader of this venerable Chamber, Senator TED STEVENS who, this past April 13, 2007, became the longest-serving Republican member of the U.S. Senate. Our good friend and colleague has received countless, well-deserved accolades for a tremendous milestone indeed.

It is fitting that we pay tribute to an esteemed lawmaker whose ongoing legacy and longstanding record of accomplishment over a remarkable span of nearly 39 years of service in the U.S. Senate stand as a testament to the courage, vigor, and sense of duty he feels toward this country and the issues and policies shaping it. TED is a force of nature, steadfast and resolute, in this time-honored body and in our nation's capital. His constituents wouldn't have him any other way, and we wouldn't either.

His legacy of achievement on behalf of Alaskans is as large as the State they call home, and began even before he entered politics when he first moved to Washington, DC, to join the Eisenhower administration. While working for the Secretary of the Interior, he was not only present at Alaska's creation as a State in 1959, but was also instrumental in helping advocate for statehood. As a U.S. Senator, he was essential in championing the development of the Alaskan pipeline which was critical to his state and to the energy future of the country. He successfully advanced Alaska's infrastructure and transportation capabilities, especially vital to the state that is one-fifth the size of the entire lower 48. Alaska rightfully commemorated Senator STEVEN's indelible impact in these areas with the dedication of the TED STEVENS Anchorage International Airport in 2000. With a far-reaching litany of accomplishments too numerous to mention, it comes as little surprise that the Alaska State Legislature—where he served as House majority leader in only his second term in the mid-1960s would name him at the millennium, the Alaskan of the Century.

The people of my State of Maine are especially grateful to Senator STEVENS for his landmark legislation that bears his name—the Magnuson-Stevens Fishery Conservation and Management Act our Nation's indispensable fisheries act, which was reauthorized this past January and signed into law. First as the chair, and now the ranking member on the Senate Committee on Commerce, Science, and Transportation subcommittee handling fisheries issues, I had the pleasure of working with full committee chairman and now ranking member STEVENS throughout the process to help bring this bill to fruition. From the 300 year-old fishing villages in downeast Maine to remote Aleutian Island outposts, Senator STEVENS has always been bound by a commitment to sustain both fish and fishermen.

Through many Congresses, as both a chairman and ranking member, Senator STEVENS has spearheaded and done much to shepherd improvements in the largely uncharted world of telecommunications policy that have been historic and consequential, and which will reverberate for generations. On a personal note, I want to express my debt of enormous thanks to Senator STEVENS for his pivotal support in his Universal Service Fund Reform bill of the E-rate program which provides discounted telecommunications services to schools and libraries. Senator STEVENS has been a bulwark catalyst on this initiative, and, as we recently commemorated the 10th anniversary since its inception, I couldn't help but recall with gratitude his crucial role in the wiring schools in my State and across the country.

It must also be noted that in an era of increasing partisanship, Senator STEVENS shares an unassailable bond with the senior Senator from Hawaii, a Democrat, Daniel Inouye a friendship, profoundly steeped in their mutual, heroic tours of duty in World War II, which continues to this day as a model example of collegiality, bipartisanship, and comity that transcends politics.

This decorated Army Air Forces pilot in the storied "Flying Tigers," whose immense devotion to this land and its people extends across six decades, is not one to move to the side or step away when he is fighting for what he believes in or on behalf of his State or in defense of his country. That speaks volumes in explaining Senator STEVENS' well-known trademark as he prepares to debate on the Senate floor and he dons his infamous tie emblazoned with the Marvel comic book character, The Incredible Hulk!

With hallmark humor, strength, and aplomb, how could he approach his robust role any differently—a man whose larger-than-life tenure in the public arena reflects the enormity of his stunning and beloved Alaska, a State with a name that means literally "the object towards which the action of the sea is directed." For more than half century, the action of the sea of public policy has always found its way to this great American and still does because he welcomes it, thrives on it, and seizes upon it in the name of The Last Frontier State and to the benefit of our Nation.

OPEN GOVERNMENT ACT

Mr. LEAHY. Mr. President, I am deeply disappointed that the Senate may not consider the Openness Promotes Effectiveness in our National Government Act," the OPEN Government Act, S. 849, before it adjourns for the Memorial Day recess. The Judiciary Committee favorably reported this bipartisan bill. We have filed a committee report on this important legislation. Regrettably, an anonymous Republican hold is stalling this important Freedom of Information Act, FOIA, legislation, needlessly delaying long-overdue reforms to strengthen FOIA and to protect the public's right to know.

It is both unfortunate and ironic that this bipartisan bill, which promotes sunshine and openness in our government, is being hindered by a secret and anonymous hold. This is a good government bill that Democrats and Republicans alike, can and should work together to enact. I hope that the Senator placing the secret hold on this bill will come forward, so that we can resolve any legitimate concerns, and the full Senate can promptly act on this legislation.

The OPEN Government Act is cosponsored by 10 Senators from both sides of the aisle. This bill is also endorsed by more than 100 business, public interest, and news organizations from across the political and ideological spectrum, including, the American Library Association, Conservation Congress, the Liberty Coalition, OpenTheGovernment.org, the Sunshine in Government Initiative, the Republican Liberty Caucus and Public Citizen.

I thank all of the cosponsors of this bill and commend Senator CORNYN as our lead Republican sponsor. I also thank the many open government organizations that are working tirelessly to encourage the Congress to enact this bill this year. This measure is cleared for passage on the Democratic side. It should be passed without further delay.

The OPEN Government Act promotes and enhances public disclosure of government information under FOIA, by helping Americans to obtain timely responses to their FOIA requests and improving transparency in the Federal Government's FOIA process. During the recent hearing that the Judiciary Committee held on this legislation, we learned that, although FOIA remains an indispensable tool in shedding light on bad policies and government abuses, this open government law is being hampered by excessive delays and lax FOIA compliance. Today, Americans who seek information under FOIA remain less likely to obtain it than during any other time in FOIA's 40-year history. This bill would help to reverse this trend and to restore the public's trust in their government.

Senator CORNYN and I both know that open government is not a Democratic issue or a Republican issue. It is an American issue. It is in this spirit that I urge the removal of the anonymous hold placed on this bill. I also urge all Members of the Senate to join me in supporting this important open government legislation.

We have received numerous letters of support from such organizations as the American Library Association, the National Press Club, Pubic Citizen, Sunshine in Government Initiative and OpenTheGovernment.org. I ask unanimous consent that a letter in support sent to the majority and Republican leaders of the Senate and endorsed by more than 100 organizations from across the political spectrum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

MAY 17, 2007.

Hon. HARRY REID,
Hart Senate Office Building,
Washington, DC.
Hon. MITCH MCCONNELL
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: We write on behalf of the undersigned group of 100 business, public interest, and historical groups and associations to endorse the OPEN Government Act of 2007 (S. 849), as introduced by Senator Patrick Leahy and Senator John Cornyn.

The Freedom of Information Act (FOIA) is the public's most significant tool for ensuring integrity and accountability from the federal government. Unfortunately, FOIA's promise of ensuring an open and accountable government has been seriously undermined by the excessive processing delays that FOIA requesters face across the government. The OPEN Government Act would: Close loopholes in FOIA; Help the public get timely responses to FOIA requests; and Improve agency accountability and require better management of FOIA programs.

The public's confidence in the executive branch has reached a dramatic low point. The OPEN Government Act of 2007 would demonstrate bipartisan congressional leadership to restore public faith in government and to advance the ideals of openness that our democracy embodies. The Senate Judiciary Committee has reported favorably upon the bill without any amendments. We urge you to support this legislation and help it move quickly to the Senate floor for a vote.

Sincerely,

Alliance for Justice
America Association of Law Libraries
American Association of Small Property Owners
American Booksellers Foundation for Free Expression
American Civil Liberties Union (ACLU)
American Families United
American Library Association
Animal Welfare Institute
ASPCA
Assassination Archives and Research Center
Association of American Publishers
Bill of Rights Defense Committee
Biodiversity Conservation Alliance
Blancett Ranches, Aztec, NM
Californians Aware
Californians for Western Wilderness
Center for Democracy and Technology
Center for Energy Research
Center for National Security Studies
Citizen Action New Mexico
Citizens for Responsibility and Ethics in Washington (CREW)
Common Cause
Community Recovery Services
Conservation Congress
Doctors for Open Government
DownsizeDC.org, Inc.
The E-Accountability Foundation/Parentadvocates.org
Electronic Frontier Foundation
Environmental Defense Institute
Environmental Integrity Project
Ethics in Government Group
Fernald Residents for Environmental Safety & Health, Inc.
Florida First Amendment Foundation
Forest Guardians
Friends Committee on National Legislation
Friends of Animals
Friends of the Wild Swan
Georgia ForestWatch
Georgians for Open Government
Government Accountability Project
Great Basin Mine Watch
Gun Owners of America
HALT, Inc
The Health Integrity Project
HEAL Utah
The Humane Society of the United States
Idaho Sporting Congress, Inc.
Indiana Coalition for Open Government
The James Madison Project
Law Librarian Association of Greater New York
Law Librarians Association of Wisconsin
League of Women Voters of the U.S.
Liberty Coalition
Los Alamos Study Group
Maine Association of Broadcasters
Mine Safety and Health News
The Multiracial Activist
National Coalition Against Censorship
National Freedom ofInformation Coalition
National Security Archive
National Taxpayers Union
National Treasury Employees Union
National Whistleblower Center
Natural Resources Defense Council
The New Grady Coalition
No FEAR Coalition
Northern California Association of Law Libraries
Northwest Environmental Advocates
Nuclear Watch New Mexico
Okanogan Highlands Bottling Company
OMB Watch
Open Society Policy Center
OpenTheGovernment.org
Oregon Natural Desert Association
Oregon Peace Works
Owner-Operator Independent Drivers Association, Inc.
People For the American Way
Project On Government Oversight
Public Citizen
ReadtheBill.org Education Fund
Republican Liberty Caucus
Reynolds, Motl & Sherwood, PLLP
The Rutherford Institute
Sagebrush Sea Campaign
Semmelweis Society International
Snake River Alliance
Society of American Archivists
Society of Professional Journalists
Southern California Association of Law Libraries
Southwest Research and Information Center
The Student Health Integrity Project
Tax Analysts
Tri-Valley CAREs (Communities Against a Radioactive Environment)
Union of Concerned Scientists

VA Whistleblowers Coalition
Western Environmental Law Center
Western Lands Project Western Resource Advocates
The Wilderness Society
Wild Wilderness
Wilderness Workshop.

THE BUDGET

Mr. DODD. Mr. President, last week the Senate and House of Representatives voted to adopt a budget resolution for the upcoming fiscal year. I was proud to support this budget, which, in my view, represents an important first step towards returning our nation to a healthy and strong fiscal and economic course. Like the budget of any family or business, the federal budget provides a framework for responsibly meeting our nation's most important priorities while ensuring that we are living within our means. This year's budget restores much-needed fiscal discipline while better targeting our resources towards the investments that will best promote economic growth, national security, and broad-based opportunity.

First, the budget resolution reinstates pay-as-you-go rules, which require that any new spending or tax cuts be paid for with spending cuts or new sources of revenue—rather than simply adding the cost to the national debt for our children and grandchildren to repay with interest. These rules played a major role in helping us to achieve Federal budget surpluses in the late 1990s. The resolution also puts a stop to procedural abuses that had been used by the previous leadership in the Congress, notably the use of budget reconciliation protections—designed for legislation that reduces the deficit—to ram through passage of budget-busting tax bills. These procedural improvements, combined with reasonable and responsible spending limits and revenue targets, provide for much-improved—and much-needed fiscal discipline on both the spending and revenue sides of the ledger.

In the 1990s, we saw how responsible budget policies and economic growth reinforced each other in a cycle that lifted Americans' standard of living across the board. Under the current administration, by contrast, Americans have seen the opposite effect, as irresponsible and poorly targeted fiscal policies have squandered the previous decade's fiscal gains while economic growth has accrued more and more narrowly to a smaller segment of the population. The Federal budget has declined from a surplus of $236 billion in 2000 to a deficit of $248 billion last year, while the national debt has grown from $5.6 trillion to $8.8 trillion. Over the same period, real median household income in our country has fallen by nearly $1,300.

Within the context of fiscal responsibility, the budget adopted last week puts in place a framework for restoring the investments necessary for broad-based economic growth and a return to budget surpluses. Rather than leaving middle-class families behind, it focuses on strengthening the middle class—the backbone of our economy.

This begins with promoting an agenda of innovation and entrepreneurship. The President's budget this year—for the second consecutive year—proposed the largest cut to education in the history of the Department of Education, along with cuts to research and development and technology transfer. It would be hard to find a worse idea than to cut the investments that allow our children to fulfill their maximum potential and drive our nation's economic growth now and in the future. This budget rejects the president's cuts, providing an additional $6.3 billion for education from preschool to graduate school. As I have said numerous times before, we can be confident that the investment we make here will be returned to us many times over.

This year's budget also directs more resources towards improving heath care quality and coverage, and reducing cost—an issue that affects every American family and businesses' bottom line. The resolution includes a deficit-neutral reserve fund to help cover uninsured children and funds for health information technology and comparative effectiveness to help reduce skyrocketing costs.

Just as importantly, with our military being stretched to its limits, the budget includes full funding for restoring force readiness and adequately equipping our military personnel serving in harm's way. It also includes $3.6 billion above the Bush administration's budget to address the needs of veterans when they return home, because the brave Americans who have served our country deserve much better than the conditions that were revealed in the recent Walter Reed Army Medical Center scandal.

The priorities laid out in the budget adopted last week contrast sharply with the agendas of recent years. Where the Bush administration and previous leadership in the Congress sacrificed all else at the altar of high-income tax cuts, this year's budget will keep taxes low while restoring the importance of education, health care, clean and renewable energy, and the needs of our military. This change is a welcome development that puts our Nation on a better, stronger, more prosperous, and more secure course for the future.

AGING REPORT

Mr. SMITH. Mr. President, it is my pleasure to present to the Senate report No. 110–71, titled "Economic Developments in Aging," as compiled by the Senate Special Committee on Aging for the 109th Congress. The Special Committee on Aging is required to report to the Senate at least once a Congress on findings from the work done by the committee. This report contains valuable insight uncovered by the committee over the past 10 years on the subject of the economics of retirement.

The Aging Committee has a long and distinguished history of investigating and debating issues of importance to America's aging population. Along with robust deliberations on retirement security, the committee also has initiated discussions on ways to strengthen Medicare and Medicaid, and to expose companies that prey upon seniors using fraudulent marketing scams. I was proud to serve as chairman of this committee in the 109th Congress, when we began the process of compiling this report, and am pleased to continue my service as ranking member of the committee in the 110th Congress.

The Aging Committee is tasked with a significant challenge to ensure that we, as a nation, are prepared for the significant demographic shift with the aging of our population. In a few short years, a vast wave of Americans will begin to retire. In fact, between 2010 and 2030, the number of people age 65 and older is projected to increase by 76 percent. This change will impact a wide range of social and economic issues, such as labor shortages, loss of experienced workers many of whom have skills that simply are not replaceable—and put a significant strain on the senior entitlement programs of Social Security, Medicare and Medicaid.

To keep pace with the growing aging population, it is critical that Congress address these issues in a thoughtful manner that preserves benefits for those in need. The report compiles relevant high-level summaries of committee hearings related to retirement security that demonstrate the ongoing debate within Congress regarding the best approach to address these important issues.

I look forward to continuing a healthy debate on ways to best prepare for the challenges that await us with our aging nation. I hope this report provides valuable insight as we continue these discussions throughout this Congress.

I thank all the members of the Senate Special Committee on Aging from the past 10 years for their participation in these vital discussions. I especially want to thank the committee's current chairman, Senator HERB KOHL, as well as the committee's past chairmen for their dedication to ensuring a positive future for America's seniors.

DEATH PENALTY

Mr. KYL. Mr. President, I ask unanimous consent that an article entitled "Remembering Victims Key to Death

Penalty, Executing Justice: Arizona's Moral Dilemma," by Steve Twist, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMEMBERING VICTIMS KEY TO DEATH PENALTY—EXECUTING JUSTICE: ARIZONA'S MORAL DILEMMA

(By Steve Twist, May 20, 2007)

Opponents of the death penalty rarely want to talk about the crimes of those sentenced to death. One commentator has observed that this is "a bit like playing Hamlet without the ghost, reviewing the merits of capital punishment without revealing just what a capital crime is really like and how the victims have been brutalized."

In the week ahead, the public will be riveted with news of Robert Comer: his life, his struggles and his legal battles borne by others to the very end. But what of his victims?

Let us hope, in the end, the law will speak for them. And let us hope that those who excuse or minimize his crimes will listen, if only for even a brief moment or so, to what Judge Alex Kozinsky has rightly called "the tortured voices of the victims crying out for justice." It is in those voices that we understand the morality of the death penalty, even when they are raised in opposition, as they sometimes, albeit rarely, are.

There are 112 murderers on Arizona's death row. Robert Comer is one of them, having been sentenced to death almost 20 years ago, April 11, 1988.

The Department of Corrections reports, "(O)n Feb. 23, 1987, Comer and his girlfriend . . . were at a campground near Apache Lake. They invited Larry Pritchard, who was at the campsite next to theirs, to have dinner and drinks with them. Around 9 p.m., Comer shot Pritchard in the head, killing him. He . . . then stole Pritchard's belongings. Around 11 p.m., Comer and (Juneva) Willis went to a campsite occupied by Richard Brough and Tracy Andrews. Comer stole their property, hogtied Brough to a car fender and then raped Andrews in front of Brough. Comer and Willis then left the area, taking Andrews with them but leaving Brough behind. Andrews escaped the next morning and ran for 23 hours before finding help." .

Donald Beaty is another. "On the evening of May 9, 1984, Christy Ann Fornoff, a 13-year-old news carrier, was collecting from her customers at the Rockpoint Apartments in Tempe. Beaty, who was the apartment custodian, abducted Christy and sexually assaulted and suffocated her in his apartment. Beaty kept the body in his apartment until the morning of May 11, 1984, when he placed it behind the apartment complex's trash dumpster."

Richard Bible is another. "On June 6, 1988, around 10:30 a.m., 9-year-old Jennifer Wilson was riding her bike on a Forest Service road in Flagstaff. Bible drove by in a truck, forced her off her bike and abducted her. He took Jennifer to a hill near his home where he sexually assaulted her. He then killed her hitting her in the face and head with a blunt instrument. Bible concealed the body and left the area. He was arrested later that day. Jennifer's body was not found until June 25, 1988."

Shawn Grell is yet another. "On Dec. 2, 1999, Grell took his 2-year-old daughter, Kristen, to a remote area in Apache Junction, doused her with gasoline and set her on fire. After Kristen was engulfed in flames, she managed to walk around and stomp her feet for up to 60 seconds before collapsing in the dirt. Kristen (died suffering) third- and fourth-degree burns over 98 percent of her body."

And there are so many more. Repeating them is hard. Thinking about the victims and their loved ones, left to grieve, is heartbreaking. But think about them we must if we are to truly understand the context of the death penalty debate.

Those who agitate to abolish the death penalty for these killers say the killers don't deserve to die because no crime justifies death.

These arguments continue to find disfavor with large portions of the public. Gallup consistently reports support for the death penalty by wide margins (67 percent in favor, 28 percent opposed: 2006) when the question is asked in a straightforward manner. When the question is asked whether death or life imprisonment is the "better" penalty, 48 percent choose life and 47 percent death. Yet, when the facts of a case are cited, support for the death penalty grows dramatically. Even among those who said they opposed the death penalty, more than half of those supported the execution of Oklahoma City bomber Timothy McVeigh.

Another issue the abolitionists like to avoid is deterrence, which is of two kinds, specific and general. Specific deterrence is the measure of the penalty's effectiveness in deterring the sentenced murderer from ever killing again.

General deterrence is the effect of the penalty on deterring others from committing murder. Most recently, Professor Paul Rubin of Emory University and his colleagues have reported the results of the most extensive econometric study of death penalty deterrence and concluded that every execution saves on average 18 lives because of the murders that are deterred. Rubin's results have been replicated by others.

This is such an "inconvenient truth" for the abolitionists that they prefer to ignore it. Professing to revere life so dearly as to oppose even the taking of depraved life, they nonetheless seem to care little that their advocacy would result, if successful, in the slaughter of more innocents.

This week, when the news is filled with Robert Comer, let us pause to remember Larry Pritchard, Richard Brough and Tracy Andrews. And let us remember also Christy Anne Fornoff, Jennifer Wilson and, dear God, let us remember little Kristen Grell and all the other victims.

In those memories, let us offer prayers for their families and a steady, steel-eyed resolve that we will value their innocent lives so dearly that we are willing to exact the ultimate punishment for their murders, in order that we might preserve justice and protect others from becoming victims. In the wake of these decades-long delays to justice, let us finally resolve to demand of our courts that they become more respectful of the victims' constitutional rights to a "prompt and final conclusion of the case."

HONORING OUR ARMED FORCES

LANCE CORPORAL CHRISTOPHER S. ADLESPERGER

Mr. DOMENICI. Mr. President, each year, our Nation observes a holiday to honor the brave men and women who have given their lives in service to this country. New Mexicans have a strong tradition of serving in the Armed Forces, and sadly a great many have given their lives in defense of our Nation. Americans from every state and all generations have served bravely and on Memorial Day we remember their sacrifice.

It is with particular poignancy that this Memorial Day, we reflect on the sacrifice so many New Mexicans have made while serving in Operation Iraqi Freedom and Operation Enduring Freedom. I hope New Mexicans will think of these individuals and their families and on this Memorial Day I would like to share one of their stories, that of Marine Corps LCpl Christopher S. Adlesperger of Albuquerque.

In late 2004, Lance Corporal Adlesperger, and his unit were deployed in Fallujah and involved in some of the fiercest fighting of the war. On one particular mission, Adlesperger and his squad were ordered to storm an insurgent-occupied building. While moving forward Adlesperger's squad began to receive heavy insurgent fire and several members of his squad were wounded and the rest were pinned down. Adlesperger took action and secured a path for the injured marines to be evacuated. Despite the fact that he was also wounded, Adlesperger continued the assault on the building. Adlesperger is credited with eliminating several insurgents and playing a pivotal role in the successful assault.

Tragically, 1 month later, 20-year-old Christopher Adlesperger, was fatally shot while on patrol in the Anbar province west of Bahgdad.

This brave young soldier was one of the first New Mexicans to give his life in the Iraq war and on April 13, 2007, Adlesperger was posthumously awarded the Navy Cross for valor.

Today, as we honor all the brave men and women who have fought and given their lives to defend this Nation throughout its history, I hope New Mexicans will also pray for the safe return of those still serving in Iraq and Afghanistan.

SAFETY OF AVANDIA

Mr. GRASSLEY. Mr. President, over the last few days there have been countless articles about the popular diabetes drug Avandia. For me, some of the most important questions that need to be answered here are what did FDA know, when did it know it, and what did it do with the information.

Since The New England Journal of Medicine first reported on a new study by Cleveland Clinic Cardiologist Dr. Steven Nissen, my investigative staff has continued to gather information about both FDA and the drugmaker.

We are hearing a lot about what's called the "RECORD" study, which was requested by the Europeans. There was talk at the FDA, before this week's stories started appearing, that the agency wanted to wait for that study to be completed before it made a decision about whether or not to say anything about Avandia and the possible increased risk in heart attacks. Believe it or not, FDA officials have confirmed for my investigators this week that the "RECORD" study is not expected to be completed for 2 more years—until the summer of 2009. That's a long time from now when you have millions of American's taking this drug.

Second, there is something I would like to clarify. We have been reading this week that the FDA was not in a position to tell the American people about its concerns with Avandia because it needed "conclusive" information. That doesn't make sense to me. The preliminary findings of the FDA's ongoing "meta-analysis" of the Avandia clinical trials have been consistent with Dr. Nissen's findings of an increased heart attack risk, as well as the drug maker's findings. It goes like this: the drugmaker sees a 31-percent increased risk of a heart attack; the FDA sees a 40-percent increased risk for heart attacks; and Dr. Nissen sees a 43-percent increased risk for heart attacks. Those numbers seem like a high enough threshold to me for the FDA to warn the American people of the possibility of a problem.

Third, several months ago, the Division of Drug Risk Evaluation, which sits within the Office of Surveillance and Epidemiology, recommended a "boxed" warning for Avandia. Why? Because it was believed that Avandia increased the risk of heart attacks. To date, FDA has not acted on upon this recommendation.

In a statement I released on Tuesday, I also pointed out that about a year ago some FDA scientists recommended a black box warning for congestive heart failure. There is still no black box warning for congestive heart failure, and I understand that happened because the office that put Avandia on the market in the first place wanted to look into it further. America is still waiting for a decision.

It was also reported to me that the incidence of heart attacks with Avandia could be about 60,000 to 100,000 from 1999 to 2006. That is a lot. Just doing the math and using conservative numbers, that means about 20 or more unnecessary heart attacks a day.

At a minimum, I think that the office responsible for post marketing safety needs to have the ability to warn Americans when it thinks it needs to do so. If not, we have what we have here today, delays in telling the American people about a possible serious safety problem. It is not right, and I am going to keep working to change things once and for all. The FDA legislation passed by the Senate two weeks ago dropped the ball on this important reform. The Avandia case sets it up for the House of Representatives to give real clout to the FDA office that monitors and assesses drugs after they are on the market and taken by millions of people. If the Office of New Drugs continues to call all the shots, like it does today, then it is more status quo and less public safety from the FDA. Both the evidence and the experts underscore the need for real reform here.

One opportunity to improve upon postmarketing drug safety stems from the Access to Medicare Data Act that I filed today with Senator BAUCUS. This bill is based on S. 3897, the Medicare Data Access and Research Act, which Senator BAUCUS and I introduced in the 109th Congress. The purpose of the bill is to provide federal health agencies and outside researchers more sources of data for examining adverse events so that serious safety questions are identified promptly and timely action can be taken to protect American consumers.

SENATE SPOUSES

Mr. WARNER. Mr. President, Tuesday, May 22 was a memorable day in the life of the U.S. Senate. In keeping with longstanding tradition, each year, Senate spouses gather to give a luncheon in honor of the First Lady of the United States of America.

Last year, Landra Reid served as Chairman and Jeanne Warner served as co-chairman. The theme was a unique one, entitled, "100 Dresses." This year, Jeanne Warner became Chairman, Grace Nelson became co-chairman and Landra Reid, together with over 20 Senate spouses, organized another highly successful and enjoyable luncheon. This year's event, entitled "Heartfelt Safari," focused on the President and Mrs. Bush's initiative to help alleviate the plight of malaria in Africa. The number of deaths this year from malaria could be as high as two million, largely among children in Africa. Part of the proceeds from the luncheon will be donated to a well-respected not-for-profit charity—Malaria No More—that works to alleviate this tragic suffering.

In the evening, our two Senate leaders presided over a dinner honoring the Senate spouses. Senator REID opened with a moving framework of remarks, humorously recounting how the esteemed author, Ralph Waldo Emerson, once spoke for over 2 hours at a Harvard University event in the 1830s. He quickly assured the audience he would not seek to match Emerson, and he then proceeded to give a very warm introduction of an honored guest, Placido Domingo. The renowned singer regaled the audience with anecdotes about his career and about America's growing interest in opera.

Senator McCONNELL concluded the evening, reciting the vital role performed by Senate spouses through the years. His remarks were warmly received by so many colleagues that I am privileged to offer for the RECORD, on behalf of all Senators, his thoughts, and I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE LEADERS HONORING SPOUSES—REMARKS AS PREPARED FOR LEADER McCONNELL

A few weeks after marrying Grace Cavert in 1972, Bill Nelson and his new bride hit the campaign trail for the first time. Neither of them could have imagined that 35 years later, Bill would be known throughout the halls of power in Washington as the husband of Grace Nelson.

Grace is a real sign of contradiction in this town. She believes in bringing people together, across party lines, and she's backed that belief up with deeds. As head of the Spouses of the Senate, she's been a model of how to practice bipartisanship and how to make it work. In retrospect, we probably should have consulted with her on the immigration bill.

I happen to know firsthand that Grace and all the other wives are a warm, welcoming group. Because my wife, who happens to be a pretty busy woman in her own right, is a regular at their Tuesday lunches. Elaine appreciates the friendships she's formed there, and she counts on the advice she can get from all of you on matters of vital concern, like where to find a decent electrician.

Jeanne Warner, thanks for organizing the First Lady's lunch today and for securing this beautiful garden for tonight's event. To the performers: Joyce Bennett, Barbara Levin, and, of course, our special guest, Placido Domingo, thanks. Thank you for sharing your talented young artists with us tonight.

No less a historian than our own Robert Byrd has called the Senate a place of "resounding deeds." But any time one of us writes a memoir, it's always the quiet deeds of a devoted spouse that the senators themselves seem to marvel at the most.

Senator Byrd himself can boast more milestones than any other senator in U.S. history. But he'll tell you his proudest achievement, his most resounding deed, was that he married a coal-miner's daughter named Erma and that they stayed together longer than any Senate couple in history.

One of Senator Reid's predecessors, Mike Mansfield, was a high-school dropout when his wife Maureen convinced him to go back to school—and then sold her own life insurance policy to pay for it. More than 70 years later, after one of the most distinguished political careers in U.S. history, Mansfield was invited back to the Capitol to receive one last honor. He could have recalled a thousand legislative deals. But when it came his turn to speak, he praised Maureen instead.

Here's what he said: "The real credit for whatever standing I have achieved in life should be given to my wife Maureen. She was and is my inspiration. She gave of herself to make something of me. She made the sacrifices and really deserved the credits, but I was the one who was honored. She has always been the better half of our lives together and without her coaching, her understanding, and her love, I would not be with you tonight. What we did, we did together. In short, I am what I am because of her."

Barry Goldwater was another one who knew where to place the credit. He'd proposed to his future wife Peggy many times before they found themselves in a phone booth on a cold New Year's Eve night in Muncie, Indiana, in 1933. Peggy wanted to call her mother to wish her a Happy New Year, and while they were standing there, Barry said he was running out of quarters and patience. He asked her to marry him one more time, she said yes, and nearly half a century later, Barry Goldwater wrote this postscript to a long and storied career:

"There are many moments of triumph in a man's lifetime which he remembers. I have been to the mountaintop of victory—my first election to the Senate, and my reelection, that night in Chicago, in 1960, when the governor of Arizona put my name in nomination for the office of the President of the United States; and another night in San Francisco when the delegates to the Republican Convention made me their nominee. But above all these I rate that night in Muncie."

Ronald Reagan once said there was only one person in the world that could make him lonely just by leaving the room. And we learned earlier this week that Nancy still marvels at her husband's devotion. She shouldn't. Those of us who are fortunate to share this life of highs and lows, of forced smiles and cancelled plans, of bland buffets and late night calls, know we couldn't achieve much at all, much less resounding deeds, without the person sitting next to us.

ACCOUNTABILITY IN HIGHER EDUCATION

Mr. ALEXANDER. Mr. President, our country does not have just some of the best colleges and universities in the world. It has almost all of them. Our higher education system is our secret weapon in America's competition in the world marketplace. It is the cornerstone of the brainpower advantage that last year permitted our country to produce thirty percent of the world's wealth, measured by gross domestic product—for just 5 percent of the world's people.

Education Secretary Margaret Spellings, to her credit, established a commission 2 years ago to examine all aspects of higher education to make certain that we do all we can to preserve excellence in this secret weapon and access to it. Among other things, the commission called for more accountability in higher education.

The commission got the part about accountability right. We in Congress have a duty to make certain that the billions we allocate to higher education are spent wisely.

Unfortunately, the commission headed in the wrong direction when it proposed how to achieve accountability. In its report, and in the negotiated rule-making process, the Department of Education proposed a complex system of accountability to tell colleges how to accept transfer students, how to measure what students are learning, and how colleges should accredit themselves.

I believe excellence in American higher education comes from institutional autonomy, markets, competition, choice for students, federalism and limited Federal regulation.

The Department is proposing to restrict autonomy, choice, and competition.

Such changes are so fundamental that only Congress should consider them. For that reason, if necessary, I will offer an amendment to the Higher Education Act to prohibit the Department from issuing any final regulations on these issues until Congress acts. Congress needs to legislate first. Then the Department can regulate.

Instead of pursuing this increased Federal regulation, I have suggested to the Secretary a different course.

First, convene leaders in higher education—especially those who are leading the way with improved methods of accountability and assessment—and let them know in clear terms that if colleges and universities do not accept more responsibility for assessment and accountability, the Federal Government will do it for them.

Second, establish an award for accountability in higher education like the Baldrige Award for quality in American business. The Baldrige Award, granted by the Department of Commerce, encourages a focus on quality in American business. It has been enormously successful, causing hundreds of businesses to change their procedures to compete for the prize. I believe the same kind of award—or awards for different kinds of higher education institutions—would produce the same sort of result for accountability in higher education.

Finally, make research and development grants to states, institutions, accreditors and assessment researchers to develop new and better appropriate measures of accountability.

This combination of jawboning, creating a Baldrige-type prized for accountability and research and development for better assessment techniques will in, my judgment, do a better and more comprehensive job of encouraging accountability in higher education than anything Federal regulation can do.

If I am wrong, then we in Congress and the U.S. Department of Education can step in and take more aggressive steps.

Are there some things wrong with the American higher education system? Of course.

And in my testimony in Nashville last year before the Secretary's Commission on the Future of Higher Education I detailed some of them.

One is the failure of colleges of education to prepare school leaders to raise our k–12 system to the level of our higher education system.

Two is the growing political one-sidedness that has infected many campuses. Too often true diversity of thought is discouraged in the same of a preferred brand of diversity.

Third, is the rising cost of tuition and large amount of students debt—although costs are lower than most Americans realize and the reason for the increase is primarily the State failure to fund higher education because of all the money that is being soaked up by rising medicaid costs.

Fourth, there is no doubt that colleges and universities are not as efficient as they should be. Campuses are too vacant in the summer. Faculty teaching loads are too light. And semesters are too short to justify the large expenditures.

Fifth, no one in Washington takes a coordinated look at the tens of billions of dollars spent for higher education. Secretary Spellings is the first to do this, and I applaud her for it, although I had hoped the result would have been less regulation, not more.

Finally, deregulation. There is too much Washington DC. regulation.

Instead of debating how many more regulations we need, if we really are serious about excellence and opportunity, we should be debating which regulations we can get rid of.

The question is whether you believe that excellence in higher education comes from institutional autonomy, markets, competition, choice for students, federalism and limited Federal regulation or whether you don't.

I believe it does. In fact, I have spent most of my public career arguing that we should borrow these principles from higher education where we have excellence and try them in k–12 where we too often don't.

There is plenty of evidence that America's secret weapon is our system of colleges and universities. More Americans go to college than in any country. Most of the best universities of the world are in our country, attracting 500,000 of the brightest students from outside America—many of whom stay to create more good jobs for Americans.

Just a few short weeks ago, after two years of work, the Senate passed the America Competes Act. It authorizes investing $62 billion over 4 years to help our country keep its brainpower advantage so we can keep jobs from going to India and China.

In China, India, in Europe and Latin America countries seeking to improve the incomes of their citizens are seeking to emulate our college and universities because they know that better schools and colleges mean better jobs. The former Brazilian President, Fernando Henrique Cardoso, recently told a group of Senators that the strongest memory of the United States he would take back to his country is the American University. "The uniqueness, strength and autonomy of the American university," Dr. Cardoso said, "There is nothing like it in the world." "Autonomy" is the key word in Dr. Cardoso's response.

Deregulating higher education and preserving the autonomy of its institutions—not more Washington, DC, regulation—is the key to preserving the quality of this secret weapon in our effort to keep our high standard of living.

The United States system of higher education is a remarkable system of 6,000 autonomous institutions. Some are public, like the University of Tennessee of which I was once President. Some are private like Vanderbilt and New York University, from which I graduated. Some are Catholic. Some are Jewish. Some are non profit. Some are for profit. Some, like UCLA, are research universities.

Some are trade schools like the Nashville Auto Diesel College which graduate 1300 of the best auto mechanics in the world each year. Some are 2-year community colleges or technical institutes.

Some, like the University of Texas, have 100,000 students. Some, like Valley College in West Virginia have 34 students.

Some like Harvard, have 20,000 applicants for 1,700 freshman places. Some, like University of Phoenix, accept every student who applies. Some teach sports management and some teach classics.

The largest university is online. In some colleges, most students graduate in four years. In others, most never actually graduate because they are there to learn skills on their way to a new job.

The average tuition private school is $22,218, for a public four year college the average is $5,836, for a public 2-year community college the average is $2,272.

More than half the students who attend these 6,000 institutions have a federal grant or a loan to help them to pay for college.

That means that this year taxpayers will spend $13 billion giving 5.2 million students Federal Pell grants providing up to $4,310 each—which pays the entire cost of attending many 2 year schools and almost three-fourths the cost of a public four year school.

Many States and private institutions and individuals provide generous additional scholarships and loans.

Mr. President, 56,000 Tennessee students each year receive up to $3,800 if they attend a 4-year institution or $1,900 if they attend a year institution.

Georgia's HOPE scholarship and grant programs benefit over 200,000 Georgia students a year, giving them grant and scholarship aid to attend a college or university.

In addition, 14 million students will borrow 66 billion more dollars this year by taking out federal guaranteed loans to help pay for college.

I once asked David Gardner when he was president of the University of California why his institution was one of the world's finest. Without a moment's hesitation he said, "First, autonomy. Fundamentally the state of California gives us the money, then our board decides how to spend it. This authority has permitted us to set high standards." And then he said, "We have a large amount of federal and state dollars that follow students to the educational institution of their choice."

So, autonomy, excellence choice—Federal dollars following students to the schools of their choice. That is the California formula for excellence. It is the American formula for excellence since the GI bill for Veterans was enacted in 1944, and veterans were given the opportunity to attend the college of their choice.

Congress could have given the dollars to institutions. Instead, it created this marketplace and fueled it even further with the addition of Pell grants and loans—all following students to the institution of their choice.

Who, then, is the regulator of this marketplace?

Well, first, the marketplace itself. Students armed with scholarship dollars may choose or reject courses and colleges. Colleges must compete to attract faculty. Most Federal grants are awarded competitively after review by peers. Such competition and choice has permitted both excellence and a breadth responding quickly to a changing world that a more highly regulated system never would have. For example, the fastest growing institutions are 2-year colleges and for-profit institutions—the institutions in the closest touch with the rapidly changing global workplace.

The second regulator is the Federal Government. This stack of regulations I have here represent the 7,000—yes, 7,000 regulations—that each one of the 6,000 colleges and universities who accept federal aid must deal with in order to accept students with Federal grants or loans.

The president of Stanford has estimated it costs 7 cents of every tuition dollar just to deal with federal regulations and loans. Universities have compliance officers and divisions to keep track of regulations from almost every Cabinet agency in Washington.

Then there are the State regulators. The Governor is chairman of the board of all Tennessee public universities. Of course, the State legislature has its say when it passes budget funding public universities. The Tennessee Higher Education Commission reviews budgets, duplicitous programs and standards—and it also has some rules for private universities.

Fundamentally the autonomous college or university regulates itself. As president of the University of Tennessee system of institutions, I had overall responsibility for admissions and standards of quality for faculty and students established by the board of trustees to which I reported. A chancellor supervised each campus. The faculty senate on each campus played a major role.

Then there is also the self-accreditation system—an elaborate, time consuming review of programs in each department for the purpose of determining whether that department held true to its mission and its level of quality.

With these multiple layers of regulation, higher education needs less, not more regulation from Washington, DC. In fact, I believe the greatest threat to excellence of higher education is overregulation, not underfunding.

Not long ago, the president of the North Carolina higher education system—Erskine Bowles—visited me along with several of his presidents of public and private institutions. That system has for years been one of the Nation's best. Their message was, "Of course accountability is important. We believe in it. But we are the ones to do it and we are doing it."

The best way for Congress to assure the quality of higher education is to determine that State regulators and accrediting agencies are doing their jobs.

RETIREMENT OF BARBARA L. MILES

Mr. DODD. Mr. President, Barbara Miles, a specialist in financial institutions retired from the Government and Finance Division of the Congressional Research Service, CRS, at the Library of Congress on May 3, 2007. Including 32 years at CRS and her six years in the executive branch as an economist and econometrician at the Bureau of Economic Analysis in the Department of Commerce, Ms. Miles devoted 38 years of service to the American people. CRS and the Congress lost an exceptionally able and dedicated public servant with her departure.

A native of California, Ms. Miles earned a bachelor's degree in economics from Occidental College in Los Angeles and a master of economics degree from the University of Washington at Seattle. She began her CRS service in July 1975, as an economist. She was successively promoted throughout her career, attaining the position of Specialist in Housing in 1979, and that of Specialist in Financial Institutions in 1995.

Ms. Miles' research was in the general area of housing. She is an expert in a range of housing-related policy issues such as the housing industry and finance, housing supply and prices, housing demand, mortgage interest rates and affordability, and federal policies toward home ownership. Ms. Miles provided close support to numerous members of Congress and their staff, in the form of analysis, confidential memos, and reports during the savings and loan crisis of the late 1980s. She worked closely with Congress as it drafted the Financial Institutions Reform Recovery and Enforcement Act of

1989 that established the Resolution Trust Corporation, which liquidated the assets of insolvent savings and loans, and reimbursed depositors and other creditors.

As her career developed, Ms. Miles also devoted her talents to the study of and analysis of public policy concerning government sponsored enterprises, or GSEs, which are stockholder-owned companies whose Congressional charters call on them to support the secondary mortgage market, especially lower income groups and geographic areas not well served by lenders. She provided ever more insightful and detailed reports on the costs, benefits, and risks of various GSEs,. advising Congress on the impact of the GSEs on different sectors of the housing market in particular, as well as on the nation's economy in general. Through regular and ever expanding contacts, she helped to familiarize members and staff with the role of Congress in policy options and oversight of the GSEs. She provided regular analyses of options for legislation and oversight. Her work included in-person briefings, telephone briefings, lectures, seminars, reports, confidential and general distribution memoranda, and CRS reports for Congress. She testified before Congress on many occasions. All of her work in the area of GSE-related oversight and legislation by Congress demonstrated an extremely detailed understanding of the complex, significant policy issues surrounding these institutions and their operations. Her insights and perspective were plain, and understandable; the clarity and rigor of her analyses won praise from members and commendations at CRS.

In 2000, Ms. Miles assumed the position of Section Head of the Banking, Securities, Insurance, and Macroeconomics Section within the CRS Government and Finance Division. For the next five years she supervised eight to ten economists, ranging from experienced veterans to newly-appointed staff hired from the private sector, other government agencies, and from distinguished graduate programs. She was generous with her time and offered constructive advice working with staff through multiple revisions to produce the most useful products for members and staff. She challenged veteran staff to think and write in new ways to better serve Congress.

She emphasized the need for economists to write clearly and to connect the microeconomic foundations of financial markets to macro economic policy to best assist Congress in its duties of scrutiny, oversight, and legislation. Ms. Miles' own broad expertise and depth of experience in her section's wide-ranging policy responsibilities provided her with unique tools during her period as a section manager in CRS. She conducted knowledgeable oversight of section written materials and was regarded by her staff and management as a skilled reviewer whose insistence on the highest standards was matched by her ability as a mentor and educator. She constantly worked with her staff to improve the precision and clarity of their writing and to produce accurate, balanced and insightful analysis of the issues of the day in a timely manner. Ms. Miles led her section to new levels of intellectual excellence and dedicated service to Congress, while gaining the unquestioned respect and genuine affection of her staff.

Ms. Miles was an invaluable resource in many ways that did not always attract notice. Throughout the course of her career, other analysts frequently consulted with her for her subject matter and economic expertise. She tirelessly peer-reviewed papers. Ms. Miles managed a long-running CRS cooperative "Capstone" project, initiated with students and faculty of the University of Texas, that examined corporate governance policy issues and questions for Congress. She initiated and nurtured a popular "Brown Bag Luncheon" series of lecture-discussions on policy issues. She selected topics and used her wide contacts to arrange for speakers for a program that has covered a very broad range of issues, and continues to draw standing-room-only audiences. Ms. Miles was honored by her colleagues when they elected her president of the Congressional Research Employee Association.

CRS management recognized Ms. Miles for achieving and exceeding the organizational goals established for her section, leading her staff to new levels of excellence that could not have been attained without her steady and inspired guidance. Her mastery of technical skills, her understanding of and commitment to the mission and goals of the Congressional Research Service, coupled with her ability to communicate these to her staff, helped lead her section to significantly improved organizational performance.

After stepping down as section head in 2005, Ms. Miles continued to mentor new staff. In stepping down, she planned to spend more time analyzing and writing about government-sponsored enterprises, housing issues, and financial services. She also took on the role of division reviewer to ensure that all products met the highest CRS standards.

Ms. Miles won numerous awards and praise from members during her 32 years at CRS. In 1995, a Senator praised one of her products for "explaining that the debate between the direct lending and the guaranteed loan program is fundamentally a debate over political philosophy and not a debate over economics. . . . It is important to keep in mind that these economists at the Congressional Research Service are not individuals who work for the Republican Party, nor are they individuals who have some hidden agenda, who have some connection to the banks or the guaranty agencies. They are simply economists who work for the Congressional Research Service and provide us with objective, nonpartisan analyses of the programs that Congress develops." In 1998, two Senators and a Representative praised her work on the Higher Education Amendments of 1998.

She wrote numerous concise and complete reports for CRS. She also contributed to the Joint Economic Committee's Demographic Change and the Economy of the Nineties with "Demography and Housing in the 1990s," which turned out to be a classic work on housing.

Ms. Miles also testified before Congressional committees numerous times on housing and mortgage issues. The members of the House Committee on Financial Services and the House Committee on the Budget were the most frequent beneficiaries of her insights and wisdom.

In 1993, she received a CRS special achievement award for "extraordinary contributions to debate over the student loan program including the Omnibus Budget Reconciliation Act of 1993." In 2000, 2001, 2002, and 2004 she received incentive awards for sustained high performance. In 2001 and 2002 she received honorary superior service awards. Upon her retirement, Ms. Miles received a meritorious service award.

Ms. Miles was active in professional associations, conferences and meetings. She participated in conferences sponsored by the Chicago Federal Home Loan Bank, the Chicago Federal Reserve, the American Economics Association, the American Real Estate and Urban Economics Association, and Women in Housing and Finance. In her private life, Ms. Miles remains an avid bicycle rider who has raced competitively. One of her goals after retirement is to ride a "century" or 100 miles. She is also an active member of the Episcopal Church, in which she served with distinction on the Diocesan Council Episcopal of the Episcopal Diocese of Washington.

For the 32 years of her career at CRS—and her six years of previous federal service—Ms. Miles won the respect, admiration, and thanks of her colleagues. Her steadfast dedication to service to Congress and the nation and her commitment to the highest standards of unbiased and timely response to Congressional requests for information have made a positive and lasting contribution.

On behalf of the members of the Senate Committee on Banking, Housing, and Urban Affairs, Senator SHELBY and I express our deep appreciation to Ms. Miles for her many years of dedicated public service and wish her well as she goes on to other endeavors.

ADDITIONAL STATEMENTS

HONORING KATHLEEN McNAMARA

• Mr. AKAKA. Mr. President, I believe deeply that the well-being of our society depends on the contributions of committed individuals. With that belief in mind, today I pay tribute to an individual who has given much to many, most especially to veterans in my home State of Hawaii, Dr. Kathleen McNamara.

Dr. McNamara is a psychologist who has spent 18 years working full time for veterans, with most of that time spent in Hawaii. Her full career spans longer than that, and includes impressive service across a range of issues in psychology. Recently, the American Psychological Association presented Dr. McNamara with a Presidential Citation in recognition of the more than 30 years she has dedicated to the American people, including veterans. Dr. McNamara has served on many of the APA's volunteer boards, including their board of directors.

I have interacted with Dr. McNamara both in her role as psychologist and in her work with the veterans' community. I have found her to be thorough and of strong conviction.

I recall a witness who was testifying at a January 2006 hearing of the Committee on Veterans' Affairs. This witness was speaking on behalf of veterans from the Hawaiian island of Molokai, where it can take over 3 months to get an appointment with a visiting VA psychologist. This witness told the committee about Dr. McNamara, who routinely travels to Molokai from a neighboring island. He called Dr. McNamara the "Mother Theresa for the veterans," and noted that Molokai needed more psychologists, because the demand to see Dr. McNamara was just so great.

I humbly offer Dr. McNamara my gratitude for what she has done for veterans, for Hawaii, and for our Nation.•

TRIBUTE TO TERESA KIRKEENG-KINCAID

• Mr. BOND. Mr. President, today I pay tribute to Teresa Kirkeeng-Kincaid, a remarkable civil servant who dedicated her entire career to making her community, the Upper Mississippi River Region and our Nation a better place. Teresa passed away last week at the young age of 48, after a courageous battle against cancer. Her legacy, however, will continue long into the future. Teresa dedicated her entire professional life to working for the Federal Government. Teresa joined the U.S. Army Corps of Engineers as a civil engineer with the Rock Island District in 1981, and continued with the Corps for 26 years. In that time, she served in many roles, including assistant chief of the planning, program and project management division.

During her two and a half decades of service, Teresa earned a reputation on the Upper Mississippi Region and across the Nation as a person of great dedication and integrity. She played a leadership role in important projects including formulating navigation, flood damage, and ecosystem restoration projects throughout the entire Upper Mississippi River basin. She was the "go to person" throughout the Corps of Engineers on numerous planning issues. The team she led reestablished the Corps' Planning Associates program to train future planners for the Corps, a legacy that will last for many decades.

I had the occasion to meet Teresa several times, and know the very high regard in which she was held by her coworkers, her countless friends, and her loving family. She will be missed.•

RECOGNIZING MONROE CITY, MISSOURI

• Mr. BOND. Mr. President, it is with great pleasure that I congratulate Monroe City, MO, on the 150th Anniversary of its founding.

Monroe City has had a long and proud history. The city was founded on July 4, 1857, by E.B. Talcott and John Duff at a picnic where town lots were sold. In 1869 Monroe City became an incorporated town, owing its existence to the Hannibal and St. Joseph Railroad and the Wabash Railroad. Due to the drive of the community's many entrepreneurs Monroe City enjoyed continued economic, agricultural, and structural growth.

In the early 1870s an educational system was created with both public and parochial schools. In 1918, a Carnegie Library was built that is still owned and supported by the city of Monroe City.

Throughout its 150-year history, Monroe City has continued to flourish and has striven to maintain its concern for, and involvement in, the lives of its citizens. Members of this community have often assumed leadership positions in the community through participation in fire, police, and administration departments, as well as with their work with a variety of civic and church groups.

I am pleased to join with the State of Missouri in congratulating Monroe City on this important milestone and wishing them continued growth and success for the next 150 years.•

RETIREMENT OF LIEUTENANT GENERAL DONALD WETEKAM

• Mr. CHAMBLISS. Mr President, today I pay tribute to a great military leader, officer, and good friend, LTG Donald Wetekam. After 34 years of distinguished and honorable service, General Wetekam, the Deputy Chief of Staff of the Air Force for Installations and Logistics, will retire from the U.S. Air Force.

General Wetekam began his active duty service in 1973 after graduating from the U.S. Air Force Academy. As a career logistics officer, he commanded three maintenance squadrons, a logistics group and a logistics center, and has served staff tours at both the major command and air staff levels.

General Wetekam's noteworthy service and responsibilities have been widely recognized. He received the Distinguished Service Medal, the Meritorious Service Medal with four oak leaf clusters, the Legion of Merit with an oak leaf cluster, and the Air Force Commendation Medal with an oak leaf cluster.

Prior to serving as the Deputy Chief of Staff for Installations and Logistics, General Wetekam served as Commander of the Warner Robins Air Logistics Center, at Robins Air Force Base, GA. He also served both as Director of Maintenance and Logistics and Deputy Director of Combat Weapon Systems at Headquarters Air Combat Command, Langley Air Force Base, VA; and as Director of Logistics, Headquarters Pacific Air Forces, Hickam Air Force Base, HI. Prior to that he served as Vice Commander and Director, Aircraft Management Directorate at the Oklahoma City Air Logistics Center, Tinker Air Force Base, OK; and commanded the 49th Logistics Group at Holloman Air Force Base, NM.

General Wetekam has been a visionary leader, and among his most significant accomplishments, championed initiatives including Repair Enterprise 21, establishing a single enterprise-wide maintenance repair network. He was a driving force behind the Global Logistics Support Center moving from a base centric supply process to a centrally responsive approach to improving supply chain management. During General Wetekam's tenure, the Air Force saw the implementation of Centralized Asset Management, culminating in a $14 billion savings and the elimination of complex and redundant financial processes. General Wetekam worked extensively to increase the number of Security Forces available for deployment and through this effort provided much needed support to our warfighters. He was successful in reducing career field operations tempo, and forged a ground breaking path for both privatized housing and joint basing.

General Wetekam's leadership was instrumental to air and space forces engaged across a breadth of support activities in Operation Iraqi Freedom and Operation Enduring Freedom. As the prime architect of Lean implementation, his guidance enabled the Air Force to increase efficiency in a resource constrained, high operations tempo environment. His efforts provided the foundation for Air Force

Smart Operations 21 and the ability to fund the recapitalization of an aging fleet and build the Air Force of tomorrow while fighting today's war.

The Nation will miss General Wetekam's commitment to duty, ceaseless drive for improvement, and unwavering support to the U.S. Air Force. I will miss having him in the U.S. Air Force, although I know he will continue to serve his Nation wherever he goes. I know I speak on behalf of a grateful Nation in saying thank you to General Wetekam for his years of service and sacrifice. I hope my colleagues will join me in wishing him well in all his future endeavors and hope that those who follow in his footsteps will continue his legacy of unprecedented support to our great Nation. Good luck and Godspeed.•

TRIBUTE TO JONESBORO HIGH SCHOOL

• Mr. CHAMBLISS. Mr. President, today I congratulate the Jonesboro High School Mock Trial team of Clayton County, GA, for winning the 2007 National High School Mock Trial Championships in Dallas, TX. The championship consisted of 44 teams representing 40 States, South Korea, and the North Mariana Islands.

The mock trial program is an excellent experience for students, allowing them to further their understanding of court procedure and the legal system; to improve proficiency in basic skills such as listening, speaking, reading and reasoning; to promote better communication and cooperation between the educational and legal community; to provide a competitive event in an academic atmosphere; and to promote cooperation among young people of various abilities and interests.

Jonesboro's long journey to the national championships began by practicing 3 days a week under the tutelage of prominent judges and lawyers in Clayton County. The team qualified for the National High School Mock Trial Championships by winning their fifth Georgia State Championship, and their fourth in the last 6 years, defeating a very talented Grady High School team from Atlanta. After winning the State championship, the team turned its focus to the national championship, where the students presented their case in front of legal professionals in a courtroom environment.

En route to the final round, Jonesboro defeated the State championship teams from Hawaii, Idaho, Colorado, and Illinois. In the finals, they played the defense side against Kalamazoo Central High School from Kalamazoo, MI, in a civil case based on the tragic events in Texas City, TX, in 1947. The team vigorously debated who was at fault for an accident that resulted in the sinking of several ships, along with injuries and fatalities. Jonesboro did not back down from the runners-up of the 2006 competition, and they defeated Kalamazoo to bring the national title back to the Peach State for the third time since 1995, and tying Georgia with Iowa for the most national titles in the Nation.

I would like to congratulate Kayla Delgado, Lindsay Hargis, Mathew Mitchell, Sandra Hagans, Kyle Skinner, Lindley Curtis, Laura Parkhouse, Braedon Orr, Brian Cunningham, Jayda Hazell, Tabias Kelly, Jurod James, Joe Strickland, and team captain Brittne Walden for their hard work and accomplishments. I would also like to extend my gratitude to the parents and supporters of the team for reaching out to these students and providing them with the leadership and guidance to reach their goal of a championship. The team's successes would not have been possible without the guidance of their teacher coaches, Anna and Andrew Cox, their attorney coaches, the Honorable John Carbo, the Honorable Deborah Benefield, and Tasha Mosely, and their student coach from Mercer Law School, Katie Powers.

They have all made the State of Georgia proud.•

RECOGNIZING GALESBURG, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 23 to 24, the residents of Galesburg will gather to celebrate their community's history and founding.

Galesburg is a community in Traill County, near the Elm River. Founded in 1882, Galesburg, like many small towns in North Dakota, began when the railroad stretched across the State. The residents share a rich Scandinavian background and celebrate their heritage with an annual lutefisk and meatball supper. Galesburg is noted as being home to the world's largest standing structure, the KXJB-TV mast. Many individuals travel to Galesburg in the fall to take advantage of the excellent deer hunting available in that region.

The residents of Galesburg are proud of their bean plant, local softball team, and community-owned caf&eacute;. A yearly church bazaar and live auction brings the community together as the residents make homemade gifts and treats to auction. The residents are enthusiastic about their upcoming celebration and have made a Veterans Memorial for all individuals from Galesburg that have served the United States. An exciting weekend is planned that begins with a parade that will led by a resident of Galesburg who is 106 years old.

Mr. President, I ask the Senate to join me in congratulating Galesburg, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Galesburg and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Galesburg that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Galesburg has a proud past and a bright future.

RECOGNIZING WASHBURN, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to honor a community in North Dakota that is celebrating its 125th anniversary. On June 14 to 17, the residents of Washburn, ND, will celebrate their community's history and founding.

Washburn is a small town in the central part of North Dakota with a population of 1,389. Despite its small size, Washburn holds an important place in North Dakota's history. The Lewis & Clark Expedition spent the winter at Fort Mandan, near where the town would eventually be located. Washburn was founded in 1882 along the Missouri River and named for Cadwallader Colden Washburn, a Civil War general, Congressman, and Governor of Wisconsin. "King" John Satterlund was one of the town's first leaders. Washburn was incorporated as a city in 1902 when the Soo Line Railroad came to town.

Over the last 125 years, Washburn has remained a strong community. The energy industry provides the driving force in the local economy. Washburn's residents are very proud of their community and enjoy the beautiful Missouri River scenery and quiet rural lifestyle. They continue to support the school, churches, and many other small businesses in town.

Mr. President, I ask the Senate to join me in congratulating Washburn, ND, and its residents on their first 125 years and in wishing them well into the future. It is clear that Washburn has a proud past and a bright future. By honoring Washburn and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Washburn that have helped to shape this country into what it is today, which is why it is deserving of our recognition.•

RECOGNIZING DAVENPORT, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 8 to 10, the residents of Davenport will gather to celebrate their community's history and founding.

Davenport, a railroad town located in Cass County just 20 miles southwest of Fargo, is a community of about 261 people. The city was founded in 1882 and platted by G.F. Channing and Henry D. Cooke, Jr. The post office was established April 6, 1882, and Davenport was organized into a city in 1895. Channing named the town for Mary Buckland Davenport, a friend from Massachusetts and the second wife of William Claflin, who was the Governor of Massachusetts from 1869 to 1872.

Davenport has plenty to offer its residents and visitors. Young couples and families are drawn to Davenport as it offers an escape from the big city, more affordable housing, and an opportunity to raise children in a more rural setting. Businesses in Davenport include a bar and restaurant, a beauty shop, and additional home-based businesses. The town also has a park called Tuskind Park, named after the Davenport family that used to own the grocery store.

The 125th celebration in the town where Mayor Jason Lotzer notes, "everybody knows everybody," will include a "Wagon Train," karaoke, a parade, a silent auction, all school reunion, and a variety of activities in Tuskind Park.

Mr. President, I ask the Senate to join me in congratulating Davenport, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Davenport and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Davenport that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Davenport has a proud past and a bright future.●

RECOGNIZING PISEK, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 23, the residents of Pisek will gather to celebrate their community's history and founding.

Pisek, a railroad town located in Walsh County, was established in 1882 by Frank P. Rumreich and other Czech and Moravian settlers. Pisek was chosen as the name because some its the settlers had come from Pisek, Czechoslovakia, and also because the community was built near a sand ridge. Pisek means "sand" in Czech.

Pisek is home to 96 residents and several small businesses. The local J-Mart draws customers throughout the area because it is known for having the best Christmas candy selection in the region. Pisek's church, the St. John Nepomucene Catholic Church, was blessed on the feast of St. John Nepomucene on May 16, 1887, and today it continues to be vital part of the community. The community's celebration will include a church service, a parade, a traditional Bohemian pork and dumpling meal, and various afternoon activities. An evening street dance will close the celebration.

Mr. President, I ask the Senate to join me in congratulating Pisek, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Pisek and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Pisek that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.●

RECOGNIZING LAMOURE, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 22 to 24, the residents of LaMoure will gather to celebrate their community's history and founding.

LaMoure is a small town in southeast North Dakota with a population of roughly 1,000 residents. LaMoure was named in honor of Judson LaMoure, a legislator in the Dakota Territory government. It is the only known community named "LaMoure" in the United States.

LaMoure has a variety to offer, from its beautiful lake and parks to tours of the Toy Farmer Museum and Hutterian Brethren Colonies. Also in LaMoure, you can tour the County Courthouse, which is on the National Register of Historical Places. The LaMoure County Memorial Park, a short drive from LaMoure, is home to the LaMoure County Summer Musical Theater, which showcases local talent in a series of live performances throughout the summer.

For those who call LaMoure home, it is a comfortable place to live, work, and play. The people of LaMoure are enthusiastic about their community and the quality of life it offers. The community has a wonderful celebration weekend planned that includes parades, dances, picnics, games, and much more.

Mr. President, I ask the Senate to join me in congratulating LaMoure, ND, and its residents on their first 125 years and in wishing them well into the future. By honoring LaMoure and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as LaMoure that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

LaMoure has a proud past and a bright future.●

WISCONSIN JAZZ AND HERITAGE FESTIVAL

• Mr. KOHL. Mr. President, today I honor the late Milwaukee jazz legend, Tony King.

Mr. Tony King was an inspiration and mentor to all of his students during his tenure as teacher and director of the jazz program at the Wisconsin Conservatory of Music in downtown Milwaukee. As an accomplished pianist, he not only applied his talent to share beautiful music with the world, but also dedicated himself to help foster the talent of young musicians. Mr. King recognized the potential and skill of his students and guided them with respect, care, and humility.

Mr. King's life and legacy will be celebrated this Memorial Day weekend in Milwaukee at the Second Annual Wisconsin Jazz and Heritage Festival at Jamie's Club Theatre. Mr. King's historic contributions to the jazz community in Wisconsin are reflected in the lives and accomplishments of his former students who will return to Milwaukee and perform in his honor. Many teachers hope they have an impact on their students' lives and the community in which they taught. Mr. King's impact will be remembered this weekend in Milwaukee with sounds of happiness, laughter, and the music that he loved so much.●

TRIBUTE TO WILLIAM E. COLSON

• Mr. SMITH. Mr. President, today I pay tribute to William E. Colson, a great Oregonian, who devoted his entire life to building and operating quality senior housing. Beginning in 1971 in Salem, OR, Bill Colson and his father Hugh built and operated independent living communities for seniors. The company they founded, Holiday Retirement Corp., earned a reputation for providing middle-income seniors access to outstanding housing and services. By steadily constructing and selectively acquiring senior housing properties, Holiday Retirement Corp. grew to become the largest owner and manager of senior housing in the world.

Bill Colson and his partners, including his wife Bonnie, son Bart, and Dan Baty, Norm Brendan, Patrick Kennedy, Thilo Best, Mark Burnham, the Hasso family, Bruce Thorn, and their loyal employees and investors collectively built and managed over 80,000 senior living units in the United States, Canada, France and United Kingdom.

Bill Colson has been recognized as a founding father of seniors housing by the American Seniors Housing Association, an organization he helped create in 1991. With his passing at age 66, Bill Colson leaves his wife, two sons, Brad and Bart, and three grandchildren, all of whom he adored. He was beloved by his family and by the thousands of employees and residents he served so well over the years. I ask my colleagues to join me in recognizing Bill Colson and celebrating his lifetime of achievements building and operating outstanding housing for seniors across North America and Europe. He will be remembered by those whose lives he touched as a devoted family man, successful businessman, generous philanthropist, genuine friend and a great American.•

TRIBUTE TO JOAN McKINNEY

• Ms. LANDRIEU. Mr. President, I would like to take a moment to pay tribute to Joan McKinney—journalist, advocate for the free press and accomplished shag dancer—who turned 60 this week, for her outstanding contributions to the State of Louisiana and to our country.

Joan McKinney, originally of Greenville, SC, came to Washington in 1971 to work on the press staff of former Senator Fritz Hollings. As her career advanced, she chose to return to journalism, and she worked for papers in both Louisiana and South Carolina before coming back to work here at the Capitol, covering Washington for the Baton Rouge Advocate, a position she held from 1979 to 2003. I came to know and respect Joan in my many hallway meetings with her since I came to the Senate in 1997.

In her tenure as the advocate's congressional correspondent, Joan beat the Capitol's marble floors and came to be well respected by the Louisiana delegation. The Members from my State knew there was nothing, nothing that could get by her. She was so skilled at asking the right questions that she was able to draw from our elected officials some truly famous zingers—such as when former Senator Breaux in 1981, while still a House Member, told her why he was voting for a particular plan President Reagan was putting forth. He said his vote could not be bought, but it was up for rent.

Joan's work as a reporter stayed true to the best tenets of journalism. She served the people of Louisiana for a quarter of a century by informing them about the personalities and policies of their elected representatives in Washington.

Through her work, Joan became an expert on the intricacies of the Senate and the Supreme Court. She has taken this knowledge with her into her current role as a member of the Senate Daily Press Gallery staff. Her Senate acumen on the institution and its procedure is of great value to the reporters roaming the gallery, cubs and veterans alike, who rely on her for deep insight about the Chamber they cover.

Joan, who has won reporting awards from the South Carolina and Louisiana press associations, is a longtime member of the 112-year-old, elite Gridiron Club of newspaper writers. She was one of the first women to become a member. Her storied career as a journalist, which earned her the respect of fellow members of the press and politicians alike, should be an example to all aspiring women journalists. And for those lucky enough to gain a spot in the valued turf of the Senate Daily Press Gallery, I know Joan will offer them a helping hand. The smart one will take it, and draw on the knowledge, experience and good heart, which has distinguished Joan among all who know her and the many more who have benefited from her years of believing in and serving the best ideals of our democracy.•

TRIBUTE TO JOEL COGEN

• Mr. LIEBERMAN. Mr. President, those of us who hold elected office are accustomed to getting the recognition and praise that comes with a career in public service. However, I think all of us would also recognize that there are many equally dedicated public servants who work behind the scenes and are just as deserving of the public's gratitude and recognition. I rise today to honor one such public servant.

In June, Joel Cogen, the executive director and general counsel of the Connecticut Conference of Municipalities, will retire after 41 years at CCM. Mr. Cogen's retirement marks the end of a highly distinguished career in public service, one in which he became a fixture in Connecticut politics.

Mr. Cogen has been with CCM since its inception in 1966 and has been its executive director since 1968. With Mr. Cogen at the helm, CCM, an organization dedicated to both advocating for the interests of Connecticut municipal governments and promoting efficiency and responsiveness within municipal government, has grown in both size and influence to the point where it is now the dominant voice for Connecticut's cities and towns. In addition to its advocacy work, CCM has also provided its member municipalities with numerous services, including management assistance, individualized inquiry service, assistance in municipal labor relations, technical assistance and training, policy development, research and analysis, publications, information programs, and service programs such as workers' compensation. These services, provided under Mr. Cogen's leadership, have helped to greatly increase the level of service the people of Connecticut receive from their local officials.

In addition, Mr. Cogen also serves as corporate executive officer of CCM's Connecticut Interlocal Risk Management Agency. This agency allows CCM's member towns to pool their resources to purchase services, such as workers' compensation insurance, that many towns might otherwise find too expensive.

Before his tenure at CCM, Mr. Cogen held numerous other public service positions. He worked for 9 years at the New Haven Redevelopment Agency, while at the same time working as an assistant for then-mayor Richard C. Lee. Before that, he worked for the Ansonia Redevelopment Agency, the New York State Mediation Board, and the U.S. Wage Stabilization Board. He also brought his skills to the U.S. Army, where, as an officer for 2 years, he handled various management assignments.

Given all of these accomplishments, I cannot help but think of Mr. Cogen's retirement in bittersweet terms. While I am certainly happy for him and wish him all the best, I cannot help but think about what a loss it will be for Connecticut when he steps down. I am sure, however, that his dedication to the State will live on in all who know him and worked with him and that we will be left in good hands.

Thank you, Joel Cogen. Connecticut is a better place because of you and all you have done.•

TRIBUTE TO JAMES BURTON BLAIR

• Mr. PRYOR. Mr. President, today I honor a man who has given so much of himself to public service, the State of Arkansas and the legal community.

In 1957, James Burton (Jim) Blair was admitted to practice law in Arkansas. A successful attorney, he was the only general counsel that Tyson Foods had in the 20th century as the company grew from a regional poultry company to the second largest food producer in the Fortune 500.

Jim Blair has shared his success with contributions to his lifelong hometown of Fayetteville, The University of Arkansas, and the State that we both call home. He has contributed to the education of others by establishing funds and chairs at the University of Arkansas. He gave the largest private gift ever given to a public library in Arkansas; the new Fayetteville Public Library is named The Blair Library in memory of Jim's late wife Diane Divers Blair, his grandmother Bessie Motley Blair and his aunt Dr. Mary Grace Blair. A patron of the arts, Jim established a sculpture room at the Walton Arts Center, donated the Anita Huffington sculpture "Spring" to the University of Arkansas and also donated the Huffington sculpture "Earth" to the Arkansas Arts Center in Little Rock.

Jim Blair also has a passion for politics and public service. He was a delegate to the Democratic National Conventions of 1968, 1972, and 1980. He served as campaign manager of Senator William J. Fulbright's 1974 reelection campaign, was vice president of the

Clinton for President Committee 1992 and is listed in "Who's Who in American Politics."

Jim served for 10 years on the University of Arkansas Board of Trustees, including 2 years as chairman. He also served for 9 years on the Arkansas Board of Higher Education, with 1 year as chairman. These days Jim continues his public service by serving on the Fayetteville Educational Foundation Board, the Fayetteville Public Library Board, the Tyson Family Foundation Board, the Arkansas Tennis Association Board and the Northwest Arkansas Community Foundation.

Mr. President, I ask that my colleagues join me in congratulating James Burton (Jim) Blair on his 50th anniversary in the legal profession and many philanthropic contributions to Arkansas.•

TRIBUTE TO FRANK BUCKLES

• Mr. ROCKEFELLER. Mr. President, today I honor the life of Frank Woodruff Buckles, a devoted American, who served this country in World War I. Mr. Buckles, born in 1901 in Harrison County, MO, is still going strong today in West Virginia. At the age of 106, he resides in Charles Town, where he manages his 330-acre farm.

Mr. Buckles was only 16 years old when his country entered World War I. After unsuccessful attempts to join the Marines and the Navy, Mr. Buckles contacted the Army. He claimed that birth certificates had not been issued in Missouri at the time of his birth and started his training at Fort Riley, KS, where many soldiers were ill with influenza. With an irrepressible desire to serve his country, Mr. Buckles joined the Army Ambulance Service and went overseas, first to England and France. Later, Mr. Buckles became an escort for German prisoners of war.

Upon his return from Europe, Mr. Buckles held various jobs. He accepted a position with White Star Line Steamship Company, which took him to Toronto, Canada. In 1921, he put his business education to use at Bankers Trust Company in New York City.

Mr. Buckles eventually realized that he cared most for the steamship industry. While he was employed by Grace Line, he traveled along the western coast of South America. In 1940, the American President Lines had a task for him in Manila—Mr. Buckles found himself trapped in the Philippines when the Japanese invaded in December of the following year. He spent 3½ years in Japanese prison camps, until on February 23, 1945, a subsection of the 11th Airborne Division freed Mr. Buckles and 2,147 other prisoners in a daring raid on the Los Banes prison camp.

After his liberation from Los Banes, Mr. Buckles returned to the United States. He married Audrey Mayo, a young lady, whom he had known before the war and in 1954, they settled down on the Gap View Farm in West Virginia.

On this same farm, Mr. Buckles has remained mentally sharp and physically active. Up to the age of 105, he drove cars and tractors on his farm. Nowadays, he reads from his vast book collection and enjoys the company of his daughter, Susannah Flanagan, who came to live with him after his wife passed away in 1999.

Today, Mr. Buckles is one of three living World War I veterans in the United States, and his dedication and courage have not been overlooked in our Nation's Capital. In 1999, Mr. Buckles was presented with the French Legion of Honor at the French Embassy in Washington, DC. On May 28, 2007, Mr. Buckles will represent his fellow World War I veterans as a Grand Marshall at the National Memorial Day Parade.

We must cherish our last links to World War I. In the same vein, we owe Mr. Buckles and all the men and women, who have served our country, a great debt of gratitude.

I ask the Senate to join me today in commending Frank Buckles, an American whose service to our country deserves recognition.•

RECOGNIZING CASTLEWOOD, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Castlewood, SD. The town of Castlewood will celebrate the 125th anniversary of its founding this year.

Located in Hamlin County, Castlewood was founded in 1882 when the Chicago and Northwestern railroad placed a turntable near the location of the present day town. According to the town's folklore, the first train that passed through had an engineer named Castle and a conductor named Wood, hence the town was named "Castlewood." Since its beginning, Castlewood has been a successful and thriving community and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Castlewood on this milestone anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING ESTELLINE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Estelline, SD. The town of Estelline will celebrate the 125th anniversaty of its founding this year.

Located in Hamlin County, Estelline was founded in 1882. The community's folklore explains that the town was named after the daughter of one of its early residents; however, they just do not know which one. It was either the daughter of a prominent landowner, D.J. Spalding, or of Judge Granville Bennett. This story is just another example of the rich history that can be found in South Dakota's rural communities. Over the past 125 years, Estelline has been a successful and thriving community and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

It gives me great pleasure to rise with the citizens of Estelline in celebrating their 125th anniversary and wish them continued success in the years to come.•

RECOGNIZING ONAKA, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Onaka, SD. The town of Onaka will celebrate the 100th anniversary of its founding this year.

Located in Faulk County, Onaka was founded in 1907. Onaka has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for many years to come.

I would like to offer my congratulations to the citizens of Onaka on this milestone anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING PHILIP, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Philip, SD. The town of Philip will celebrate the 100th anniversary of its founding this year.

Located in Haakon County, Philip was founded in 1907 with the arrival of the Chicago and Northwestern Railroad. It was named after James "Scotty" Philip, a local rancher who was known for his efforts to preserve the buffalo population from extinction. Philip has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Philip on this milestone anniversary and wish them continued prosperity in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 67. An act to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes.

H.R. 612. An act to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

H.R. 1100. An act to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes.

H.R. 1252. An act to protect consumers from price-gouging of gasoline and other fuels, and for other purposes.

H.R. 1427. An act to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes.

H.R. 1470. An act to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers.

H.R. 1660. An act to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region.

H.R. 2199. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certain improvements in the treatment of individuals with traumatic brain injuries, and for other purposes.

H.R. 2239. An act to amend title 38, United States Code, to expand eligibility for vocational rehabilitation benefits administered by the Secretary of Veterans Affairs.

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

The message also announced that pursuant to 46 U.S.C. 51312(b), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mrs. MCCARTHY of New York and Mr. KING of New York.

At 2:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 158. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional adjournment of the Senate.

ENROLLED BILL SIGNED

At 5:27 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 988. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office":

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 7:14 p.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2206) making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30,2007, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 67. An act to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 612. An act to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release; to the Committee on Veterans' Affairs.

H.R. 1100. An act to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1252. An act to protect consumers from price-gouging of gasoline and other fuels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1427. An act to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1470. An act to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

H.R. 1660. An act to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region; to the Committee on Veterans' Affairs.

H.R. 2199. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certain improvements in the treatment of individuals with traumatic brain injuries, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2239. An act to amend title 38, United States Code, to expand eligibility for vocational rehabilitation benefits administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces; to the Committee on Finance.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 14. Joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2046. A communication from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting a letter stating that an exchange of notes stamped "for your information" enclosed in Treaty Doc. 109–20, the Protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of the Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, corrects that Protocol, and requesting that the Senate give its advice and consent to the Protocol as corrected by that exchange of notes; to the Committee on Foreign Relations.

EC–2047. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense services related to the Rolling Airframe Missile MK 31 Guided Missile Weapon System in the amount of $50,000,000 or more to Korea; to the Committee on Foreign Relations.

EC–2048. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Mint Crop Insurance Provisions" (RIN0563–AC03) received on May 23, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2049. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Control of Gasoline Volatility" (FRL No. 8318–3) received on May 23, 2007; to the Committee on Environment and Public Works.

EC–2050. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Enhanced Inspection and Maintenance Plan" (FRL No. 8318-1) received on May 23, 2007; to the Committee on Environment and Public Works.

EC–2051. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Florida; Prevention of Significant Deterioration Requirements for Power Plants Subject to the Florida Power Plant Siting Act" (FRL No. 8317–8) received on May 23, 2007; to the Committee on Environment and Public Works.

EC–2052. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL No. 8318–6) received on May 23, 2007; to the Committee on Environment and Public Works.

EC–2053. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8318–8) received on May 23, 2007; to the Committee on Environment and Public Works.

EC–2054. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 8315-9) received on May 23, 2007; to the Committee on Environment and Public Works.

EC–2055. A communication from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Dominican Republic — Central America — United States Free Trade Agreement" (RIN1505–AB64) received on May 23, 2007; to the Committee on Finance.

EC–2056. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belarus for one year; to the Committee on Finance.

EC–2057. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Certification for the Permanent Employment of Aliens in the United States; Reducing the Incentives and Opportunities for Fraud and Abuse and Enhancing Program Integrity" (RIN1205-AB42) received on May 23, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2058. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's annual report for calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–2059. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period from October 1, 2006 through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2060. A communication from the Director, National Legislation Commission, American Legion, transmitting, pursuant to law, a report relative to the financial condition of the Legion as of December 31, 2006; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–97. A resolution adopted by the City Commission of Sunny Isles Beach, Florida, requesting fair treatment for Haitian asylum seekers who recently arrived ashore in Hallandale Beach, Florida; to the Committee on the Judiciary.

POM–98. A concurrent resolution adopted by the House of Representatives of the State of Arizona urging Congress to take immediate action to allow the Arizona Game and Fish Commission to recover the Kofa National Wildlife Refuge desert bighorn sheep population; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2008

Whereas, the Kofa National Wildlife Refuge was created primarily in response to concerns for historic declines in desert bighorn populations throughout the west, and the refuge is critical to the health of desert bighorn sheep; and

Whereas, the Kofa National Wildlife Refuge desert bighorn sheep population has declined from 812 sheep in 2000 to 390 sheep in 2006, as documented through extrapolation of data from surveys conducted by the Arizona Game and Fish Commission and the Kofa National Wildlife Refuge; and

Whereas, the Kofa National Wildlife Refuge is the primary source of desert bighorn sheep, mexicana subspecies, throughout the southwestern portion of the United States; and

Whereas, the Kofa National Wildlife Refuge has served as the primary resource for repatriation of desert bighorn sheep to mountain ranges in Arizona, Texas, New Mexico and Colorado and has repatriated at least 513 desert bighorn sheep in 25 of the past 49 years since transplanting began: and

Whereas, the decline in the Kofa National Wildlife Refuge sheep herd coincides with periods of drought and a known increase in the resident population of mountain lions on the Kofa National Wildlife Refuge; and

Whereas, the current population of Kofa desert bighorn sheep is inadequate to support continuing repatriation; and

Whereas, failure to take immediate action will likely result in further decline and threaten the viability of the Kofa herd,; and

Whereas, the Arizona Game and Fish Commission has a trust responsibility under title 17, Arizona Revised Statutes, to manage all wildlife in Arizona; and

Whereas, although the United States Fish and Wildlife Service is mandated to manage the natural resources of the Kofa National Wildlife Refuge, the National Wildlife Refuge System Improvement Act of 1997 which provides that the Secretary of the Interior shall ensure effective coordination, interaction and cooperation with the fish and wildlife agency of the states in which the units of the system are located; and

Whereas, the Arizona Game and Fish Commission and Department are recognized for their body of expertise relative to managing both desert bighorn sheep and mountain lions, and immediate management action is needed to secure the health and viability of the Kofa desert bighorn sheep population.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress take immediate action to reaffirm the Arizona Game and Fish Department's position as the leading agency in the management of nonmigratory and nonendangered state wildlife.

2. That the Arizona Game and Fish Commission employ, without any unnecessary delays, burdens or obstacles, all management tools and measures necessary to recover the Kofa National Wildlife Refuge desert bighorn sheep population, including the management of predators, water developments, human intervention and the potential for disease epizootics.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona and the Director of the Arizona Game and Fish Department.

POM–99. A concurrent resolution adopted by the Senate of the State of Arizona urging Congress to repeal federal tax withholding on certain payments made by government agencies; to the Committee on Finance.

SENATE CONCURRENT MEMORIAL 1001

Whereas, section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 imposes on certain governmental agencies the duty to withhold and remit income taxes on certain payments for providers of services or property; and

Whereas, many providers of covered transactions may be in marginal businesses with little or no federal income tax liability, thereby forcing an interest-free loan to the federal government by the businesses that can least afford them; and

Whereas, section 511 places an undue burden on governmental agencies, creating yet another unfunded mandate to state and local governments; and

Whereas, the Internal Revenue Service is barely able to cope with the current level of tracking of withholding payments, much less handle the exponential increase in such payments that section 511 creates; and

Whereas, this withholding scheme will inevitably lead to endless disputes between governmental agencies and their service providers over billing and account balances.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States repeal section 511 of the Tax Increase Prevention and Reconciliation Act of 2005, codified as section 3402(t) of the Internal Revenue Code.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–100. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to support the goals and ideals of a National Day of Remembrance for Murder Victims; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 61

Whereas, the death of a child is a devastating experience, and the murder of a child is exceptionally difficult; and

Whereas, Parents of Murdered Children, Inc., (POMC) helps families of murder victims cope with grief through a variety of support services, including counseling, crisis intervention, professional referrals, and assistance in dealing with the criminal justice system; and

Whereas, POMC was formed in 1978 by Robert and Charlotte Hullinger after the tragic murder of their daughter, Lisa, on September 25 of that year; and

Whereas, POMC has grown from only five parents at the first meeting of the organization in Cincinnati, Ohio, in 1978 to over 100,000 members in more than 300 chapters worldwide; and

Whereas, POMC membership is open to anyone who has suffered the murder of a loved one and to professionals who are in frequent contact with survivors of murder victims; and

Whereas, POMC provides comfort and vital, ogoing assistance to countless loved ones of murder victims; and

Whereas, POMC helps guide families of murder victims through the process of pursuing justice in the criminal justice system, which can be an overwhelming experience for grieving loved ones; and

Whereas, POMC has designated September 25 of each year as a National Day of Remembrance for Murder Victims; and

Whereas, the designation of a National Day of Remembrance for Murder Victims provides an opportunity for the people of the United States to honor the memories of murder victims: therefore, be it

Resolved that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to support the goals and ideals of a National Day of Remembrance for Murder Victims and to recognize the significant benefits that Parents of Murdered Children, Inc., provides to the loved ones of murder victims, be it further

Resolved that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 924. A bill to strengthen the United States Coast Guard's Integrated Deepwater Program (Rept. No. 110-72).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 368. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes (Rept. No. 110-73).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Allocations to Subcommittee of Budget Totals" (Rept. No. 110-74).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 740. A bill to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

H. Con. Res. 76. A concurrent resolution honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 110. A resolution expressing the sense of the Senate regarding the 30th Anniversary of ASEAN-United States dialogue and relationship.

S. Res. 211. A resolution expressing the profound concerns of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1327. A bill to create and extend certain temporary district court judgeships.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 25. A concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2012.

By Mr. BIDEN for the Committee on Foreign Relations.

*Mark P. Lagon, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

*James K. Glassman, of Connecticut, to be Chairman of the Broadcasting Board of Governors.

*James K. Glassman, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2007.

*Phillip Carter, III, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Nominee Phillip Carter, III.

Post Conakry, Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: none.
2. Spouse: none.
3. Children and spouses: Justin M. Carter, none; Andrew N. Carter, none.
4. Parents: Hortencia Carter, none.
5. Grandparents: N/A.
6. Brothers and spouses: David and Nicole Carter, none.
7. Sisters and spouses: Melissa A. Carter, none.

*R. Niels Marquardt, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Comoros.

Nominee: R. Niels Marquardt.

Post: U.S. Ambassador to Madagascar and the Comoros.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: $25.00, 2003, Mike Clancy.
2. Spouse: Judith, none.
3. Children: Kaia Lucinda Marquardt, none; Kelsey Scoles,none; Torrin Allina, none; Yannika Nielsen, none.
4. Parents: Helen Marquardt, none; Robert Marquardt, (deceased).
5. Grandparents: Charles & Inga Nielsen, Frank & Gurina Marquardt, all deceased.
6. Brothers and spouses: no brothers.
7. Sisters and spouses: Jack and Inga Canfield, $200, 2006, Louise Capps; $500, 2006, Peace Alliance; Gene and Lucinda Scalco, none.

*Janet E. Garvey, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Nominee: Janet E. Garvey.

Post: Yaounde, Cameroon.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: none.
2. Spouse: n/a.
3. Children and spouses: n/a.
4. Parents: Thomas F., deceased; Anne B., deceased.
5. Grandparents: Paternal: Thomas Garvey, deceased; Helen Garvey, deceased; Maternal: Paul Cifrino, deceased; Mary Cifrino, deceased.
6. Brothers and spouses, none.
7. Sisters and spouses: Anne F. Oliveira and George R. Oliveira, none; Kathleen A. Garvey and Douglas G. Walton; none.

*Cameron R. Hume, of New York, a Career Member ofthe Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Nominee: Cameron R. Hume.

Post: Indonesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: none.
2. Spouse: none.
3. Children and spouses: None.
4. Parents: none.
5. Grandparents: none.
6. Brothers and spouses: Duncan B. Hume, $200 per annum, 1994-1996, local republican candidate, Ridgefield, CT.
7. Sisters and spouses: none.

*James R. Keith, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Nominee: James Keith.

Post: Kuala Lumpur.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: none.
2. Spouse: none.
3. Children and spouses: Jason R. Keith, none; John J. Keith, none; Scott C. Keith, none; Emily A. Keith, none; Andrew J. Keith, none; Elizabeth M. Keith, none.
4. Parents: Robert M. Keith, none; Lillian F. Keith, none.
5. Grandparents: Lula Moran, deceased; Aubrey Moran, deceased.
6. Brothers and spouses: n/a.
7. Sisters and spouses: Ms. Sherry L. Keith, none.

*Miriam K. Hughes, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

Nominee: Miriam K. Hughes.

Post: Micronesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: none.
2. Spouse: not applicable.
3. Children and spouses: Jordana Hughes Tynan, none; Matthew Tynan, none.
4. Parents: Dr. and Mrs. Robert Kahal, none.
5. Grandparents: deceased.
6. Brothers and spouses: Matthew and Candace Kahal, none; Lawrence and Marie Kahal, none.
7. Sisters and spouses: none.

*Ravic Rolf Huso, of Hawaii, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Nominee: Ravic Rolf Huso.

Post: U.S. Embassy Vientiane Laos.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: none.
2. Spouse: Barbara Ann Huso, none.
3. Children and spouses: Natalie M. Huso, none.
4. Parents: Michela Maria Huso, none; Rolf Jerome Huso, none.
5. Grandparents: deceased.
6. Brothers and spouses: n/a.
7. Sisters and spouses: Manuela Huso and Richard Brainerd, 2006—$25.00, 12/08/06, Sierra Club; $35.00, 10/12/06, American Civil Liberties Union; $40.00, 09/07/06, Oregon Natural Resources Council; $30.00, 06/16/06, Oregon Students Political Interest Group; $35.00, 03/24/06, National Abortion Rights Action League; $50.00, 03/10/06, Move On Org Political Action; $40.00, 03/08/06, Sierra Club; 2005—$100.00, 12/29/05, Alan Zelenka for City Council; $30.00, 06/21/05, Oregon Students Political Interest Group; $15.00, 05/19/05, Planned Parenthood Action Fund; $35.00, 04/18/05, Oregon Natural Resources Council; $35.00, 02/01/05, National Abortion Rights Action League; 2004—25.00, 06/25/04, Human Rights Campaign; $40.00, 04/09/04, Sierra Club; $47.00, 03/16/04, Sierra Club; 2003—$50.00, 11/15/03, 1000 Friends of Oregon; $35.00; 7/31/03, Oregon Natural Resources Council; $39.00, 01/23/03, Sierra Club; Total: $706.00; Renata Beck and Joseph Beck, none.

*Hans G. Klemm, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Timor-Leste.

Nominee: Hans George Klemm.

Post: U.S. Embassy Dili, East Timor.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: none.
2. Spouse: none.
3. Children and spouses: N/A.
4. Parents: Hans J. and Inge K. Klemm, $25, 2006, Presidential Coalition (Republican); $50, 2006, Ronald Reagan Library Foundation; $25, 2005, Ronald Reagan Library Foundation; $25, 2004, Michigan Republicans; $25, 2004, Ronald Reagan Library Foundation; $25, 2004, Michigan Republican Party; $40, 2003, Ronald Reagan Library Foundation; $20, 2003, American Conservative Union.
5. Grandparents: deceased.
6. Brothers and spouses: Steven and Eileen Klemm, none.
7. Sisters and spouses: Sally Klemm, none; Lori Runco, (sister), none; John Runco (spouse), $4.84, 2005, Conyers for U.S. Congress; $4.62, 2004, Levin for U.S. Congress; $47.69, 2003, Stabenow for U.S. Senate.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nomination of Ross Marvin Hicks.

Foreign Service nominations beginning with Patricia A. Miller and ending with Dean L. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2007. (minus 1 nominee: Mitchell G. Mabrey)

Foreign Service nominations beginning with Edward W. Birgells and ending with Andrea J. Yates, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

By Mr. LEAHY for the Committee on the Judiciary.

Liam O'Grady, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Paul Lewis Maloney, of Michigan, to be United States District Judge for the Western District of Michigan.

Janet T. Neff, of Michigan, to be United States District Judge for the Western District of Michigan.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SUNUNU (for himself and Mr. JOHNSON):

S. 40. A bill to authorize the issuance of Federal charters and licenses for carrying on the sale, solicitation, negotiation, and underwriting of insurance or any other insurance operations, to provide a comprehensive system for the Federal regulation and supervision of national insurers and national agencies, to provide for policyholder protections in the event of an insolvency or the impairment of a national insurer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WHITEHOUSE:

S. 1471. A bill to provide for the voluntary development by States of qualifying best practices for health care and to encourage such voluntary development by amending titles XVIII and XIX of the Social Security Act to provide differential rates of payment favoring treatment provided consistent with qualifying best practices under the Medicare and Medicaid programs, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1472. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 1473. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 1474. A bill to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1475. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mrs. Boxer, and Mr. Inouye):

S. 1476. A bill to authorize the Secretary of the Interior to conduct special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. Allard):

S. 1477. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. Warner, Mr. Bingaman, Mr. Harkin, Mrs. Boxer, Mr. Kerry, Mr. Lieberman, Mr. Menendez, Mrs. Clinton, Mr. Dodd, Mr. Schumer, Mr. Akaka, Mrs. Feinstein, Mr. Cardin, Mr. Brown, Mr. Webb, Mr. Durbin, Mr. Obama, and Mr. Lautenberg):

S. 1478. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. Leahy):

S. 1479. A bill to improve the oversight and regulation of tissue banks and the tissue donation process, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 1480. A bill to amend title 38, United States Code, to provide for the payment of a monthly stipend to the surviving parents (known as "Gold Star parents") of members of the Armed Forces who die during a period of war; to the Committee on Veterans' Affairs.

By Mr. BAUCUS (for himself and Mr. Enzi):

S. 1481. A bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself and Ms. Snowe):

S. 1482. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Ms. Snowe):

S. 1483. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. Reed, Mr. Salazar, and Mr. Voinovich):

S. 1484. A bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005; to the Committee on Finance.

By Mrs. CLINTON (for herself, Ms. Snowe, Mrs. Murray, Mr. Feingold, Mr. Conrad, Mr. Craig, and Ms. Klobuchar):

S. 1485. A bill to impose tariff-rate quotas on certain casein and milk protein concentrates; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. Grassley):

S. 1486. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself, Mr. Dodd, Mr. Sanders, Mr. Inouye, Mr. Obama, Mr. Brown, Mr. Leahy, Mr. Menendez, Mr. Kennedy, and Mrs. Clinton):

S. 1487. A bill to amend the Help America Vote Act of 2002 to require an individual, durable, voter-verified paper record under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. COLEMAN (for himself and Ms. Landrieu):

S. 1488. A bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Ms. Cantwell):

S. 1489. A bill to provide for an additional place of holding court in the western district of Washington; to the Committee on the Judiciary.

By Mr. CARPER (for himself and Mr. Voinovich):

S. 1490. A bill to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in Federal employee health benefits plans under chapter 89 of title 5, United States Code, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself, Mr. Obama, Mr. Bond, Mr. Voinovich, Ms. Stabenow, Mr. Durbin, Mrs. McCaskill, Mrs. Clinton, Mr. Kerry, Mr. Brown, Mr. Nelson of Nebraska, and Mr. Dorgan):

S. 1491. A bill to amend the Agricultural Risk Protection Act of 2000 to direct the Secretary of Agriculture to provide grants for the installation of E–85 fuel infrastructure, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. Dorgan, Mr. Pryor, Ms. Cantwell, Ms. Klobuchar, and Mr. Kerry):

S. 1492. A bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. Stevens):

S. 1493. A bill to promote innovation and basic research in advanced information and communications technologies that will enhance or facilitate the availability and affordability of advanced communications services to all Americans; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. Dorgan, Mr. Inouye, Mr. Baucus, Ms. Collins, Mrs. Lincoln, Mr. Hatch, Mr. Bingaman, Ms. Stabenow, Mr. Schumer, and Mr. Durbin):

S. 1494. A bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself and Mr. Wyden):

S. 1495. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Chambliss, Mr. Grassley, Ms. Landrieu, Mr. Nelson of Florida, Mr. Isakson, Mr. Craig, Mr. Casey, Mr. Dorgan, Mrs. Feinstein, Mrs. Clinton, Mr. Brown, Mr. Harkin, Mr. Kerry, Mr. Allard, Ms. Collins, Mr. Byrd, Mr. Thune, Mrs. Boxer, Mr. Tester, Mr. Feingold, Mr. Sanders, Ms. Snowe, Mr. Cochran, Mr. Nelson of Nebraska, Mr. Roberts, Mr. Salazar, Mr. Crapo, Ms. Stabenow, and Mr. Conrad):

S. 1496. A bill to amend the Food Security Act of 1985 to include pollinators in certain conservation programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CARDIN:

S. 1497. A bill to promote the energy independence of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself, Mr. Vitter, Mr. Lieberman, Mr. Lautenberg, and Mr. Menendez):

S. 1498. A bill to amend the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. 1499. A bill to amend the Clean Air Act to reduce air pollution from marine vessels; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. Feingold, and Mr. Lugar):

S. 1500. A bill to support democracy and human rights in Zimbabwe, and for other purposes; to the Committee on Foreign Relations.

By Mr. BAYH:

S. 1501. A bill to amend the Internal Revenue Code of 1986 to consolidate the current education tax incentives into one credit against income tax for higher education expenses, and for other purposes; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. Roberts, Mr. Leahy, Mr. Thune, Mr. Salazar, Mr. Enzi, Mr. Dorgan, Mr. Nelson of Nebraska, Mr. Baucus, Mr. Stevens, Mr. Kerry, and Mrs. Clinton):

S. 1502. A bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE (for himself and Mr. Thune):

S. 1503. A bill to improve domestic fuels security; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 1504. A bill to revalue the LIFO inventories of major integrated oil companies; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. Burr, and Mr. Coburn):

S. 1505. A bill to amend the Public Health Service Act to provide for the approval of biosimilars, and for other purposes; to the

Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 1506. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1507. A bill to amend title XVIII of the Social Security Act to provide for drug and health care claims data release; to the Committee on Finance.

By Mr. DORGAN:

S. 1508. A bill to amend the Internal Revenue Code of 1986 to extend and expand various tax incentives for production of renewable energy and clean energy sources, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. KERRY, Mr. NELSON of Florida, and Mr. MARTINEZ):

S. 1509. A bill to improve United States hurricane forecasting, monitoring, and warning capabilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 1510. A bill to require the Consumer Product Safety Commission to promulgate consumer product safety rules concerning the safety and labeling of portable generators; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Ms. MURKOWSKI, and Ms. SNOWE):

S. 1511. A bill to promote the development and use of marine and hydrokinetic renewable energy technologies, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 1512. A bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18; to the Committee on Finance.

By Mr. OBAMA:

S. 1513. A bill to amend the Higher Education Act of 1965 to authorize grant programs to enhance the access of low-income African-American students to higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. SMITH, and Mr. REED):

S. 1514. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 1515. A bill to establish a domestic violence volunteer attorney network to represent domestic violence victims; to the Committee on the Judiciary.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 1516. A bill to provide environmental assistance to non-Federal interests in the State of Colorado; to the Committee on Environment and Public Works.

By Mr. ALLARD:

S. 1517. A bill to amend title 10, United States Code, to provide for the distribution of a share of certain mineral revenues to the State of Colorado, and for other purposes; to the Committee on Armed Services.

By Mr. REED (for himself, Mr. ALLARD, Ms. MIKULSKI, Mr. BOND, Mr. DURBIN, Ms. COLLINS, Mr. SCHUMER, Mr. AKAKA, Mrs. CLINTON, Mr. WHITEHOUSE, Mr. LEVIN, Mr. BROWN, and Mrs. BOXER):

S. 1518. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARDIN (for himself and Mr. SPECTER):

S. 1519. A bill to amend title XVIII of the Social Security Act to provide for a transition to a new voluntary quality reporting program for physicians and other health professionals; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1520. A bill to prohibit price gouging relating to gasoline and diesel fuels in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Mr. SPECTER):

S. 1521. A bill to provide information, resources, recommendations, and funding to help State and local law enforcement enact crime prevention and intervention strategies supported by rigorous evidence; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. SMITH, Mr. CRAIG, Mrs. MURRAY, Ms. CANTWELL, Mr. BAUCUS, Mr. CRAPO, and Mr. TESTER):

S. 1522. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mr. ALEXANDER):

S. 1523. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide from the Capitol power plant; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself, Ms. STABENOW, and Mr. VOINOVICH):

S. 1524. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, Ohio, for acts of valor while a helicopter crew chief and door gunner with the 1st Cavalry Division during the Vietnam War; to the Committee on Armed Services.

By Mr. SMITH (for himself, Mrs. LINCOLN, Ms. CANTWELL, and Ms. SNOWE):

S. 1525. A bill to amend the Internal Revenue Code of 1986 to modify the energy efficient appliance credit for appliances produced after 2007; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. CARPER, Ms. MURKOWSKI, and Ms. LANDRIEU):

S. 1526. A bill to direct the Secretary of Energy to develop standards for general service lamps that will operate more efficiently and assist in reducing costs to consumers, business concerns, government entities, and other users, to require that general service lamps and related products manufactured or sold in interstate commerce after 2013 meet those standards, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. CARPER, Ms. MURKOWSKI, and Ms. LANDRIEU):

S. 1527. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for renovation and construction of manufacturing facilities for incandescent lamps; to the Committee on Finance.

By Mr. CORNYN:

S. 1528. A bill to amend chapter 87 of title 18, United States Code, to end the terrorizing effects of the sale of murderabilia on crime victims and their families; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 1529. A bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. BIDEN, Mr. DURBIN, Mr. WHITEHOUSE, Mr. DODD, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BYRD, Mr. CASEY, Mrs. CLINTON, Mr. CONRAD, Mr. DORGAN, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEVIN, Mr. MENENDEZ, Mrs. MURRAY, Mr. NELSON of Florida, Mr. OBAMA, Mr. REID, Mr. SANDERS, Ms. STABENOW, and Mr. WEBB):

S.J. Res. 14. A joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. SMITH, Mrs. CLINTON, Mr. DODD, Mr. BINGAMAN, and Mr. COLEMAN):

S. Res. 214. A resolution calling upon the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari; considered and agreed to.

By Mr. ALLARD (for himself, Mr. MCCAIN, Mr. CASEY, Mr. COCHRAN, Mr. ENZI, Mr. STEVENS, Mr. GRAHAM, Mr. CHAMBLISS, Mr. CRAIG, and Mr. INHOFE):

S. Res. 215. A resolution designating September 25, 2007, as "National First Responder Appreciation Day"; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. STEVENS):

S. Res. 216. A resolution recognizing the 100th Anniversary of the founding of the American Association for Cancer Research and declaring the month of May National Cancer Research Month; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Mr. SHELBY, Mr. LOTT, Mr. MARTINEZ, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. DEMINT):

S. Res. 217. A resolution designating the week beginning May 20, 2007, as "National Hurricane Preparedness Week"; considered and agreed to.

By Mrs. FEINSTEIN:

S. Res. 218. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; considered and agreed to.

By Mr. CHAMBLISS (for himself, Mr. PRYOR, and Mr. ISAKSON):

S. Res. 219. A resolution recognizing the year 2007 as the official 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. DOMENICI, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 37, a bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

S. 48

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 48, a bill to return meaning to the Fifth Amendment by limiting the power of eminent domain.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 274

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 274, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 357

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 357, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 399

At the request of Mr. BUNNING, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 430

At the request of Mr. BOND, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 467

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 467, a bill to amend the Public Health Service Act to expand the clinical trials drug data bank.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 569

At the request of Mr. LUGAR, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 569, a bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries and for other purposes.

S. 582

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 634

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 672

At the request of Mr. SALAZAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to provide tax-exempt financing for qualified renewable energy facilities, and for other purposes.

S. 764

At the request of Mrs. CLINTON, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 764, a bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP).

S. 804

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 804, a bill to amend the Help America Vote Act of 2002 to improve the administration of elections for Federal office, and for other purposes.

S. 823

At the request of Mr. OBAMA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S. 829

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 860

At the request of Mr. SMITH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 879

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 881

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 881, supra.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Ms. STABENOW), the Senator from North Dakota (Mr. DORGAN), the Senator from Indiana (Mr. LUGAR) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 929

At the request of Mr. MARTINEZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 929, a bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Michigan (Ms. STABENOW), the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1064

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1064, a bill to provide for the improvement of the physical evaluation processes applicable to members of the Armed Forces, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1172

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1172, a bill to reduce hunger in the United States.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1263

At the request of Ms. CANTWELL, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

S. 1334

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1334, a bill to amend section 2306 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes.

S. 1337

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1379

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1379, a bill to amend chapter 35 of title 28, United States Code, to strike the exception to the residency requirements for United States attorneys.

S. 1382

At the request of Mr. REID, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1418

At the request of Mr. DODD, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Maine (Ms. SNOWE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1439

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1439, a bill to reauthorize the broadband loan and loan guarantee program under title VI of the Rural Electrification Act of 1936.

S. 1448

At the request of Mr. REED, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1448, a bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1466

At the request of Mr. DODD, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1466, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S.J. RES. 10

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. CON. RES. 25

At the request of Mr. OBAMA, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

S. RES. 82

At the request of Mr. HAGEL, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 211

At the request of Mr. LUGAR, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. HAGEL), the Senator from Minnesota (Mr. COLEMAN), the Senator from Illinois (Mr. OBAMA), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Florida (Mr. NELSON), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. MARTINEZ), the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 211, a resolution expressing the profound concerns of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela, and for other purposes.

AMENDMENT NO. 1157

At the request of Mr. VITTER, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. COBURN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 1157 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1158

At the request of Mr. COLEMAN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Alabama (Mr. SESSIONS), the Senator from Colorado (Mr. ALLARD) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 1158 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1159

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 1159 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1167

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1167 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1170

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mr. CORNYN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of amendment No. 1170 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1179

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 1179 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1181

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1181 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mr. CORKER, his name was added as a cosponsor of amendment No. 1181 proposed to S. 1348, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SUNUNU (for himself and Mr. JOHNSON):

S. 40. A bill to authorize the issuance of Federal charters and licenses for carrying on the sale, solicitation, negotiation, and underwriting of insurance or any other insurance operations, to provide a comprehensive system for the Federal regulation and supervision of national insurers and national agencies, to provide for policyholder protections in the event of an insolvency or the impairment of a national insurer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SUNUNU. Mr. President, I rise today to reintroduce legislation that will bring our Nation's insurance regulatory system into the 21st century by providing uniformity, predictability, and greater efficiency to the way insurance is regulated in this country.

The National Insurance Act of 2007, which builds upon legislation Senator JOHNSON and I first introduced last year, provides for an optional Federal charter that would offer insurers the choice of being regulated under a new Commissioner of National Insurance or under the continued jurisdiction of the States.

I am pleased that Senator JOHNSON once again joins me as an original cosponsor of this bill. Since we introduced the initial National Insurance Act just over a year ago, momentum has been building for the reforms called for under our legislation and the question has become not whether an optional Federal charter should be implemented, but when.

In an increasingly global financial services industry, numerous studies have called for changes to the manner in which insurance is regulated in the United States as one of the ways to make our financial services sector more competitive in the worldwide economy.

The bipartisan Bloomberg-Schumer report on financial services industry competitiveness, for example, states, "One priority, in the context of enhancing competitiveness for the entire financial services sector and improving responsiveness and customer service, should be an optional federal charter for insurance, based on market principles for serving customers."

Furthermore, the Blue Ribbon Commission on Mega-Catastrophes states, "It (an optional federal charter for insurance) would lead to . . . consistent regulation of insurer safety and soundness, and the elimination of duplicative regulation and supervision . . .In addition, an OFC should promote greater competition that would benefit policyholders."

In addition to the study recommendations, a number of other indicators suggest that the time is right for reform. The coalition in support of the bill continues to grow and the general acceptance of the concept of reform we have proposed is also growing.

The arguments against the bill are increasingly seen for what they are: parochial in nature, rather than forward-looking and in the best interests of consumers, our financial services sector, and the strength of our overall economy.

In 1999, Congress passed the Gramm-Leach-Bliley Act—broad legislation that modernized the rules that regulate banks and securities firms and provided a foundation for the financial services industry to become more integrated, market-oriented, technologically advanced, and global in nature. Since then, consumers have benefited from improved industry competition and innovation, greater choice of financial products, and more efficient delivery of services.

The insurance industry, however, has not enjoyed the same dynamic marketplace within the global economy. Long subject to a patchwork of State regulations, the sector's menu of available services is not as robust as it could be. An inefficient regulatory system spread across more than 50 different jurisdictions imposes direct and indirect costs on insurers in the form of higher compliance fees associated with nonuniform regulations and delayed market entry for new products from onerous approval barriers.

With advances in technology, insurance is increasingly a global product that cries out for a more consistent and efficient regulatory environment that allows new products to be brought to market in a much quicker fashion than the current system often allows. Under the State regulatory regime new product launches are consistently delayed up to 2 years while they await the approval of an individual State regulator.

A more uniform regulatory environment, mirroring the highly successful dual banking system, should substantially improve the climate in several critical ways for those who buy, sell and underwrite insurance, while also providing superior consumer protection.

As the Bloomberg-Schumer report puts it, our bill would allow best-in-breed regulations to "rise to the top" and become national standards. A division of consumer protection, as created by the regulator, would oversee strict regulations and guard against unfair and deceptive practices by insurers and agents for the advertising, sale and administration of products. A division of insurance fraud, also created under the bill, would make insurance fraud a Federal crime.

While taking these cautionary steps to protect consumers, the bill does not, however, permit the Federal regulator to set rates or price controls for insurance. Instead, the National Insurance Act appropriately relies on competitive pricing within the marketplace.

Finally, the Office of National Insurance would be able to fill a vacuum and provide true national regulatory expertise and guidance on a number of issues Congress is legislating on that affect policyholders, the health of the insurance industry, and the overall economy.

The only real substantive change to this year's bill in comparison with the one introduced last year is that our updated legislation includes language that would add surplus lines of insurance as a type of insurance that a person with a Federal producer's license would be authorized to sell under the Federal charter program.

Other technical and clarifying changes were made, but by and large this is last year's bill, with its spirit and purpose intact.

Former New York Insurance Commissioner, George Miller, who founded the National Association of Insurance Commissioners, NAIC made the following statement in 1871: "The Commissioners are now fully prepared to go before their various legislative committees with recommendations for a system of insurance law which shall be the same in all States, not reciprocal but identical, not retaliatory, but uniform.

It's now been over 135 years since that statement was made, and unfortunately we are not much closer to Mr. Miller's goal.

In the months ahead, however, we look forward to making substantial progress on this legislation as we build on the momentum to modernize this country's insurance regulatory system and do what the State system has failed to do for over 135 years.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1472. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the North Bay Water Reuse Program Act of 2007, together with my colleague Senator BOXER. This legislation authorizes Federal participation in a regional water reuse project that is the first of its kind in Northern California, and model for the West.

The program will allow urban water agencies to take treated wastewater now discharged into the sensitive bay-delta ecosystem and put it to productive use on water-short agricultural lands and environmentally valuable wetlands. It is an innovative "win-win" solution that will protect the environment as well as meet the future water needs of urban and agricultural water users in the North Bay region of California.

Agricultural producers in the North Bay region are facing, and will continue to encounter, major water shortages. At the same time, as regulations continue to restrict and/or eliminate wastewater discharge, many communities in the North Bay region will face challenges as they try to determine the best way to discharge their treated wastewater.

The North Bay Water Reuse Program will address both problems and enhance the ecosystem of the San Francisco Bay. Specifically, the program will distribute reclaimed water through a conveyance system and deliver it to agricultural growers, promising a permanent and dedicated supply of about 30,000 acre-feet of water per year.

The use of reclaimed water for irrigation will reduce the demand on both surface and groundwater supplies, and thus improve instream flows for riparian habitat and fisheries recovery. Furthermore, in the off-season when irrigation demand is diminished, the reclaimed water will be used to increase surface water flows for the restoration of wetlands, creating habitat for migratory waterfowl and other wetland species.

Most notably, this program grew from a collaboration of the three major stakeholders in the region that vie for the same water. It is significant that the program is supported by the local governments in three counties, Napa, Sonoma and Marin Counties; agricultural organizations, such as the Napa and Sonoma County Farm Bureaus, the Carneros Quality Alliance, the Winegrape Growers of Napa County, the Napa Vintners Association, the North Bay Agriculture Alliance; and environmental organizations, such as The Bay Institute.

Thus, the North Bay Water Reuse Program brings stakeholders that are usually at odds with one another to the table to find a solution that is beneficial to all.

Finally, I would like to note the energy benefits of this project. The Sonoma Valley treatment plant, installing solar panels that will generate 40 percent of its energy needs. Another partner in the program, Las Gallinas Valley Sanitary District, generates 90 percent of its operating energy using solar panels.

The North Bay Water Reuse Program will allow vineyard managers to cease or significantly reduce their use of gas and electric powered pumps that currently deliver irrigation water. The program proponents expect to see a net reduction of overall energy use for regional irrigation operations, as well as a net reduction in the emissions of carbon dioxide from irrigation operations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Bay Water Reuse Program Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

(A) Marin County;

(B) Napa County;

(C) Solano County; or

(D) Sonoma County.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of California.

(4) WATER RECLAMATION AND REUSE PROJECT.—The term "water reclamation and reuse project" means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

(A) water quality improvement;

(B) wastewater treatment;

(C) water reclamation and reuse;

(D) groundwater recharge and protection;

(E) surface water augmentation; or

(F) other related improvements.

SEC. 3. NORTH BAY WATER REUSE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through a cooperative agreement with the State or a subdivision of a State, may offer to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse projects.

(b) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

(1) non-Federal entities; and

(2) the Corps of Engineers in the San Pablo Bay Watershed of the State.

(c) COOPERATIVE AGREEMENT.—

(1) REQUIREMENTS.—A cooperative agreement entered into under paragraph (1) shall, at a minimum, specify the responsibilities of the Secretary and the eligible entity with respect to—

(A) ensuring that the cost-share requirements established by subsection (e) are met;

(B) completing—

(i) a needs assessment for the water reclamation and reuse project; and

(ii) the planning and final design of the water reclamation and reuse project;

(C) any environmental compliance activity required for the water reclamation and reuse project;

(D) the construction of facilities for the water reclamation and reuse project; and

(E) administrating any contract relating to the construction of the water reclamation and reuse project.

(2) PHASED PROJECT.—

(A) IN GENERAL.—A cooperative agreement described in paragraph (1) shall require that any water reclamation and reuse project carried out under this section shall consist of 2 phases.

(B) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance system of the water reclamation and reuse project.

(C) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems of the water reclamation and reuse project.

(d) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide financial and technical assistance to an eligible entity to assist in planning, designing, conducting related preconstruction activities for, and constructing a water reclamation and reuse project.

(2) USE.—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under this section.

(e) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 25 percent of the total cost of a water reclamation and reuse project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

(A) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

(B) the fair-market value of land that is—

(i) used for planning, design, and construction of the water reclamation and reuse project facilities; and

(ii) owned by an eligible entity.

(f) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The eligible entity shall be responsible for the annual operation, maintenance, and replacement costs associated with the water reclamation and reuse project.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The eligible entity, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan for the water reclamation and reuse project.

(g) EFFECT.—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal right to—

(A) the water of a stream; or

(B) any groundwater resource.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of water reclamation and reuse projects carried out under this Act, an amount not to exceed 25 percent of the total cost of those reclamation and reuse projects or $25,000,000, whichever is less, to remain available until expended.

By Mrs. FEINSTEIN:

S. 1473. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am introducing the Madera Water Supply Enhancement Act. This legislation authorizes the Bureau of Reclamation, Bureau, to participate in the design and construction of the Madera Water Supply Enhancement Project, project, that is essential to improving the water supply in the Madera Irrigation District, MID, in Madera County, CA, and in California's Central Valley.

Representative GEORGE RADANOVICH has introduced companion legislation to this bill in the House, and I look forward to working with him to get this bill enacted.

Agriculture is a multibillion enterprise in California, which produces a significant portion of the Nation's food supply. To secure this food supply, water is essential. When constructed, the project will have the capacity to store up to 250,000 acre-feet of water and move up to 55,000 acre feet in or out of storage each year.

With increasing demands on limited water supply, the project will enable water users to store excess wet year water supply and this stored water can then be used during dry years to meet demand. To ensure the viability of the groundwater table and address overdraft problems, 10 percent of the water placed in storage would be left in the ground to replenish the aquifer over time.

This Project is also a useful complement to efforts to restore the San Joaquin River. Restoring water to the San Joaquin River may reduce the water supply available to agriculture in the San Joaquin Valley by up to 165,000 acre feet per year.

It is very important to me to do what I can to help make up this water deficit. The Madera Water Bank is one project that can help, and I will be looking at it and other projects closely to prioritize limited Federal appropriations to address this important need.

MID, the local agency that will build, own and manage the project has already made a major financial commitment to making the water bank a reality. MID has spent $37.5 million to purchase the nearly 14,000 acre Madera Ranch, which will be the site of the water bank, and millions more on studies. This land is ideal for storing water in the aquifer. Over 11,000 acres of the ranch also constitute valuable habitat for numerous species and contain large sections of the region's native grasslands that will be preserved.

The Energy and Natural Resources Committee held a hearing on the predecessor legislation, H.R. 3897, which passed the House of Representatives in the 109th Congress. As a result of that hearing, two changes were made to the legislation.

First, the total cost of the project is capped at $90 million. Under the legislation, the maximum Federal contribution will be $22.5 million or 25 percent of the total cost of the project, whichever is less. This change provides certainty and limits the Federal Government's financial exposure in supporting this project.

The second change to last year's legislation is the decision to declare the project "feasible" without further study. The reason for this approach relates to the project's unusual history.

The feasibility of constructing a water bank on the Madera Ranch property has been under consideration for over a decade. In 1996 the Bureau began studying this possibility, and in 1998 the Bureau finalized plans to fund a water bank on the property. After conducting extensive studies regarding the feasibility of building a water bank on the property, the Bureau was prepared to pay over $40 million for the property and $60–$70 million to construct the water bank. This total amount, in excess of $100 million, is significantly more than the cost of MID's water bank almost 10 years later. Although the Bureau eventually withdrew from the project because of local concerns regarding sizing, water quality, and nonlocal ownership issues, no one has ever disputed the suitability of the site for a water bank.

After the Bureau's involvement ended, Azurix, an Enron subsidiary, attempted to build a water bank but was unable to complete the project because of many of the same concerns raised during the Bureau's efforts. However, many more studies were done during this phase for the reformulated project. MID has also conducted further studies. To date, over $8 million has been spent on studies related to the Project, exclusive of the Bureau's own extensive studies of the project.

The legislation identifies 18 specific studies done over the past decade on this project, many by the Bureau itself and others by private parties and MID, all with the Bureau's full knowledge and involvement. In many cases, the same engineering consulting firms used by the Bureau were retained to conduct these further studies. There is simply nothing left to study, and we should proceed immediately to the construction phase of this project.

The Bureau has been a long-term supporter of California agriculture, and working in partnership with the State, local governments, water users and others has helped provide irrigation water for over 10 million farmland acres.

The MID water bank is consistent with the Bureau's historical mission of supporting such locally controlled and initiated water projects. Swift enactment of this legislation is necessary to bring over 10 years of study to a conclusion and make the water bank a reality for Madera County, the surrounding region, the Central Valley and the entire State of California.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 1473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Madera Water Supply Enhancement Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term "District" means the Madera Irrigation District, Madera, California.

(2) The term "Project" means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646 acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year.

(3) The term "Secretary" means the Secretary of the United States Department of the Interior.

(4) The term "total cost" means all reasonable costs, such as the planning, design, permitting, financing, and construction of the Project and the fair market value of lands used or acquired by the District for the Project. The total cost of the Project shall not exceed $90,000,000.

SEC. 3. NO FURTHER STUDIES OR REPORTS.

(a) FINDINGS.—Congress finds that the Bureau of Reclamation and others have conducted numerous studies regarding the Project, including, but not limited to the following:

(1) Bureau of Reclamation Technical Review Groups Final Findings Memorandum, July 1997.

(2) Bureau of Reclamation Madera Ranch Artificial Recharge Demonstration Test Memorandum, December 1997.

(3) Bureau of Reclamation Madera Ranch Groundwater Bank Phase 1 Report, 1998.

(4) Draft Memorandum Recommendations for Phase 2 Geohydrologic Work, April 1998.

(5) Bureau of Reclamation Madera Ranch Water Banking Proposal Economic Analysis—MP–340.

(6) Hydrologic Feasibility Report, December 2003.

(7) Engineering Feasibility Report, December 2003.

(8) Feasibility Study of the Preferred Alternative, Water Supply Enhancement Project, 2005.

(9) Engineering Feasibility Report, June 2005.

(10) Report on Geologic and Hydrologic Testing Program for Madera Ranch.

(11) Engine Driver Study, June 2005.

(12) Wetlands Delineation, 2000, 2001, 2004, and 2005.

(13) Madera Ranch Pilot Recharge: Interim Technical Memorandum, May 2005.

(14) Integrated Regional Water Management Plan, July 2005.

(15) Certified California Environmental Quality Act (CEQA) Environmental Impact Report (EIR), September 2005.

(16) Baseline Groundwater Level Monitoring Report, January 2006.

(17) Final Appraisal Study, Madera Irrigation District Water Supply Enhancement Project, October 2006.

(18) WDS Groundwater Monitoring Status Report to Madera Ranch Oversight Committee, November 2006.

(b) NO FURTHER STUDIES OR REPORTS.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and the Bureau of Reclamation shall not conduct any further studies or reports related to determining the feasibility of the Project.

SEC. 4. COOPERATIVE AGREEMENT.

All planning, design, and construction of the Project authorized by this Act shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

SEC. 5. AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.

(a) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the provisions of this Act, is authorized to enter into a cooperative agreement through the Bureau with the District for the support of the design, and construction of the Project.

(b) COST SHARE.—The Federal share of the capital costs of the Project shall not exceed 25 percent of the total cost as defined in section 2(4). Capital, planning, design, permitting, financing, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(c) IN-KIND SERVICES.—In-kind services performed by the District shall be considered a part of the local cost share to complete the Project authorized by subsection (a).

(d) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(1) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, financing, and construction of the Project; and

(2) for the fair market value of lands used or acquired by the District for the Project.

(e) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this section. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(f) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(g) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or the assistance provided under this section shall be construed to transfer title, responsibility or liability related to the Project to the United States.

(h) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this Act $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

SEC. 6. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

By Mrs. FEINSTEIN:

S. 1474. A bill to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker

Hill Groundwater Basin, Santa Ana River, California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to authorize the Riverside-Corona feeder. This project, which is being undertaken by Western Municipal Water District, would provide one of California's fastest growing but drought prone regions, with 40,000 acre-feet of new supply at a reasonable cost of approximately $370 per acre foot. The project would efficiently integrate groundwater storage with existing surface supply management.

The purpose of the Riverside-Corona feeder water supply project is to capture and store new water in the underground aquifer in wet years in order to increase water supply, reduce water costs, and improve water quality. The project will include about 20 wells and 28 miles of pipeline. Studies have shown the safe annual yield of the aquifer is about 40,000 acre-feet.

The project would allow locally stored water to replace the need to import water from Colorado River and State water project sources in times of drought or other shortages. The project proposes to manage the ground water levels by the construction of ground water wells and pumping capacity to deliver the pumped ground water supply to water users. A new water conveyance pipeline is also proposed that will serve western Riverside County.

For water users, dependence on imported water in dry years will be reduced, water costs will be reduced, and water reliability will be improved. .

There are also very important environmental remediation aspects of the project. Up to half of the wells would be placed within plumes of VOCs and perchlorate. These wells could remediate about 20,000 acre-feet of currently contaminated water per year. Detailed feasibility studies and environmental reports have been prepared and approved by Western Municipal Water District and certified by the State of California.

The California State Water Resources Control Board recognizes that the Riverside Corona feeder is an important project, recently awarding it $4.3 million from proposition 50 competitive grant funds.

Because water agencies understand that the project is integral to regional water planning, the Riverside-Corona feeder has the support of agencies upstream in San Bernardino County and downstream in Orange County. This bill is also supported by and fully consistent with the Metropolitan Water District of Southern California's Integrated Resource Plan, the Santa Ana Watershed Project Authority's Integrated Watershed Plan, and the water management plans for the cities of Riverside, Norco and Corona as well as the Elsinore Valley Municipal Water District.

This is a bipartisan initiative, as witnessed by the list of cosponsors of the House version of the bill I introduce today. I urge my colleagues to support this bill to help meet the West's water supply needs and to reduce our dependence on the Colorado River.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Riverside-Corona Feeder Water Supply Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) DISTRICT.—The term "District" means the Western Municipal Water District, Riverside County, California.

(2) PROJECT.—The term "Project" means the Riverside-Corona Feeder Project and associated facilities.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. PLANNING, DESIGN, AND CONSTRUCTION OF THE RIVERSIDE-CORONA FEEDER.

(a) IN GENERAL.—The Secretary, in cooperation with the Western Municipal Water District, is authorized to participate in the planning, design, and construction of a water supply project, the Riverside-Corona Feeder, which includes 20 groundwater wells, groundwater treatment facilities, water storage and pumping facilities, and 28 miles of pipeline in San Bernardino and Riverside Counties, California.

(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

(c) FEDERAL COST SHARE.—

(1) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the project described in subsection (a) shall be not more than 25 percent of the total cost of the project, not to exceed $50,000,000.

(2) STUDIES.—The Federal share of the cost to complete the necessary planning studies associated with the project described in subsection (a) shall not exceed 50 percent of the total study cost and shall be included as part of the limitation on funds provided in paragraph (1).

(d) IN-KIND SERVICES.—In-kind services performed by the Western Municipal Water District shall be part of the local cost share to complete the project described in subsection (a).

(e) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from funds in the Treasury not otherwise appropriated, the Federal cost share described in subsection (c).

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1475. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, together with my good friend and colleague, Senator BARBARA BOXER, Chairman of the Committee on the Environment and Public Works, I am pleased to introduce today legislation to help the San Francisco bay area a region with a growing population, limited water resources, and a unique environmental setting, address its critical water needs.

The bill, the Bay Area Regional Water Recycling Program Authorization Act of 2007, would help seven bay area communities increase their municipal water supplies through innovative and much-needed water recycling projects.

These projects offer significant benefits. For California and the Federal Government such benefits include: the preservation of State and Federal reservoir supplies for higher uses rather than for urban landscape irrigation, particularly in drought years; and, a cost effective, environmentally friendly, implementable solution for increased dry year yield in the sensitive bay-delta region. Regional and local benefits include: The preservation of ever declining water supplies from the Sierra and delta for higher uses; assistance in drought-proofing the region through provision of a sustainable and reliable source of water; and reduction in wastewater discharges to the sensitive bay-delta environment.

The Bay Area Regional Water Recycling Program is a partnership between 17 local bay area water and wastewater agencies, the California Department of Water Resources and the U.S. Bureau of Reclamation that is dedicated to maximizing water recycling throughout the region. The regional approach taken by the bay area project sponsors ensures that projects with the greatest regional, statewide, and national benefits receive the highest priority for implementation.

This bill would authorize the U.S. Bureau of Reclamation to participate in seven bay area water recycling program projects that are closest to completion. Each community with a project would be eligible to receive 25 percent of the project's construction cost. The total cost of the seven projects is $110 million, but the Federal Government's share is only $27.5 million. State funding is available for these projects.

For the most part, the projects are ready to proceed and start delivering their benefits the projects having been repeatedly vetted, both internally at the local level and through the various steps of the Federal review process but

Federal funding is needed to make implementation a reality and to allow the many benefits of these projects to be realized.

Specifically, the bill would authorize the Secretary of the Interior to participate in the following bay area water reuse projects: Antioch Recycled Water project—Delta Diablo Sanitation District, city of Antioch; North Coast County Water District Recycled Water project—North Coast County Water District; Mountain View/Moffett Area Water Reuse Project—city of Palo Alto, city of Mountain View; Pittsburg Recycled Water Project–Delta Diablo Sanitation District, city of Pittsburg; Redwood City Recycled Water project—city of Redwood; South Santa Clara County Recycled Water Project-Santa Clara Valley Water District, South County Regional Wastewater Authority; and, South Bay Advanced Recycled Water Treatment Facility—Santa Clara Valley Water District, city of San Jose.

These seven projects are estimated to make 12,205 acre-feet of water available annually in the short term, and 37,600 acre-feet annually in the long term, all while reducing demand on the delta and on existing water infrastructure.

Congressman GEORGE MILLER introduced a companion bill, H.R.1526, in the House on March 14, 2007. The bill was cosponsored by other bay area lawmakers, including Representatives ANNA ESHOO, ELLEN TAUSCHER, JERRY MCNERNEY, TOM LANTOS, MIKE HONDA, ZOE LOFGREN, and PETE STARK.

Water recycling offers great potential to States like California that suffer periodic droughts and have limited fresh water supplies. To address these issues, the bill would establish a partnership between the Federal Government and local communities to implement a regional water recycling program in the bay area. I urge my colleagues to join in support of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 1475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bay Area Regional Water Recycling Program Authorization Act of 2007".

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 16xx. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPELINE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

"SEC. 16xx. PITTSBURG RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,400,000.

"SEC. 16xx. ANTIOCH RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,250,000.

"SEC. 16xx. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

"SEC. 16xx. REDWOOD CITY RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,100,000.

"SEC. 16xx. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

"SEC. 16xx. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.".

(b) CONFORMING AMENDMENTS.—The table of items in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16xx the following:

"Sec. 16xx. Mountain View, Moffett Area Reclaimed Water Pipeline Project.
"Sec. 16xx. Pittsburg Recycled Water Project.
"Sec. 16xx. Antioch Recycled Water Project.
"Sec. 16xx. North Coast County Water District Recycled Water Project.
"Sec. 16xx. Redwood City Recycled Water Project.
"Sec. 16xx. South Santa Clara County Recycled Water Project.
"Sec. 16xx. South Bay Advanced Recycled Water Treatment Facility.".

SEC. 3. SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.

It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C 390h–5).

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. INOUYE):

S. 1476. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators BARBARA BOXER and DANIEL INOUYE to introduce legislation that would authorize the National Park Service to conduct a special resource study of the Tule Lake Segregation Center, a World War II-era Japanese American internment camp, located in Northern California.

My colleagues in the House of Representatives, Congressman JOHN DOOLITTLE and Congresswoman DORIS MATSUI, also are introducing companion legislation today.

In 1942, as part of a wave of anti-Japanese sentiment following the attack on Pearl Harbor, Franklin D. Roosevelt signed Executive Order 9066 to authorize the U.S. military to incarcerate Japanese American families from California and other west coast States, in violation of their due process rights afforded to all Americans.

Over the years, California's political leaders have led a national bipartisan effort to ensure that this chapter in American history is not forgotten.

In 1992, my colleagues in the California congressional delegation passed bi-partisan legislation to establish the Manzanar National Historic Site, the Nation's first unit of the National Park System dedicated to telling the story of the wrongful internment of the Japanese American community during World War II.

I am pleased to say that Manzanar has been a terrific success story. My colleague Representative JERRY LEWIS and I were able to secure Federal appropriations to refurbish the camp auditorium to accommodate the tens of thousands of visitors to the site. Last year, nearly 90,000 people visited the Manzanar National Historic Site to learn about this unfortunate chapter in United States history.

As part of the Manzanar legislation, Congress directed the National Park Service to conduct a study of the other camp sites and to recommend National Historic Landmark designation for these sites. Based on this study, the Department of the Interior designated Tule Lake as a National Historic Landmark last year, upon finding that the remaining 42 acres of federally owned land at the site possesses national significance.

Of all of the camp sites, Tule Lake has retained some of the most significant historic features dating back to the internment. The federally owned lands include numerous camp buildings in their original locations, most notably the camp stockade, which was a "jail within a jail." The finding of the site's national significance by the Secretary of the Interior last year is a key step forward in the process to evaluate the site's potential for management by the National Park Service.

Over the past several years, the Tule Lake Preservation Committee, the Japanese American Citizens League, the Japanese American National Museum and other local, regional and national partners have worked with Modoc County and the local community to develop a recommendation to study the potential for designation of the Tule Lake Segregation Center as a National Historic Site. I am pleased that this legislation has been endorsed by the Modoc County Board of Supervisors.

Although the Tule Lake Segregation Center is already a National Historic Landmark, the 42-acre site is not managed by the National Park Service. This bill would authorize the National Park Service to study the feasibility and suitability of managing the Federal lands at Tule Lake as a 42-acre National Historic Site, to be managed as part of the Lava Beds National Monument. Through this legislation, the NPS will develop various management alternatives for the site and give the public an opportunity to comment on the alternatives, through a public process. In light of the recent National Park Service work to prepare the national historic landmark designation, the cost to complete this study is quite modest. Upon completion of the study, the NPS would transmit the study to Congress for review.

This year marks the 65th anniversary of the internment of Japanese-Americans, when the Federal Government ordered Japanese American men, women and children to report to temporary assembly centers, including 13 centers in California. Many families were broken up as fathers were sent to prisons, work camps and Department of Justice camps hundreds of miles away. Without hearings or any evidence of disloyalty, Japanese-American families were transported to assembly centers in April and May of 1942. The largest assembly center was at the Santa Anita racetrack, which held over 18,000 people in horse stalls and other makeshift quarters.

Deprived of their basic constitutional rights, Japanese-American citizens and resident aliens were held in these centers until the U.S. government built more permanent camps in 10 locations in California and throughout the Western States and Arkansas. Together, these camps held over 120,000 Japanese Americans, of which about three quarters were living in California before the war.

My good friend, the late-Representative Robert Matsui, was just an infant when his family was ordered from their home in Sacramento to the Pinedale Assembly Center. From there, he was sent to the Tule Lake, Segregation Center in Modoc County, CA not far from the Oregon border.

Like the other camps, the Tule Lake Relocation Center was constructed in a remote area, on a large tract of federally owned land, managed by the U.S. Bureau of Reclamation. Prisoners there held frequent demonstrations and strikes, demanding their rights under the U.S. Constitution. As a result, Tule Lake was made a "segregation camp," and internees from other camps who had refused to take the loyalty oath or had caused disturbances were sent there.

Despite these injustices, many young men in camp answered the call to serve in the U.S. Army and demonstrated their loyalty to the United States and to defend the same basic constitutional freedoms that had been violated by the U.S. Government's actions. Japanese Americans served with great valor and bravery in Europe, including our colleague Senator DANIEL INOUYE.

During its operation, Tule Lake was the largest of the 10 camps, with 18,789 people housed in makeshift barracks. Opened on May 27, 1942, Tule Lake was one of the last camps to be closed, staying open until March 20, 1946, 7 months following the end of World War II.

Following World War II, our Nation has recognized that the forced evacuation and incarceration of Japanese Americans was wrong and that there was no basis to question the loyalty and patriotism of Japanese Americans.

The internment of Japanese Americans during World War II was a grim chapter in America's history. Conducting this special resources study, and the potential creation of the Tule Lake National Historic Site, will help ensure that we honor surviving internees during their lifetime and will serve as a lasting reminder of our ability to inflict pain and suffering upon our fellow Americans.

It is important that we recognize the historic significance of Tule Lake Segregation Center within the lifetimes of the few surviving Japanese-American internees, before many of their stories are lost.

I urge my colleagues to join me in supporting this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tule Lake Segregation Center Special Resource Study Act".

SEC. 2. STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall conduct a special resource study of the national significance, suitability, and feasibility of including the Tule Lake Segregation Center in the National Park System.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of designating the site as a unit of the National Park System that relates to the themes described in section 3.

(c) STUDY GUIDELINES.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with Modoc County, the State of California, appropriate Federal agencies, Tribal and local government entities, private organizations, and private land owners.

SEC. 3. THEMES.

The study authorized under section 2 shall evaluate the Tule Lake Segregation Center with respect to the following themes:

(1) The significance of the site as a component of World War II.

(2) The significance of the site as it related to other war relocation centers.

(3) Historic buildings, including the stockade, that are intact and in place, along with numerous other resources.

(4) The contributions made by the local agricultural community to the war effort.

(5) The potential impact of designation of the sire as a unit of the National Park Service on private land owners.

SEC. 4. REPORT.

Not later than 1 year after funds are made available for this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1477. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today Senator ALLARD and I introduced the Jackson Gulch Rehabilitation Act of 2007, which would authorize $6.4 million, subject to appropriations, to pay an 80-percent Federal cost-share for rehabilitation of the Jackson Gulch Canal system and related infrastructures in southwest Colorado.

Nearly 60 years ago, the Mancos Project canal was built, delivering water from Jackson Gulch Dam to residents, farms and businesses in Montezuma County. Since its construction, the Mancos Project has been maintained by the Mancos Water Conservancy District and inspected by the Bureau, but has outlived its expected life and is now badly in need of rehabilitation.

The people of Montezuma County have shown great patience on the Mancos Project, but the situation is turning dire. Washington must not forget the needs of people in rural areas, and in the rural areas of the West, water is one of the most important needs they have.

The Mancos Project and the Jackson Gulch Dam provide supplemental agricultural water for about 8,650 irrigated acres and a domestic water supply for the Mesa Verde National Park. The Mancos Project also delivers water to the more than 500 members of the Mancos Rural Water Company, the town of Mancos, and at least 237 agricultural businesses.

The project was build in 1949, and although it has been maintained since then by the district and inspected by the Bureau of Reclamation, the project has outlived its expected life and is badly in need of rehabilitation. The estimated cost to rehabilitate the canal system is less than one-third the cost of replacement.

If the Jackson Gulch Canal system experienced a catastrophic failure, it could result in Mesa Verde National Park being without water during the peak of their visitation and fire season, the town of Mancos suffering a severe municipal water shortage, and the possible loss of up to approximately $1.48 million dollars of crop production and sales annually.

Mr. President, the Mancos Water Conservancy District has already obtained a loan from the Colorado Water Conservation Board, which, when combined with a recent mill levy increase, will enable the district to meet its share of the project costs. The Federal Government through the Bureau of Reclamation has an important role to play as well. I look forward to working with my colleagues to pass this legislation.

By Mr. BAUCUS (for himself and Mr. ENZI):

S. 1481. A bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BAUCUS. Mr. President, for years, Congress has not been able to answer the question, "What can be done about rising medical malpractice insurance premiums?" Today, Senator ENZI and I begin a process we hope will end with action by Congress to resolve the problem.

The discussions the Senate has had about medical malpractice premiums until now have centered around imposing caps on noneconomic damages. The debate over caps has occurred several times in recent years, and has always ended with a failure to invoke cloture to vote on the legislation.

I have consistently opposed caps legislation because caps have been unsuccessful in preventing increases in medical malpractice premiums in my home State of Montana, as well as several other States. Clearly, it is time for a different approach.

The problem of rising insurance premiums affects the medical community, the legal community and, most importantly, patients. Doctors, burdened with continually-increasing insurance costs, have chosen to retire early, relocate their practices, or limit the services they provide to avoid high-risk procedures. Lawyers are concerned that reforms limit patients' ability to be compensated for their injuries. While patients find themselves caught in the middle, with ever-decreasing access to medical and legal services.

One of the reasons caps do not offer significant hope for improving the situation is that they treat the symptom of increasing premiums but not the underlying disease. We need to look for solutions that get to the root of the problem.

Any successful resolution to the problem must focus on compensating injured patients and on attempting to prevent similar injuries in the future. A 1999 Institute of Medicine study, To Err is Human, estimated that medical errors cause as many as 98,000 deaths per year in our Nation's hospitals alone. Even more deaths occur over the long-term and outside hospitals.

I think a new approach is in order. As such, Senator ENZI and I introduced the Fair and Reliable Medical Justice Act in the 109th Congress, and we are here today to reintroduce it. Our bill is innovative in how it confronts the problem.

We believe that a solution to this complex problem requires flexibility. We believe that because the civil justice system is largely a function of State law, the States are best situated to decide how their systems can be improved to work better for patients. We also believe that changes of this order should be tested and well thought out rather than simply mandated. There is no one size fits all answer.

So, our bill provides flexibility, leaves the decision-making to States and provides for demonstration programs to implement change in a thoughtful way. We owe a debt of gratitude to the experts at the Institute of Medicine for their 2002 report entitled, Fostering Rapid Advances in Health Care: Learning from System Demonstration, for helping shape the Fair and Reliable Justice Act.

Our bill promotes State-based demonstrations of alternatives to current medical liability litigation. It aims to increase the number of patients who receive compensation for their injuries. It also tries to improve the speed with which they receive such compensation. The bill also encourages patient safety by promoting disclosure of medical errors, unlike the current tort system which encourages doctors to cover up medical mistakes.

Because the insurance premium problem and civil justice remedies vary by state we feel that the States are best positioned to analyze their unique situations and most capable to implement an effective solution. Therefore, the

Fair and Reliable Medical Justice Act would establish State-based demonstration programs. The bill allows States to develop new ways to address and resolve their health care dispute issues.

There are innovative efforts already in effect in the private sector and some States that have achieved some success. I think it is time to encourage more innovation, to expand the range of options, and to empower the states to experiment and learn how to solve this persistent problem.

I want to thank Senator ENZI for his leadership on this issue. I am proud to have worked with him. I also want to recognize Representatives COOPER and THORNBERRY, who are dropping a companion bill in the House today. This bill approaches the medical liability insurance premium problem from a new perspective, through a set of common-sense pilot projects centered on improving patient safety. Rather than mandating a Federal band-aid for this recurring problem, this bill encourages the States to be innovative and creative to solve the problem while giving them flexibility and Federal support to implement their cures.

Mr. ENZI. Mr. President, I rise to discuss a bill that I will introduce today with Senator BAUCUS—the Fair and Reliable Medical Justice Act of 2007. This legislation recognizes the current disrepair of our medical liability system and puts into place a process that will provide better results for patients and for doctors.

Our legislation is designed to encourage States to rethink the way the system works so that injured patients receive fair and just compensation in a more timely manner. The new system would also provide consistent and reliable results so that doctors can eliminate the practice of defensive medicine and instead focus on the needs of each individual patient. Unfortunately, that doesn't happen right now because our system is broken.

I know we debate medical litigation frequently here on the floor, but throughout those debates I have noticed something interesting. Whenever we argue the pros and cons of the bills before us, no one ever stands up to argue that the system doesn't need any reform. In fact, everyone in the Senate agrees that our medical litigation system needs to be changed.

Why doesn't anyone try to defend our current medical litigation system? Because it doesn't work. No one—not patients or health care providers—are appropriately served by our current procedures. Right now, many patients who are hurt by negligent actions receive no compensation for their loss. Those who do receive a mere 40 cents of every premium dollar, given the high costs of legal fees and administrative costs. That is simply a waste of medical resources. The randomness and delay associated with medical litigation does not contribute to timely, reasonable compensation for most injured patients. Some injured patients get huge jury awards, while many others get nothing at all. It is important to patients and doctors that our justice system is perceived as both efficient and fair. Furthermore, the likelihood and the outcomes of lawsuits and settlements bear little relation to whether a healthcare provider was at fault. Consequently, we are not learning from our mistakes. Rather, we are simply diverting our doctors. When someone has a medical emergency they want to see a doctor in an operating room, not a court room.

The medical liability system is losing information that could be used to improve the practice of medicine. Although zero medical errors is an unattainable goal, the reduction of medical errors, should be the ultimate goal in medical liability reform. The Institute of Medicine, in its seminal study, "To Err is Human," estimated that preventable medical errors kill somewhere between 44,000 and 98,000 Americans each year. That study further emphasized that to improve our health care outcomes, we should no longer focus on individual situations but on the whole systems of care that are failing American patients. In the 8 years since that study, little progress has been made. Instead, the practice of medicine has become more specialized and complex, while the tort system has forced more focus on individual blame than on system safety.

To mitigate that individual blame, doctors practice "defensive medicine." Simply stated, "defensive medicine" occurs when a doctor departs from doing what is best for the patient because of fear of a lawsuit. Defensive medicine can mean ordering more tests or providing more treatment than necessary. For instance, a doctor might order an unnecessary and painful biopsy. Some estimates suggest that Americans will pay $70 billion for defensive medicine this year. Even if it is half that, it is still way too much.

Let's face it. Our medical litigation system is in need of repair. It fails to achieve its twin objectives. It doesn't provide fair and fast compensation to injured patients, and it doesn't effectively deter future mistakes. Even worse, it replaces the element of trust that is so vital to the provider-patient relationship with distrust. We can make it better.

That is why I am introducing this key legislation with Senator BAUCUS today. Our bill would provide $5 million to 10 States to initiate, fund, and evaluate demonstration projects that offer alternatives to traditional tort litigation. It will not pre-empt State law. It will allow States to find creative alternatives that will work much better for patients and providers in each State. The States have been policy pioneers in many areas before, including workers' compensation, welfare reform, and electricity deregulation. Medical litigation should be the next item on the agenda of the laboratories of democracy that are our 50 States. Let's take a step forward for American patients and their doctors by allowing this framework to move forward and make the changes that we all know are needed.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1482. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce bipartisan legislation today along with my distinguished colleague, Senator OLYMPIA SNOWE, known as the State Child Well-Being Research Act of 2007. This bill is designed to enhance child well-being by requiring the Secretary of Health and Human Services to facilitate the collection of State-specific data based on a set of defined indicators. The well-being of children is important to both the national and State governments and data collection is a priority that should not be ignored.

In 1996, Congress passed bold legislation to dramatically change our welfare system, and I supported it. The driving force behind this reform was to promote work and self-sufficiency of families and to provide flexibility to States—where most child and family legislation takes place—to achieve these goals. States have used this flexibility to design different programs that work better for families who rely on them. Other programs that serve children, ranging from the Children Health Insurance Program, CHIP, to child welfare services, can vary among States.

It is obvious that in order for policy makers to evaluate child well-being, we need State-by-State data on child well-being to measure the results. Current survey methods can provide minimal data on some indicators of child well-being, but insufficient data is provided on low-income families, geographic variation, and young children. Additionally, the information is not provided in a timely manner, which impedes legislators' ability to effectively accomplish the goals set forth in welfare reform.

The State Child Well Being Research Act of 2007 is intended to fill this information gap by collecting up-to-date, State-specific data that can be used by policymakers, researchers, and child advocates to assess the well-being of children. It would require that a survey examine the physical and emotional health of children, adequately represent the experiences of families in individual States, be consistent across

States, be collected annually, articulate results in easy to understand terms, and focus on low-income children and families. This legislation also establishes an advisory committee which consists of a panel of experts who specialize in survey methodology, indicators of child well-being, and application of this data to ensure that the purpose is being achieved.

Further, this bill avoids some ofthe other problems in the current system by making data files easier to use and more readily available to the public. As a result, the information will be more useful for policy-makers managing welfare reform and programs for children and families.

Finally, this legislation also offers the potential for the Health and Human Service Department to partner with several private charitable foundations, including the Annie E. Casey, John D. and Catherine T. MacArthur, and McKnight foundations, who are interested in forming a partnership to provide outreach and support and to guarantee that the data collected would be broadly disseminated. This type of public-private partnership helps to leverage additional resources for children and families and increases the study's impact. Given the tight budget we face, partnerships make sense to meet this essential need. I hope my colleagues review this legislation carefully and support it so that we and State policy makers and advocates have the information necessary to make good decisions for children.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1483. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation to create a 21st Century Skills Incentive Fund, and I am proud to have the bipartisan support of my colleague, Senator OLYMPIA SNOWE. We have a tradition of working together, especially on education and technology.

This legislation is designed to support and encourage those States that are willing to accept the bold challenge of the Partnership for 21st Century Skills to teach the core subjects, but to also go beyond the basics to include 21st Century themes like global awareness and entrepreneurial literacy. The partnership's framework emphasizes skills like critical thinking, innovation and communication skills. It also promotes information and communications technology literacy, known as ICT literacy, and life and career skills such as self direction and leadership. This bold agenda needs to be woven into State education strategy at every level, including standards and assessments, curriculum, professional development, and learning environments.

Every State willing to accept and work to implement such a progressive model and agenda deserves encouragement and support. That is why this bill would create a 21st Century Skills Incentive Fund to provide Federal matching dollars for new State investments and foundation donations to 21st Century Skills. There would also be a Federal tax incentive for corporate donations. The Federal Government won't put up a dime until a state's plan is approved by the Partnership for 21st Century Skills, a nonprofit organization of leading technology companies and education leaders. But the Federal Government will offer matching grants to help States that are willing to make an investment in such quality education.

This is an important investment, and the next step to enhance education and prepare our students for the new, competitive workforce. This initiative also will emphasize global awareness, civic literacy and life skills so young people understand our place in the world and are ready to take on greater responsibilities in understanding and improving their own communities.

The Partnership for 21st Century Skills Partnership has introduced a new model for education. It represents a bold and important new direction for the future of education in this country. This legislation is designed to help the Federal Government become a partner and play a positive role in preparing our students for their future.

By Mr. COLEMAN (for himself and Ms. LANDRIEU):

S. 1488. A bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, as U.S. Senators, we are well aware of the difficulty in making tough decisions. But, a tough decision for 13-year-old foster care child shouldn't be choosing between being adopted and having a permanent loving, stable, and secure family, or attending college for a promising future. Today, I am proud to be joined by my friend, Senator MARY LANDRIEU from Louisiana, in introducing the Fostering Adoption To Further Student Achievement Act because we believe all youth deserve both a loving family and a future of hope.

Our legislation promotes older adoptions of foster care youth by not later penalizing the adopting family when their student applies for student Federal financial aid.

We have heard from former foster teens across our Nation who have stated that they were better off "aging" out of the foster care system than being adopted by a family because of a fear of losing student Federal financial aid because as a foster student they don't have to report any parental income on their student financial aid application.

Our legislation provides a solution by amending the definition of "independent student" to include foster care youth who were adopted after the age of 13 in the Higher Education Act of 1965. Thus, the family and student would not be penalized on their Federal financial aid as their classification would be determined by only the student's ability to pay. Most prospective adopting parents would not have financially planned for an older teen becoming part of their family. Our legislation offers an incentive to promote older adoptions rather than having the teen stay in foster families until they "age out."

The numbers are startling and its time we act. Currently, 20,000 youth "age" out of the foster care system each year with 30 percent of these youth incarcerated within 12 months of doing so. There are 513,000 children in foster care with nearly half the kids over the age of 10. Children in foster care are twice as likely as the rest of the population to drop out before finishing high school. Several foster care alumni studies indicate that within three years after leaving foster care: only 54 percent had earned their high school diploma, only 2 percent had graduated from a four-year college, and 25 to 44 percent had experienced homelessness.

Statistics show youth that are adopted out of the foster care system attend college, have stable lives, have a permanent family, and have a future of hope. One to two years of community college coursework significantly increases the likelihood of economic self-sufficiency. A college degree is the single greatest factor in determining access to better job opportunities and higher earnings.

The Fostering Adoption To Further Student Achievement Act ensures that children don't have to make a tough decision between choosing to have a family or an education.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fostering Adoption to Further Student Achievement Act".

SEC. 2. AMENDMENT TO INDEPENDENT STUDENT.

Section 480(d) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)) is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(8) was adopted from the foster care system when the individual was 13 years of age or older.".

By Mr. CARPER (for himself and Mr. VOINOVICH):

S. 1490. A bill to provide for the establishment and maintenace of electronic personal health records for individuals and family members enrolled in Federal employee health benefits plans under chaper 89 of title 5, United States Code, and for other purposes; to the Committee on Homeland Security and Govermental Affairs.

Mr. CARPER. Mr. President, I rise today to reintroduce a piece of legislation that Senator VOINOVICH and I have been working on for over a year now.

The Federal Employees Electronic Personal Health Records Act of 2007 makes available electronic personal health records for every enrollee of a Federal health benefits plan who wishes to have one.

Americans will probably spend more than $2 trillion on health care this year alone. Over the next 10 years, health care costs will more than double, topping $4 trillion in 2015.

We spend $6,700 per person on health care, more than twice of what other industrialized nations spend; and for the most part, we are not receiving the gold standard of treatment in care.

A 2005 survey found that medical error rates in the United States far exceed those of other Western countries.

And in that survey, one in three Americans reported getting the wrong dosage of medication, incorrect test results, mistakes in treatment, or late notification of a test result. That is nearly 15 percent higher than similar results in Britain and Germany.

Our excessive reliance on paper record keeping makes our health care system less efficient, more costly and more prone to mistakes.

Doctors diagnose patients without knowing their full medical history, what they are allergic to, what kind of surgeries they have had, whether they have complained about similar symptoms before.

Time constraints, or medical necessity, often force doctors to form a quick diagnosis. Sometimes that diagnosis is wrong and sometimes it proves to be a costly error.

The widespread use of health information technology, the ability to immediately grab someone's full medical history off of a computer, can help doctors provide better care more cheaply. It has the potential to drastically transform the way we provide health care.

If we are looking for success stories on how health care professionals have integrated the use of electronic health records into their daily routines, we don't have to look any further than our own Departments of Defense and Veterans Affairs.

Times have certainly changed since I retired from the Navy some 16 years ago. I used to keep all my medical records in a brown manila folder.

I carried this manila folder with me from the time I left Ohio State, on to Pensacola, Corpus Christi Naval Air Station, out to California, across the seas and back again, and finally, getting off of active duty and coming to Delaware to enroll in business school, on the GI bill, at the University of Delaware.

Over a decade ago, the DOD and the VA decided there was a better way. And the results have been nothing short of phenomenal.

Today, when a patient enrolls in DOD's Military Health System, they get an electronic health record, not a brown manila folder in which to carry years of paper medical records. Your electronic record will follow you wherever you go, both during your time when you are serving in the military and when you leave to join our veterans' community.

Researchers and doctors now laud the VA for having the foresight to use electronic health records to improve patient care and transform itself into one of the best health care operations in the country.

And the cost? About $78 per patient, roughly the cost of not repeating one blood test. In other words, money well spent.

I have witnessed that new-found satisfaction right in my own back yard, at our Veterans Medical Center in Elsmere, DE. Veterans from neighboring States are now coming to Elsmere to seek care instead of going to regular civilian hospitals near them.

So what is keeping the rest of the Nation's health care system from following the lead of the DOD and the VA?

The answer is the high cost of implementing the latest information technologies, as well as the lack of uniformity among various technology products.

A physician can spend up to $40,000 implementing an electronic health records system. A hospital can spend up to five times that amount.

If that weren't enough of a reason to say "no thanks," there is another. We don't have a set of national standards in place to make sure that once health care providers have made the switch, their new systems can communicate with the hospital or doctor on the other side of town.

As a nation, we cannot afford to rely solely on health care providers to bring the health care industry into the 21st century.

While I was Governor, I signed legislation that would call for the creation of a statewide information network to bring our health care system into the 21st century. Delaware is well underway toward meeting our goal of establishing the first statewide health information infrastructure.

We must think outside of the box and build on health information technology initiatives that are all already underway in other areas of the health care industry.

The Federal Employees Electronic Personal Health Records Act of 2006 will require all Insurance Plans that contract with the Federal Employees Health Benefits Program, FEHBP, to make available an electronic personal health record for enrollees in the program.

Via the Internet, an enrollee will be able to log-on to his or her electronic personal health record to keep track of such things as their medications, cholesterol and glucose levels, allergies, and immunization records. An enrollee will also be able to view a comprehensive, easily understood listing of their health care claims.

An enrollee can easily share sections of the electronic personal health record with their health care provider, ensuring that their health care provider has the most up-to-date and accurate health information when making clinical decisions.

Having health information readily available will increase the efficiency and safety of health care for an enrollee by eliminating unwarranted tests, procedures, and prescriptions.

Most importantly, the legislation ensures that the electronic personal health records provided for through this act are kept private and secure.

The electronic personal health records are required to include a number of security features, such as a user authentication and audit trails.

The legislation also requires that insurance plans comply with all privacy and security regulations outlined in the Health Insurance Portability and Accountability Act.

This bill is designed to jumpstart this new technology by requiring some of the largest health insurance companies to offer electronic personal health records, which many are already doing.

As more insurance companies, health care providers and consumers use this new technology, I am convinced that more people will recognize its advantages and we can more quickly move America's health care industry into the 21st century.

And as the Nation's largest employer-sponsored health insurance program, who better than the Federal Employees Health Benefit Program to lead the way in this endeavor.

I urge my colleagues to support the Federal Employees Electronic Personal Health Records Act of 2007.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Electronic Personal Health Records Act of 2007".

SEC. 2. ELECTRONIC PERSONAL HEALTH RECORDS FOR FEDERAL EMPLOYEE HEALTH BENEFITS PLANS.

(a) CONTRACT REQUIREMENT.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(p) Each contract under this chapter shall require the carrier to provide for the establishment and maintenance of electronic personal health records in accordance with section 8915.".

(b) ELECTRONIC PERSONAL HEALTH RECORDS.—Chapter 89 of title 5, United States Code, is amended by adding after section 8914 the following:

"§ 8915. Electronic personal health records

"(a) In this section, the term—

"(1) 'claims data' means—

"(A) a comprehensive record of health care services provided to an individual, including prescriptions; and

"(B) contact information for providers of health care services; and

"(2) 'standard electronic format' means a format that—

"(A) uses open electronic standards;

"(B) enables health information technology to be used for the collection of clinically specific data;

"(C) promotes the interoperability of health care information across health care settings, including reporting under this section and to other Federal agencies;

"(D) facilitates clinical decision support;

"(E) is useful for diagnosis and treatment and is understandable for the individual or family member; and

"(F) is based on the Federal messaging and health vocabulary standard endorsed by—

"(i) the Office of the National Coordinator for Health Information Technology;

"(ii) the American Health Information Community; or

"(iii) the Secretary of Health and Human Services.

"(b)(1) Each carrier entering into a contract for a health benefits plan under section 8915 shall provide for the establishment and maintenance of electronic personal health records for each individual and family member enrolled in that health benefits plan in accordance with this section.

"(2) In the administration of this section, the Office of Personnel Management—

"(A) shall ensure that each individual and family member is provided—

"(i) timely notice of the establishment and maintenance of electronic personal health records; and

"(ii) an opportunity to file an election at any time to—

"(I) not participate in the establishment or maintenance of an electronic personal health record for that individual or family member; and

"(II) in the case of an electronic personal health record that is established under this section, terminate that electronic personal health record;

"(B) shall ensure that each electronic personal health record shall—

"(i) be based on standard electronic formats;

"(ii) be available for electronic access through the Internet for the use of the individual or family member to whom the record applies;

"(iii) enable the individual or family member to—

"(I) share any contents of the electronic personal health record through transmission in standard electronic format, fax transmission, or other additional means to providers of health care services or other persons;

"(II) copy or print any contents of the electronic personal health record; and

"(III) add supplementary health information, such as information relating to—

"(aa) personal, medical, and emergency contacts;

"(bb) laboratory tests;

"(cc) social history;

"(dd) health conditions;

"(ee) allergies;

"(ff) dental services;

"(gg) immunizations;

"(hh) prescriptions;

"(ii) family health history;

"(jj) alternative treatments;

"(kk) appointments; and

"(ll) any additional information as needed;

"(iv) contain—

"(I) to the extent feasible, claims data from—

"(aa) providers of health care services that participate in health benefits plans under this chapter;

"(bb) other providers of health care services; and

"(cc) other health benefits plans in which the individual or family members have participated;

"(II) to the extent feasible, clinical care, pharmaceutical, and laboratory records; and

"(III) the name of the source for each item of health information;

"(v) authenticate the identity of each individual upon accessing the electronic personal health record; and

"(vi) contain an audit trail to list the identity of individuals who access the electronic personal health record; and

"(C) shall ensure that the individual or family member may designate—

"(i) any other individual to access and exercise control over the sharing of the electronic personal health record; and

"(ii) any other individual to access the electronic personal health record in an emergency;

"(D) shall require each health benefits plan to comply with all privacy and security regulations promulgated under section 246(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2) and other relevant laws relating to privacy and security;

"(E) shall require each carrier that enters into a contract for a health benefits plan to provide for the electronic transfer of the contents of an electronic personal health record to another electronic personal health record under a different health benefits plan maintained under this section or a similar record not maintained under this section if—

"(i) coverage in a health benefits plan under this chapter for an individual or family member terminates; and

"(ii) that individual or family member elects such a transfer;

"(F) shall require each carrier to provide for education, awareness, and training on electronic personal health records for individuals and family members enrolled in health benefits plans; and

"(G) may require each carrier to provide for an electronic personal health record to be made available for electronic access, other than through the Internet, for the use of the individual or family member to whom the record applies, if that individual or family member requests such access.

"(3) Nothing in paragraph (2)(C) shall be construed to provide any rights additional to the rights provided under the privacy and security regulations promulgated under section 246(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2) and other relevant laws relating to privacy and security.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 5, United States Code, is amended by adding at the end the following:

"Sec. 8915. Electronic personal health records.".

SEC. 3. EFFECTIVE DATES AND APPLICATION.

(a) IN GENERAL.—Except as provided under subsection (b), the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) ESTABLISHMENT AND MAINTENANCE OF ELECTRONIC PERSONAL HEALTH RECORDS.—The requirement for the establishment and maintenance of electronic personal health records under sections 8902(p) and 8915 of title 5, United States Code (as added by this Act), shall apply with respect to contracts for health benefits plans under chapter 89 of that title which take effect on and after January of the earlier of—

(1) the first calendar year following 2 years after the date of enactment of this Act; or

(2) any calendar year determined by the Office of Personnel Management.

Mr. VOINOVICH. Mr. President, I wish to speak about a bill my colleague Senator CARPER and I introduced today, the Electronic Personal Health Records Act. The purpose of this legislation is to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in the Federal Employee Health Benefits Plan, FEHBP.

The widespread adoption of health information technology, such as electronic health records, EHR, will revolutionize the health care profession. In fact, the Institute of Medicine, the National Committee on Vital and Health Statistics, and other expert panels have identified information technology as one of the most powerful tools in reducing medical errors and improving the quality of care. Unfortunately, our country's health care industry lags far behind other sectors of the economy in its investment in IT.

The Institute of Medicine estimates that there are nearly 98,000 deaths each year resulting from medical errors. Many of these deaths can be directly attributed to the inherent imperfections of our current paper-based health care system. This statistic is startling and one that I hope will motivate my colleagues to take a close look at the goals of our legislation.

The voluntary EHRs that would be established through the Electronic Personal Health Records Act will provide clinicians with real-time access to their patient's health history. Each EHR would contain claims data, contact information for providers of health care services, and other useful information for diagnosis and treatment. The records will be available cost-free to FEHBP participants and will maintain strict adherence to the Health Insurance Portability and Accountability Act, HIPAA.

Under the bill, the Office of Personnel Management, OPM, would be required to ensure that all carriers who participate in FEHBP educate their members about the implementation of the EHR, as well as give timely notice of the establishment of the record and an opportunity for each individual to elect not to participate in the program.

OPM, through their carriers, would also have to ensure that all records would be available for electronic access through Internet, fax, or printed method for the use of the individual, and that to the extent possible, records could be transferred from one plan to another. The bill would require EHRs to be made available 2 years after the passage of the legislation or earlier at the discretion of OPM in consultation with the Office of the National Coordinator for Health Information Technology within HHS.

Not only can EHRs save lives and improve the quality of health care, they also have the potential to reduce the cost of the delivery of health care. According to Rand Corporation, the health care delivery system in the United States could save approximately $160 billion annually with the widespread use of electronic medical records. As a result, the private market is already moving toward implementing electronic medical records.

This bill, simply encourages the health care industry to continue in that direction and take their use of technology in the delivery of care to the next step. I urge my colleagues to consider not only the benefit it will provide to the 8 million individuals who receive their health care through the FEHBP, but also to our Nation's overall health care system.

By Mr. INOUYE (for himself, Mr. Dorgan, Mr. Pryor, Ms. Cantwell, Ms. Klobuchar, and Mr. Kerry):

S. 1492. A bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, broadband communications are quickly becoming the great economic engine of our time. Broadband deployment drives opportunities for business, education, and healthcare. It provides widespread access to information that can change the way we communicate with one another and improve the quality of our lives. From our smallest rural hamlets to our largest urban centers, communities across this country should have access to the opportunities ubiquitous broadband can bring. The state of our broadband union should be broadband for all.

But the news on this front is not all good. Last month, the Organization for Economic Cooperation and Development reported that the United States has fallen to 15th in the world in broadband penetration. In some Asian and European countries, households have high-speed connections that are 20 times faster than ours, for half the cost. While some will debate what, in fact, these rankings measure, one thing that cannot be debated is the fact that we continue to fall precipitously down the list. In 2000 the United States ranked 4th; last year we dropped to 12th; and just last month we dropped to 15th. The broadband bottom line is that too many of our international counterparts are passing us by. For this we are paying a price. Some experts estimate that universal broadband adoption would add $500 billion to the U.S. economy and create more than a million new jobs.

In a digital age, the world will not wait for us. It is imperative that we get our broadband house in order and our communications policy right. But we cannot manage what we do not measure. So the first step in an improved broadband policy is ensuring that we have better data on which to build our efforts.

That is why I am here today to introduce the Broadband Data Improvement Act. This legislation will improve the quality of Federal and State data regarding the availability of broadband service. This, in turn, can be used to craft policies that will increase the availability of affordable broadband service in all parts of the Nation. This legislation will improve broadband data collection at the Federal Communications Commission and Bureau of the Census. It will direct the Comptroller General and the Small Business Administration to study our broadband challenge. It will encourage State initiatives to improve broadband adoption by establishing a State broadband data and development grant program that will authorize $40 million for each of fiscal years 2008 through 2012.

With too many of our industrial counterparts ahead of us, we sorely need the kind of granular data that will inform our policies and propel us to the front of the broadband ranks. I believe that the Broadband Data Improvement Act will give us the tools to make this happen.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadband Data Improvement Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 3. IMPROVING FEDERAL DATA ON BROADBAND.

(a) Improving FCC Broadband Data.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall issue an order in WC docket No. 07-38 which shall, at a minimum—

(1) revise or update, if determined necessary, the existing definitions of advanced telecommunications capability, or broadband;

(2) establish a new definition of second generation broadband to reflect a data rate that is not less than the data rate required to reliably transmit full-motion, high-definition video; and

(3) revise its Form 477 reporting requirements to require filing entities to report broadband connections and second generation broadband connections by 5-digit postal zip code plus 4-digit location.

(b) Exception.—The Commission shall exempt an entity from the reporting requirements of subsection (a)(3) if the Commission determines that a compliance by that entity with the requirements is cost prohibitive, as defined by the Commission.

(c) Improving Section 706 Inquiry.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) is amended—

(1) by striking "regularly" in subsection (b) and inserting "annually";

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

"(c) Measurement of Extent of Deployment.—In determining under subsection (b) whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission shall consider data collected using 5-digit postal zip code plus 4-digit location.

"(d) Demographic Information for Unserved Areas.—As part of the inquiry required by subsection (b), the Commission shall, using 5-digit postal zip code plus 4-digit location information, compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section

706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 nt)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

"(1) the population;

"(2) the population density; and

"(3) the average per capita income.";

(4) by inserting "an evolving level of" after "technology," in paragraph (1) of subsection (e), as redesignated.

(d) Improving Census Data on Broadband.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

SEC. 4. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) In General.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabyte of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds;

(3) to compare the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) Report.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 5. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) In General.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) Report.—Not later than one year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 6. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) Purposes.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) Establishment of State Broadband Data and Development Grant Program.—

(1) In general.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) Competitive basis.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) Eligibility.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require; and

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant.

(d) Peer Review; Nondisclosure.—

(1) In general.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) Review procedures.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed; and

(B) provide the results of any review by such group to the Secretary of Commerce.

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) Use of Funds.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband and second generation broadband identified by the Federal Communications Commission to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved and underserved areas, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved and underserved populations;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, and where feasible second generation broadband service, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability at the census block level; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) Participation Limit.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) Reporting.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce web site that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a non-profit organization that is selected by a State to work in partnership with State agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(2) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology; and

(D) the board of directors of which is not composed of a majority of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(j) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this Act any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 1493. A bill to promote innovation and basic research in advanced information and communications technologies that will enhance or facilitate the availability and affordability of advanced communications services to all Americans; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, the telecommunications industry started in this country as a series of wires crisscrossing the country to provide simple telegraph service. The telegraph allowed people to communicate from coast to coast in a matter of minutes, which was a marked improvement over the days required to deliver postal correspondence via the pony express. The industry quickly evolved from those initial telegraph lines with Alexander Graham Bell's invention of the telephone. This revolutionized telecommunications and created a multibillion dollar industry.

Today, telecommunications accounts for 3 percent of this country's gross domestic income, or roughly $335 billion. It employs over 1.25 million U.S. workers. The industry is a critical driver of U.S. economic growth and innovation. Historically, advances in telecommunications resulted from AT&T's steady funding of Bell Laboratories, the world-famous research facility that discovered the transistor, the laser, radar and sonar, digital signal processors, cellular telephone technology, and data-networking technology. Indeed, research in this last field, data-networking, is the basis of the 21st century's greatest resource, the Internet.

However, today, the pace of innovation in the United States is no longer as swift or as certain. For example, much of the world's wireless technologies come from Europe, and many of the handsets are designed and manufactured in other countries like China and South Korea. Part of the problem is the decline of Bell Labs, but financial pressures from Wall Street to perform in the short-term are also partly to blame. Companies can no longer afford to invest in basic, fundamental telecommunications research with project horizons beyond 5 years. Unless we can reverse this trend, I fear that the United States may fall permanently behind in the telecommunications innovation race.

That is why I am here today, to introduce the Advanced Information and Communications Technology Research Act. By rededicating our efforts to the pursuit of innovation through basic, fundamental research, we can begin to restore our Nation's historic leadership in this critical industry. Toward that end, the legislation that I am introducing today will establish a telecommunications program within the National Science Foundation to focus research on the development of affordable advanced communications services in America. It would authorize $40 million in fiscal year 2008, increasing in $5 million increments to reach $60 million in FY 2012. The bill would also establish a Federal Advanced Information and Communications Technology Board within NSF to advise the program on appropriate research topics. Finally, the bill would accelerate efforts initiated almost 4 years ago to promote spectrum sharing technologies. It would require NTIA and the FCC to initiate a pilot program within 1 year that would make a small portion of spectrum available for shared use between Federal and non-Federal government users.

I look forward to working with my colleagues on this legislation in the weeks ahead.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advanced Information and Communications Technology Research Act".

SEC. 2. SPECTRUM-SHARING INNOVATION TESTBED.

(a) SPECTRUM-SHARING PLAN.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission and the Assistant Secretary of Commerce for Communications and Information, in coordination with other Federal agencies, shall—

(1) develop a plan to increase sharing of spectrum between Federal and non-Federal government users; and

(2) establish a pilot program for implementation of the plan.

(b) TECHNICAL SPECIFICATIONS.—The Commission and the Assistant Secretary—

(1) shall each identify a segment of spectrum of equal bandwidth within their respective jurisdiction for the pilot program that is approximately 10 megaHertz in width for assignment on a shared basis to Federal and non-Federal government use; and

(2) may take the spectrum for the pilot program from bands currently allocated on either an exclusive or shared basis.

(c) REPORT.—The Commission and the Assistant Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce 2 years after the inception of the pilot program describing the results of the program and suggesting appropriate procedures for expanding the program as appropriate.

SEC. 3. TELECOMMUNICATIONS INNOVATION ACCELERATION.

(a) PROGRAM.—In order to accelerate the pace of innovation with respect to telecommunications services (as defined in section 3(46) of the Communications Act of 1934 (47 U.S.C. 153(46)), equipment, and technology, the Director of the National Institute of Standards and Technology shall—

(1) establish a program linked to the goals and objectives of the measurement laboratories, to be known as the 'Telecommunications Standards and Technology Acceleration Research Program', to support and promote innovation in the United States through high-risk, high-reward telecommunications research; and

(2) set aside, from funds available to the measurement laboratories, an amount equal to not less than 8 percent of the funds available to the Institute each fiscal year for such Program.

(b) EXTERNAL FUNDING.—The Director shall ensure that at least 80 percent of the funds available for such Program shall be used to award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses and universities. In selecting entities to receive such assistance, the Director shall ensure that the project proposed by an entity has scientific and technical merit and that any resulting intellectual property shall vest in a United States entity that can commercialize the technology in a timely manner. Each external project shall involve at least one small or medium-sized business and the Director shall give priority to joint ventures between small or medium-sized businesses and educational institutions. Any grant shall be for a period not to exceed 3 years.

(c) COMPETITIONS.—The Director shall solicit proposals annually to address areas of national need for high-risk, high-reward telecommunications research, as identified by the Director.

(d) ANNUAL REPORT.—Each year the Director shall issue an annual report describing the program's activities, including include a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of ongoing and completed grants. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward telecommunications research.

(e) ADMINISTRATIVE EXPENSES.—No more than 5 percent of the finding available to the program may be used for administrative expenses.

(f) HIGH-RISK, HIGH-REWARD TELECOMMUNICATIONS RESEARCH DEFINED.—In this section, the term "high-risk, high-reward telecommunications research" means research that—

(1) has the potential for yielding results with far-ranging or wide-ranging implications;

(2) addresses critical national needs related to measurement standards and technology; and

(3) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

SEC. 4. ADVANCED COMMUNICATIONS SERVICES FOR ALL AMERICANS.

The Director of the National Institute of Standards and Technology shall continue to support research and support standards development in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all Americans, in order to implement the Institute's responsibilities under section 2(c)(12) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(12)). The Director shall support intramural research and cooperative research with institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and industry.

SEC. 5. ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.

(a) INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—The Director of the National Science Foundation shall establish a program of basic research in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all Americans. In developing and carrying out the program, the Director shall consult with the Board established under subsection (b).

(b) FEDERAL ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH BOARD.—There is established within the National Science Foundation a Federal Advanced Information and Communications Technology Board which shall advise the Director of the National Science Foundation in carrying out the program authorized by subsection (a). The Board Shall be composed of individuals with expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, the Department of Defense, and representatives from industry and educational institutions.

(c) GRANT PROGRAM.—The Director, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all Americans. Areas of research to be supported through these grants include—

(1) affordable broadband access, including wireless technologies;

(2) network security and reliability;

(3) communications interoperability;

(4) networking protocols and architectures, including resilience to outages or attacks;

(5) trusted software;

(6) privacy;

(7) nanoelectronics for communications applications;

(8) low-power communications electronics;

(9) such other related areas as the Director, in consultation with the Board, finds appropriate; and

(10) implementation of equitable access to national advanced fiber optic research and educational networks, including access in noncontiguous States.

(d) CENTERS.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), nonprofit research institutions affiliated with institutions of higher education, or consortia thereof to establish multidisciplinary Centers for Communications Research. The purpose of the Centers shall be to generate innovative approaches to problems in communications and information technology research, including the research areas described in subsection (c). Institutions of higher education, nonprofit research institutions affiliated with institutions of higher education, or consortia receiving such grants may partner with 1 or more government laboratories or for-profit entities, or other institutions of higher education or nonprofit research institutions.

(e) APPLICATIONS.—The Director, in consultation with the Board, shall establish criteria for the award of grants under subsections (c) and (d). Grants shall be awarded under the program on a merit-reviewed competitive basis. The Director shall give priority to grants that offer the potential for revolutionary rather than evolutionary breakthroughs.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section—

(1) $40,000,000 for fiscal year 2008;

(2) $45,000,000 for fiscal year 2009;

(3) $50,000,000 for fiscal year 2010;

(4) $55,000,000 for fiscal year 2011; and

(5) $60,000,000 for fiscal year 2012.

By Mr. DOMENICI (for himself, Mr. DORGAN, Mr. INOUYE, Mr. BAUCUS, Ms. COLLINS, Mrs. LINCOLN, Mr. HATCH, Mr. BINGAMAN, Ms. STABENOW, Mr. SCHUMER, and Mr. DURBIN):

S. 1494. A bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with my colleague, Senator DORGAN, to introduce a bill to reauthorize and expand two very important public health programs created by the Balanced Budget Act of 1997; The Special Diabetes Program for Indians and the Special Funding Program for Type I Diabetes Research. I want to thank my colleagues, Senator INOUYE, Senator BAUCUS, Senator COLLINS, Senator LINCOLN, Senator HATCH, and Senator BINGAMAN for joining us as original cosponsors of this bill. This type of bipartisan support clearly shows that addressing this disease and its consequences is an important health priority for our Nation.

Diabetes is one of the most serious and devastating health problems of our time. The American Diabetes Association estimates that 20.8 million Americans have diabetes; more than 7 percent of our population. The number of U.S. adults with diagnosed diabetes has increased by more than 60 percent since 1991 and is projected to more than double by 2050. It ranks as the sixth leading cause of death in America. This has serious national implications; it is overwhelming health systems in the states and the Nation.

Although diabetes occurs in people of all ethnicities, the diabetes epidemic is particularly acute in our Native American populations. Among some tribes, as many as 50 percent of the adult population have the disease. That is why during the negotiations on the 1997 Balanced Budget Act, I helped craft an agreement to finance diabetes programs of the Indian Health Service and help raise the profile of tribal health programs. The Special Diabetes Program for Indians began with funding of $30 million annually for 5 years and was later expanded to $150 million a year. This funding has been used widely in Indian country, including among the Navajo Nation and the 19 Pueblos in New Mexico.

Federally supported treatment and prevention programs are showing real results in the Native American populations. The current funding has established almost 400 new diabetes treatment and prevention programs in Native communities. It has helped to provide critical resources such as medications and therapies, clinical exams, screenings, and resources to prevent complications. It has provided primary prevention activities such as physical fitness programs, medical nutrition therapy, wellness activities, and programs that target children and youth. The experiences of these programs have provided many important lessons learned that will benefit other minority communities and all people affected by diabetes.

Despite all the positive results we have seen from these efforts, there is still much more work to be done. I have traveled extensively on the Navajo reservation and other parts of Indian country and seen those who still need help. I have visited the dialysis centers and met with those who are suffering from the effects of this disease. Due to the prevalence of this problem, it will take years for us to achieve our ultimate goal of reducing and eliminating diabetes and its complications. But, unless Congress reauthorizes and expands this program, the funding for these efforts and activities will end next year. We can't let that happen. The Special Diabetes Program for Indians has made an enormous and substantial impact on the problem of diabetes in Indian communities. The loss of funding now would be devastating. We must continue to focus specific resources to address the epidemic of diabetes in the Native American communities. That is why the bill we are introducing today will reauthorize the Special Diabetes Program for Indians for an additional 5 years and increase the funding from $150 million to $200 million each year. This will provide a billion dollars over the next 5 years for this program, $250 million more than we are currently authorized to spend. Reauthorization of this vital program will help save lives. It is the right thing to do and it is a smart investment of our health care dollars.

In addition to the reauthorization of the Special Diabetes Program for Indians, this bill will also reauthorize another important tool in our battle against diabetes, the Special Funding Program for Type I Diabetes Research. Like the Indian program, this program is set to expire next year, and this bill will provide an authorization for an additional 5 years and increase the funding from $150 million to $200 million each year.

The Type I Diabetes research program which was also created in 1997 Balanced Budget Act has allowed the Federal Government to make dramatic advances in research and treatment since its inception. This funding has helped support research into the identification of genes that increase susceptibility to diabetes. It has helped with the development of therapies that have helped slow the progression and in some cases even reverse the progression of this disease. And it has helped develop tools and methods that help people manage the disease long term.

Again though, there is still much more work to be done. Continued investment in this program will help to maintain support for research that is truly helping those who are living with diabetes and help prevent the onset of diabetes in others. The Federal investment in research has produced tangible results that I believe justify its continued support. Diabetes is taking too heavy a toll on too many Americans and their families. Continued funding is vital to the continuation of our fight against diabetes.

The prevention and treatment of diabetes has improved greatly over the past decade and I believe it is in large part due to the funding and research accomplished through these two programs. Complications of diabetes can be prevented and the costs of this disease to our society can be contained. Research, early detection and treatment, however, are the keys. I hope that Congress will join together to reauthorize these programs and also provide to them the increase in funding that they need to keep making advances.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) $200,000,000 for each of fiscal years 2009 through 2013.".

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) $200,000,000 for each of fiscal years 2009 through 2013.".

Mr. DORGAN. Mr. President, I am pleased today to join my colleague from New Mexico in introducing legislation to reauthorize two very important efforts to address diabetes prevention and treatment and research: the Special Diabetes Program for Indians, which is administered by the Indian Health Service's Division of Diabetes Treatment and Prevention, and the Special Diabetes Programs for Children with Type I Diabetes Research, which is administered by the National Institutes of Health.

The Indian Affairs Committee held an oversight hearing on diabetes in Indian country this past February. Diabetes is an illness that afflicts Native Americans more than any other ethnic/racial group in the United States, and some tribes have the onerous distinction of having the highest diabetes rate in the world. Indian people are 318 percent more likely to die from diabetes than the general population.

The Special Diabetes Program for Indians is recognized as the most comprehensive rural system of care for diabetes in the United States. Grants under this program have been awarded by the Indian Health Service to nearly 400 IHS, tribal and urban Indian programs within the 12 IHS Areas in 35 States. The program serves approximately 116,000 Native American people with various prevention and treatment services.

While each of the Special Diabetes Program grants reflects the unique tribal community that conducts the program, here are some examples of the kinds of activities the program provides: teaching Indians living with diabetes how to examine and take care of their feet; helping young mothers learn how to eat healthy using commodity foods issued under the USDA's Food Distribution Program on Indian reservations, and how to learn the value of breastfeeding their babies to reduce the incidence of diabetes as the children grow older; enabling diabetics to have access to regular eye screening exams; helping Native Americans know the connection between eating healthy and preventing diabetes by adapting materials of the National Institutes of Health-funded clinical trial, called the Diabetes Prevention Program, to be culturally-appropriate; promoting physical activity in the reservation environment, such as building walking trails and displaying signs that say, "Walk, don't take the elevator;" and enabling Indian Health Service, tribal and urban Indian health programs to offer new medications for diabetes, such as glitazone, which helps increase insulin sensitivity.

Reauthorization of the Special Diabetes Program for Indians is both a legislative and a medical priority for Indian country. I urge my colleagues to support the measure that we are introducing today.

By Mr. INOUYE (for himself and Mr. WYDEN):

S. 1495. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, foreign registered ships now carry 97 percent of the imports and exports moving in the U.S. international trade. These foreign vessels are held to lower standards than U.S. registered ships, and are, virtually, untaxed. Therefore, their costs of operation are lower than U.S. ship operating costs, which explains their 97 percent market share.

Three years ago, in order to help level the playing field for U.S. flag ships that compete in international trade, Congress enacted, under the American Jobs Creation Act of 2004, Public Law 108–357, Subchapter R, a "tonnage tax" that is based on the tonnage of a vessel, rather than taxing the U.S. flag ship's international income at a 35 percent corporate income tax rate. However, during the House and the Senate conference, language was included, which states that a U.S. vessel cannot use the tonnage tax on international income if that vessel also operates in U.S. domestic commerce for more than 30 days per year.

This 30-day limitation dramatically limits the availability of the tonnage tax for those U.S. ships that operate in both domestic and international trade and, accordingly, severely hinders their competitiveness in foreign commerce.

It is important to recognize that ships operating in U.S. domestic trade already have significant cost disadvantages vis-à-vis U.S. ships operating in international trade. Specifically, U.S-flag ships that operate solely in international trade: 1. are built in foreign shipyards at one-third U.S. shipyard prices; 2. receive $2.6 million per ship per year in Federal maritime security payments in return for making these vessels available to the Department of Defense in time of national emergency; and 3. are owned by U.S. subsidiaries of foreign corporations. By contrast, U.S. flag ships that operate both in international trade a domestic trade are: 1. built in higher priced U.S. shipyards; 2. do not receive maritime security payments, even when operated in international trade, but have the same commitments to the Department of Defense; and 3. are owned by U.S.-based American corporations. Furthermore, the inability of these domestic operators to use the tonnage tax for their international service is an unnecessary burden on their competitive position in foreign commerce.

When windows of opportunity present themselves in international trade, American tax policy and maritime policy should facilitate the participation of these American-built ships. Instead, the 30-day limit makes them ineligible to use the tonnage tax, and further handicaps American vessels when competing for international cargo. Denying the tonnage tax to coastwise qualified ships further stymies the operation of American built ships in international commerce, and further exacerbates America's 97 percent reliance on foreign ships to carry its international cargo.

These concerns were of such sufficient importance that in December 2006, the Congress repealed the 30-day limit on domestic trading but only for approximately 50 ships operating in the Great Lakes. These ships primarily operate in domestic trade on the Great Lakes, but also carry cargo between the United States and Canada in international trade Section 415 of P.L. 109-432, the Tax Relief and Health Care Act of 2006.

The identifiable universe of remaining ships other than the Great Lakes ships that operate in domestic trade, but that may also operate temporarily in international trade, totals 13 U.S. flag vessels. These 13 ships normally operate in domestic trades that involve Washington, Oregon, California, Hawaii, Alaska, Florida, Mississippi, and Louisiana. In the interest of providing equity to the U.S. corporations that own and operate these 13 vessels, my bill would repeal the tonnage tax 30-day limit on domestic operations and enable these vessels to utilize the tonnage tax on their international income so they receive the same treatment as other U.S. flag international operators. I stress that, under my bill, these ships will continue to pay the normal 35 percent U.S. corporate tax rate on their domestic income.

Repeal of the tonnage tax's 30-day limit on domestic operations is a necessary step toward providing tax equity between U.S. flag and foreign flag vessels. I strongly urge the tax writing committees of the Congress to give this legislation their expedited consideration and approval. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF THE APPLICATION OF THE TONNAGE TAX ON VESSELS OPERATING IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES,.

(a) IN GENERAL.—Subsection (f) of section 1355 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

"(f) EFFECT OF OPERATING A QUALIFYING VESSEL IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.—For purposes of this subchapter—

"(1) an electing corporation shall be treated as continuing to use a qualifying vessel in the United States foreign trade during any period of use in the United States domestic trade, and

"(2) gross income from such United States domestic trade shall not be excluded under section 1357(a), but shall not be taken into account for purposes of section 1353(b)(1)(B) or for purposes of section 1356 in connection with the application of section 1357 or 1358.".

(b) REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.—Section 1358 of the Internal Revenue Code of 1986 (relating to allocation of credits, income, and deductions) is amended—

(1) by striking "in accordance with this subsection" in subsection (c) and inserting "to the extent provided in such regulations as may be prescribed by the Secretary", and

(2) by adding at the end the following new subsection:

"(d) REGULATIONS.—The Secretary shall prescribe regulations consistent with the provisions of this subchapter for the purpose of allocating gross income, deductions, and credits between or among qualifying shipping activities and other activities of a taxpayer.".

(c) CONFORMING AMENDMENTS.—

(1) Section 1355(a)(4) of the Internal Revenue Code of 1986 is amended by striking "exclusively".

(2) Section 1355(b)(1)(B) of such Code is amended by striking "as a qualifying vessel" and inserting "in the transportation of goods or passengers".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. CARDIN:

S. 1497. A bill to promote the energy independence of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, for the sake of our security, economy and environment, America needs a comprehensive energy policy that is independent of foreign energy sources and weans America off of fossil fuels.

Last year, I introduced comprehensive energy legislation that would address the many challenges across our economy to achieving sustainable energy independence. I am very hopeful that this Congress will soon take steps to bring forward a comprehensive energy bill that will address many of the areas I believe are essential to this effort. I have cosponsored many of the individual planks of this comprehensive effort, and today I want to address how we can ensure that this energy policy does not have an expiration date or fall short of its laudable goals.

Today I am introducing the Energy Independence Act.

The Energy Independence Act will deliver energy independence to Americans by providing an energy plan that has the capacity to change with innovation. My bill will ensure that our energy policy will increase the efficiency and decrease the environmental impact of America's energy policy, and encourage our energy policy to adapt to our needs and abilities.

My bill will set a congressional goal of achieving energy independence by 2017. "Energy independence" is defined as meeting all but 10 percent of our energy needs from domestic energy sources. The bill will also set a congressional goal of achieving independence from fossil fuels by 2037.

My bill will also create a Blue Ribbon Energy Commission, which will meet every two years starting in 2009, to evaluate our progress in efforts to become energy independent, and to recommend changes to be made in reports to Congress.

These are achievable goals.

Petroleum, mostly used for transportation, accounts for 84 percent of our imported energy. Transportation accounts for roughly 28 percent of our energy use. I support raising CAFÉ standards, and have cosponsored S. 357, legislation by Senator FEINSTEIN which would raise these standards to 35 miles per gallon by 2019. Studies show that raising CAFE standards to 40 miles per gallon would save over 36 billion gallons of gas per year, and creating efficiency standards for replacement tires would save more than 7 billion barrels of oil over the next 50 years. Creating incentives for commuting by train or bus, and funding upgrades and new starts in public transit services, such as the purple line of the DC metro, will also make a difference—in an average year, the round trip to work uses over 250 gallons of gas and creates about 5,000 pounds of carbon dioxide emissions.

As part of a comprehensive energy bill we should also be mindful of the long-term effects of our energy policy on the environment, our landscape, and our health. I cosponsored S. 309, legislation by Senators SANDERS and BOXER that provides for an economy-wide emissions cap and trade program. Enacting an economy-wide cap and trade program will ensure that our energy policy will be truly sustainable.

America currently gets only 6.3 percent of its energy from renewable energy sources. Current ideas for addressing this problem focus on trying to make the large up-front investment in infrastructure required to produce renewable energy less daunting, by creating a long-term market for renewable energy through increasing the Federal Government's use of renewables and creating a Federal renewable portfolio standard to make utilities offer renewable energy to American consumers, and by making incentives like the renewable production tax credit permanent. I support creating Federal renewable portfolio standard, and will cosponsor legislation to be offered by Senator BINGAMAN to do so. I have also cosponsored S. 590, Senator SMITH's legislation that would extend solar tax incentives through 2016, while expanding these incentives to cover more of the up-front investment required to use solar energy.

In order to get to energy independence we must substantially increase our investment in energy research. I cosponsored S. 761, Senator REID's America COMPETES Act, which will increase R&D funding for the Department of Energy, increase the DOE's emphasis on advanced energy research to overcome the long-term and high-risk technological barriers to the development of energy technologies, and implement recommendations made by the National Academies of Sciences report Rising Above a Gathering Storm.

I will be advocating other areas of energy policy reform, including increasing funding for weatherization, providing incentives for telecommuting, and providing additional energy efficiency standards for appliances.

We can do better, and the one overarching theme in the quest for a sustainable, long-term energy policy is the need to be able to be flexible and change our energy policy to suit our needs, capacity, research and development. My bill will give us the ability to provide long-term, bipartisan solutions that will address our energy policy going forward, and give us the flexibility, and the considered solutions of experts, to give the American people the energy policy they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Independence Act of 2007".

SEC. 2. PURPOSE AND GOALS.

The purpose of this Act is to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that—

(1) all but 10 percent of the energy needs of the United States are supplied by domestic energy sources by calendar year 2017; and

(2) all but 20 percent of the energy needs of the United States are supplied by non-fossil fuel sources by calendar year 2037.

SEC. 3. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the "National Commission on Energy Independence" (referred to in this section as the "Commission").

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

By Mrs. BOXER (for herself, Mr. VITTER, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. 1498. A bill to amend the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today, I am introducing the Captive Primate Safety Act. I am pleased to be joined by Senators VITTER, LIEBERMAN, LAUTENBERG, and MENENDEZ. An almost identical bill passed the Senate by unanimous consent in the 109th Congress.

This bipartisan bill amends the Lacey Act to prohibit transporting monkeys, great apes, lemurs, and other nonhuman primates across State lines for the pet trade, much like the Captive Wildlife Safety Act, which passed unanimously in 2003, did for tigers and other big cats.

This bill has no impact on trade or transportation of animals for zoos, medical and other licensed research facilities, or certain other licensed and regulated entities. The prohibitions in the Lacey Act only apply to the pet trade.

I am proud that this legislation is supported by the Humane Society of the United States, the American Zoo and Aquarium Association, the American Veterinary Medical Association, Defenders of Wildlife and the Wildlife Conservation Society and many other organizations.

I look forward to working with all my colleagues to enact this legislation.

By Mr. INHOFE (for himself and Mr. THUNE):

S. 1503. A bill to improve domestic fuels security; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I rise to introduce the Gas Petroleum Refiner Improvement and Community Empowerment Act or Gas PRICE Act. While chairman of the Committee on Environment and Public Works, I sought to move a similar measure. Unfortunately, my colleagues on the other side of the aisle managed to block the bill at that time.

Today, motorists are facing record high gas prices and according to Labor statistics, those higher fuel prices are hurting the national economy as a whole. Unfortunately, the pain at the pump, the grocery store, and the shopping mall were predicted long ago and are largely a function of politicking, rhetoric, and finger pointing, actions that continue today.

According to Deutsche Bank energy experts Paul Sankey and Rich Volina, who testified May 15, 2007 before the Senate Energy Committee, "Anybody who blames record high U.S. gasoline prices on "gouging" at the pump simply reveals their total ignorance of global supply and demand fundamentals." Yet yesterday the House narrowly passed a bill that; goes just that; goes after so called "gougers" while doing nothing to affect supply.

I am hopeful that my colleagues in the Senate will join me and quickly pass the bill I am introducing today. Our constituents elected us to solve problems and make their lives better, not to name call and demagogue.

I have been talking about the lack of adequate refining supplies for some years. In May 2004, while chairman of the Committee on Environment and Public Works, I held a hearing on the environmental issues regarding oil refining. The committee received testimony about the lack of adequate refining capacity and the obstacles the industry faced in order to meet consumer demand.

In a May 2005 speech, then-Federal Reserve Chairman Alan Greenspan stated, "The status of world refining capacity has become worrisome as well. Of special concern is the need to add adequate coking and desulphurization capacity to convert the average gravity and sulphur content of much of the world's crude oil to the lighter and sweeter needs of product markets, which are increasingly dominated by transportation fuels that must meet ever-more stringent environmental requirements."

The fact of the matter is that, like it or not, the U.S. needs to increase its refining capacity if we are to solve the economic struggles facing every family.

The bill I am introducing today redefines and broadens our understanding of a "refinery" to be a "domestic fuels facility." Oil has been and will continue to play a major role in the U.S. economy, but the future of our domestic transportation fuels system must also include new sources such as ultra-clean syn-fuels derived from coal and cellulosic ethanol derived from homegrown grasses and biomass.

Expanding existing domestic fuels facilities like refineries or constructing new ones face a maze of environmental permitting challenges. The Gas PRICE Act provides a Governor with the option of requiring the Federal EPA to provide the state with financial and technical resources to accomplish the job and establishes a certain permitting process for all parties. And it does so without waiving environmental laws and working with local governments.

The public demands increasing supplies of transportation fuel, but they also expect that fuel to be good for their health and the environment. To that end, the bill requires the EPA to establish a demonstration to assess the use of Fischer-Tropsch FT diesel and jet fuel as an emission control strategy. Initial tests have found that FT diesel emits 25 percent less NO_X, nearly 20 percent less PM10, and approximately 90 percent less SO_X than low sulfur petroleum diesel. Further, U.S. Air Force tests at Tinker base in my home state found that blends of FT aircraft fuel reduced particulate 47–90 percent and completely eliminated SO_X emissions over contemporary fuels in use today.

Good concepts in Washington are bad ideas if no one wants them at home. As a former Mayor of Tulsa, I am a strong believer in local and state control. The Federal Government should provide incentives to not mandate on local communities. Increasing clean domestic fuel supplies is in the nation's security interest, but those facilities can also provide high paying jobs to people and towns in need. My bill provides financial incentives to the two most economically distressed communities in the Nation, towns affected by BRAC and Indian tribes consider building coal-to-liquids and commercial scale cellulosic ethanol facilities.

I am very proud that my home state of Oklahoma is a leader in the development of energy crops for cellulosic biofuels, and specifically coordinated programs through the Noble Foundation in Ardmore. The key now is to promote investment in this exciting area, and nothing would speed the rapid expansion of the cellulosic biofuels industry more than investment by the Nation's traditional providers of liquid transportation fuels.

Many integrated oil companies have formed or substantially expanded their biofuels divisions within the past year to prepare for the eventuality of cost-competitive cellulosic biofuels. Cellulosic biorefineries will want to create an assured supply of feedstock and will enter into long-term contracts with surrounding biomass producers.

One of the incentives for oil companies to invest in exploration is that their stock prices are affected by their declared proved reserves. Creating a definition of renewable reserves would create a similar incentive for them to invest in cellulosic biofuels.

In 1975, Congress directed the SEC to promulgate a definition of proved reserves. At that time, the SEC based its definition upon broadly-accepted industry standards established by the Society of Petroleum Engineers 1978 FASB System. While no broadly accepted industry standards yet exist for thinking about dedicated energy crops, industry, growers and agronomists could be brought together to agree on standards and practices. Agronomists could play a similar role in estimation of renewable reserves to that of petroleum engineers in proved reserves by providing independent projections of biomass yields.

The Energy Policy Act of 2005 directed the Department of Energy to accelerate the commercial development of oil shale and tar sands. As these unconventional fuel sources reach viability, the SEC will be pressured to develop methodology to incorporate them into its reserves hierarchy. Given the country's interest in developing renewable alternatives to fossil fuels, it is logical that the SEC would develop criteria for the incorporation of biomass feedstock sources into its hierarchy at the same time.

This is Congress's least expensive way to jumpstart the cellulosic biofuels industry.

Much has changed in Washington since I was chairman of the Environment Committee and held hearings on the need to improve our domestic transportation fuels system. I hope that the new majority joins me in quickly passing the Gas PRICE Act doing so would be a material and substantive action toward their stated goal of "energy independence" and would go far beyond more partisan symbolism.

By Mr. GREGG (for himself, Mr. BURR, and Mr. COBURN):

S. 1505. A bill to amend the Public Health Service Act to provide for the approval of biosimilars, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, next month the Senate Health, Education, Labor, and Pensions Committee is expected to markup legislation creating a regulatory pathway for the approval of follow-on biologics, or "biosimilars". I look forward to working with my colleagues on this important issue and would especially like to thank Senator Hatch for his leadership in this area.

There are significant differences between small molecule drugs and larger protein derived therapeutic biologics. These differences are going to require a much more detailed and a much more complex approval pathway than the generic drug approval process. To protect patient safety, the FDA must be empowered to apply rigorous scientific standards to biosimilars seeking approval, while at the same time avoiding duplicative testing and unnecessary expense.

Biological products are among the most promising and effective medicines for the treatment of serious and life-threatening diseases. Unfortunately these medicines are often very expensive, and current U.S. law does not provide an abbreviated approval pathway for "follow-on" versions of these innovative products after key patents expire. Therefore, Congress should act so that patients can have access to less expensive versions of biologics, just as they do with generic small molecule drugs.

In addition to the great benefits associated with biologic products, the American biotech industry has become the world leader in development of new therapies for serious or life-threatening illnesses. This will only continue as there are now at least 400 biologics currently in development. To preserve this incredibly innovative industry, biotechnology companies need to have a meaningful period of time to recoup the extraordinary expenses incurred in bringing these life-saving medicines to market. If not, U.S. based research and development of new biotech medicines will be threatened.

Therefore, today I am introducing the Affordable Biologics for Consumers Act of 2007. It requires the FDA develop science-based rules for approval of biologics on a product-class basis. The legislation also provides 14 years of data exclusivity for innovator drug manufacturer products, with an additional 2 years available if the Secretary approves a new indication for the reference product. This legislation will ensure that patients have access to safe and affordable biologics, while protecting innovation and spurring the development of new life-saving therapies.

I urge my colleagues to join me, and the many patient groups that have endorsed this legislation, in supporting this crucial piece of legislation.

Mr. HATCH. Mr. President, I rise to commend our colleagues, Senators GREGG, BURR, and COBURN, for their introduction today of the Affordable Biologics for Consumers Act, S. 1505.

As my colleagues are aware, I am the original author with Representative HENRY WAXMAN of the Drug Price Competition and Patent Term Restoration Act, a law which gave rise to today's generic drug industry. And so, I have a long-standing interest in making certain that consumers have access to affordable medications and that we provide the appropriate incentives for development of the new products that are eventually to be copied.

We must rectify the fact that there is no clear pathway for follow-on copies of biological products, such as human growth hormone or insulin, to take two easy examples. And it must be rectified on a priority basis.

That the Hatch-Waxman law did not cover these biologic products was not a simple omission. Indeed, the market for biologicals really did not develop until after enactment of Waxman-Hatch in 1984.

For many years, I have worked toward development of a pathway for these "follow-on" products, but it was not until recently that I believe we have developed a public consensus that there is the scientific and regulatory underpinning necessary to write a good law.

Comes now the Gregg-Burr-Coburn bill, which must be seen as an important contribution to the necessary dialog on follow-on biologics.

The Gregg-Burr-Coburn proposal addresses elements which I believe are key to any law we enact. First, there must be sufficient incentive for the development of biologic products. That incentive is tied inherently to an appropriate protection of the innovator's intellectual property. And the protection must be for a sufficient length of time to allow inventors of the molecule and others who have a financial stake in its development to recoup the substantial time and investment necessary to invent a biologic. Such protections are key for biotechnology companies, large and small, but also for universities that conduct much of the research on new molecules and the other investors who support that promising research.

Second, we should not create unnecessary barriers to marketing of lower-cost, successor biologic products. While the law must contemplate that the follow-on products be subjected to a rigorous scientific review to ensure they are safe, pure and potent, that review, however, should be flexible enough to make certain there are not unnecessary barriers to market entry for the lower-cost alternatives.

Third, past history should inform our decision-making when it can, but any law we write must reflect the emerging realities of today's pharmaceutical market.

And, finally, the law must reflect a careful balance. We all want consumers to have access to more affordable medications, and surely there is a need to allow patients to buy less expensive biological products. At the same time, we want to make certain that the abbreviated pathway for these follow-on biologics contemplates review of products which are truly follow-ons to the innovators' products, and not new biologics. This is tied inherently to the standard which is developed for "similarity" of the follow-on to the innovator.

As many are aware, Senators Kennedy, Enzi, Clinton and I have been meeting for some time to discuss the elements that must be included in any follow-on biologics legislation. While I have been working on draft legislation for some time, I have not introduced a proposal pending a successful conclusion to those discussions. It has been our hope, and it remains our hope, that our meetings will lead to development of a consensus document that will provide the basis for the expected HELP Committee markup on June 13th.

There is no doubt in my mind that the Gregg-Burr-Coburn proposal will help inform the discussions of we four Senators, and indeed the HELP Committee's deliberations on this issue. Senators Gregg, Burr and Coburn have a proven record in contributing greatly to the body of law we call the Food, Drug and Cosmetic Act. Their bill is a thoughtful and serious contribution and it is a significant work that this body should recognize.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 1506. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation that would increase protections for the Nation's beaches and the public.

This bill, the Beach Protection Act, will amend the sections of the Clean Water Act that were enacted in the Beaches Environmental Assessment and Coastal Health, BEACH, Act, which I wrote in 1990, and which was enacted and signed by President Clinton in 2000.

The BEACH Act required states to adopt the Environmental Protection Agency's 1986 national bacteria standard for beach water quality and provided incentive grants for States to set up beach monitoring and public notification programs. At the time Congress passed the BEACH Act, only 7 States had adopted water quality standards for bacteria at least as stringent as those recommended by EPA in 1986.

Only 9 States had programs in place to monitor all or most of their beaches for pathogens, and to close the beaches or issue advisories when coastal waters are not safe. Only 5 States compiled and publicized records of beach closings and advisories. New Jersey was one of the leaders in all three of these categories.

Now, thanks to the BEACH Act, every coastal State except Alaska has a monitoring program and a program for public notification of contamination of beach waters. In addition, every State has adopted standards at least as stringent as those set by EPA.

The Beach Protection Act would build upon the progress we have made since passage of the BEACH Act, to improve monitoring and notification requirements, and improve the protection of our beaches.

The Beach Protection Act will reauthorize the Federal grants created under the BEACH Act, and make several improvements to the program, based upon the lessons learned over the last 7 years. These amendments will increase protections and help reduce the water pollution that threatens the environment and public health.

First, the Beach Protection Act will increase the funds available to States, and expand the uses of those funds to include tracking the sources of pollution that cause beach closures, and supporting pollution prevention efforts. It will also require EPA to develop methods for rapid testing of beach water, so that results are available in 2 hours, instead of 2 days.

Secondly, this legislation will strengthen the requirements for public notification of health risks posed by beach water contamination, and ensure that all State and local agencies that play a role in protecting the environment and public health are notified of violations of water quality standards.

Finally, the Beach Protection Act will improve accountability for states that fail to comply with the requirements of the Act.

These measures will improve the public's awareness of health risks posed by contamination of coastal waters, and create additional tools for addressing the sources of pollution that cause beach closures, including leaking or overflowing sewer systems and stormwater runoff.

Clean water is an economic and public health necessity for New Jersey and other coastal states. I have devoted my career to keeping New Jersey's waters clean and safe for swimming and fishing. The original BEACH Act I authored was an important step toward ensuring cleaner, safer beaches. The Beach Protection Act will further strengthen protections for the public and our beaches.

I am pleased that Senator Menendez is joining me as an original cosponsor of this legislation. I look forward to working with my colleagues to move this legislation forward toward passage.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1507. A bill to amend title XVIII of the Social Security Act to provide for drug and health care claims data release; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Montana, Senator BAUCUS in introducing the Access to Medicare Data Act of 2007. This legislation is based on S. 3897, the Medicare Data Access and Research Act, which Senator BAUCUS and I introduced in the 109th Congress.

The bill we are introducing today establishes a framework under which Federal agencies within the Department of Health and Human Services would have access to Medicare data, including data collected under the Medicare prescription drug benefit, to conduct research consistent with the agencies' missions. The legislation also creates a process through which university-based and other researchers who meet a strict set of requirements would be permitted to use Medicare data for research purposes.

As I said last year, Medicare data, particularly prescription drug data, are an immense resource that can support critical health services research, especially research on drug safety. Examining Medicare data could help the FDA identify situations, such as the one involving Vioxx more quickly and to take quick action to protect the public's health and safety.

But the FDA isn't the only place that this important research can and should occur. The study issued earlier this week in the New England Journal of Medicine regarding the prescription medicine Avandia clearly demonstrates that point. Researchers from the Cleveland Clinic found that there are serious problems with Avandia a drug that has been on the market for 8 years and is used to treat diabetes. Specifically, the researchers believe that taking Avandia increases the likelihood that a diabetic patient will have a heart attack and maybe even die. The researchers came to this conclusion after reviewing information from 42 clinical trials. Making Medicare data available to researchers like those at the Cleveland Clinic will offer another avenue for them to take in conducting research like this.

I want to be clear that, similar to last year's bill, the Access to Medicare Data Act won't permit just anyone to get the Medicare data. In applying for data access, researchers at universities and other organizations will have to meet strict criteria. They must have well-documented experience in analyzing the type and volume of data to be provided under the agreement. They must agree to publish and publicly disseminate their research methodology and results. They must obtain approval for their study from a review board. They must comply with all safeguards established by the Secretary to ensure the confidentiality of information. These safeguards cannot permit the disclosure of information to an extent greater than permitted by the Health Insurance Portability and Accountability Act of 1996 and the Privacy Act of 1974.

I am hopeful that we can get this bill approved soon. I, for one, don't want to be standing here next year talking about another Vioxx or another Avandia. We need to improve and create more opportunities for the government, as well as other researchers, to spot potential trouble with a drug more quickly and to take swifter steps to protect the public's health and safety. The Access to Medicare Data Act will help us accomplish that critical goal.

By Ms. LANDRIEU (for herself, Mr. KERRY, Mr. NELSON of Florida, and Mr. MARTINEZ):

S. 1509. A bill to improve United States hurricane forecasting, monitoring, and warning capabilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak about a very important, and timely issue, for constituents all along the Gulf Coast, as well as coastal residents along the Atlantic seaboard, the need for accurate hurricane forecasting and tracking. This issue is particularly timely with the 2007 Atlantic Hurricane season beginning next week. According to the National Hurricane Center, 2007 is estimated to have between 13 to 17 named storms, 7 to 10 hurricanes, and 3 to 5 major hurricanes. When I hear "three to five major hurricanes" I have to admit it makes me and my constituents a little nervous because, in 2005, as the world is well aware, we had another active hurricane season with three major storms, Katrina, Rita and Wilma impacting the Gulf Coast States. Two of these powerful storms, Katrina and Rita, slammed into my State of Louisiana. We lost hundreds of lives and thousands of businesses as a result. To this day, the region is still slowly recovering, but by all accounts, the loss of life and property could have been much worse had we not had top notch forecasting and tracking of these storms. Accurate monitoring of these storms, from their development in the Gulf and Atlantic Ocean, until they slammed into the Gulf Coast, literally saved lives as thousands of residents were able to evacuate from the impacted areas. This accurate forecast, showing residents if they are in the possible "danger zone," is provided by the experts in the National Hurricane

Center but they cannot do their job without the necessary data. Such data is provided via buoys in the water, Hurricane Hunter Aircraft, radar stations on the ground, as well as satellites.

With recent advances in technology, I believe sometimes we take for granted these satellites, which are so far removed from our daily existence as to be "out of sight, out of mind." However, they are a major part of our daily lives as satellites now provide us with our radio stations, give us driving directions, bring us our favorite television shows. These same satellites also give us views of distant galaxies/stars and allow us to see weather patterns days before they come through our towns. It is this use of weather tracking satellites of which I would like to highlight with the upcoming hurricane season. As Hurricane Katrina showed us, Federal and State response plans are not worth the paper they are printed on if you do not know where or when the disaster might strike. No amount of satellite phones or stockpiles of supplies are helpful if they are on the other side of the country when a disaster hits. Pre-positioning personnel and supplies ahead of a disaster, as well as efficient evacuations of residents from a possible disaster area depends just as much on accurate weather forecasting as it does on efficient planning. That is why these weather satellites are so key, they allow experts to say with some certainty that one area will be out of harm's way while another area is in potential danger.

One of these weather satellites is the Quick Scatterometer, or QuikSCAT satellite. QuikSCAT is an ocean-observing satellite launched in June 1999 to replace the capability of the National Aeronautics and Space Administration Scatterometer, NSCAT, satellite. The NSCAT lost power in 1997, 9 months after launch in September 1996. QuikSCAT has the objective of improving weather forecasts near coastlines by using wind data in numerical weather-and-wave prediction. It also was launched with the purpose of improving hurricane warning/monitoring as well as serving as the next "El Niño watcher" for NASA. This particular satellite was instrumental in accurate tracking of Tropical Storm, later Hurricane Katrina, as it provided NOAA experts with accurate data on the wind speed and direction for Katrina. It gives experts an estimate of the size of the tropical storm winds and the hurricane winds.

Given how important this satellite is for hurricane forecasting, many in Congress including myself are concerned as this essential satellite is currently 5 years over its intended 3 year lifespan and could fail at any moment. I am aware that there are ongoing discussions in terms of getting a replacement satellite for QuikSCAT but it is just that, discussions. As it stands today, there are currently no contingency plans in place should this satellite fail and no program in place to fast track a next-generation QuikSCAT. What would the impact be you ask if this satellite fails? Well, according to Bill Proenza, Director of the National Hurricane Center, without QuikSCAT, hurricane forecasting would be 16 percent less accurate 72 hours before hurricane landfall and 10 percent less accurate 48 hours before hurricane landfall. This loss of accuracy means a great deal for those impacted by future storms as experts would have to expand the area possibly impacted to fully ensure those impacted were properly warned. For example, a 16 percent loss of accuracy at 72 hours before landfall would increase the area expected to be under hurricane danger from 197 miles to 228 miles on average. With a 10 percent loss of accuracy at 48 hours before landfall, the area expected to be under hurricane danger would rise from 136 miles to 150 miles on average. Greater inaccuracy of this type would lead to more "false alarm" evacuations along the Gulf Coast and Atlantic Coast and, as a result, decrease the possibility of impacted populations sufficiently heeding mandatory evacuations. As someone who has spent my whole life in Louisiana and who has been through many hurricanes, I can tell you that if someone evacuates and then the storm turns or does not impact their area, they are less likely to evacuate for the next storm. It is human nature and although Katrina has left many in my part of the country more attentive to evacuation orders, as time passes certainly people will not heed orders if inaccurate hurricane forecasts cause them to pack their belongings and rush away from their homes, only to have the storm hit another State. So it is essential to provide the National Hurricane Center and NOAA with the tools they need to get the forecast right and better prepare coastal residents for future hurricanes and storms.

With this in mind, I am introducing today the Improved Hurricane Tracking and Forecasting Act of 2007. I am proud to be joined on this legislation by Senators KERRY, BILL NELSON, and MARTINEZ. My colleagues from Florida spend much time working on hurricane preparedness and I am honored to have their support on this bill, as well as the support from my friend from Massachusetts. This broad array of support from senators from both the Gulf Coast and Atlantic Coast shows how essential this particular satellite program is for our coastal residents. Furthermore, my colleague from Louisiana, Representative CHARLIE MELANCON, introduced the House version of this bill along with Representative RON KLEIN from Florida.

This is a very straightforward bill as it authorizes $375 million for a new satellite. QuikSCAT is 5 years past its projected lifespan and a new replacement is needed so this bill fills the need. The funds would go to NOAA for the design and launch of an improved QuikSCAT satellite. This new satellite would take advantage of recent advances in technology and maintain continuity of operations for the current QuikSCAT weather forecasting and warning capabilities. To ensure that we are not left in another position like this, with an ailing satellite in space and no contingency plans for a replacement, this bill also institutes some reporting requirements for the new QuikSCAT satellite. When this satellite is launched, NOAA would be required to update Congress on the operational status of the satellite and its data capabilities. I believe this is a commonsense requirement which would put the Congress in a position in the future to fast track authorization or funding should it be necessary, rather than having to play catch up.

I strongly believe this bill is necessary to protect our coastal residents from future hurricanes. This is because, according to the U.S. Census Bureau, close to 53 percent of the U.S. population resides within the first 50 miles of the coast. You also have to take into account that although hurricanes usually hit the Gulf Coast or southern Atlantic Coast, hurricanes have and possibly will strike the more populous northeast Atlantic Coast. Hurricane Katrina devastated Alabama, Louisiana and Mississippi but consider the same magnitude of storm striking heavily populated New York, Massachusetts, or Pennsylvania it would not only devastate the region but leave the Nation's financial and commerce centers in ruins. I urge my colleagues to support this legislation since it will help improve hurricane forecasting and will maintain continuity of operations for current hurricane forecasting and warning capabilities.

I ask unanimous consent that the text of the bill and articles relating to QuikSCAT be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improved Hurricane Tracking and Forecasting Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Scatterometers on satellites are state-of-the-art radar instruments which operate by transmitting high-frequency microwave pulses to the ocean surface and measuring echoed radar pulses bounced back to the satellite.

(2) Scatterometers can acquire hundreds of times more observations of surface wind velocity each day than can ships and buoys,

and are the only remote-sensing systems able to provide continuous, accurate and high-resolution measurements of both wind speeds and direction regardless of weather conditions.

(3) The Quick Scatterometer satellite (QuikSCAT) is an ocean-observing satellite launched on June 19, 1999, to replace the capability of the National Aeronautics and Space Administration Scatterometer (NSCAT), an instrument which lost power in 1997, 9 months after launch in September 1996.

(4) The QuikSCAT satellite has the operational objective of improving weather forecasts near coastlines by using wind data in numerical weather-and-wave prediction, as well as improve hurricane warning and monitoring and acting as the next "El Nino watcher" for the National Aeronautics and Space Administration.

(5) The QuikSCAT satellite was built in just 12 months and was launched with a 3-year design life, but continues to perform per specifications, with its backup transmitter, as it enters into its 8th year—5 years past its projected lifespan.

(6) The QuikSCAT satellite provides daily coverage of 90 percent of the world's oceans, and its data has been a vital contribution to National Weather Service forecasts and warnings over water since 2000.

(7) Despite its continuing performance, the QuikSCAT satellite is well beyond its expected design life and a replacement is urgently needed because, according to the National Hurricane Center, without the QuikSCAT satellite—

(A) hurricane forecasting would be 16 percent less accurate 72 hours before hurricane landfall and 10 percent less accurate 48 hours before hurricane landfall resulting in—

(i) with a 16 percent loss of accuracy at 72 hours before landfall, the area expected to be under hurricane danger would rise from 197 miles to 228 miles on average; and

(ii) with a 10 percent loss of accuracy at 48 hours before landfall, the area expected to be under hurricane danger would rise from 136 miles to 150 miles on average; and

(B) greater inaccuracy of this type would lead to more "false alarm" evacuations along the Gulf Coast and Atlantic Coast and decrease the possibility of impacted populations sufficiently heeding mandatory evacuations.

(8) According to recommendations in the National Academies of Science report entitled "Decadal Survey", a next generation ocean surface wind vector satellite mission is needed during the three year period beginning in 2013.

(9) According to the National Hurricane Center, a next generation ocean surface vector wind satellite is needed to take advantage of current technologies that already exist to overcome current limitations of the QuikSCAT satellite and enhance the capabilities of the National Hurricane Center to better warn coastal residents of possible hurricanes.

SEC. 3. PROGRAM FOR IMPROVED OCEAN SURFACE WINDS VECTOR SATELLITE.

(a) REQUIREMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the Administrator of the National Aeronautics and Space Administration and the head of any other department or agency of the United States Government designated by the President for purposes of this section, carry out a program for an improved ocean surface winds vector satellite.

(b) PURPOSES.—The purposes of the program required under subsection (a) shall be to provide for the development of an improved ocean surface winds vector satellite in order to—

(1) address science and application questions related to air-sea interaction, coastal circulation, and biological productivity;

(2) improve forecasting for hurricanes, coastal winds and storm surge, and other weather-related disasters;

(3) ensure continuity of quality for satellite ocean surface vector wind measurements so that existing weather forecasting and warning capabilities are not degraded;

(4) advance satellite ocean surface vector wind data capabilities; and

(5) address such other matters as the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator of the National Aeronautics and Space Administration, considers appropriate.

(c) ANNUAL REPORTS.—

(1) REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act and annually thereafter until the termination of the program required under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the program required under subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A current description of the program required under subsection (a), including the amount of funds expended for the program during the period covered by such report and the purposes for which such funds were expended.

(B) A description of the operational status of the satellite developed under the program, including a description of the current capabilities of the satellite and current estimate of the anticipated lifespan of the satellite.

(C) A description of current and proposed uses of the satellite by the United States Government, and academic, research, and other private entities, during the period covered by such report.

(D) Any other matters that the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator of the National Aeronautics and Space Administration, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the National Oceanic and Atmospheric Administration $375,000,000 to carry out the program required under subsection (a).

[From Florida Today, May 17, 2007]

KEY HURRICANE-DETECTING SATELLITE MAY FAIL SOON

(By Jim Waymer)

FORT LAUDERDALE, FLA.—A vital satellite for determining a hurricane's power could soon go kaput. NASA's QuikSCAT polar satellite is running on borrowed time and may soon leave forecasters—and therefore the general public—without the best, most precise information about how powerful approaching storms might become, a top hurricane official warned. And there's nothing to replace it. "We are already on its backup transmitter," Bill Proenza, director of the National Hurricane Center, told a crowd of about 4,000 Wednesday at the first day of the Governor's Hurricane Conference in Fort Lauderdale. "When we lose that, that satellite is gone."

Proenza said the QuikSCAT satellite, launched in 1999, could take up to five years and $400 million to replace. The satellite was only designed to operate for three to five years, the new director of the hurricane center said. Proenza recently replaced Max Mayfield as director. "I came in and was very concerned it wasn't being addressed," Proenza said in an interview with Florida Today. Proenza said he has emphasized the satellite's importance to top officials from the National Oceanic and Atmospheric Administration.

QuikSCAT measures broad windfields, giving forecasters a bigger picture of storms than ships or aircraft. Last year, the satellite's data revealed that what forecasters thought a weak tropical storm was really Hurricane Helene, a Category 2 hurricane. Kinks in an infrared camera and $3 billion in cost overruns have stalled the next generation of weather satellites, threatening a three-year or longer gap in coverage from orbiters that loop the Earth's poles and help predict where the next big hurricane will hit. The gap could worsen forecast errors from a few miles to a few hundred miles.

The precision of the two-day forecast would drop 10 percent, Proenza said, and the three-day forecast by 16 percent. Either loss in accuracy would equate to landfall predictions being off by potentially hundreds of miles in Florida, since storms approach at a steep angle.

Officials rely on precise predictions for tracks to avoid expensive, unnecessary evacuations—or worse, a failure to evacuate those in harm's way. A QuikSCAT failure and less precise predictions could lead to "hurricane fatigue," with more people deciding to take their chances against approaching storms, officials said. "There will be more cries of wolf," said Charlie Roberts, senior emergency management coordinator for Brevard County (Fla.) Emergency Management. "And the probability of us jumping the gun increases."

Launches of six replacement satellites were to start in 2009. But engineering difficulties with the satellites' cameras, bureaucratic snags and other delays caused the cost of the project to skyrocket to $10 billion—about 30 percent over budget—triggering a Department of Defense review of the project. Now, the earliest launch for the first replacement satellites would be 2012.

Forecasters worry that if the last of a fleet of older-generation satellites, planned for launch in late 2007, fails at or shortly after liftoff—one in 10 do—they would have insufficient satellite coverage beyond 2010. Longer high-altitude aerial flights could help make up for breaks in satellite forecast coverage. But airplanes are only good for forecasting small regions surrounding the storms, not the three- to five-day forecasts so vital for evacuation planning, Proenza said. Other NASA or European satellites may help compensate for some data lapses, too, but many of those are designed to gather long-term climate data, not storm information.

"I would like to see something that would last 10 years," Proenza said of a QuikSCAT replacement. "NOAA needs to take it as a top priority from here."

[From the Houston Chronicle, March 16, 2007]

EXPERT WARNS OF WORSE HURRICANE FORECASTS IF SATELLITE FAILS

(By Jessica Gresko)

MIAMI.—Certain hurricane forecasts could be up to 16 percent less accurate if a key weather satellite that is already beyond its expected lifespan fails, the National Hurricane Center's new director said Friday in calling for hundreds of millions of dollars in new funding for expanded research and predictions.

Bill Proenza also told the Associated Press in an wide-ranging interview that ties between global warming and increased hurricane strength seemed a "natural linkage." But he cautioned that other weather conditions currently play a larger part in determining the strength and number of hurricanes.

One of Proenza's immediate concerns is the so-called "QuikScat" weather satellite, which lets forecasters measure basics such as wind speed. Replacing it would take at least four years even if the estimated $400 million cost were available immediately, he said.

It is currently in its seventh year of operation and was expected to last five, Proenza said, and it is only a matter of time until it fails. Without the satellite providing key data, Proenza said, both two- and three-day forecasts of a storm's path would be affected. The two-day forecast could be 10 percent worse while the three-day one could be affected up to 16 percent, Proenza said. That would mean longer stretches of coastline would have to be placed under warnings, and more people than necessary would have to evacuate.

Average track errors last year were about 100 miles on two-day forecasts and 150 miles on three-day predictions. Track errors have been cut in half over the past 15 years. Losing QuikScat could erode some of those gains, Proenza acknowlegded, adding he did not know of any plans to replace It.

Proenza, 62, also discussed a series of other concerns, naming New Orleans, the Northeast and the Florida Keys as among the areas most vulnerable to hurricanes. Apart from working with the media and emergency managers to help vulnerable residents prepare, he proposed having students come up with plans at school to discuss with their parents.

He said he believes hundreds of millions of dollars more money is needed to better understand storms. At the same time, he strongly opposed a proposal to close any of the National Weather Service's 122 offices around the nation or have them operate part time, saying "weather certainly doesn't take a holiday."

Proenza took over one of meteorology's most highly visible posts in January. His predecessor, Max Mayfield, had held the top spot for six years.

Like Mayfield, Proenza stressed the importance of preparedness, but he also set out slightly different positions. Global warming was one of them. Last year, the Caribbean and western Atlantic had the second-highest sea temperatures since 1930, but the season turned out to be quieter than expected, Proenza said. "So there's got to be other factors working and impacting hurricanes and tropical storms than just sea surface temperatures or global warming," he said.

His comments distinguished him from Mayfield, who had said climate change didn't substantially enhance hurricane activity, especially the number of storms. Both men talked about being in a period of heightened hurricane activity since 1995, as part of a natural fluctuation.

[From the Institute for Emergency Management, May 2, 2007]

FAILING HURRICANE TRACKING SATELLITE

Hurricanes take lives and destroy property along the Gulf and Atlantic coasts virtually every year. The danger to lives and property is increasing as more and more people move to the coastlines. Over 50 percent of the U.S. population lives within 50 miles of the coast. Of this population, 7 million have moved to the coast since 2005—many of these people have never faced a hurricane before.

As coastlines become more densely populated, longer lead times are needed to evacuate each area threatened by a storm. As a result, hurricane forecasting tools have become increasingly important. The nation's principal forecast agencies are the National Weather Service and the National Hurricane Center. The National Hurricane Center uses a variety of scientific instruments and tools, including satllites, reconnaissance planes, radar, and weather-sensing devices. One very crucial forecasting tool is the QuikSCAT satellite.

The QuikSCAT satellite was launched in 1999 by NASA's Jet Propulsion Laboratory, and was expected to last until 2002. It includes an experimental sensor to determine a Hurricane's intensity and wind patterns. It is like a storm's X-ray, showing the inner structure of a hurricane. The QuikSCAT is still functioning, but it is now 8 years old, five years past its projected lifespan. If it fails, the consequences could be dire.

There is considerable uncertainty about the path of a hurricane. When a storm is far out at sea, a large section of the coastline is identified as being a potential landfall site. As the storm gets closer, the area of expected landfall shrinks down. Since cities and communities have to evacuate many hours before expected landfall, it is important to know as early as possible where a storm might strike. Most cities along the coast require more than 36 hours to safely evacuate the majority of their residents. If there are large numbers of citizens without cars or the ability to move, the time needed to evacuate becomes considerably longer. In 2005, good forecasting prompted timely evacuations of appropriate areas, and was responsible for saving thousands of lives threatened by Hurricanes Katrina, Rita, and Wilma.

Without the QuikSCAT, the National Hurricane Center has estimated that hurricane forecasting would be 16 percent less accurate 72 hours before Hurricane landfall and 10 percent less accurate 48 hours before landfall. With a 16 percent loss of accuracy at 72 hours before landfall, the area expected to be under hurricane danger would rise from 197 miles to 228 miles, on the average. With a 10 percent loss of accuracy at 48 hours before landfall, the average area under hurricane danger would rise from 136 miles to 150 miles.

More communities being warned is not better. Greater inaccuracy will lead to many "false alarms." If communities are evacuated multiple times, but do not suffer a direct hit, people will stop responding to evacuation mandates. There has been no assessment of how the loss of forecasting accuracy would impact deaths or damages from potential storms all along the Gulf and Atlantic coasts.

WHY HURRICANE HUNTER AIRCRAFT CANNOT REPLACE THE QUIKSCAT

The valiant Hurricane Hunter aircraft, managed by the U.S. Air Force Reserves, are important tools for assessing a developing storm. Hurricane Hunter pilots fly directly into the storm and gather data along the flight path. The crafts have been provided with "active microwave scatterometers," technology similar to what is installed in the QuikSCAT. This technology, installed at a cost of $10 million, allows the aircraft to gather the same kind of data that the QuikSCAT collects.

However, the Hurricane Hunter craft cannot replace the QuikSCAT satellite. This is easiest to explain through analogy. Hurricane Katrina's massive storm winds filled the entire Gulf of Mexico and the storm system towered miles into the atmosphere. Imagine that the whole area covered by such a massive storm is an extremely large fishing pond. A single plane gathering data is like a tiny fishing line collecting data only along the single strand of the line. The satellite, on the other hand, provides rich, detailed data horizontally from one side of the storm to the other side, and vertically, from the ocean surface to the top of the storm's swirling winds. The QuikSCAT is like a detailed MRI.

LOOKING FORWARD

Designing and launching a replacement satellite for the aging QuikSCAT will take from three to five years and cost approximately $375 million. No plans are currently in place to replace the satellite, but if it stops functioning, we will face serious consequences. Dr. William M. Gray, storm forecaster, has predicted 17 named storms for 2007, including nine hurricanes, with five of them being intense.

By Mr. NELSON of Florida:

S. 1510. A bill require the Consumer Product Safety Commission to promulgate consumer product safety rules concerning the safety and labeling of portable generators; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, over the last several years, hundreds of Americans have died from inhaling the poisonous carbon monoxide emitted by portable, gas-powered generators. It is well past time for Congress to step in and end these needless deaths. That is why today I am introducing the Portable Generator Safety Act of 2007.

As most of us know, portable generators are frequently used to provide electricity during temporary power outages. These generators use fuel-burning engines that give off poisonous carbon monoxide gas in their exhaust.

Every hurricane season, news stories come from Florida and elsewhere about people killed or seriously injured by carbon monoxide poisoning caused by portable generators. From 2000 through 2006, at least 260 carbon monoxide poisoning deaths were reported to the U.S. Consumer Product Safety Commission. In the last 3 months of 2006 alone, 32 people died from carbon monoxide poisoning caused by generators. These people died because portable generators are not manufactured to automatically cut off when high carbon monoxide levels are reached, and because generators still do not have adequate carbon monoxide warning labels.

Here is what is especially troubling about these senseless deaths: the Consumer Product Safety Commission has studied and known for years that people were dying from carbon monoxide poisoning at an incredibly alarming rate. In study after study, Commission staff has recognized the high death rate from portable generators, and found that current regulations are inadequate to protect consumers. In January of this year, the Commission finally adopted warning label requirements for portable generators, nearly 10 years after they started looking into the issue. While I appreciate this initial step, I remain very troubled that the Commission again refused to take the most logical step, adoption of mandatory Federal safety standards.

Enough is enough. Industry self-regulation, which works in some settings, clearly is not working in this area. Congress must now step in and do its part to eliminate these tragic and avoidable deaths.

My bill, the Portable Generator Safety Act of 2007, takes some simple, common sense steps. The bill requires the Consumer Product Safety Commission to pass tough Federal regulations within 180 days of enactment of this bill. The new regulations would have three key components.

First, every portable generator would be required to have a sensor that automatically shuts off the generator before lethal levels of carbon monoxide are reached. Other products, such as portable heaters, already contain these types of sensors, and they save lives.

Second, every portable generator must have clearly written warnings on the packaging, in the instruction manual accompanying the generator, and on the generator itself. In January, the Consumer Product Safety Commission issued new regulations requiring placement of warning labels on generators. Unfortunately, these labels are not as clear as they should be. This bill will require clear, easy-to-read warnings that consumers will read both when they purchase the generators and when they power them up in emergency situations.

Third, this legislation will require the Consumer Product Safety Commission to carry out a comprehensive education program warning the public of the risks of carbon monoxide poisoning.

How many more innocent people must die before we require the Consumer Product Safety Commission and the portable generator industry to take some sensible, pro-consumer steps? The National Hurricane Center just issued its 2007 hurricane season forecast, and it looks like we will have an above-average year for hurricane activity. I hope we are not back here at the end of the year asking these same questions.

I ask unanimous consent that the text in the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Portable Generator Safety Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Portable generators are frequently used to provide electricity during temporary power outages. These generators use fuel-burning engines that emit carbon monoxide gas in their exhaust.

(2) In the last several years, hundreds of people nationwide have been seriously injured or killed due to exposure to carbon monoxide poisoning from portable generators. From 2000 through 2006, at least 260 carbon monoxide poisoning deaths related to portable generator use were reported to the Consumer Product Safety Commission. In the last three months of 2006 alone, 32 carbon monoxide deaths were linked to generator use.

(3) Virtually all of the serious injuries and deaths due to carbon monoxide from portable generators were preventable. In many instances, consumers simply were unaware of the hazards posed by carbon monoxide.

(4) Since at least 1997, a priority of the Consumer Product Safety Commission has been to reduce injuries and deaths resulting from carbon monoxide poisoning.

(5) On January 4, 2007, the Consumer Product Safety Commission adopted certain labeling standards for portable generators (section 1407 of title 16, Code of Federal Regulations), but such standards do not go far enough to reduce substantially the potential harm to consumers.

(6) The issuance of mandatory safety standards and labeling requirements to warn consumers of the dangers associated with portable generator carbon monoxide would reduce the risk of injury or death.

SEC. 3. SAFETY STANDARD: REQUIRING EQUIPMENT OF PORTABLE GENERATORS WITH CARBON MONOXIDE INTERLOCK SAFETY DEVICES.

Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate consumer product safety rules, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), requiring, at a minimum, that every portable generator sold to the public for purposes other than resale shall be equipped with an interlock safety device that—

(1) detects the level of carbon monoxide in the areas surrounding such portable generator; and

(2) automatically turns off the portable generator before the level of carbon monoxide reaches a level that would cause serious bodily injury or death to people.

SEC. 4. LABELING AND INSTRUCTION REQUIREMENTS.

Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate consumer product safety rules, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), requiring, at a minimum, the following:

(1) WARNING LABELS.—Each portable generator sold to the public for purposes other than resale shall have a large, prominently displayed warning label in both English and Spanish on the exterior packaging, if any, of the portable generator and permanently affixed on the portable generator regarding the carbon monoxide hazard posed by incorrect use of the portable generator. The warning label shall include the word "DANGER" printed in a large font that is no smaller than 1 inch tall, and shall include the following information, at a minimum, presented in a clear manner:

(A) Indoor use of a portable generator can kill quickly.

(B) Portable generators should be used outdoors only and away from garages and open windows.

(C) Portable generators produce carbon monoxide, a poisonous gas that people cannot see or smell.

(2) PICTOGRAM.—Each portable generator sold to the public for purposes other than resale shall have a large pictogram, affixed to the portable generator, which clearly states "POISONOUS GAS" and visually depicts the harmful effects of breathing carbon monoxide.

(3) INSTRUCTION MANUAL.—The instruction manual, if any, that accompanies any portable generator sold to the public for purposes other than resale shall include detailed, clear, and conspicuous statements that include the following elements:

(A) A warning that portable generators emit carbon monoxide, a poisonous gas that can kill people.

(B) A warning that people cannot smell, see, or taste carbon monoxide.

(C) An instruction to operate portable generators only outdoors and away from windows, garages, and air intakes.

(D) An instruction never to operate portable generators inside homes, garages, sheds, or other semi-enclosed spaces, even if a person runs a fan or opens doors and windows.

(E) A warning that if a person begins to feel sick, dizzy, or weak while using a portable generator, that person should shut off the portable generator, get to fresh air immediately, and consult a doctor.

SEC. 5. PUBLIC OUTREACH.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall establish a program of public outreach to inform consumers of the dangers associated with the emission of carbon monoxide from portable generators.

(b) TIME.—The program required by subsection (a) shall place emphasis on informing consumers of the dangers described in such subsection during the start of each hurricane season.

By Mr. AKAKA (for himself, Ms. MURKOWSKI, and Ms. SNOWE):

S. 1511. A bill to promote the development and use of marine and hydrokinetic renewable energy technologies, and for other purposes; to the Committee on Finance.

Mr. AKAKA. Mr. President, today I introduce legislation that will create opportunities in the development and use of marine and hydrokinetic renewable energy technologies. I want to thank my colleagues Senator MURKOWSKI and Senator SNOWE for cosponsoring this measure.

We must work to encourage the production of clean, nongreenhouse gas emitting renewable energy. Ocean energy has the potential to be one of the largest sources of low-cost renewable energy in the United States by utilizing the power generated by waves in our oceans and major rivers, as well as tidal, current, and thermal power to generate turbine-powered electricity. As we look at ways to increase our renewable energy portfolio as a Nation, and decrease our dependence on oil, we would be remiss if we did not fully research and utilize the power that could be harnessed through water resources.

I am acutely aware of this need in Hawaii, as we are an island State with finite natural resources, and who understand the necessity of environmentally friendly solutions to our energy problems. The ocean sits at our doorstep, providing us with sustenance in many different forms. To ignore the potential it can offer as a major source of renewable clean energy, not only in Hawaii, but for our entire country, would be a waste.

While the Energy Policy Act of 2005 qualified ocean energy for research assistance, grants and the federal purchase credit, various forms of ocean energy projects have yet to receive equitable funding.

According to the Electric Power Research Institute, ocean energy has the potential to generate 252 million megawatt hours of electricity. This represents 6.5 percent of today's entire energy portfolio. European nations, such as Portugal and Scotland, have successfully implemented commercial wave farms that are consistently producing clean power for consumer use. While the technology is not developed to the fullest, there is great potential.

However, ocean energy projects do not enjoy a production tax credit, an investment tax credit, or any other financial incentive currently being utilized by wind, solar, geothermal, biomass and other renewable energy resources.

This bill levels the playing field allowing ocean energy projects to be eligible for the financial and tax incentives that other renewable technologies receive. This will allow ocean energy projects to compete equitably in the future with other forms of renewable energy.

In order to work toward reducing greenhouse gas emissions and our dependence on fossil fuels, we must do all that we can to encourage the development and production of many different renewable energy technologies, such as ocean, wind, geothermal, biomass, ethanol, and others. Achieving our goals will only be possible if we approach the problem from many angles, and together, we will make an impact. I encourage my colleagues to support this measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine and Hydrokinetic Renewable Energy Promotion Act of 2007".

SEC. 2. DEFINITION.

For purposes of this Act, the term "marine and hydrokinetic renewable energy" means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

The term shall not include energy from any source that utilizes a dam, diversionary structure, or impoundment for electric power purposes, except as provided in paragraph (3).

SEC. 3. RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary of Energy, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research focused on—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in consultation with the Secretary of Commerce and the Secretary of the Interior, the environmental impacts of marine and hydrokinetic renewable energy technologies and ways to address adverse impacts, and providing public information concerning technologies and other means available for monitoring and determining environmental impacts; and

(7) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 4. ADAPTIVE MANAGEMENT AND ENVIRONMENTAL FUND.

(a) FINDINGS.—The Congress finds that—

(1) the use of marine and hydrokinetic renewable energy technologies can avoid contributions to global warming gases, and such technologies can be produced domestically;

(2) marine and hydrokinetic renewable energy is a nascent industry; and

(3) the United States must work to promote new renewable energy technologies that reduce contributions to global warming gases and improve our country's domestic energy production in a manner that is consistent with environmental protection, recreation, and other public values.

(b) ESTABLISHMENT.—The Secretary of Energy shall establish an Adaptive Management and Environmental Fund, and shall lend amounts from that fund to entities described in subsection (f) to cover the costs of projects that produce marine and hydrokinetic renewable energy. Such costs include design, fabrication, deployment, operation, monitoring, and decommissioning costs. Loans under this section may be subordinate to project-related loans provided by commercial lending institutions to the extent the Secretary of Energy considers appropriate.

(c) REASONABLE ACCESS.—As a condition of receiving a loan under this section, a recipient shall provide reasonable access, to Federal or State agencies and other research institutions as the Secretary considers appropriate, to the project area and facilities for the purposes of independent environmental research.

(d) PUBLIC AVAILABILITY.—The results of any assessment or demonstration paid for, in whole or in part, with funds provided under this section shall be made available to the public, except to the extent that they contain information that is protected from disclosure under section 552(b) of title 5, United States Code.

(e) REPAYMENT OF LOANS.—

(1) IN GENERAL.—The Secretary of Energy shall require a recipient of a loan under this section to repay the loan, plus interest at a rate of 2.1 percent per year, over a period not to exceed 20 years, beginning after the commercial generation of electric power from the project commences. Such repayment shall be required at a rate that takes into account the economic viability of the loan recipient and ensures regular and timely repayment of the loan.

(2) BEGINNING OF REPAYMENT PERIOD.—No repayments shall be required under this subsection until after the project generates net proceeds. For purposes of this paragraph, the term "net proceeds" means proceeds from the commercial sale of electricity after payment of project-related costs, including taxes and regulatory fees that have not been paid using funds from a loan provided for the project under this section.

(3) TERMINATION.—Repayment of a loan made under this section shall terminate as of the date that the project for which the loan was provided ceases commercial generation of electricity if a governmental permitting authority has ordered the closure of the facility because of a finding that the project has unacceptable adverse environmental impacts, except that the Secretary shall require a loan recipient to continue making loan repayments for the cost of equipment, obtained using funds from the loan that have not otherwise been repaid under rules established by the Secretary, that is utilized in a subsequent project for the commercial generation of electricity.

(f) ADAPTIVE MANAGEMENT PLAN.—In order to receive a loan under this section, an applicant for a Federal license or permit to construct, operate, or maintain a marine or hydrokinetic renewable energy project shall provide to the Federal agency with primary jurisdiction to issue such license or permit an adaptive management plan for the proposed project. Such plan shall—

(1) be prepared in consultation with other parties to the permitting or licensing proceeding, including all Federal, State, municipal, and tribal agencies with authority under applicable Federal law to require or recommend design or operating conditions, for protection, mitigation, and enhancement of fish and wildlife resources, water quality, navigation, public safety, land reservations, or recreation, for incorporation into the permit or license;

(2) set forth specific and measurable objectives for the protection, mitigation, and enhancement of fish and wildlife resources, water quality, navigation, public safety, land reservations, or recreation, as required or recommended by governmental agencies described in paragraph (1), and shall require monitoring to ensure that these objectives are met;

(3) provide specifically for the modification or, if necessary, removal of the marine or hydrokinetic renewable energy project based on findings by the licensing or permitting agency that the marine or hydrokinetic renewable energy project has not attained or will not attain the specific and measurable objectives set forth in paragraph (2); and

(4) be approved and incorporated in the Federal license or permit.

(g) SUNSET.—The Secretary of Energy shall transmit a report to the Congress when the Secretary of Energy determines that the technologies supported under this Act have achieved a level of maturity sufficient to enable the expiration of the programs under this Act. The Secretary of Energy shall not make any new loans under this section after the report is transmitted under this subsection.

SEC. 5. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.

The Secretary of Commerce and the Secretary of the Interior shall, in cooperation with the Federal Energy Regulatory Commission and the Secretary of Energy, and in consultation with appropriate State agencies, jointly prepare programmatic environmental impact statements which contain all the elements of an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), regarding the impacts of the deployment of marine and hydrokinetic renewable energy technologies in the navigable waters of the United States. One programmatic environmental impact statement shall be prepared under this section for each of the Environmental Protection Agency regions of the United States. The agencies shall issue the programmatic environmental impact statements under this section not later than 18 months after the date of enactment of this Act. The programmatic environmental impact statements shall evaluate among other things the potential impacts of site selection on fish and wildlife and related habitat. Nothing in this section shall operate to delay consideration of any application for a license or permit for a marine and hydrokinetic renewable energy technology project.

SEC. 6. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Subsection (c) of section 45 of the Internal Revenue Code of 1986 (relating to resources) is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (G),

(B) by striking the period at the end of subparagraph (H) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.", and

(2) by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in man-made channels, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is—

"(i) described in subparagraphs (A) through (H) of paragraph (1), or

"(ii) derived from any source that utilizes a dam, diversionary structure, or impoundment for electric power production purposes, except as provided in subparagraph (A)(iii).".

(b) DEFINITION OF FACILITY.—Subsection (d) of section 45 of such Code (relating to qualified facilities) is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2009.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 7. INVESTMENT CREDIT AND 5-YEAR DEPRECIATION FOR EQUIPMENT WHICH PRODUCES ELECTRICITY FROM MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (relating to energy property) is amended—

(1) by striking "or" at the end of clause (iii),

(2) by inserting "or" at the end of clause (iv), and

(3) by adding at the end the following new clause:

"(v) equipment which uses marine and hydrokinetic renewable energy (as defined in section 45(c)(10)) but only with respect to periods ending before January 1, 2018,".

(b) 30 PERCENT CREDIT.—Clause (i) of section 48(a)(2)(A) of such Code (relating to 30 percent credit) is amended—

(1) by striking "and" at the end of subclause (II), and

(2) by adding at the end the following new subclause:

"(IV) energy property described in paragraph (3)(A)(v), and".

(c) CREDITS ALLOWED FOR INVESTMENT AND PRODUCTION.—Paragraph (3) of section 48(a) of such Code (relating to energy property) is amended by inserting "(other than property described in subparagraph (A)(v))" after "any property" in the last sentence thereof.

(d) DENIAL OF DUAL BENEFIT.—Paragraph (9) of section 45(e) of such Code (relating to coordination with credit for producing fuel from a nonconventional source) is amended—

(1) in subparagraph (A), by striking "shall not include" and all that follows and inserting "shall not include—

"(i) any facility which produces electricity from gas derived from the biodegradation of municipal solid waste if such biodegradation occurred in a facility (within the meaning of section 45K) the production from which is allowed as a credit under section 45K for the taxable year or any prior taxable year, or

"(ii) any marine and hydrokinetic facility for which a credit is claimed by the taxpayer under section 48 for the taxable year.", and

(2) in the header—

(A) by striking "CREDIT" and inserting "CREDITS", and

(B) by inserting "AND INVESTMENT IN MARINE AND HYDROKINETIC RENEWABLE ENERGY" after "NONCONVENTIONAL SOURCE".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

By Mr. OBAMA:

S. 1513. A bill to amend the Higher Education Act of 1965 to authorize grant programs to enhance the access of low-income African-American students to higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, as a college education becomes ever more imperative for economic success, both for individual citizens and for our Nation, a growing number of African-American students enroll in colleges whose mission includes a focus on educating minority students. And, over the years, Congress has acknowledged the important role of similar institutions, recognizing for example, Historically Black Colleges and Universities, and Hispanic Serving Institutions, by establishing grant programs to support their missions. Today, I am introducing legislation to recognize the importance of Predominantly Black Institutions as an essential component of the American system of higher education.

The Predominantly Black Institution designation recognizes urban and rural colleges, many of which are 2-year community or technical colleges, which serve a large proportion of African-American students, most of whom are the first in their families to attend college, and most of whom receive financial aid. These students have already beaten the odds to progress this far, and it is fitting that we offer some support to the institutions they attend, to ensure that the education they receive is worthy of their efforts.

Whereas Predominantly Black Institutions and Historically Black Colleges and Universities both serve African-American students, they differ in ways that necessitate this legislation. Historically Black Colleges and Universities are not required to serve needy students, whereas Predominantly Black Institution must serve at least 50 percent low-income or first-generation college students. Historically Black Colleges and Universities, by definition, were established prior to 1964, whereas PBIs are of more recent origin.

Approximately 75 institutions, and more than a quarter of a million students, would benefit from grants awarded as a result of the Predominantly Black Institution designation. Grants could be used for a variety of purposes, from acquiring laboratory equipment to supporting teacher education to establishing community outreach programs for pre-college students.

Legislation to establish Predominantly Black Institutions was introduced last year by my good friend from Illinois, Congressman DANNY DAVIS. I urge my Senate colleagues to consider the needs of these students, to support their colleges and universities, and to join me in this effort.

By Mr. DODD (for himself, Mr. SMITH, and Mr. REED):

S. 1514. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to speak on a bill I am introducing with my colleagues, Senator SMITH and Senator REED. The bill is a reauthorization of the Garrett Lee Smith Memorial Act, a landmark legislation enacted nearly three years ago that significantly strengthened our commitment as a Nation to reduce the public and mental health tragedy of youth suicide. I would like to take a moment to thank my colleagues who joined me in this effort, particularly Senator SMITH. We all know the personal tragedy Senator SMITH, his wife, Sharon, and their family suffered when their son and brother, Garrett, took his life over 3 years ago. Since that time, Senator SMITH and Sharon have become tireless advocates in advancing the cause of youth suicide prevention, and their work should be commended.

Three years after this important legislation became law, suicide among our Nation's young people remains an acute crisis that knows no geographic, racial, ethnic, cultural, or socioeconomic boundaries. Each year, almost 3,000 young people take their lives, making suicide the third overall cause of death between the ages of 10 and 24. Young people under the age of 25 account for 15 percent of all suicides completed. In fact, more children and young adults die from their own hand than from cancer, heart disease, AIDS, birth defects, stroke and chronic lung disease combined.

Equally alarming are the numbers of young people who consider taking or attempt to take their lives. Centers for Disease Control and Prevention figures estimate that almost 3 million high school students, or 20 percent of young adults between the ages of 15 and 19, consider suicide every year. Furthermore, over 2 million children and young adults actually attempt suicide each year. Seventy percent of people who die by suicide tell someone about it in advance. Yet, tragically, few of these young people do not receive appropriate intervention services before it's too late.

When it was enacted into law, the Garrett Lee Smith Memorial Act became the first legislation specifically designed to prevent youth suicide. The legislation established a new grant initiative for the further development and expansion of youth suicide early intervention and prevention strategies and the community-based services they seek to coordinate. It additionally authorized a dedicated technical assistance center to assist States, localities, tribes, and community service providers with the planning, implementation, and evaluation of these strategies and services. It also established a new grant initiative to enhance and improve early intervention and prevention services specifically designed for college-aged students. Lastly, it created a new inter-agency collaboration to focus on policy development and the dissemination of data specifically pertaining to youth suicide. I am pleased to say that to date, 29 States, 7 tribes, and 55 colleges and universities have benefitted from $63.4 million in resources to increase their services to youth, provided by the Garrett Lee Smith Memorial Act.

The bill we introduce today seeks to continue the good work started by the initial legislation. First, it authorizes $210 million over 5 years for continued development and expansion of statewide youth suicide prevention and early intervention strategies. Second, it authorizes $31 million over 5 years to continue assisting college campuses meet the needs of their students. And third, it authorizes $25 million over 5 years to continue the vital research on suicide prevention for all age groups being conducted by the Suicide Prevention Technical Assistance Center.

I continue to believe that finding concrete, comprehensive and effective remedies to the epidemic of youth suicide cannot be done by lawmakers on Capitol Hill alone. Those remedies must also come from individuals, doctors, psychiatrists, psychologists, counselors, nurses, teachers, advocates, survivors, and affected families, who are dedicated to this issue or spend each day with children and young adults that suffer from illnesses related to suicide. Despite the goals we have achieved with the Garrett Lee Smith Memorial Act, I believe that our work is not done. I hope that, as a society, we can continue working collectively both to understand better the tragedy of youth suicide and develop innovative and effective public and mental health initiatives that reach every child and young adult in this country—compassionate initiatives that give them encouragement, hope, and above all, life.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Garrett Lee Smith Memorial Act Reauthorization of 2007".

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) Interagency Research, Training, and Technical Assistance Centers.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb-34) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "youth suicide early intervention and prevention strategies" and inserting "suicide early intervention and prevention strategies for all ages, particularly for youth";

(B) in paragraph (2), by striking "youth suicide early intervention and prevention strategies" and inserting "suicide early intervention and prevention strategies for all ages, particularly for youth";

(C) in paragraph (3)—

(i) by striking "youth"; and

(ii) by inserting before the semicolon the following: "for all ages, particularly for youth";

(D) in paragraph (4), by striking "youth suicide" and inserting "suicide for all ages, particularly among youth";

(E) in paragraph (5), by striking "youth suicide early intervention techniques and technology" and inserting "suicide early intervention techniques and technology for all ages, particularly for youth";

(F) in paragraph (7)—

(i) by striking "youth"; and

(ii) by inserting "for all ages, particularly for youth," after "strategies"; and

(G) in paragraph (8)—

(i) by striking "youth suicide" each place that such appears and inserting "suicide"; and

(ii) by striking "in youth" and inserting "among all ages, particularly among youth"; and

(2) in subsection (e)—

(A) in paragraph (1), by striking "$4,000,000" and all that follows through the period and inserting "$4,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012."; and

(B) in paragraph (2), by striking "$3,000,000" and all that follows through the period and inserting "$5,000,000 for each of fiscal years 2008 through 2012.".

(b) Youth Suicide Early Intervention and Prevention Strategies.—Section 520E of the Public Health Service Act (42 U.S.C. 290bb-36) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) Limitation.—In carrying out this section, the Secretary shall ensure that a State does not receive more than one grant or cooperative agreement under this section at any one time. For purposes of the preceding sentences, a State shall be considered to have received a grant or cooperative agreement if the eligible entity involved is the State or an entity designated by the State under paragraph (1)(B). Nothing in this paragraph shall be construed to apply to entities described in paragraph (1)(C)."; and

(2) by striking subsection (m) and inserting the following:

"(m) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $34,000,000 for fiscal year 2008, $38,000,000 for fiscal year 2009, $42,000,000 for fiscal year 2010, $46,000,000 for fiscal year 2011, and $50,000,000 for fiscal year 2012.".

(c) Mental and Behavioral Health Services on Campus.—Section 520E-2(h) of the Public Health Service Act (42 U.S.C. 290bb-36b(h)) is amended by striking "$5,000,000 for fiscal year 2005" and all that follows through the period and inserting "$5,400,000 for fiscal year 2008, $5,800,000 for fiscal year 2009, $6,200,000 for fiscal year 2010, $6,600,000 for fiscal year 2011, and $7,000,000 for fiscal year 2012.".

Mr. SMITH. Mr. President, today, I rise with my colleagues Senator DODD and Senator REED to introduce an important bill for our youth, the Garrett Lee Smith Memorial Act Reauthorization of 2007. Nearly 3 years ago, the Senate first passed this Act with 39 cosponsors. At that time, we heard an outpouring of support and sharing from other members of the Senate who have lost members of their families. On September 9, 2004, my son Garrett's birthday, the House and Senate passed the Garrett Lee Smith Memorial Act with overwhelming support. I remain thankful for their wisdom and support of the important programs this Act created that focused on youth suicide prevention.

As I said in 2004, this Act represents the best of American Government, an opportunity when our Nation's elected officials can come together, put aside their political parties and politics, to debate and pass legislation. During the last 3 years, this effort has resulted in nearly $65 million in suicide prevention and intervention funding to States, tribes, and on our Nation's higher education institutions.

I also want to recognize and thank my colleagues who have championed this cause for a great many years Senator DODD, Senator JACK REED, Senator HARRY REID AND SENATOR KENNEDY your work to raise awareness about youth suicide has been significant and for that I thank you. I also would like to thank Representative PATRICK KENNEDY for his support on this and so many other issues affecting persons with mental illness. I look forward to continuing to work with all of you to ensure passage of this reauthorization bill.

As most of you know, I came to be a champion of this issue not because I volunteered for it, but because I suffered for it. In September of 2003, Sharon and I lost our son Garrett Lee Smith to suicide. While Sharon and I think about Garrett every day and mourn his loss, we take solace in the time we had with him, and have committed ourselves to preserving his memory by helping others.

Sharon and I adopted Garrett a few days after his birth. He was such a handsome baby boy. He was unusually happy and playful, and he also was especially thoughtful of everyone around him as he grew older. His exuberance for life, however, began to dim in his elementary years. He struggled to spell. His reading and writing were stuck in the rudiments. We had him tested and were surprised to learn that he had an unusually high IQ, but struggled with a severe overlay of learning disabilities, including dyslexia.

However, it would be years later that we learned of the greatest challenge to face Garrett, his diagnosis of bi-polar disorder. Bipolar disorder, also known as manic-depressive illness, is a brain disorder that causes unusual shifts in a person's mood, energy and ability to function. Different from the normal ups and downs of life that everyone goes through, the symptoms of bipolar disorder are severe. As his parents, we knew how long and how desperately Garrett had suffered from his condition. Yet, tragically, over three years ago Garrett reached a point where his illness took over and he could no longer fight.

In his memory, I have committed myself to helping prevent other families from experiencing the tremendous pain that comes with the loss of a loved-one to suicide. We know that each year, more than 4,000 youth aged 15 to 24 die by suicide. From this number we know that since Garrett's death more than 14,000 young people have lost their lives to suicide. Too many young lives have been lost and continue to be lost.

While we can always do more, this Act has taken that first, significant step toward creating and funding an organized effort at the Federal, State and local levels to prevent and intervene when youth are at risk for mental and behavioral conditions that can lead to suicide. The loss of a life to suicide at any age is sad and traumatic, but when it happens to someone who has just begun their life, has just begun to fulfill their potential the impact somehow seems harsher, sadder and more pronounced.

Once signed into law, this bill will authorize $210 million in new funding over 5 years to further support States and Native American tribes in building systems of State-wide early intervention and prevention strategies. This bill will continue the current practice of ensuring that 85 percent of funding will be provided to entities focused on identifying and preventing suicide at the State and community level. Since the Garrett Lee Smith Memorial Act was signed into law in 2004, 29-States and seven tribes have received grants to help them plan for and implement youth suicide prevention strategies. The new and higher funding level will allow States that have never received a grant to receive funding. It also will allow States that have received grants in the past to expand their efforts to include more geographic areas and youth populations.

In my home State of Oregon, which has been especially active and forward-thinking in combating youth suicide, the Department of Human Services has been working in a number of counties throughout the State to increase referrals so care is available when needed, establish linkages to care and improve knowledge among clinicians, crisis response workers, school staff, youth and lay persons related to youth who are at-risk. The Native American Rehabilitation Association of the Northwest, Inc. also has implemented the Native Youth Prevention Project, which serves nine tribes and tribal confederations in Oregon where American Indian youth have the highest suicide rate in the State. Programs such as these can be important catalysts for change across the Nation and we must continue to support them.

The bill also reauthorizes a Suicide Prevention Resource Center, which provides technical assistance to States and local grantees to ensure that they are able to implement their State-wide early intervention and prevention strategy. It also collects data related to the programs, evaluates the effectiveness of the programs, and identifies and distributes best practices. Sharing technical data and program best practices is necessary to ensure that Federal funding is being utilized in the best manner possible and that information is being circulated among participants. The Center will receive $25 million over 5 years for these purposes. Since 2004, the Center has done great work to support the grantees under this Act as well as push forward broader science-to-service efforts to combat youth suicide.

Finally, the bill will provide $31 million over 5 years to continue the colleges and universities grant program. This program works to establish mental health programs or enhance existing mental health programs focused on increasing access to and enhancing the range of mental and behavioral health services for students. Entering college can be one of the most disruptive and demanding times in a young person's life, but for persons with a mental illness the changes can become overwhelming. Loss of their parental support system, and lack of a familiar and easily accessed health care providers often can become too much of a burden to bear. We must ensure programs are in place to help them overcome these challenges.

So far, 55 colleges and universities have received grants through the Garrett Lee Smith Memorial Act, including two in my home State, helping countless students. However, with more than 4,000 degree-granting institutions in the United States, there are many more campuses that will be helped by this reauthorization.

I am pleased to be a champion of this cause and this bill and hope my colleagues will join me in supporting its passage.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 1515. A bill to establish a domestic violence volunteer attorney network to represent domestic violence victims; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, today I am introducing with my good friend from Pennsylvania, Senator SPECTER, an innovative bill that will help the lives of domestic violence victims.

Sadly, domestic violence remains a reality for one out of four women in our country. Experts agree a pivotal factor to ending domestic violence is meaningful access to the justice system. Recent academic research finds that increased provision of legal services is "one likely significant factor in explaining the decline [of domestic violence] . . . Because legal services help women with practical matters such as protective orders, custody, and child support they appear to actually present women with real, longterm alternatives to their relationships." Stopping the violence hinges on a victim's ability to obtain effective protection orders, initiate separation proceedings or design safe child custody.

Yet thousands of victims of domestic violence go without representation every day in this country. A patchwork of services do their best to provide represent domestic violence victims, law school clinics, individual State domestic violence coalitions, legal services, and private attorneys. But there are obvious gaps and simply not enough lawyers for victims and their myriad legal needs due to the abuse, including protection orders, divorce and child custody, immigration adjustments, and bankruptcy declarations. Experts estimate that current legal services serve about 170,000 low-income domestic violence victims each year and yet, there are at least 1 million victims each year. At best then, less than 1 out of 5 low-income victims ever see a lawyer.

I believe there is a wealth of untapped resources in this country, lawyers who want to volunteer. My National Domestic Violence Volunteer Act would harness the skills, enthusiasm and dedication of these lawyers and infuse 100,000 new volunteer lawyers into the justice system to represent domestic violence victims. We should make it as smooth and simple for volunteer lawyers. My bill creates a streamlined, organized and national system to connect lawyers to clients.

I can't overemphasize the importance of having a lawyer standing shoulder-to-shoulder with a victim as she navigates the system. We must match a willing lawyer to a victim as soon as the victim calls the Hotline, walks into a courtroom or involves the police. It is at that crucial moment a victim needs to feel support, and if she doesn't, she may retreat back into the abuse.

To enlist, train and place volunteer lawyers, my bill creates a new, electronic National Domestic Violence Attorney Network and Referral Project that will be administered by the American Bar Association Commission on Domestic Violence.

There are five components of my legislation.

First, it creates a National Domestic Violence Volunteer Attorney Network Referral Project to be managed by the American Bar Association Commission on Domestic Violence. With $2 million of new Federal funding each year, the American Bar Association Commission on Dometic Violence will solicit for volunteer lawyers and then create and maintain an electronic network. It will provide appropriate mentoring, training and technical assistance to volunteer lawyers. And it will establish and maintain a point of contact in each State, a statewide legal coordinator, to help match willing lawyers to victims.

Second, it enlists the National Domestic Violence Hotline and Internet sources to provide legal referrals. The bill will help the National Domestic Violence Hotline to update their system and train advocates on how to provide legal referrals to callers in coordination with the American Bar Association Commission on Domestic Violence. Legal referrals may also be done by qualified Internet-based services.

Third, it creates a Pilot Program and National Rollout of National Domestic Violence Volunteer Attorney Network and Referral Project. The bill designs a pilot program to implement the volunteer attorney network in five diverse States. The Office on Violence Against Women in the Department of Justice will administer these monies to qualified statewide legal coordinators to help them connect with the ABA Commission on Domestic Violence, the National Domestic Violence Hotline, and the volunteer lawyers. After a successful stint in five States, the bill will rollout the program nationally.

Fourth, the measure establishes a Domestic Violence Legal Advisory Task Force to monitor the program and make recommendations.

Fifth, the bill mandates the General Accounting Office to study each State and assess the scope and quality of legal services available to battered women and report back to Congress within a year.

A terrific roundtable of groups reviewed and contributed to this legislation, including the National Network to End Domestic Violence, the Legal Resource Center for Violence Against Women, the National Coalition Against Domestic Violence, the National Council of Juvenile and Family Court Judges, the American Bar Association, WomensLaw.org, the National Domestic Violence Hotline, the Legal Services Corporation, the American Prosecutors Research Institute, National Legal Aid and Defenders Association, National Center for State Courts, National Association for Attorneys General, Battered Women's Justice Project, National Association of Women Judges, National Association of Women Lawyers, National Crime Victim Bar Association and National Center for the Victims of Crime.

I want to end today with a story about an American hero, a woman who has been to hell and back and now is a tremendous advocate for domestic violence victims, Yvette Cade. I want to tell it to you because I think it serves as such a powerful message about why battered women should have legal assistance.

Yvette Cade, a Maryland resident, was doused with gasoline and set on fire by her estranged husband while she was at work. Half of her upper body, including her entire face, suffered third-degree burns, the most serious level.

Just three weeks before the attack, a judge dismissed the protective order Yvette had against her husband, despite her protests that he was violent. At the hearing in which the judge dismissed Cade's protective order, the judge told Cade he could not be her advocate, only the "umpire." Cade told him that she no longer wanted to be married to her abusive husband. The judge replied, "well, then get a lawyer, and get a divorce. That's all you have to do," I believe that today's National Domestic Violence Volunteer Attorney Network Act would make getting a lawyer a reality, not just good advice.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Domestic Violence Volunteer Attorney Network Act".

SEC. 2. DEFINITIONS.

In this Act, the terms "dating partner", "dating violence", "domestic violence", "legal assistance", "linguistically and culturally specific services", "stalking", and "State domestic violence coalitions" shall have the same meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162).

SEC. 3. NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended by adding at the end the following:

"(g) NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Attorney General may award grants to the American Bar Association Commission on Domestic Violence to work in collaboration with the American Bar Association Committee on Pro Bono and Public Service and other organizations to create, recruit lawyers for, and provide training, mentoring, and technical assistance for a National Domestic Violence Volunteer Attorney Network.

"(B) USE OF FUNDS.—Funds allocated to the American Bar Association's Commission on Domestic Violence under this subsection shall be used to—

"(i) create and maintain a network to field and manage inquiries from volunteer lawyers seeking to represent and assist victims of domestic violence;

"(ii) solicit lawyers to serve as volunteer lawyers in the network;

"(iii) retain dedicated staff to support volunteer attorneys by—

"(I) providing field technical assistance inquiries;

"(II) providing on-going mentoring and support;

"(III) collaborating with national domestic violence legal technical assistance providers and statewide legal coordinators and local legal services programs; and

"(IV) developing legal education and other training materials; and

"(iv) maintain a point of contact with the statewide legal coordinator in each State regarding coordination of training, mentoring, and supporting volunteer attorneys representing victims of domestic violence.

"(2) AUTHORIZATION.—There are authorized to be appropriated to carry out this subsection $2,000,000 for each of the fiscal years 2008 and 2009 and $3,000,000 for each of the fiscal years 2010 through 2013.

"(3) ELIGIBILITY FOR OTHER GRANTS.—A receipt of an award under this subsection by the Commission on Domestic Violence of the American Bar Association shall not preclude the Commission from receiving additional grants under the Office on Violence Against Women's Technical Assistance Program to carry out the purposes of that program.

"(4) OTHER CONDITIONS.—

"(A) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program under this subsection may not be used to fund civil representation in a lawsuit based on a tort claim. This subparagraph shall not be construed as a prohibition on providing assistance to obtain restitution.

"(B) PROHIBITION ON LOBBYING.—Any funds appropriated under this subsection shall be subject to the prohibitions in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.".

SEC. 4. DOMESTIC VIOLENCE VOLUNTEER ATTORNEY REFERRAL PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—For fiscal years 2008 and 2009, the Office on Violence Against Women of the Department of Justice, in consultation with the Domestic Violence Legal Advisory Task Force, shall designate 5 States in which to implement the pilot program of the National Domestic Violence Volunteer Attorney Referral Project and distribute funds under this subsection.

(2) CRITERIA.—Criteria for selecting the States for the pilot program under this subsection shall include—

(A) equitable distribution between urban and rural areas, equitable geographical distribution;

(B) States that have a demonstrated capacity to coordinate among local and statewide domestic violence organizations;

(C) organizations serving immigrant women; and

(D) volunteer legal services offices throughout the State.

(3) PURPOSE.—The purpose of the pilot program under this subsection is to—

(A) provide for a coordinated system of ensuring that domestic violence victims throughout the pilot States have access to safe, culturally, and linguistically appropriate representation in all legal matters arising as a consequence of the abuse or violence; and

(B) support statewide legal coordinators in each State to manage referrals for victims to attorneys and to train attorneys on related domestic violence issues.

(4) ROLE OF STATEWIDE LEGAL COORDINATOR.—A statewide legal coordinator under this subsection shall—

(A) be employed by the statewide domestic violence coalition, unless the statewide domestic violence coalition determines that the needs of victims throughout the State would be best served if the coordinator was employed by another statewide organization;

(B) develop and maintain an updated database of attorneys throughout the State, including—

(i) legal services programs;

(ii) volunteer programs;

(iii) organizations serving immigrant women;

(iv) law school clinical programs;

(v) bar associations;

(vi) attorneys in the National Domestic Violence Volunteer Attorney Network; and

(vii) local domestic violence programs;

(C) consult and coordinate with existing statewide and local programs including volunteer representation projects or statewide legal services programs;

(D) provide referrals to victims who are seeking legal representation in matters arising as a consequence of the abuse or violence;

(E) participate in biannual meetings with other Pilot Program grantees, American Bar Association Commission on Domestic Violence, American Bar Association Committee on Pro Bono and Public Service, and national domestic violence legal technical assistance providers;

(F) receive referrals of victims seeking legal representation from the National Domestic Violence Hotline and other sources;

(G) receive and disseminate information regarding volunteer attorneys and training and mentoring opportunities; and

(H) work with the Office on Violence Against Women, the American Bar Association Commission on Domestic Violence, and the National Domestic Violence Legal Advisory Task Force to assess the effectiveness of the Pilot Program.

(5) ELIGIBILITY FOR GRANTS.—The Attorney General shall award grants to statewide legal coordinators under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $750,000 for each of fiscal years 2008 and 2009 to fund the statewide coordinator positions and other costs associated with the position in the 5 pilot program States under this subsection.

(7) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.

(b) NATIONAL PROGRAM.—

(1) PURPOSE.—The purpose of the national program under this subsection is to—

(A) provide for a coordinated system of ensuring that domestic violence victims throughout the country have access to safe, culturally and linguistically appropriate representation in legal matters arising as a consequence of the abuse or violence; and

(B) support statewide legal coordinators in each State to coordinate referrals to domestic violence attorneys and to train attorneys on related domestic violence issues, including immigration matters.

(2) GRANTS.—The Attorney General shall award grants to States for the purposes set forth in subsection (a) and to support designated statewide legal coordinators under this subsection.

(3) ROLE OF THE STATEWIDE LEGAL COORDINATOR.—The statewide legal coordinator under this subsection shall be subject to the requirements and responsibilities provided in subsection (a)(4).

(4) GUIDELINES.—The Office on Violence Against Women, in consultation with the Domestic Violence Legal Advisory Task Force and the results detailed in the Study of Legal Representation of Domestic Violence Victims, shall develop guidelines for the implementation of the national program under this section, based on the effectiveness of the Pilot Program in improving victims' access to culturally and linguistically appropriate legal representation in the pilot States.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 for each of fiscal years 2010 through 2013 to fund the statewide coordinator position in every State and other costs associated with the position.

(6) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.

SEC. 5. TECHNICAL ASSISTANCE FOR THE NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

(a) PURPOSES.—The purpose of this section is to allow—

(1) national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network; and

(2) providers of domestic violence law to receive additional funding to train and assist attorneys in the areas of—

(A) custody and child support;

(B) employment;

(C) housing;

(D) immigrant victims' legal needs (including immigration, protection order, family and public benefits issues); and

(E) interstate custody and relocation law.

(b) GRANTS.—The Attorney General shall award grants to national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network, statewide legal coordinators, the National Domestic Violence Hotline and Internet-based legal referral organizations described in section 1201(i)(1) of the Violence Against Women Act of 2000, as added by section 6.

(c) ELIGIBILITY FOR OTHER GRANTS.—A receipt of an award under this section shall not preclude the national domestic violence legal technical assistance providers from receiving additional grants under the Office on Violence Against Women's Technical Assistance Program to carry out the purposes of that program.

(d) ELIGIBLE ENTITIES.—In this section, an eligible entity is a national domestic violence legal technical assistance provider that—

(1) has expertise on legal issues that arise in cases of victims of domestic violence, dating violence and stalking, including family, immigration, housing, protection order, public benefits, custody, child support, interstate custody and relocation, employment and other civil legal needs of victims; and

(2) has an established record of providing technical assistance and support to lawyers representing victims of domestic violence.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $800,000 for national domestic violence legal technical assistance providers for each fiscal year from 2008 through 2013.

SEC. 6. NATIONAL DOMESTIC VIOLENCE HOTLINE LEGAL REFERRALS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended by adding at the end the following:

"(h) Legal Referrals by the National Domestic Violence Hotline.—

"(1) In general.—The Attorney General may award grants to the National Domestic Violence Hotline (as authorized by section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416)) to provide information about statewide legal coordinators and legal services.

"(2) Use of funds.—Funds allocated to the National Domestic Violence Hotline under this subsection shall be used to—

"(A) update the Hotline's technology and systems to reflect legal services and referrals to statewide legal coordinators;

"(B) collaborate with the American Bar Association Commission on Domestic Violence and the national domestic violence legal technical assistance providers to train and provide appropriate assistance to the Hotline's advocates on legal services; and

"(C) maintain a network of legal services and statewide legal coordinators and collaborate with the American Bar Association Commission on Domestic Violence.

"(3) Authorization.—There are to be appropriated to carry out this subsection $500,000 for each of fiscal years 2008 through 2013.

"(i) Legal Referrals by Internet-Based Services for Domestic Violence Victims.—

"(1) In general.—The Attorney General may award grants to Internet-based nonprofit organizations with a demonstrated expertise on domestic violence to provide State-specific information about statewide legal coordinators and legal services through the Internet.

"(2) Use of funds.—Funds allocated to Internet-based organizations under this subsection shall be used to—

"(A) collaborate with the American Bar Association Commission on Domestic Violence and the national domestic violence legal technical assistance providers to train and provide appropriate assistance to personnel on referring legal services; and

"(B) maintain a network of legal services and statewide legal coordinators, and collaborate with the American Bar Association Commission on Domestic Violence and the National Domestic Violence Hotline.

"(3) Authorization.—There are to be appropriated to carry out this subsection $250,000 for each fiscal years of 2008 through 2013.".

SEC. 7. STUDY OF LEGAL REPRESENTATION OF DOMESTIC VIOLENCE VICTIMS.

(a) In General.—The General Accountability Office shall study the scope and quality of legal representation and advocacy for victims of domestic violence, dating violence, and stalking, including the provision of culturally and linguistically appropriate services.

(b) Scope of Study.—The General Accountability Office shall specifically assess the representation and advocacy of—

(1) organizations providing direct legal services and other support to victims of domestic violence, dating violence, and stalking, including Legal Services Corporation grantees, non-Legal Services Corporation legal services organizations, domestic violence programs receiving Legal Assistance for Victims grants or other Violence Against Women Act funds to provide legal assistance, volunteer programs (including those operated by bar associations and law firms), law schools which operate domestic violence, and family law clinical programs; and

(2) organizations providing support to direct legal services delivery programs and to their volunteer attorneys, including State coalitions on domestic violence, National Legal Aid and Defender Association, the American Bar Association Commission on Domestic Violence, the American Bar Association Committee on Pro Bono and Public Service, State bar associations, judicial organizations, and national advocacy organizations (including the Legal Resource Center on Violence Against Women, and the National Center on Full Faith and Credit).

(c) Assessment.—The assessment shall, with respect to each entity under subsection (b), include—

(1) what kind of legal assistance is provided to victims of domestic violence, such as counseling or representation in court proceedings;

(2) number of lawyers on staff;

(3) how legal services are being administered in a culturally and linguistically appropriate manner, and the number of multilingual advocates;

(4) what type of cases are related to the abuse, such as protective orders, divorce, housing, and child custody matters, and immigration filings;

(5) what referral mechanisms are used to match a lawyer with a domestic violence victim;

(6) what, if any, collaborative partnerships are in place between the legal services program and domestic violence agencies;

(7) what existing technical assistance or training on domestic violence and legal skills is provided to attorneys providing legal services to victims of domestic violence;

(8) what training or technical assistance for attorneys would improve the provision of legal services to victims of domestic violence;

(9) how does the organization manage means-testing or income requirements for clients;

(10) what, if any legal support is provided by non-lawyer victim advocates; and

(11) whether they provide support to or sponsor a pro bono legal program providing legal representation to victims of domestic violence.

(d) Report.—Not later than 1 year after the date of enactment of this Act, the General Accountability Office shall submit to Congress a report on the findings and recommendations of the study required by this section.

SEC. 8. ESTABLISH A DOMESTIC VIOLENCE LEGAL ADVISORY TASK FORCE.

(a) In General.—The Attorney General shall establish the Domestic Violence Legal Advisory Task Force to provide guidance for the implementation of the Study of Legal Representation of Domestic Violence Victims, the Pilot Program for the National Domestic Violence Volunteer Attorney Referral Project, and the National Program for the National Domestic Violence Volunteer Attorney Referral Project.

(b) Composition.—The Task Force established under this section shall be composed of experts in providing legal assistance to domestic violence victims and developing effective volunteer programs providing legal assistance to domestic violence victims, including judges with expertise on domestic violence, individuals with experience representing low-income domestic violence victims, and private bar members involved with volunteer legal services.

(c) Responsibilities.—The Task Force shall provide—

(1) ongoing advice to the American Bar Association Commission on Domestic Violence, the National Domestic Violence Hotline, and the Statewide Coordinators regarding implementation of the Pilot Program and the National Program of the Domestic Violence Volunteer Attorney Referral Project;

(2) recommendations to the Office on Violence Against Women regarding the selection of the 5 sites for the Pilot Program; and

(3) attend regular meetings covered by American Bar Association Commission or Domestic Violence.

(d) Report.—The Task Force shall report to Congress every 2 years on its work under this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $100,000 for each of fiscal years 2008 through 2013.

By Mr. REED (for himself, Mr. Allard, Ms. Mikulski, Mr. Bond, Mr. Durbin, Ms. Collins, Mr. Schumer, Mr. Akaka, Mrs. Clinton, Mr. Whitehouse, Mr. Levin, Mr. Brown, and Mrs. Boxer):

S. 1518. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I introduce, along with Senators Allard, Mikulski, Bond, Durbin, Collins, Schumer, Akaka, Clinton, Whitehouse, Levin, Brown, and Boxer, the Community Partnership to End Homelessness Act of 2007, CPEHA. This legislation would reauthorize and amend the housing titles of the McKinney-Vento Homeless Assistance Act of 1987. Specifically, our bill would realign the incentives behind the Department of Housing and Urban Development's homelessness assistance programs to accomplish the goals of preventing and ending homelessness.

According to the Homelessness Research Institute at the National Alliance to End Homelessness, as many as 3.5 million Americans experience homelessness each year. On any one night, approximately 744,000 men, women, and children are without homes.

Many of these people have served our country in uniform. According to the National Coalition for Homeless Veterans, nearly 200,000 veterans of the United States armed forces are homeless on any given night, and about one-third of homeless men are veterans.

Statistics regarding the number of children who experience homelessness are especially troubling. Each year, it is estimated that at least 1.35 million children experience homelessness. Over 900,000 homeless children and youth were identified and enrolled in public schools in the 2005–2006 school year. However, this Department of Education count does not include preschool children, and over 40 percent of homeless children are under the age of five.

Whatever their age, we know that children who are homeless are in poorer health, have developmental delays, and suffer academically.

In addition, many of those who are homeless have a disability. According to the Homelessness Research Institute, about 23 percent of homeless people were found to be "chronically homeless," which according to the current HUD definition means that they are homeless for long periods of time or homeless repeatedly, and they have a disability. For many of these individuals and families, housing alone, without some attached services, may not be enough.

Finally, as rents have soared and affordable housing units have disappeared from the market during the past several years, even more working Americans have been left unable to afford housing. According to the National Low Income Housing Coalition's most recent "Out of Reach" report, nowhere in the country can a minimum wage earner afford a one-bedroom home. Eighty-eight percent of renters in cities live in areas where they cannot afford the fair market rent for a two-bedroom rental even with two minimum wage jobs. Low income renters who live paycheck to paycheck are in precarious circumstances and sometimes must make tough choices between paying rent and buying food, prescription drugs, or other necessities. If one unforeseen event occurs in their lives, they can end up homeless.

So why should the Federal Government work to help prevent and end homelessness? Simply put, we cannot afford not to address this problem. Homelessness leads to untold costs, including expenses for emergency rooms, jails, shelters, foster care, detoxification, and emergency mental health treatment.

According to a number of studies, it costs just as much, if not more in overall expenditures, to allow men, women, and children to remain homeless as it does to provide them with assistance and get them back on the road to self-sufficiency.

It has been 20 years since the enactment of the Steward B. McKinney Homeless Assistance Act, and we have learned a lot about the problem of homelessness since then. At the time of its adoption in 1987, this legislation was viewed as an emergency response to a national crisis, and was to be followed by measures to prevent homelessness and to create more systemic solutions to the problem. It is now time to take what we have learned during the past 20 years, and put those best practices and proposals into action.

First and foremost, our bill would consolidate HUD's three main competitive homelessness programs, Supportive Housing Program, Shelter Plus Care, and Moderate Rehabilitation/Single Room Occupancy, into one program called the Community Homeless Assistance Program. The consolidation would reduce the administrative burden on communities caused by different program requirements. It also would allow funding to be used for an array of eligible activities maximizing flexibility, creativity, and local-decision making.

Second, the bill would create a new prevention title that would allow communities to apply for funding to prevent homelessness. This would allow them to serve people who move frequently for economic reasons, are doubled up, are about to be evicted, live in severely overcrowded housing, or otherwise live in an unstable situation that puts them at risk of homelessness. The program could fund short- to medium-term housing assistance, housing relocation and stabilization, and supportive services. The program would be authorized for up to $250 million in fiscal year 2008.

Third, the bill would create a more flexible set of requirements for rural communities by modifying HUD's long-dormant Rural Homelessness Grant Program. Under the new requirements, a rural community could use funds for homelessness prevention and housing stabilization, in addition to transitional housing, permanent housing, and supportive services. The application process for these funds would be streamlined to be more consistent with the capacities of rural homelessness programs.

Fourth, HUD would be required to provide incentives for communities to use proven strategies to end homelessness. These strategies would include permanent supportive housing for chronically homeless people, rapid rehousing programs for homeless families, and other research-based strategies that HUD, after public comment, determines are effective.

Fifth, thirty percent of total funds available nationally would be allocated for permanent housing for individuals with disabilities or families headed by a person with disabilities. At least 10 percent of overall funds would be allocated for permanently housing families with children.

Sixth, communities that demonstrate results, reducing the number of people who become homeless, the length of time people are homeless, and recidivism back into homelessness—would be allowed to use their homeless assistance funding more flexibly and to serve groups that are at risk of becoming homeless.

Finally, leasing, rental assistance, and operating costs of permanent housing programs would be renewed for 1 year at a time through the section 8 housing voucher account, provided that the applicant demonstrates need and compliance with appropriate standards.

There is a growing consensus on ways to help communities break the cycle of repeated and prolonged homelessness. If we combine Federal dollars with the right incentives to local communities, we can prevent and end long-term homelessness.

This bipartisan legislation seeks to do just that. It will reward communities for initiatives that prevent and end homelessness.

Groups that are endorsing the Community Partnership to End Homelessness Act include: The National Alliance to End Homelessness; the U.S. Conference of Mayors; the National Association of Counties; National Association of Local Housing Finance Agencies; National Community Development Association; the National Housing Conference; the Corporation for Supportive Housing; National Alliance on Mental Illness; Consortium for Citizens With Disabilities Housing Task Force; Habitat for Humanity; Technical Assistance Collaborative; and the Housing Assistance Council.

The Community Partnership to End Homelessness Act will set us on the path to meeting an important national goal. I hope my colleagues will join us in supporting this bill and other homelessness prevention efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Community Partnership to End Homelessness Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. United States Interagency Council on Homelessness.
Sec. 4. Housing assistance general provisions.
Sec. 5. Emergency homelessness prevention and shelter grants program.
Sec. 6. Homeless assistance program.
Sec. 7. Rural housing stability assistance.
Sec. 8. Funds to prevent homelessness and stabilize housing for precariously housed individuals and families.
Sec. 9. Repeals and conforming amendments.
Sec. 10. Effective date.

SEC. 2. FINDINGS AND PURPOSE.

Section 102 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301) is amended to read as follows:

"SEC. 102. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress finds that—

"(1) the United States faces a crisis of individuals and families who lack basic affordable housing and appropriate shelter;

"(2) assistance from the Federal Government is an important factor in the success of efforts by State and local governments and the private sector to address the problem of homelessness in a comprehensive manner;

"(3) there are several Federal Government programs to assist persons experiencing homelessness, including programs for individuals with disabilities, veterans, children, and youth;

"(4) homeless assistance programs must be evaluated on the basis of their effectiveness in reducing homelessness, transitioning individuals and families to permanent housing and stability, and optimizing their self-sufficiency;

"(5) States and units of general local government receiving Federal block grant and other Federal grant funds must be evaluated on the basis of their effectiveness in—

"(A) implementing plans to appropriately discharge individuals to and from mainstream service systems; and

"(B) reducing barriers to participation in mainstream programs, as identified in—

"(i) a report by the Government Accountability Office entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential', issued February 26, 1999; or

"(ii) a report by the Government Accountability Office entitled 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000;

"(6) an effective plan for reducing homelessness should provide a comprehensive housing system (including permanent housing and, as needed, transitional housing) that recognizes that, while some individuals and families experiencing homelessness attain economic viability and independence utilizing transitional housing and then permanent housing, others can reenter society directly and optimize self-sufficiency through acquiring permanent housing;

"(7) supportive housing activities include the provision of permanent housing or transitional housing, and appropriate supportive services, in an environment that can meet the short-term or long-term needs of persons experiencing homelessness as they reintegrate into mainstream society;

"(8) homeless housing and supportive services programs within a community are most effective when they are developed and operated as part of an inclusive, collaborative, locally driven homeless planning process that involves as decision makers persons experiencing homelessness, advocates for persons experiencing homelessness, service organizations, government officials, business persons, neighborhood advocates, and other community members;

"(9) homelessness should be treated as a symptom of many neighborhood, community, and system problems, whose remedies require a comprehensive approach integrating all available resources;

"(10) there are many private sector entities, particularly nonprofit organizations, that have successfully operated outcome-effective homeless programs;

"(11) Federal homeless assistance should supplement other public and private funding provided by communities for housing and supportive services for low-income households;

"(12) the Federal Government has a responsibility to establish partnerships with State and local governments and private sector entities to address comprehensively the problems of homelessness; and

"(13) the results of Federal programs targeted for persons experiencing homelessness have been positive.

"(b) Purpose.—It is the purpose of this Act—

"(1) to create a unified and performance-based process for allocating and administering funds under title IV;

"(2) to encourage comprehensive, collaborative local planning of housing and services programs for persons experiencing homelessness;

"(3) to focus the resources and efforts of the public and private sectors on ending and preventing homelessness;

"(4) to provide funds for programs to assist individuals and families in the transition from homelessness, and to prevent homelessness for those vulnerable to homelessness;

"(5) to consolidate the separate homeless assistance programs carried out under title IV (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

"(6) to allow flexibility and creativity in re-thinking solutions to homelessness, including alternative housing strategies, outcome-effective service delivery, and the involvement of persons experiencing homelessness in decision-making regarding opportunities for their long-term stability, growth, well-being, and optimum self-sufficiency; and

"(7) to ensure that multiple Federal agencies are involved in the provision of housing, health care, human services, employment, and education assistance, as appropriate for the missions of the agencies, to persons experiencing homelessness, through the funding provided for implementation of programs carried out under this Act and other programs targeted for persons experiencing homelessness, and mainstream funding, and to promote coordination among those Federal agencies, including providing funding for a United States Interagency Council on Homelessness to advance such coordination.".

SEC. 3. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by striking the period at the end and inserting the following: "whose mission shall be to develop and coordinate the implementation of a national strategy to prevent and end homelessness while maximizing the effectiveness of the Federal Government in contributing to an end to homelessness in the United States.";

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by striking "(16)" and inserting "(19)"; and

(ii) by inserting after paragraph (15) the following:

"(16) The Commissioner of Social Security, or the designee of the Commissioner.

"(17) The Attorney General of the United States, or the designee of the Attorney General.

"(18) The Director of the Office of Management and Budget, or the designee of the Director.";

(B) in subsection (c), by striking "annually" and inserting "2 times each year"; and

(C) by adding at the end the following:

"(e) Administration.—The Assistant to the President for Domestic Policy within the Executive Office of the President shall oversee the functioning of the United States Interagency Council on Homelessness to ensure Federal interagency collaboration and program coordination to focus on preventing and ending homelessness, to increase access to mainstream programs (as identified in a report by the Government Accountability Office entitled 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000) by persons experiencing homelessness, to eliminate the barriers to participation in those programs, to implement a Federal plan to prevent and end homelessness, and to identify Federal resources that can be expended to prevent and end homelessness.";

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (8), (9), and (10), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

"(1) not later than 1 year after the date of enactment of the Community Partnership to End Homelessness Act of 2007, develop and submit to the President and to Congress a National Strategic Plan to End Homelessness;";

(C) in paragraph (5), as redesignated by subparagraph (A), by striking "at least 2, but in no case more than 5" and inserting "not less than 5, but in no case more than 10"; and

(D) by inserting after paragraph (5), as redesignated by subparagraph (A), the following:

"(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of multi-year plans to end homelessness at State, city, and county levels;

"(7) develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the 2 reports described in section 102(a)(5)(B);"; and

(4) by striking section 208 (42 U.S.C. 11318) and inserting the following:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $3,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009, 2010, 2011, and 2012.".

SEC. 4. HOUSING ASSISTANCE GENERAL PROVISIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle A—General Provisions";

(2) by redesignating section 401 (42 U.S.C. 11361) as section 403;

(3) by redesignating section 402 (42 U.S.C. 11362) as section 406;

(4) by inserting before section 403 (as redesignated in paragraph (2)) the following:

"SEC. 401. DEFINITIONS.

"In this title, the following definitions shall apply:

"(1) Chronically homeless.—

"(A) In general.—The term 'chronically homeless', used with respect to an individual or family, means an individual or family who—

"(i) is homeless and lives or resides in a place not meant for human habitation or in an emergency shelter;

"(ii) has been homeless and living or residing in a place not meant for human habitation or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and "(iii) has an adult head of household with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

"(2) COLLABORATIVE APPLICANT.—The term 'collaborative applicant' means an entity that—

"(A) carries out the duties specified in section 402;

"(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

"(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

"(3) COLLABORATIVE APPLICATION.—The term 'collaborative application' means an application for a grant under subtitle C that—

"(A) satisfies section 422; and

"(B) is submitted to the Secretary by a collaborative applicant.

"(4) CONSOLIDATED PLAN.—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

"(5) ELIGIBLE ENTITY.—The term 'eligible entity' means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to receive directly grant amounts under that subtitle.

"(6) GEOGRAPHIC AREA.—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

"(7) HOMELESS INDIVIDUAL WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103, and has a disability that—

"(i)(I) is expected to be long-continuing or of indefinite duration;

"(II) substantially impedes the individual's ability to live independently;

"(III) could be improved by the provision of more suitable housing conditions; and

"(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse;

"(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

"(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

"(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

"(8) LEGAL ENTITY.—The term 'legal entity' means—

"(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code;

"(B) an instrumentality of State or local government; or

"(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

"(9) METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

"(10) NEW.—The term 'new', used with respect to housing, means housing for which no assistance has been provided under this title.

"(11) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

"(A) the administration, maintenance, repair, and security of such housing;

"(B) utilities, fuel, furnishings, and equipment for such housing; or

"(C) coordination of services as needed to ensure long-term housing stability.

"(12) OUTPATIENT HEALTH SERVICES.—The term 'outpatient health services' means outpatient health care services, mental health services, and outpatient substance abuse treatment services.

"(13) PERMANENT HOUSING.—The term 'permanent housing' means community-based housing without a designated length of stay, and includes permanent supportive housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult.

"(14) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

"(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

"(B) that has a voluntary board;

"(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

"(D) that practices nondiscrimination in the provision of assistance.

"(15) PROJECT.—The term 'project', used with respect to activities carried out under subtitle C, means eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

"(16) PROJECT-BASED.—The term 'project-based', used with respect to rental assistance, means assistance provided pursuant to a contract that—

"(A) is between—

"(i) a project sponsor; and

"(ii) an owner of a structure that exists as of the date the contract is entered into; and

"(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

"(17) PROJECT SPONSOR.—The term 'project sponsor', used with respect to proposed eligible activities, means the organization directly responsible for the proposed eligible activities.

"(18) RECIPIENT.—Except as used in subtitle B, the term 'recipient' means an eligible entity who—

"(A) submits an application for a grant under section 422 that is approved by the Secretary;

"(B) receives the grant directly from the Secretary to support approved projects described in the application; and

"(C)(i) serves as a project sponsor for the projects; or

"(ii) awards the funds to project sponsors to carry out the projects.

"(19) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(20) SERIOUS MENTAL ILLNESS.—The term 'serious mental illness' means a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

"(21) STATE.—Except as used in subtitle B, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"(22) SUPPORTIVE SERVICES.—The term 'supportive services' means the supportive services described in section 425(c).

"(23) TENANT-BASED.—The term 'tenant-based', used with respect to rental assistance, means assistance that allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

"(A) in a particular structure or unit for not more than the first year of the participation; and

"(B) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A).

"(24) TRANSITIONAL HOUSING.—The term 'transitional housing' means housing, the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

"(25) UNIFIED FUNDING AGENCY.—The term 'unified funding agency' means a collaborative applicant that performs the duties described in section 402(f).

"SEC. 402. COLLABORATIVE APPLICANTS.

"(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

"(1) submit an application for amounts under this subtitle; and

"(2) perform the duties specified in subsection (e) and, if applicable, subsection (f).

"(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

"(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

"(e) DUTIES.—A collaborative applicant shall—

"(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

"(A) to determine compliance with—

"(i) the program requirements under section 425; and

"(ii) the selection criteria described under section 427; and

"(B) to establish priorities for funding projects in the geographic area involved;

"(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

"(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system for purposes of—

"(A) collecting unduplicated counts of individuals and families experiencing homelessness;

"(B) analyzing patterns of use of assistance provided under subtitles B and C for the geographic area involved; and

"(C) providing information to project sponsors and applicants for needs analyses and funding priorities.

"(f) Unified Funding.—

"(1) In general.—In addition to the duties described in subsection (e), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

"(A) the collaborative applicant—

"(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

"(ii) is selected to perform such responsibilities by the Secretary; or

"(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

"(i) a finding by the Secretary that the applicant—

"(I) has the capacity to perform such responsibilities; and

"(II) would serve the purposes of this Act as they apply to the geographic area; and

"(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

"(2) Required actions by a unified funding agency.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

"(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

"(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

"(g) Conflict of Interest.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.";

(5) by inserting after section 403 (as redesignated in paragraph (2)) the following:

"SEC. 404. TECHNICAL ASSISTANCE.

"(a) Technical Assistance for Project Sponsors.—The Secretary shall make effective technical assistance available to private nonprofit organizations and other nongovernmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties that are potential project sponsors, in order to implement effective planning processes for preventing and ending homelessness, to optimize self-sufficiency among individuals experiencing homelessness, and to improve their capacity to become project sponsors.

"(b) Technical Assistance for Collaborative Applicants.—The Secretary shall make effective technical assistance available to collaborative applicants—

"(1) to improve their ability to carry out the duties required under subsections (e) and (f) of section 402;

"(2) to design and execute outcome-effective strategies for preventing and ending homelessness in their geographic areas consistent with the provisions of this title; and

"(3) to design and implement a community-wide process for assessing the performance of the applicant and project sponsors in meeting the purposes of this Act.

"(c) Reservation.—The Secretary may reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to make available technical assistance under subsections (a) and (b).

"SEC. 405. APPEALS.

"(a) In General.—Not later than 3 months after the date of enactment of the Community Partnership to End Homelessness Act of 2007, the Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to an application for funding.

"(b) Process.—The Secretary shall ensure that appeals procedure established under subsection (a) permits appeals submitted by—

"(1) collaborative applicants;

"(2) entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs); and

"(3) homeless planning bodies not established as collaborative applicants."; and

(6) by inserting after section 406 (as redesignated in paragraph (2)) the following:

"SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $1,800,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009, 2010, 2011, and 2012.".

SEC. 5. EMERGENCY HOMELESSNESS PREVENTION AND SHELTER GRANTS PROGRAM.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle B—Emergency Homelessness Prevention and Shelter Grants Program";

(2) by striking section 412 (42 U.S.C. 11372) and inserting the following:

"SEC. 412. GRANT ASSISTANCE.

"The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 414.

"SEC. 412A. AMOUNT AND ALLOCATION OF ASSISTANCE.

"(a) In General.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally not less than 10 nor more than 15 percent of such amount for activities described in section 414.

"(b) Allocation.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 414, in consultation with the collaborative applicants.";

(3) in section 413(b) (42 U.S.C. 11373(b)), by striking "amounts appropriated" and all that follows through "for any" and inserting "amounts appropriated under section 407 and made available to carry out this subtitle for any";

(4) by striking section 414 (42 U.S.C. 11374) and inserting the following:

"SEC. 414. ELIGIBLE ACTIVITIES.

"Assistance provided under section 412 may be used for the following activities:

"(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

"(2) The provision of essential services, including services concerned with employment, health, education, family support services for homeless youth, alcohol or drug abuse prevention or treatment, or mental health treatment, if such essential services have not been provided by the local government during any part of the immediately preceding 12-month period, or the use of assistance under this subtitle would complement the provision of those essential services.

"(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings.

"(4) Housing relocation or stabilization services for individuals and families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, short- or medium-term rental assistance, assistance with moving costs, or other activities that are effective at—

"(A) stabilizing individuals and families in their current housing; or

"(B) quickly moving such individuals and families to other housing before such individuals and families become homeless.";

(5) by repealing section 417 (42 U.S.C. 11377); and

(6) by redesignating section 418 as section 417.

SEC. 6. HOMELESS ASSISTANCE PROGRAM.

Subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle C—Homeless Assistance Program";

(2) by striking sections 421 through 424 (42 U.S.C. 11381 et seq.) and inserting the following:

"SEC. 421. PURPOSES.

"The purposes of this subtitle are—

"(1) to promote community-wide commitment to the goal of ending homelessness;

"(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

"(3) to promote access to, and effective utilization of, mainstream programs identified by the Government Accountability Office in the 2 reports described in section 102(a)(5)(B) and programs funded with State or local resources; and

"(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

"SEC. 422. COMMUNITY HOMELESS ASSISTANCE PROGRAM.

"(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

"(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a Notification of Funding Availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for the fiscal year.

"(c) APPLICATIONS.—

"(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing—

"(A) such information as the Secretary determines necessary—

"(i) to determine compliance with the program requirements and selection criteria under this subtitle; and

"(ii) to establish priorities for funding projects in the geographic area.

"(2) ANNOUNCEMENT OF AWARDS.—The Secretary shall announce, within 4 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

"(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

"(1) REQUIREMENTS FOR OBLIGATION.—

"(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient of a grant announced under such subsection shall, with respect to a project to be funded through such grant, meet, or cause the project sponsor to meet, all requirements for the obligation of funds for such project, including site control, matching funds, and environmental review requirements, except as provided in subparagraph (C).

"(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 15 months after the announcement referred to in subsection (c)(2), each recipient of a grant announced under such subsection seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under such subsection shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

"(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient of a grant announced under subsection (c)(2) shall meet or cause a project sponsor to meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, or completing the technical submission requirements for the project.

"(2) OBLIGATION.—Not later than 45 days after a recipient meets or causes a project sponsor to meet the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

"(3) DISTRIBUTION.—A unified funding agency that receives funds through a grant under this section—

"(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

"(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

"(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

"(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

"(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing or rental assistance for permanent housing, the Secretary shall take into account increases in the fair market rents for modest rental property in the geographic area.

"(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

"SEC. 423. ELIGIBLE ACTIVITIES.

"(a) IN GENERAL.—The Secretary may award grants to project sponsors under section 422 to carry out homeless assistance projects that consist of 1 or more of the following eligible activities:

"(1) Construction of new housing units to provide transitional or permanent housing to homeless individuals and families.

"(2) Acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families.

"(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families, or providing supportive services to homeless individuals and families.

"(4) Provision of rental assistance to provide transitional or permanent housing to homeless individuals and families. The rental assistance may include tenant-based or project-based rental assistance.

"(5) Payment of operating costs for housing units assisted under this subtitle.

"(6) Provision of supportive services to homeless individuals and families, or individuals and families who in the prior 6 months have been homeless but are currently residing in permanent housing.

"(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

"(A) are effective at moving homeless individuals and families immediately into housing; or

"(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

"(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(e)(3).

"(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

"(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(e), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

"(11) In the case of a collaborative applicant that is a unified funding agency under section 402(f), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

"(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 5 percent of the total funds made available to that project sponsor through this subtitle for such costs.

"(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

"(c) USE RESTRICTIONS.—

"(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

"(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

"(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the collaborative applicant or unified funding agency involved to carry out instead a project for the direct benefit of low-income persons, and the collaborative applicant or unified funding agency determines that the initial project is no longer needed to provide transitional or permanent housing, the collaborative applicant or unified funding agency may recommend that the Secretary approve the project described in the request and authorize the recipient or project sponsor to carry out that project. If the collaborative applicant or unified funding agency is the recipient or project sponsor, it shall submit such a request directly to the Secretary who shall determine if the conversion of the project is appropriate.

“(d) Repayment of Assistance and Prevention of Undue Benefits.—

“(1) Repayment.—If a recipient (or a project sponsor receiving funds from the recipient) receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

“(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient (or the project sponsor receiving funds from the recipient) to repay 100 percent of the assistance; or

“(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient (or the project sponsor receiving funds from the recipient) to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

“(2) Prevention of undue benefits.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient (or the project sponsor receiving funds from the recipient) who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient (or a project sponsor receiving funds from the recipient) from unduly benefitting from such sale or disposition.

“(3) Exception.—A recipient (or a project sponsor receiving funds from the recipient) shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

“(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

“(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle; or

“(C) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness under section 1004.

“SEC. 424. FLEXIBILITY INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

“(a) Designation as a High-Performing Community.—

“(1) In general.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

“(2) Consideration.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

“(3) 2-year phase in.—In each of the first 2 years after the date of enactment of this section, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

“(4) Excess of qualified applicants.—In the event that during the 2-year period described under paragraph (2) more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

“(5) Time limit on designation.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

“(b) Application to Be a High-Performing Community.—

“(1) In general.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

“(2) Content of application.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

“(A) a report showing how any money received under this subtitle in the preceding year was expended; and

“(B) information that such applicant can meet the requirements described under subsection (d).

“(3) Publication of application.—The Secretary shall—

“(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

“(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

“(c) Use of Funds.—

“(1) By project sponsors in a high-performing community.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

“(A) for any of the eligible activities described in section 423; or

“(B) for any of the eligible activities described in section 1003.

“(2) Community homelessness prevention funds.—

“(A) In general.—Funds used for activities that are eligible under section 1003 but not under section 423 shall be subject to—

“(i) the matching requirements of section 1008 rather than section 430; and

“(ii) the other program requirements of title X rather than of this subtitle.

“(B) Duty of secretary.—The Secretary shall transfer any funds awarded under section 422(a) for activities that are eligible under section 1003 but not under section 423 from the account for this subtitle to the account for title X.

“(d) Definition of High-Performing Community.—For purposes of this section, the term ‘high-performing community’ means a geographic area that demonstrates through reliable data that all of the following 4 requirements are met for that geographic area:

“(1) The mean length of episodes of homelessness for that geographic area—

“(A) is less than 20 days; or

“(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

“(2) Of individuals and families—

“(A) who leave homelessness, less than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

“(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least ⅕ within the preceding year.

“(3) The communities that compose the geographic area have—

“(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

“(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

“(4) If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 1003 in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

“(e) Cooperation Among Entities.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.” ;

(3) in section 426 (42 U.S.C. 11386)—

(A) by striking subsection (a) and inserting the following:

“(a) Site Control.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient (or project sponsor receiving funds from the recipient) fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.”;

(B) by striking subsection (b) and inserting the following:

“(b) Required Agreements.—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

“(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

“(2) to monitor and report to the Secretary the progress of the project;

“(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

"(4) to require certification from all project sponsors that—

"(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

"(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

"(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

"(D) they will provide data and reports as required by the Secretary pursuant to the Act; and

"(E) if the project includes the provision of permanent housing to people with disabilities, the housing will be provided for not more than—

"(i) 8 such persons in a single structure or contiguous structures;

"(ii) 16 such persons, but only if not more than 20 percent of the units in a structure are designated for such persons; or

"(iii) more than 16 such persons if the applicant demonstrates that local market conditions dictate the development of a large project and such development will achieve the neighborhood integration objectives of the program within the context of the affected community;

"(5) if a collaborative applicant is a unified funding agency under section 402(f) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(7), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

"(6) to monitor and report to the Secretary the provision of matching funds as required by section 430; and

"(7) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.";

(C) by redesignating subsection (d) as subsection (c);

(D) in subsection (c) (as redesignated in subparagraph (C)), in the first sentence, by striking "recipient" and inserting "recipient or project sponsor";

(E) by striking subsection (e);

(F) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(G) in subsection (e) (as redesignated in subparagraph (F)), in the first sentence, by striking "recipient" each place it appears and inserting "recipient or project sponsor";

(H) by striking subsection (i); and

(I) by redesignating subsection (j) as subsection (g);

(4) by repealing section 429 (42 U.S.C. 11389);

(5) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 431 and 432, respectively; and

(6) by inserting after section 426 the following:

"SEC. 427. SELECTION CRITERIA.

"(a) IN GENERAL.—The Secretary shall award funds to recipients by a national competition between geographic areas based on criteria established by the Secretary.

"(b) REQUIRED CRITERIA.—

"(1) IN GENERAL.—The criteria established under subsection (a) shall include—

"(A) the previous performance of the recipient regarding homelessness, measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

"(i) the length of time individuals and families remain homeless;

"(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

"(iii) the thoroughness of grantees in the geographic area in reaching all homeless individuals and families;

"(iv) overall reduction in the number of homeless individuals and families;

"(v) jobs and income growth for homeless individuals and families;

"(vi) success at reducing the number of individuals and families who become homeless; and

"(vii) other accomplishments by the recipient related to reducing homelessness;

"(B) the plan of the recipient, which shall describe—

"(i) how the number of individuals and families who become homeless will be reduced in the community;

"(ii) how the length of time that individuals and families remain homeless will be reduced; and

"(iii) the extent to which the recipient will—

"(I) address the needs of all relevant subpopulations, including—

"(aa) individuals with serious mental illness, addiction disorders, HIV/AIDS and other prevalent disabilities;

"(bb) families with children;

"(cc) unaccompanied youth;

"(dd) veterans; and

"(ee) other subpopulations with a risk of becoming homeless;

"(II) incorporate all necessary strategies for reducing homelessness, including the interventions referred to in section 428(d);

"(III) set quantifiable performance measures;

"(IV) set timelines for completion of specific tasks;

"(V) identify specific funding sources for planned activities;

"(VI) identify an individual or body responsible for overseeing implementation of specific strategies;

"(VII) include a review of local policies and practices relating to discharge planning from institutions, access to benefits and services from mainstream government programs, and zoning and land use, to determine whether such local policies and practices aggravate or ameliorate homelessness in the geographic area;

"(VIII) include interventions that will help reunify families that have been split up as a result of homelessness; and

"(IX) incorporate the findings and recommendations of the most recently completed annual assessments, conducted pursuant to section 2034 of title 38, United States Code, of the Department of Veterans Affairs medical centers or regional benefits offices whose service areas include the geographic area of the recipient;

"(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

"(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

"(ii) includes evaluations obtained directly from the individuals and families served by the project;

"(iii) evaluates whether the population served by the project matches the priority population for that project;

"(iv) is based on objective criteria that have been publicly announced by the recipient;

"(v) is open to proposals from entities that have not previously received funds under this subtitle; and

"(vi) avoids conflicts of interest in the decision-making of the recipient;

"(D) the extent to which the recipient has a comprehensive understanding of the extent and nature of homelessness in the geographic area and efforts needed to combat the problem of homelessness in the geographic area;

"(E) the need for the types of projects proposed in the geographic area to be served and the extent to which the prioritized programs of the recipient meet such unmet needs;

"(F) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the 2 reports described in section 102(a)(5)(B);

"(G) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects, to the extent practicable;

"(H) the degree to which homeless individuals and families in the geographic area, including members of all relevant subpopulations listed in subparagraph (B)(III)(I), are able to access—

"(i) public benefits and services for which they are eligible, besides the services funded under this subtitle, including public schools; and

"(ii) the benefits and services provided by the Department of Veterans Affairs;

"(I) the extent to which the opinions and views of the full range of people in the geographic area are considered, including—

"(i) homeless individuals and families, individuals and families at risk of homelessness, and individuals and families who have experienced homelessness;

"(ii) individuals associated with community-based organizations that serve homeless individuals and families and individuals and families at risk of homelessness;

"(iii) persons who act as advocates for the diverse subpopulations of individuals and families experiencing or at risk of homelessness;

"(iv) relatives of individuals and families experiencing or at risk of homelessness;

"(v) Federal, State, and local government agency officials, particularly those officials responsible for administering funding under programs targeted for individuals and families experiencing homelessness, and other programs for which individuals and families experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the 2 reports described in section 102(a)(5)(B);

"(vi) local educational agency liaisons designated under section 722(g)(1)(J)(ii), or their designees;

"(vii) members of the business community;

"(viii) members of neighborhood advocacy organizations; and

"(ix) members of philanthropic organizations that contribute to preventing and ending homelessness in the geographic area of the collaborative applicant; and

"(J) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

"(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under subsection (a) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

"(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the Notice of Funding Availability for grants under section 422(b), of the pro rata estimated need amount under this subtitle for the geographic area represented by the collaborative applicant.

"(B) AMOUNT.—

"(i) BASIS.—The estimated need amount under subparagraph (A) shall be based on a percentage of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year that is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) for the prior fiscal year that—

"(I) was allocated to all metropolitan cities and urban counties within the geographic area represented by the collaborative applicant; or

"(II) would have been distributed to all counties within such geographic area that are not urban counties, if the 30 percent portion of the allocation to the State involved (as described in subsection (d)(1) of that section 106) for that year had been distributed among the counties that are not urban counties in the State in accordance with the formula specified in that subsection (with references in that subsection to nonentitlement areas considered to be references to those counties).

"(ii) RULE.—In computing the estimated need amount under subparagraph (A), the Secretary shall adjust the estimated need amount determined pursuant to clause (i) to ensure that—

"(I) 75 percent of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year are allocated to the metropolitan cities and urban counties that received a direct allocation of funds under section 413 for the prior fiscal year; and

"(II) 25 percent of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year are allocated—

"(aa) to the metropolitan cities and urban counties that did not receive a direct allocation of funds under section 413 for the prior fiscal year; and

"(bb) to counties that are not urban counties.

"(iii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

"(iv) AUTHORITY OF SECRETARY.—The Secretary may increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

"SEC. 428. ALLOCATION AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

"(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

"(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult.

"(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

"(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

"(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which available funding for grants under this subtitle would not be sufficient to renew for 1 year existing grants that would otherwise be funded under this subtitle.

"(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

"(b) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

"(c) FUNDING FOR ACQUISITION, CONSTRUCTION, AND REHABILITATION OF PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this subtitle shall be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

"(d) INCENTIVES FOR PROVEN STRATEGIES.—

"(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation.

"(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

"(A) permanent supportive housing for chronically homeless individuals and families;

"(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

"(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally or reducing homelessness for a specific subpopulation.

"(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—

"(1) IN GENERAL.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or section 1003 for homeless people generally or for the relevant subpopulation.

"(2) USE OF FUNDS.—Bonus or incentive funds awarded under this subsection that are used for activities that are eligible under section 1003 but not under section 423 shall be subject to—

"(A) the matching requirements of section 1008 rather than section 430; and

"(B) the other program requirements of title X rather than of this subtitle.

"(3) DUTY OF SECRETARY.—The Secretary shall transfer any bonus or incentive funds awarded under this subsection for activities that are eligible under section 1003 but not under section 423 from the account for this subtitle to the account for title X.

"SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

"(a) IN GENERAL.—Of the total amount available in the account or accounts designated for appropriations for use in connection with section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), the Secretary shall use such sums as may be necessary for the purpose of renewing expiring contracts for leasing, rental assistance, or operating costs for permanent housing.

"(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts for a 1-year term for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the date of enactment of the Community Partnership to End Homelessness Act of 2007). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

"(1) there is a demonstrated need for the project; and

"(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

"(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

"SEC. 430. MATCHING FUNDING.

"(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area.

"(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

"(c) COUNTABLE ACTIVITIES.— The contributions required under subsection (a) may consist of—

"(1) funding for any eligible activity described under section 423; and

"(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.".

SEC. 7. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle D of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.), as redesignated by section 9, is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle D—Rural Housing Stability Assistance Program"; and

(2) in section 491—

(A) by striking the section heading and inserting "**RURAL HOUSING STABILITY GRANT PROGRAM**.";

(B) in subsection (a)—

(i) by striking "rural homelessness grant program" and inserting "rural housing stability grant program";

(ii) by inserting "in lieu of grants under subtitle C and title X" after "eligible organizations"; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

"(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

"(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

"(3) improving the ability of the lowest-income residents of the community to afford stable housing.";

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

"(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families;

"(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families;

"(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families, or providing supportive services to homeless individuals and families;

"(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families, such rental assistance may include tenant-based or project-based rental assistance;

"(H) payment of operating costs for housing units assisted under this title;";

(D) in subsection (b)(2), by striking "appropriated" and inserting "transferred";

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking "appropriated" and inserting "transferred"; and

(ii) in paragraph (3), by striking "appropriated" and inserting "transferred";

(F) in subsection (d)—

(i) in paragraph (5), by striking "; and" and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking "an agreement" and all that follows through "families" and inserting the following: "a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization"; and

(II) by striking the period at the end, and inserting a semicolon; and

(iii) by adding at the end the following:

"(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

"(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.";

(G) by striking subsections (f) and (g) and inserting the following:

"(f) MATCHING FUNDING.—

"(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions that shall be made available in an amount equal to not less than 25 percent of the funds provided for the project or activity.

"(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

"(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

"(A) funding for any eligible activity described under subsection (b); and

"(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

"(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

"(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

"(2) the degree to which the project addresses the most harmful housing situations present in the community;

"(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

"(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

"(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

"(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

"(7) any other relevant criteria as determined by the Secretary.";

(H) in subsection (h)—

(i) in paragraph (1)(A), by striking "providing housing and other assistance to homeless persons" and inserting "meeting the goals described in subsection (a)";

(ii) in paragraph (1)(B), by inserting "in the worst housing situations" after "homelessness"; and

(iii) in paragraph (2), by inserting "in the worst housing situations" after "homelessness";

(I) in subsection (k)(1), by striking "rural homelessness grant program" and inserting "rural housing stability grant program";

(J) in subsection (l)—

(i) by striking the subsection heading and inserting "PROGRAM FUNDING.—"; and

(ii) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under both section 427(b)(2) and section 1003(h) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and the grant program under section 1002 and consolidate such transferred amounts for grants under this section."; and

(K) by adding at the end the following:

"(m) DIVISION OF FUNDS.—

"(1) AGREEMENT AMONG GEOGRAPHIC AREAS.—If the Secretary receives an application or applications to provide services in a geographic area under this subtitle, and also under subtitle C and title X, the Secretary shall consult with all applicants from the geographic area to determine whether all agree to proceed under either this subtitle or under subtitle C and title X.

"(2) DEFAULT IF NO AGREEMENT.—If no agreement is reached under paragraph (1), the Secretary shall proceed under this subtitle, or under subtitle C and title X, depending on which results in the largest total grant funding to the geographic area.".

SEC. 8. FUNDS TO PREVENT HOMELESSNESS AND STABILIZE HOUSING FOR PRECARIOUSLY HOUSED INDIVIDUALS AND FAMILIES.

The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended by inserting after title IX the following:

"TITLE X—PREVENTING HOMELESSNESS AND STABILIZING HOUSING FOR PRECARIOUSLY HOUSED INDIVIDUALS AND FAMILIES

"SEC. 1001. PURPOSES.

"The purposes of this title are—

"(1) to assist local communities to stabilize the housing of individuals and families who are most at risk of homelessness; and

"(2) to improve the ability of publicly funded institutions to avoid homelessness among individuals and families leaving the institutions.

"SEC. 1002. COMMUNITY HOMELESSNESS PREVENTION AND HOUSING STABILITY.

"(a) PROJECTS.—The Secretary shall award grants to recipients, on a competitive basis using the selection criteria described in section 1006, to carry out eligible activities under this title, for projects that meet the program requirements established under section 1005.

"(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a Notification of Funding Availability for grants awarded under this title for a fiscal year not later than 3 months after the date of enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for the fiscal year.

"(c) COLLABORATIVE APPLICANT.—

"(1) IN GENERAL.—A collaborative applicant, as such term is defined in section 401, shall for purposes of this title have the same responsibilities as set forth under section 402.

“(2) DUAL ROLE ENCOURAGED.—The Secretary shall encourage the same entity which serves as a collaborative applicant for purposes of subtitle C of title IV to serve as a collaborative applicant for purposes of this title.

“(d) APPLICATIONS.—

“(1) SUBMISSION TO THE SECRETARY.—A collaborative applicant shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary to determine if the applicant is in compliance with—

“(A) program requirements established under section 1005;

“(B) the selection criteria described in section 1006; and

“(C) the priorities for funding projects in the geographic area under this title.

“(2) COORDINATION WITH COMMUNITY HOMELESS ASSISTANCE PROGRAM.—The Secretary shall, to the maximum extent feasible, coordinate the application process under this section with the application processes for programs under subtitles B and C of title IV.

“(3) ANNOUNCEMENT OF AWARDS.—The Secretary shall announce, within 4 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this title that the Secretary determines is effective at preventing homelessness, and was included as part of a total application that met the criteria of subsection (d)(1), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

“(f) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 1006.

“SEC. 1003. ELIGIBLE ACTIVITIES.

“The Secretary may award grants to qualified recipients under section 1002 to carry out homeless prevention projects that consist of 1 or more of the following eligible activities:

“(1) Leasing of property, or portions of property, not owned by the recipient involved, for use in providing short-term or medium-term housing to people at risk of homelessness, or providing supportive services to people at risk of homelessness.

“(2) Provision of rental assistance to provide short-term or medium-term housing to people at risk of homelessness. The rental assistance may include tenant-based or project-based rental assistance.

“(3) Payment of operating costs for housing units assisted under this title.

“(4) Supportive services for people at risk of homelessness.

“(5) Housing relocation or stabilization services, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at stabilizing individuals and families in their current housing or quickly moving them to other housing.

“(6) In the case of a collaborative applicant that is a legal entity payment of administrative costs related to meeting the requirements of section 1002(c), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle.

“(7) In the case of a collaborative applicant that is a unified funding agency, as such term is defined under section 402, payment of administrative costs related to meeting the requirements of serving as such an agency, for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this title.

“SEC. 1004. ELIGIBLE CLIENTS FOR FUNDED PROJECTS.

“(a) RULE OF CONSTRUCTION.—For purposes of this title, ‘individuals and families at risk of homelessness’ means individuals and families who meet all of the following criteria:

“(1) Have incomes below 20 percent of the median for the geographic area, adjusted for household size.

“(2) Have moved frequently due to economic reasons, are living in the home of another due to economic hardship, have been notified that their right to occupy their current housing or living situation will be terminated, live in severely overcrowded housing, or otherwise live in housing that has characteristics associated with instability and increased risk of homelessness as determined by the Secretary.

“(3) Have insufficient resources immediately available to attain housing stability.

“(b) WAIVER AUTHORITY.—The Secretary my waive any of the criteria described in subsection (a) in a geographic area upon a finding that all individuals and families who meet such criteria in the geographic area will be served under this title, and that individuals and families in the geographic area who do not meet the criteria described in subsection (a) remain at risk of homelessness.

“SEC. 1005. PROGRAM REQUIREMENTS.

“The program requirements set forth under section 426 shall apply to projects funded under this title.

“SEC. 1006. SELECTION CRITERIA.

“(a) IN GENERAL.—The Secretary shall award funds to recipients by a national competition based on criteria established by the Secretary.

“(b) REQUIRED CRITERIA.—The criteria established under subsection (a) shall include—

“(1) the previous performance of the recipient regarding stabilizing housing and preventing homelessness, measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individuals and families at risk of homelessness;

“(2) the plan of the recipient, which shall describe—

“(A) how the number of individuals and families who become homeless will be reduced in the community; and

“(B) how the length of time that individuals and families remain homeless will be reduced;

“(3) all of the criteria established under section 427(b)(1)(B)(iii);

“(4) the methodology used by the recipient to determine the priority for funding local projects under section 1002(d)(1), including use of the same methodology used in section 427(b)(1)(C);

“(5) the degree to which services are to be provided by the recipient to those individuals and families most at risk of homelessness; and

“(6) all of the criteria established under—

“(A) subparagraphs (D) through (J) of subsection (b)(1) of section 427; and

“(B) subsection (b)(2) of section 427.

“SEC. 1007. ELIGIBLE GRANT RECIPIENTS.

“The Secretary may make grants under this title to States, local governments, or nonprofit corporations.

“SEC. 1008. MATCHING REQUIREMENT.

“(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this title shall specify contributions that shall be made available in that geographic area, in an amount equal to not less than 25 percent of the Federal funds provided under the grant, except that when services are provided to individuals and families who are or were within the past 2 years residents of institutions or systems of care funded, in whole or in part, by State or local government, including prison, jail, child welfare, and hospitals (including mental hospitals), for periods exceeding 2 years, then the collaborative applicant shall specify contributions that shall be made available in an amount equal to not less than 60 percent of the Federal funds provided under the grant.

“(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a recipient of a grant under this title by an entity other than the recipient may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the recipient and the other entity that such services will be provided.

“(c) COUNTABLE ACTIVITIES.— The contributions required under subsection (a) may consist of—

“(1) funding for any eligible activity described under section 423 or section 1003; and

“(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423 or section 1003.

“SEC. 1009. REGULATIONS.

“The Secretary shall promulgate regulations to carry out this title.

“SEC. 1010. REPORT TO CONGRESS.

“Not later than 1 year after the date of enactment of the Community Partnership to End Homelessness Act of 2007, the Secretary shall report to Congress on the accomplishments of the program in this title.

“SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title $250,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009, 2010, 2011, and 2012.”.

SEC. 9. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are repealed.

(b) CONFORMING AMENDMENT.—Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended by redesignating subtitle G as subtitle D.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of enactment of this Act.

By Mr. CARDIN (for himself and Mr. SPECTER):

S. 1519. A bill to amend title XVIII of the Social Security Act to provide for a transition to a new voluntary quality reporting program for physicians and other health professionals; to the Committee on Finance.

Mr. CARDIN. Mr. President, today I rise to introduce the Voluntary Medicare Quality Reporting Act of 2007. I thank my good friend, the gentleman from Pennsylvania, Mr. SPECTER, for joining me in this effort. This is an important bill for tens of millions of Medicare beneficiaries, for the physicians, nurse practitioners and allied health professionals who treat them, and for the future of the Medicare program.

At the end of this year, providers will again face the prospect of an across-the-board cut in their Medicare reimbursements. The scheduled cut for 2008 is the largest ever, 9.9 percent. These cuts are the result of a flawed reimbursement system created in 1997 that uses the Sustainable Growth Rate formula, or SGR, to determine an acceptable increase in the growth of provider expenditures.

Medicare reimbursements increase when the previous year's payments do not exceed a target level that is based on the growth of our economy. However, when the previous year's payments exceed that target level, reimbursements are cut. According to MedPAC, the SGR formula would reduce Medicare provider reimbursements by 40 percent over the next eight years if Congress does not act. MedPAC is also concerned that over the next several years these reductions "would threaten beneficiary access to physician services over time, particularly those provided by primary care physicians." MedPAC recognizes the importance of provider participation in the Medicare program, particularly in our rural and underserved urban areas where the decision to not accept new Medicare patients can make all the difference in seniors' access to medical care.

Congress recognizes this as well, and so we have intervened to prevent scheduled cuts resulting from SGR from taking effect. For all except the newest members of this body, this process of enacting a "physician fix" is a familiar scenario. For the past four years, Congress has acted to prevent these cuts to providers, usually through a last-minute provision added to a must-pass bill.

In the 109th Congress, I introduced bipartisan legislation implementing MedPAC's recommendations and calling for Congress to repeal the SGR formula and update provider reimbursements by the cost of care. Replacing SGR will require a thoughtful and protracted process involving the input of lawmakers and the provider community, and it is costly, but it is something that we must do.

The most recent "fix" was made to the 2006 Tax Relief and Health Care Act, Public Law 109-432. That law froze payment rates, staving off an across-the-board cut of 5.1 percent. Congress also added a quality reporting system called the Physician Quality Reporting Initiative program PQRI, which made providers eligible for a bonus payment of 1.5 percent of their total allowed Medicare charges if they report to HHS on certain quality measures starting in July 2007.

This new system is also known as "pay-for-reporting," and it is based on the concept that physicians should receive an increase in Medicare reimbursement only once they have participated in extensive quality reporting. Across my State, I have heard serious concerns that this will lead to a mandatory reporting system in the near future, and that we will soon see an untested "pay-for-performance" system in place.

Now, I think all my colleagues would agree that our seniors deserve the highest quality care. But in our quest for improved quality, we must answer two questions here: should we proceed with an untested system of reporting requirements just for the sake of reporting, and will we actually achieve better care for our seniors via the PQRI.

I am very concerned about implementing reporting requirements that have not been tested. I believe that we must have the right process in place for defining a quality reporting system for services provided to Medicare beneficiaries by health care professionals. We should not be establishing reporting requirements for health professionals just for the sake of reporting, and we should not be moving forward with this system until we have adequate time to evaluate each stage of its development.

Current law does not provide sufficient time to assess the appropriateness and effectiveness of this new system. Nor do they take into account the fact that most physicians and other health professionals have no experience in quality reporting and do not have in place the necessary health information technology and administrative infrastructures to participate in a reporting system.

The bill I am introducing today will assure that health professionals will be at the center of the process for defining areas where quality measures are needed, as well as for defining the relevant measures themselves. Why is this important? Health professionals must be actively engaged in developing and implementing an effective reporting system because they are on the front lines of health care delivery, and they best understand the nexus between care delivery and quality measurement. The development process for quality measures must be transparent and consistent for all health professionals because they are the ones who will determine its successful implementation.

Additionally, quality measures should be tested across a variety of specialties and practice settings before they are included in a reporting system because measures must be clinically valid to be relevant for defining quality, and because physicians and health professionals practice in a variety of settings, for example: small vs. large practices, urban vs. suburban vs. rural locations, office-based vs. hospital-base practices.

Most importantly, we should not be using hastily devised quality measures to justify reimbursement cuts. There are some who advocate pay-for-performance as a way to slow the growth of physician spending. They think we can accomplish lower physician expenditures by setting arbitrary standards and then cutting payments to physicians who fail to meet them. But across America, there are practices that would face tremendous obstacles in meeting such standards: they lack of the information technology necessary to document and report standards in a timely manner; they see patients with economic and language barriers that will result in higher noncompliance rates; they treat a patient population for whom ethnic and racial differences require different clinical interventions than for other patients. Ignoring these considerations will not only fail to dramatically improve quality, it will significantly penalize providers who treat traditionally underserved populations.

This bill provides an opportunity to thoughtfully and carefully develop effective quality measures that reflect differences in practice patterns, to share our findings, and to determine and encourage the most cost-effective methods of providing the highest quality care.

Rather than moving forward precipitously in 2008 with a permanent Medicare quality reporting system after a transitional 6-month period this year, as current law requires, our bill, the Voluntary Medicare Quality Reporting Act of 2007, instead would establish a more realistic timeline for quality measure reporting by health professionals. It does so by:

Requiring the Secretary first to evaluate the 6-month transitional reporting system and reporting findings to the Congress by June 1, 2008;

Requiring the Secretary to undertake demonstrations for defining appropriate mechanisms whereby health professionals may provide data on quality measures to the Secretary through an appropriate medical registry;

Allowing physicians and other eligible professionals to continue reporting to the Secretary quality measures developed for 2007, in order for the Secretary to refine systems for reporting quality measures;

After completion of the evaluation, phasing in a permanent Voluntary Medicare Quality Reporting Program, with implementation beginning January 1, 2010, based on a consistent set of rules that define an orderly and transparent process of quality measure development;

Requiring that the Physician Consortium for Performance Improvement of the American Medical Association be the beginning point for the designation of clinical areas where quality measures are needed;

Having the Consortium, in collaboration with physician specialty organizations and other eligible professional organizations, develop and propose quality measures to a consensus organization such as the National Quality Forum for endorsement; and

Prohibiting the Secretary from using any measures that have not been recommended by the Consortium and endorsed by the consensus organization.

I am confident that with all of these measures we will achieve a successful and effective quality reporting system that will truly make a difference in the quality of care that our Medicare beneficiaries receive. At the end of this year, as Congress moves forward to address the physician reimbursement issue, I urge my colleagues to support this rational approach to promoting quality and guaranteeing access to care.

By Mr. FEINGOLD (for himself and Mr. SPECTER):

S. 1521. A bill to provide information, resources, recommendations, and funding to help State and local law enforcement enact crime prevention and intervention strategies supported by rigorous evidence; to the Committee on the Judiciary.

Mr. FEINGOLD: Mr. President, today I will introduce the PRECAUTION Act the Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act. It is a long name, but it stands for an important principle that it is better to invest in precautionary measures now than it is to pay the costs of crime both in dollars and lives later on. I am very pleased that the Senator from Pennsylvania, Mr. SPECTER, will join me as a cosponsor of this legislation.

As the Memorial Day weekend approaches, there is a particular urgency for this bill. Last year, Milwaukee suffered a devastating surge of violence over that holiday weekend. Just to take one example, a gunman opened fire on a crowd of picnickers that included, according to news reports, almost 50 children. By the end of the weekend, nearly 30 people were wounded in shootings around the city, many of them fatal. Instead of spending their Memorial Day weekend remembering those who gave their lives in defense of this country, Milwaukee residents found themselves mourning the victims of a war-zone rising up in their own neighborhoods.

Violence has continued to dominate the news in Milwaukee ever since. Brandon Sprewer, a Special Olympian, was waiting at a bus stop when he was shot and killed for his wallet. Wisconsin Department of Justice officer Jay Balchunas was shot and killed for no apparent reason, the victim of a random robbery that turned violent. Shaina Mersman was shot and killed at noon in the middle of a busy shopping area. She was 8 months pregnant, and she died in the middle of the street. And just this very month, 4-year-old Jasmine Owens was shot and killed by a drive-by shooter. She had been skipping rope in her front yard. These are but a few of the senseless deaths in a list of names that is far too long.

According to a report released by the Police Executive Research Forum, Milwaukee's homicide rates have increased by 17 percent, robbery rates by 39 percent, and aggravated assault by 85 percent in the past 2 years. While Milwaukee has been one of those cities hardest hit, cities across America are struggling with rising crime rates. In fact, the 2005 FBI Uniform Crime Report showed a startling increase in violent crime, reporting the largest single year percent increase in violent crime in 14 years. The FBI has also reported that crime increased another 3.7 percent in the first half of 2006 when compared with the same time frame in 2005.

These statistics are shocking, and they show that this is not a localized problem. Yet David Kennedy, director of the Center for Crime Prevention and Control at the John Jay College of Criminal Justice, reported in an August 2006 Washington Post article that, "State and local officials feel abandoned by the Federal Government. The Federal Government must return to its role as a real partner in conquering crime by providing funding and crafting effective approaches to key problems." Something must be done at the Federal level to stem the tide of violence threatening our Nation. Put very simply, we, as representatives of our constituents, have an obligation to act.

At the same time, we have an obligation to act responsibly. The Federal government must work in concert with state and local law enforcement, with the non profit criminal justice community, and with other branches of State and Federal government. While we have an obligation to provide leadership and support, we do not have the right to unilaterally take control from the state and local officials on the ground. We must also act wisely, investing our resources in crime-fighting measures that we are confident will work and whose effectiveness has been demonstrated. Sometimes, small and careful advances are the ones that yield the most benefit.

The PRECAUTION Act is based on the premise that the cornerstones of Federal participation in crime fighting are threefold. First, the Federal Government should develop and disseminate knowledge to State and local officials regarding the newest and most effective law enforcement techniques and strategies. Second, the Federal Government should provide financial support for innovations that our State and local partners cannot afford to fund on their own. With that funding, we also should provide the guidance, training, and technical assistance to implement those innovations. Third, the Federal Government needs to create and maintain effective partnerships among agencies at all levels of government, partnerships that are crafted to address specific law enforcement challenges. And in its implementation, the PRECAUTION Act fulfills all three of these principles.

The PRECAUTION Act creates a national commission to wade through the sea of information on crime prevention and intervention strategies currently available and identify those programs that are most ready for replication around the country. Over taxed law enforcement officials need a simple, accessible resource to turn to that recommends a few, top-tier crime prevention and intervention programs. They need a resource that will single out those existing programs that are truly "evidence-based," programs that are proven by scientifically reliable evidence to be effective. And the commission created by the PRECAUTION Act will provide just such a report, one written in plain language and focused on pragmatic implementation issues, approximately a year and a half after the bill is enacted.

In the course of holding hearings and writing this first report, the commission will also identify some types of prevention and intervention strategies that are promising but need further research and development before they are ready for further implementation.

The National Institute of Justice then will administer a grant program that will fund pilot projects in these identified areas. The commission will follow closely the progress of these pilot projects, and at the end of the three years of the grant program, the commission will publish a second report, providing a detailed discussion of each pilot project and its effectiveness. This second report will include detailed implementation information will discuss frankly both the successes and failures that arose over the course of the 3 years of the grant program.

The PRECAUTION Act answers a call put out by police chiefs and mayors from more than 50 cities around the country during a national conference hosted by the Police Executive Research Forum. According to a report on the event from the Forum, these law enforcement leaders agreed that while there is a desperate need to focus on violent crime in the law enforcement community, "other municipal agencies and social services organizations, including schools, mental health, public health, courts, corrections, and conflict management groups need to be brought together to partner toward the common goal of reducing violent crime." In the hearings held by the commission, these voices will all be heard. In the reports filed by the commission, these perspectives will be acknowledged. And in the pilot projects administered by the National Institute of Justice, these partnerships will be developed and fostered.

The PRECAUTION Act, though modest in scope, is an important supplement to the essential financial support the Federal Government provides to our state and local law enforcement partners through programs such as the Byrne Justice Assistance grants and the COPS grants. When State and local law enforcement receive Federal support for policing, they have difficult decisions to make on how to spend those Federal dollars. We all know that prevention and intervention are integral components of any comprehensive law enforcement plan. The PRECAUTION Act not only highlights the importance of these components, but will also help to single out some of the best, most effective forms of prevention and intervention programs available. At the same time, it will help to develop additional, cutting-edge strategies that are supported by solid scientific evidence of their effectiveness. I am pleased that the bill has been endorsed by the National Sheriffs' Association, the Council for Excellence in Government, the American Society of Criminology, and the Consortium of Social Science Associations.

It is my sincere hope that Milwaukee is able to enjoy a peaceful Memorial Day weekend this year, but I will not rest on hopes alone. As Ted Kamatchus, President of the National Sheriffs' Association, testified in a hearing before the Senate Judiciary Committee, Subcommittee on Crime and Drugs, this week, "we need a coordinated national attack on crime, recognizing that there is no single 'silver bullet' solution. Political rhetoric must not prevail over action." I urge my colleagues to listen to this advice and to join Senator SPECTER and me in working to get this important piece of legislation passed.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 1521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2007" or the "PRECAUTION Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.
Sec. 4. National Commission on Public Safety Through Crime Prevention.
Sec. 5. Innovative crime prevention and intervention strategy grants.
Sec. 6. Elimination of the Red Planet Capital Venture Capital Program.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term "Commission" means the National Commission on Public Safety Through Crime Prevention established under section 4(a).

(2) RIGOROUS EVIDENCE.—The term "rigorous evidence" means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term "subcategory" means 1 of the following categories:

(A) Family and community settings (including public health-based strategies).

(B) Law enforcement settings (including probation-based strategies).

(C) School settings (including antigang and general antiviolence strategies).

(4) TOP-TIER.—The term "top-tier" means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SEC. 4. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME PREVENTION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) REQUIRED REPRESENTATIVES.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or interpreting rigorous, outcome-based trials; and

(ii) 2 members of the Commission shall be law enforcement practitioners.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(7) EX OFFICIO MEMBERS.—The Director of the National Institute of Justice, the Director of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) OPERATION.—

(1) CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of ⅔ of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of ⅔ of the members of the Commission.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories.

(3) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(e) COMPREHENSIVE STUDY OF EVIDENCE-BASED CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of research on the general effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of—

(i) promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development;

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

(i) the President;

(ii) Congress;

(iii) the Attorney General;

(iv) the chief federal public defender of each district;

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State;

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

(II) a brief outline of the keys to successful implementation for each strategy; and

(III) a list of references and other information on where further information on each strategy can be found;

(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(v) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement and social science professions, including the National Sheriffs' Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the Consortium of Social Science Associations, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING DISSEMINATION OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice with recommendations on qualifying considerations relating to that subcategory for selecting grant recipients under section 5.

(B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) MATTERS INCLUDED.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;

(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

(D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a preexisting base of knowledge that would benefit less from additional research and development.

(g) FINAL REPORT ON THE RESULTS OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) IN GENERAL.—Following the close of the 3-year implementation period for each grant recipient under section 5, the Commission shall collect the results of the study of the effectiveness of that grant under section 5(b)(3) and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 5 and its results. This report shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) COLLECTION OF INFORMATION AND EVIDENCE REGARDING GRANT RECIPIENTS.—The Commission's collection of information and evidence regarding each grant recipient under section 5 shall be carried out by—

(A) ongoing communications with the grant administrator at the National Institute of Justice;

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the grant recipient is carrying out the strategy with a grant under section 5, at least once in the second and once in the third year of that grant;

(C) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a review of each strategy carried out with a grant under section 5, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) any partnerships with public or private entities through the course of the grant period;

(D) the type and design of the effectiveness study conducted under section 5(b)(3) for that strategy;

(E) the results of the effectiveness study conducted under section 5(b)(3) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 5(b)(3), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for further research and development of the strategy.

(h) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United

States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this Act. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.

(k) TERMINATION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

(l) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 5. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) GRANTS AUTHORIZED.—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 3 years.

(2) AMOUNT.—The amount of each grant under this section—

(A) shall be sufficient to ensure that rigorous evaluations may be performed; and

(B) shall not exceed $2,000,000.

(3) EVALUATION SET-ASIDE.—

(A) IN GENERAL.—A grantee shall use not less than $300,000 and not more than $700,000 of the funds from a grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(B) METHODOLOGY OF STUDY.—

(i) IN GENERAL.—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(ii) CRITERIA.—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—

(I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(II) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(iii) APPROVAL.—Before a grant is awarded under this section, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(4) DATE OF AWARD.—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section 4(f), the Director of the National Institute of Justice shall award all grants under this section relating to that subcategory.

(5) TYPE OF GRANTS.—One-third of the grants made under this section shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 4(f) shall be considered.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $18,000,000 to carry out this subsection.

(c) DEDICATED STAFF.—

(1) IN GENERAL.—The Director of the National Institute of Justice shall hire or assign a full-time employee to oversee the grants under this section.

(2) STUDY OVERSIGHT.—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that grantees adhere to the study design approved before the applicable grant was awarded.

(3) LIAISON.—The employee of the National Institute of Justice hired or assigned under paragraph (1) may be used as a liaison between the Commission and the recipients of a grant under this section. That employee shall be responsible for ensuring timely cooperation with Commission requests.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000 for each of fiscal years 2008 through 2012 to carry out this subsection.

(d) APPLICATIONS.—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice may reasonably require.

(e) COOPERATION WITH THE COMMISSION.—Grant recipients shall cooperate with the Commission in providing them with full information on the progress of the strategy being carried out with a grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

SEC. 6. ELIMINATION OF THE RED PLANET CAPITAL VENTURE CAPITAL PROGRAM.

(a) REDUCTION OF NASA BUDGET.—Section 203 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16632) is amended—

(1) in the matter preceding paragraph (1), by striking "$18,686,300,000" and inserting "$18,680,300,000"; and

(2) in paragraph (2), by striking "$10,903,900,000" and inserting "$10,897,900,000".

(b) PROHIBITION.—The Administrator of the National Aeronautics and Space Administration may not carry out the Red Planet Capital Venture Capital Program established by the Administrator during the period of fiscal years 2008 through 2012.

By Mr. WYDEN (for himself, Mr. SMITH, Mr. CRAIG, Mrs. MURRAY, Ms. CANTWELL, Mr. BAUCUS, Mr. CRAPO, and Mr. TESTER):

S. 1522. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I am pleased to be joined today by all Members of the Senate from the Northwest: Senator GORDON SMITH, Senator LARRY CRAIG, Senator PATTY MURRAY, Senator MARIA CANTWELL, Senator JON TESTER, Senator MAX BAUCUS and Senator MIKE CRAPO in introducing the Fisheries Restoration and Irrigation Mitigation Act of 2007, or FRIMA. Our legislation extends a homegrown, commonsense program that has a proven track record in helping restore Northwestern salmon runs. Dollar-for-dollar, the fish screening and fish passage facilities funded by our legislation are among the most cost-effective uses of public and private restoration dollars. These projects protect fish while producing significant benefits. That is why it is important that this program be reauthorized and funding be appropriated now.

Since 2001, when the original Fisheries Restoration and Irrigation Mitigation Act of 2000, FRIMA, was enacted, more than $9 million in Federal funds has leveraged nearly $20 million in private, local funding. This money has been used to protect, enhance and restore more than 550 rivers miles of important fish habitat and species throughout Oregon, Washington, Idaho and western Montana. For decades, State, tribal and Federal fishery agencies in the Pacific Northwest have identified the screening of irrigation and other water diversions, and improved fish passage, as critically important for the survival of salmon and other fish populations.

This program is very popular and has the support of a wide range of constituents, including community leaders, environmental organizations, and agricultural producers. Senator SMITH and I are proud of the successful collaborative projects that irrigators and members of the Oregon Water Resources Congress have completed while putting this program to work in our home State. Our program also has the support of Oregon Governor Ted Kulongoski, irrigators throughout the Northwestern States, Oregon Trout, American Rivers and the National Audubon Society.

FRIMA authorizes the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features. It also authorizes inventories to provide the information needed for planning and making decisions about the survival and propagation of all Northwestern fish species. The program is currently carried out by the U.S. Fish and Wildlife Service on behalf of the Interior Secretary.

FRIMA provides benefits by: keeping fish out of places where they should not be, such as in an irrigation system; easing upstream and downstream fish passage; improving the protection, survival, and restoration of native fish species; helping avoid new endangered species listings by protecting and enhancing the fish populations not yet listed; making progress toward the delisting of listed species; utilizing a positive, win/win, public-private partnership; and, assisting in achieving both sustainable agriculture and fisheries. Since FRIMA's enactment in 2001, 103 projects have been installed. This is a true partnership and fine example of how our fisheries and farmers can work together to protect fish species throughout the Northwest.

While he was Governor of Idaho, Interior Secretary Dirk Kempthorne said, ". . . the FRIMA program serves as an excellent example of government and private land owners working together to promote conservation. The screening of irrigation diversions plays a key role in Idaho's efforts to restore salmon populations while protecting rural economies." This is from "Fisheries Restoration and Irrigation Mitigation Programs, fiscal year 2002–2004", U.S. Fish & Wildlife Service, Washington, DC, July, 2005, page 13.

The bill that we are introducing today specifically extends the authorization for this program through 2014; gives priority to projects costing less than $2.5 million, a reduction in a targeted project's cost from $5,000,000 to $2,500,000; clarifies that any Bonneville Power Administration, BPA, funds provided either directly or through a grant to another entity shall be considered nonFederal matching funds, because BPA's funding comes from ratepayers; requires an inventory report describing funded projects and their benefits; and changes the administrative expenses formula used by the Fish & Wildlife Service and the States of Oregon, Washington, Montana and Idaho, so that administrative costs may be held to a minimum while projects in the field receive the majority of available funding.

Ultimately, it will take the combined efforts of all interests in our region to recover our salmon. State and local governments, local watershed councils, private landowners and the Federal Government need to continue working together. Initiatives such as the bill I am introducing today help to sustain the partnerships upon which successful salmon recovery will be based.

I look forward to working with my colleagues to see this legislation pass.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fisheries Restoration and Irrigation Mitigation Act of 2007".

SEC. 2. PRIORITY PROJECTS.

Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking "$5,000,000" and inserting "$2,500,000".

SEC. 3. COST SHARING.

Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by striking "The value" and inserting the following:

"(1) IN GENERAL.—The value"; and

(2) by adding at the end the following:

"(2) BONNEVILLE POWER ADMINISTRATION.—

"(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

"(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.".

SEC. 4. REPORT.

Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by inserting "any" before "amounts are made"; and

(2) by inserting after "Secretary shall" the following: ", after partnering with local governmental entities and the States in the Pacific Ocean drainage area,".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in subsection (a), by striking "2001 through 2005" and inserting "2008 through 2014"; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) ADMINISTRATIVE EXPENSES.—

"(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term 'administrative expense' means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

"(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

"(ii) the review, processing, and provision of applications for funding under the Program.

"(B) LIMITATION.—

"(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

"(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

"(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

"(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

"(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

"(I) shall be divided evenly among all States provided assistance under the Program; and

"(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

"(aa) arranging meetings to promote the Program to potential applicants;

"(bb) assisting applicants with the preparation of applications for funding under the Program; and

"(cc) visiting construction sites to provide technical assistance, if requested by the applicant.".

By Mr. STEVENS (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. CARPER, Ms. MURKOWSKI, and Ms. LANDRIEU):

S. 1526. A bill to direct the Secretary of Energy to develop standards for general service lamps that will operate more efficiently and assist in reducing costs to consumers, business concerns, government entities, and other users, to require that general service lamps and related products manufactured or sold in interstate commerce after 2013 meet those standards, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, I join my colleagues Senator CARPER, SNOWE, LIEBERMAN, MURKOWSKI, and LANDRIEU in introducing two important domestic energy bills.

The Senate has an opportunity to save consumers $15 billion annually in energy costs, eliminate the need for hundreds of new power plants, prevent the release of tons of mercury into our environment annually, reduce greenhouse gas emissions by 3 trillion pounds, lead the world in the innovation of new technologies and increase domestic employment opportunities.

How? The good old fashion light bulb.

Thomas Edison was one of our Nation's greatest inventors. He holds nearly 1100 patents, including the light bulb. Over 125 years ago, he invented the conventional incandescent light bulb. While most of his other inventions have been significantly improved upon since then, Edison's incandescent light bulb is still the most widely used bulb today. Unfortunately, only 10 percent of the electricity that goes into this light bulb is actually used to produce light. The remaining 90 percent is often wasted as heat.

Just as another Edison invention, the phonograph, evolved into compact discs and mp3 technologies, today, American innovation has improved upon the light bulb. This innovation will continue. Light bulb manufacturers and our hard-working Americans have developed technologies that are capable of reducing the electricity use associated with conventional incandescent light bulbs from between 10 to over 50 percent. These bulbs are available today.

These technological and domestic manufacturing capabilities can save consumers billions of dollars a year in energy costs.

My colleagues and I are proud to introduce two bills that will ensure that we take advantage of these new technologies to save energy, save consumers on their electricity bills and promote American ingenuity.

The first is the Bright Idea Act of 2007. This bill will establish efficiency targets for light bulbs that will cut light bulb energy consumption by at least half in just 6 years and triple the efficiency of today's incandescent bulbs by 2018.

These efficiency standards are merely the beginning. The bill establishes a working group of light bulb manufacturers, labor unions, environmentalists and consumer groups to evaluate the state of bulb technologies and domestic manufacturing capabilities every 3 years. If the technology has advanced and our businesses are capable of higher standards, the Secretary of Energy may raise these targets.

The bill also authorizes a technology-neutral research and development program to help our domestic manufacturers, in partnership with our national laboratories and universities, advance new lighting technologies and directs the Secretary of Energy to educate consumers about the benefits of using newer light bulbs.

We recognize the concerns related to new light bulbs such as mercury release and labeling requirements. The bill requires the Secretary, together with the EPA, to provide recommendations to Congress on how to deal with these challenges.

The second component of this light bulb package that we are introducing today is a bill that will ensure that our Nation is capable of taking full advantage of America's lighting innovation through the creation of additional domestic employment opportunities. This bill provides a construction tax credit for the costs associated with the renovation and construction of domestic light bulb manufacturing facilities designed to produce the next generation of lighting technology.

I urge Senators to join my colleagues and me in saving consumers billions of dollars in electricity costs, reducing greenhouse gas emissions, tempering energy demand, eliminating the need for at least dozens of new power plants annually, preventing the release of tons of mercury into our environment each year and building upon our innovation by creating additional domestic employment opportunities for Americans by supporting the Bright Idea Act of 2007 and tax incentives for domestic lighting technologies. I ask consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bright Idea Act of 2007".

SEC. 2. TECHNICAL STANDARDS FOR GENERAL SERVICE LAMPS.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF STANDARDS.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall initiate a project to establish technical standards for general service lamps.

(2) CONSULTATION WITH INTERESTED PARTIES.—In carrying out the project, the Secretary shall consult with representatives of environmental organizations, labor organizations, general service lamp manufacturers, consumer organizations, and other interested parties.

(3) MINIMUM INITIAL STANDARDS; DEADLINE.—The initial technical standards established shall be standards that enable those general service lamps to provide levels of illumination equivalent to the levels of illumination provided by general service lamps generally available in 2007, but with—

(A) a lumens per watt rating of not less than 30 by calendar year 2013; and

(B) a lumens per watt rating of not less than 45 by calendar year 2018.

(b) MANUFACTURE AND DISTRIBUTION IN INTERSTATE COMMERCE.—If the Secretary of Energy, after consultation with the interested parties described in subsection (a)(2), determines that general service lamps meeting the standards established under subsection (a) are generally available for purchase throughout the United States at costs that are substantially equivalent (taking into account useful life, lifecycle costs, domestic manufacturing capabilities, energy consumption, and such other factors as the Secretary deems appropriate) to the cost of the general service lamps they would replace, then the Secretary shall take such action as may be necessary to require that at least 95 percent of general service lamps sold, offered for sale, or otherwise made available in the United States meet the standards established under subsection (a), except for those general service lamps described in subsection (c).

(c) EXCEPTION.—The standards established by the Secretary under subsection (a) shall not apply to general service lamps used in applications in which compliance with those standards is not feasible, as determined by the Secretary.

(d) REVISED STANDARDS.—After the initial standards are established under subsection (a), the Secretary shall consult periodically with the interested parties described in subsection (a)(2) with respect to whether those standards should be changed. The Secretary may change the standards, and the dates and percentage of lamps to which the changed standards apply under subsection (b), if after such consultation the Secretary determines that such changes are appropriate.

(e) REPORT.—The Secretary shall submit reports periodically to the Senate Committee on Commerce, Science, and Technology, the Senate Committee on Energy and Natural Resources, and the House of Representatives Committee on Energy and Commerce with respect to the development and promulgation of standards for lamps and lamp-related technology, such as switches, dimmers, ballast, and non-general service lighting, that includes the Secretary's findings and recommendations with respect to such standards.

SEC. 3. RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may carry out a lighting technology research and development program—

(1) to support the research, development, demonstration, and commercial application of lamps and related technologies sold, offered for sale, or otherwise made available in the United States; and

(2) to assist manufacturers of general service lamps in the manufacturing of general service lamps that, at a minimum, achieve the lumens per watt ratings described in section 2(a).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2013.

(c) SUNSET.—The program under this section shall terminate on September 30, 2015.

SEC. 4. CONSUMER EDUCATION PROGRAM.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Commissioner of the Federal Trade Commission, shall carry out a comprehensive national program to educate consumers about the benefits of using light bulbs that have improved efficiency ratings.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 through 2014.

SEC. 5. REPORT ON MERCURY USE AND RELEASE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report describing recommendations relating to the means by which the Federal Government may reduce or prevent the release of mercury during the manufacture, transportation, storage, or disposal of light bulbs.

SEC. 6. REPORT ON LAMP LABELING.

Not later than 1 year after the date of enactment of this Act, the Commissioner of the Federal Trade Commission, in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall submit to Congress a report describing current lamp labeling practices by lamp manufacturers and recommendations for a national labeling standard.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 1529. A bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, throughout my time in the United States Congress, I have worked with my colleagues to promote the economic security of low-income and working American families. In many respects, we have made significant progress, but in others, much work remains to be done. The last several years have been difficult ones for low-income Americans. Since 2000, the number of Americans living in poverty has increased by 5 million. At the same time, wages have stagnated for Americans in the bottom tenth of earners. It's no surprise that more and more Americans have turned to vital Federal food assistance such as the Food Stamp Program, which this year will serve 26 million Americans.

The Food Stamp Program is our Nation's first line of defense against hunger, providing modest but vital benefits to millions of American families, and also serving our country during times of extraordinary need. In fact, the Food Stamp Program played a crucial role in helping millions of Americans who were devastated by the Gulf Coast hurricanes of 2005.

Unfortunately, Congress has not taken action to modernize the program so that it addresses the current challenges that low-income Americans must face. It is time for Congress to make such needed program improvements. With the food stamp reauthorization pending as part of the upcoming farm bill, we have an opportunity and an obligation to invest in the Food Stamp Program and, in so doing, in the food security and health of our country's families.

Today I am joined by my good friend and colleague, Senator LUGAR from Indiana, in introducing the Food Stamp Fairness and Benefit Restoration Act of 2007. I thank the Senator from Indiana for his long-time efforts to fight hunger in America, and for joining me today to introduce this legislation.

The bill that we are introducing today contains several particular improvements.

First and foremost, the legislation would halt food stamp benefit erosion that is occurring as a result of draconian cuts enacted in the mid-90s. As a result of these cuts, food stamp benefits are eroding with every passing year and, as they do, the economic situations of families receiving food stamps grows ever more precarious.

Second, the bill would enable families to deduct fully the costs of child care for purposes of eligibility and benefit determination. Currently, program rules allow families to deduct just $175 per month of the cost of child care. Not only has this deduction not been adjusted to account for increases in the cost of child care, but it comes nowhere near covering the cost of child care, which nationwide averages almost $650 per month.

Third, the legislation would update archaic program rules regarding the resources that a family may have and still receive food stamps. In 1977, Congress established a program rule that said that a family may have $1,750 in available liquid assets and still receive food stamps. Had this asset limit been adjusted for inflation, today a family would be able to have nearly $6,000 in savings and still receive food stamps. Instead, we allow just $2,000. This makes no sense. Not only does it actively discourage families from saving for their future, it all but requires families that experience an economic shock such as a job loss or a medical emergency to spend down their savings to hit absolute rock bottom just to receive meager food benefits. It is time to adjust this asset limit and stop discouraging families from doing what we tell every other American that they must do—save. To that end, the bill also exempts tax-preferred retirement and educational savings accounts.

Fourth, this bill restores food stamp eligibility for legal immigrant households. This too is nothing but a basic restoration of a principle of fairness that existed prior to the mid-1990s. Unfortunately, Congress chose, unwisely in my opinion, to take away benefits from those legal immigrants who played by the rules and legally entered our country. Keep in mind these are families who work and are part of our society. I disagreed with the decision then and I disagree with it today. It is time to rectify this grave injustice and abide by the basic principle that those who enter the country legally and play by the same rules as the rest of us, should also be eligible for the same benefits for which they pay taxes. Our bill would do that.

Fifth, the legislation would set more humane eligibility standards for unemployed, childless adults. These individuals are among the poorest in our country and often have significant mental health and substance abuse problems. They are, in short, among the people who need our help the most. But ironically, they are among those who we deny the most basic of food assistance. Currently, such adults can receive food stamps for only 3 months out of every 3 years. This legislation proposes a modestly more sympathetic standard of 6 months out of every 2-year period.

Finally, my bill would increase funding for commodity purchases for food banks and community food providers. U.S. Government donations to food banks have dropped dramatically in recent years, even as the number of Americans seeking help from community food providers has consistently increased.

I know that the budget is tight and that Congress must be prudent in decisions about how we allocate funding. But I also know that there is no function of the federal government as basic and as critical as ensuring that low-income Americans, families with children, elderly living on fixed incomes, and persons with disabilities, have enough food for their next meal. It is past time for Congress to act in this regard, and I hope that my colleagues on both sides of the aisle will join me and the Senator from Indiana to enact the Food Stamp Fairness and Benefit Restoration Act of 2007.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 214—CALLING UPON THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN TO IMMEDIATELY RELEASE DR. HALEH ESFANDIARI

Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. SMITH, Mrs. CLINTON, Mr. DODD, Mr. BINGAMAN, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 214

Whereas Dr. Haleh Esfandiari, Ph.D., holds dual citizenship in the United States and the Islamic Republic of Iran;

Whereas Dr. Esfandiari taught Persian language and literature for many years at Princeton University, where she inspired untold numbers of students to study the rich Persian language and culture;

Whereas Dr. Esfandiari is a resident of the State of Maryland and the Director of the Middle East Program at the Woodrow Wilson International Center for Scholars in Washington, D.C. (referred to in this preamble as the "Wilson Center");

Whereas, for the past decade, Dr. Esfandiari has traveled to Iran twice a year to visit her ailing 93-year-old mother;

Whereas, in December 2006, on her return to the airport during her last visit to Iran, Dr. Esfandiari was robbed by 3 masked, knife-wielding men, who stole her travel documents, luggage, and other effects;

Whereas, when Dr. Esfandiari attempted to obtain replacement travel documents in Iran, she was invited to an interview by a representative of the Ministry of Intelligence of Iran;

Whereas Dr. Esfandiari was interrogated by the Ministry of Intelligence for hours on many days;

Whereas the questioning of the Ministry of Intelligence focused on the Middle East Program at the Wilson Center;

Whereas Dr. Esfandiari answered all questions to the best of her ability, and the Wilson Center also provided extensive information to the Ministry in a good faith effort to aid Dr. Esfandiari;

Whereas the harassment of Dr. Esfandiari increased, with her being awakened while napping to find 3 strange men standing at her bedroom door, one wielding a video camera, and later being pressured to make false confessions against herself and to falsely implicate the Wilson Center in activities in which it had no part;

Whereas Lee Hamilton, former United States Representative and president of the Wilson Center, has written to the President of Iran to call his attention to Dr. Esfandiari's dire situation;

Whereas Mr. Hamilton repeated that the Wilson Center's mission is to provide forums to exchange views and opinions and not to take positions on issues, nor try to influence specific outcomes;

Whereas the lengthy interrogations of Dr. Esfandiari by the Ministry of Intelligence of Iran stopped on February 14, 2007, but she heard nothing for 10 weeks and was denied her passport;

Whereas, on May 8, 2007, Dr. Esfandiari honored a summons to appear at the Ministry of Intelligence, whereby she was taken immediately to Evin prison, where she is currently being held; and

Whereas the Ministry of Intelligence has implicated Dr. Esfandiari and the Wilson Center in advancing the alleged aim of the United States Government of supporting a "soft revolution" in Iran: Now, therefore, be it

Resolved, That—

(1) the Senate calls upon the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari, replace her lost travel documents, and cease its harassment tactics; and

(2) it is the sense of the Senate that—

(A) the United States Government, through all appropriate diplomatic means and channels, should encourage the Government of Iran to release Dr. Esfandiari and offer her an apology; and

(B) the United States should coordinate its response with its allies throughout the Middle East, other governments, and all appropriate international organizations.

SENATE RESOLUTION 215—DESIGNATING SEPTEMBER 25, 2007, AS "NATIONAL FIRST RESPONDER APPRECIATION DAY"

Mr. ALLARD (for himself, Mr. McCain, Mr. Casey, Mr. Cochran, Mr. Enzi, Mr. Stevens, Mr. Graham, Mr. Chambliss, Mr. Craig, and Mr. Inhofe) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 215

Whereas millions of Americans have benefited from the courageous service of first responders across the Nation;

Whereas the police, fire, emergency medical service, and public health personnel (commonly known as "first responders") work devotedly and selflessly on behalf of the people of this Nation, regardless of the peril or hazard to themselves;

Whereas in emergency situations, first responders carry out the critical role of protecting and ensuring public safety;

Whereas the men and women who bravely serve as first responders have found themselves on the front lines of homeland defense in the war against terrorism;

Whereas first responders are called upon in the event of a natural disaster, such as the tornadoes in Florida and the blizzard in Colorado in December 2006, the wildfires in the West in 2007, and the flooding in the Northeast in April 2007;

Whereas the critical role of first responders was witnessed in the aftermath of the mass shooting at the Virginia Polytechnic Institute and State University, when the collaborative effort of police officers, firefighters, and emergency medical technicians to secure the campus, rescue students from danger, treat the injured, and transport victims to local hospitals undoubtedly saved the lives of many students and faculty;

Whereas 670,000 police officers, 1,100,000 firefighters, and 891,000 emergency medical technicians risk their lives every day to make our communities safe;

Whereas these 670,000 sworn police officers from Federal, State, tribal, city, and county law enforcement agencies protect lives and property, detect and prevent crimes, uphold the law, and ensure justice;

Whereas these 1,100,000 firefighters, both volunteer and career, provide fire suppression, emergency medical services, search and rescue, hazardous materials response, response to terrorism, and critical fire prevention and safety education;

Whereas the 891,000 emergency medical professionals in the United States respond to and treat a variety of life-threatening emergencies, from cardiac and respiratory arrest to traumatic injuries;

Whereas these 2,661,000 "first responders" make personal sacrifices to protect our communities, as was witnessed on September 11, 2001, and in the aftermath of Hurricane Katrina, and as is witnessed every day in cities and towns across America;

Whereas according to the National Law Enforcement Officers Memorial Fund, a total of 1,649 law enforcement officers died in the line of duty during the past 10 years, an average of 1 death every 53 hours or 165 per year, and 145 law enforcement officers were killed in 2006;

Whereas, according to the United States Fire Administration, from 1996 through 2005 over 1500 firefighters were killed in the line of duty, and tens of thousands were injured;

Whereas 4 in 5 medics are injured on the job, more than 1 in 2 (52 percent) have been assaulted by a patient and 1 in 2 (50 percent) have been exposed to an infectious disease, and emergency medical service personnel in the United States have an estimated fatality rate of 12.7 per 100,000 workers, more than twice the national average;

Whereas most emergency medical service personnel deaths in the line of duty occur in ambulance accidents;

Whereas thousands of first responders have made the ultimate sacrifice;

Whereas, in the aftermath of the terrorist attacks of September 11, 2001, America's firefighters, law enforcement officers, and emergency medical workers were universally recognized for the sacrifices they made on that tragic day, and should be honored each year as these tragic events are remembered;

Whereas there currently exists no national day to honor the brave men and women of the first responder community, who give so much of themselves for the sake of others; and

Whereas these men and women by their patriotic service and their dedicated efforts have earned the gratitude of Congress: Now, therefore, be it

Resolved, That the Senate designates September 25, 2007, as "National First Responder Appreciation Day" to honor and celebrate the contributions and sacrifices made by all first responders in the United States.

Mr. ALLARD. Mr. President, I rise to introduce a resolution today that will designate September 25 as National First Responder Appreciation Day. I am pleased to be joined by my good friends and colleagues, Senators McCain, Casey, Cochran, Enzi, Stevens, Lindsey Graham, Craig and Chambliss.

The contributions that our Nation's 1.1 million firefighters, 670,000 police officers and over 890,000 emergency medical professionals make in our communities are familiar to us all. We see the results of their efforts every night on our TV screens and read about them everyday in the paper. From recent tornados in the Southeast and wildfires in the West, the tragic events at Virginia Tech, and the wrath of Hurricane Katrina, our "first responders" regularly risk their lives to protect property, uphold the law and save the lives of others.

While performing their jobs many first responders have made the ultimate sacrifice. Over 100 firefighters are killed in the line of duty every year. Tragically in 2006, 145 law enforcement officers were killed in the line of duty as well. And though many might not think a career in the emergency medical services, EMS, is dangerous, EMS workers actually have an occupational fatality rate that is comparable with that of firefighters and police officers.

Yet to recognize our first responders only for their sacrifices would be to ignore the everyday contributions that they make in communities throughout America. In addition to battling fires, firefighters perform important fire prevention and public education duties, like teaching our children how to be "fire safe." Police officers don't simply arrest criminals, they actively prevent crime and make our neighborhoods safer and more livable. And if we or our loved ones experience a medical emergency, EMTs are there at a moment's notice to provide life-saving care.

In many ways, our first responders embody the very best of the American spirit. With charity and compassion, these brave men and women regularly put the well-being of others before their own, oftentimes at great personal risk. Through their actions they have become heroes to many. Through their example they are role models to all of us.

While various cities and towns have recognized the contributions made by their local first responders by declaring a "first responder day," there exists no national day to honor and thank these courageous men and women. The time has come to give our first responders the national day of appreciation that they deserve.

Designating September 25th as National First Responder Appreciation day provides an opportunity for this institution, and the people of the United States, to honor first responders for their contributions, sacrifices and dedication to public service.

I hope my colleagues will join me in supporting passage of this worthwhile resolution.

SENATE RESOLUTION 216—RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN ASSOCIATION FOR CANCER RESEARCH AND DECLARING THE MONTH OF MAY NATIONAL CANCER RESEARCH MONTH

Mrs. FEINSTEIN (for herself and Mr. Stevens) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 216

Whereas the American Association for Cancer Research, the oldest and largest scientific cancer research organization in the United States, was founded on May 7, 1907, at the Willard Hotel in Washington, D.C., by a group of physicians and scientists interested in research to further the investigation into and spread new knowledge about cancer;

Whereas the American Association for Cancer Research is focused on every aspect of high-quality, innovative cancer research and is the authoritative source of information and publications about advances in the causes, diagnosis, treatment, and prevention of cancer;

Whereas, since its founding, the American Association for Cancer Research has accelerated the growth and dissemination of new knowledge about cancer and the complexity of this disease to speed translation of new discoveries for the benefit of cancer patients, and has provided the information needed by elected officials to make informed decisions on public policy and sustained funding for cancer research;

Whereas partnerships with research scientists and the general public, survivors and patient advocates, philanthropic organizations, industry, and government have led to advanced breakthroughs, early detection tools which have increased survival rates, and a better quality of life for cancer survivors;

Whereas our national investment in cancer research has yielded substantial returns in terms of research advances and lives saved, with a scholarly estimate that every 1 percent decline in cancer mortality saves our national economy $500,000,000,000;

Whereas cancer continues to be one of the most pressing public health concerns, killing 1 American every minute, and 12 individuals worldwide every minute;

Whereas the American Association for Cancer Research Annual Meeting on April 14 through 18, 2007, was a large and comprehensive gathering of leading cancer researchers, scientists, and clinicians engaged in all aspects of clinical investigations pertaining to human cancer as well as the scientific disciplines of cellular, molecular, and tumor biology, carcinogenesis, chemistry, developmental biology and stem cells, endocrinology, epidemiology and biostatistics, experimental and molecular therapeutics, immunology, radiobiology and radiation oncology, imaging, prevention, and survivorship research;

Whereas, as part of its centennial celebration, the American Association for Cancer Research has published "Landmarks in Cancer Research" citing the events or discoveries after 1907 that have had a profound effect on advancing our knowledge of the causes, mechanisms, diagnosis, treatment, and prevention of cancer;

Whereas these "Landmarks in Cancer Research" are intended as an educational, living document, an ever-changing testament to human ingenuity and creativity in the scientific struggle to understand and eliminate the diseases collectively known as cancer;

Whereas, because more than 60 percent of all cancer occurs in people over the age of 65, issues relating to the interface of aging and cancer, ranging from the most basic science questions to epidemiologic relationships and to clinical and health services research issues, are of concern to society;

Whereas the American Association for Cancer Research is proactively addressing these issues paramount to our aging population through a Task Force on Cancer and Aging, special conferences, and other programs which engage the scientific community in response to this demographic imperative: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the American Association for Cancer Research on its 100 year anniversary celebration, "A Century of Leadership in Science - A Future of Cancer Prevention and Cure";

(2) recognizes the invaluable contributions made by the American Association for Cancer Research in its quest to prevent and cure cancer and save lives through cancer research;

(3) expresses the gratitude of the people of the United States for the American Association for Cancer Research's contributions toward progress in advancing cancer research; and

(4) declares the month of May as National Cancer Research Month to support the American Association for Cancer Research in its public education efforts to make cancer research a national and international priority, so that one day the disease of cancer will be relegated to history.

SENATE RESOLUTION 217—DESIGNING THE WEEK BEGINNING MAY 20, 2007, AS "NATIONAL HURRICANE PREPAREDNESS WEEK"

Mr. VITTER (for himself, Mr. SHELBY, Mr. LOTT, Mr. MARTINEZ, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. DEMINT) submitted the following resolution; which was considered and agreed to:

S. RES. 217

Whereas the President has proclaimed that the week beginning May 20, 2007, shall be known as "National Hurricane Preparedness Week", and has called on government agencies, private organizations, schools, and media to share information about hurricane preparedness;

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

Whereas the official Atlantic hurricane season occurs in the period beginning June 1, 2007, and ending November 30, 2007;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends well beyond coastal areas, it is vital for individuals in hurricane prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration of the Department of Commerce recommends that each at-risk family of the United States develop a family disaster plan, create a disaster supply kit, secure their home, and stay aware of current weather situations to improve preparedness and help save lives; and

Whereas the designation of the week beginning May 20, 2007, as "National Hurricane Preparedness Week" will help raise the awareness of the individuals of the United States to assist them in preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of the President in proclaiming the week beginning May 20, 2007, as "National Hurricane Preparedness Week";

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the individuals of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

SENATE RESOLUTION 218—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

S. RES. 218

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 219—RECOGNIZING THE YEAR 2007 AS THE OFFICIAL 50TH ANNIVERSARY CELEBRATION OF THE BEGINNINGS OF MARINAS, POWER PRODUCTION, RECREATION, AND BOATING ON LAKE SIDNEY LANIER, GEORGIA

Mr. CHAMBLISS (for himself, Mr. PRYOR, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 219

Whereas Congress authorized the creation of Lake Sidney Lanier and the Buford Dam in 1946 for flood control, power production, wildlife preservation, and downstream navigation;

Whereas construction on the Buford Dam project by the Army Corps of Engineers began in 1951;

Whereas the Army Corps of Engineers constructed the dam and lake on the Chattahoochee and Chestatee Rivers at a cost of approximately $45,000,000;

Whereas, in 1956, Jack Beachem and the Army Corps of Engineers signed a lease to create Holiday on Lake Sidney Lanier Marina as the lake's first concessionaire;

Whereas the first power produced through Buford Dam at Lake Sidney Lanier was produced on June 16, 1957;

Whereas Holiday on Lake Sidney Lanier opened on July 4, 1957;

Whereas Buford Dam was officially dedicated on October 9, 1957;

Whereas nearly 225,000 people visited Lake Sidney Lanier to boat, fish, and recreate in 1957;

Whereas today more than 8,000,000 visitors each year enjoy the attributes and assets of Lake Sidney Lanier to boat, fish, swim, camp, and otherwise recreate in the great outdoors;

Whereas Lake Sidney Lanier generates more than $5,000,000,000 in revenues annually, according to a study commissioned by the Marine Trade Association of Metropolitan Atlanta;

Whereas Lake Sidney Lanier has won the prestigious Chief of Engineers Annual Project of the Year Award, the highest recognition from the Army Corps of Engineers for outstanding management, an unprecedented 3 times in 12 years (in 1990, 1997, and 2002);

Whereas Lake Sidney Lanier hosted the paddling and rowing events for the Summer Games of the XXVI Olympiad held in Atlanta, Georgia, in 1996;

Whereas marinas serve as the gateway to recreation for the public on America's waterways;

Whereas Lake Sidney Lanier will join the Nation on Saturday, August 11, in celebration and commemoration of National Marina Day; and

Whereas 2007 marks the 50th anniversary of Lake Sidney Lanier: Now, therefore, be it

Resolved, That the Senate recognizes the 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1190. Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. BURR, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes.

SA 1191. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1192. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1193. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1423, to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or public assistance from the Federal Government under such Act; which was referred to the Committee on Finance.

SA 1194. Mr. MENENDEZ (for himself, Mr. HAGEL, Mr. DURBIN, Mrs. CLINTON, Mr. DODD, Mr. OBAMA, Mr. AKAKA, Mr. LAUTENBERG, and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes.

SA 1195. Mr. ENSIGN (for himself and Mr. THOMAS) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1196. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1197. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1198. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1199. Mr. DODD (for himself and Mr. MENENDEZ) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1200. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1201. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1202. Mr. OBAMA (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1203. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1204. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1205. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1206. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1207. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1208. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1209. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1210. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1211. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1212. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1213. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1214. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1215. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1216. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1217. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1218. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1219. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1220. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1221. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1222. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1223. Mr. SANDERS proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1224. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1225. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1226. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1227. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1228. Mr. LEVIN (for himself, Mr. OBAMA, Mr. MENENDEZ, Mr. COLEMAN, Mr. REID, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1229. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1230. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1231. Mr. DURBIN (for himself and Mr. GRASSLEY) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1232. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1233. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1234. Mr. SESSIONS proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1235. Mr. SESSIONS proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1236. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1237. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1238. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1239. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1240. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1241. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1242. Mr. LIEBERMAN (for himself, Mr. HAGEL, Ms. CANTWELL, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1243. Mr. OBAMA (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1244. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1245. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1246. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1247. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1248. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1249. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, and Mr. HATCH) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1250. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1251. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1252. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1253. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1254. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1190. Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. BURR, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 292 redesignate paragraphs (3) as (4) and (4) as (5).

On page 292, between lines 33 and 34, insert the following:

"(3) PAYMENT OF INCOME TAXES.—

"(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been paid; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

"(D) IN GENERAL.—The alien may satisfy such requirement by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been met; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

SA 1191. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

Subtitle —Asylum and Detention Safeguards

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the "Secure and Safe Detention and Asylum Act".

SEC. ___02. DEFINITIONS.

In this subtitle:

(1) ASYLUM SEEKER.—The term "asylum seeker" means an applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or for withholding of removal under section 241(b)(3) of that Act (8 U.S.C. 1231(b)(3)) or an alien who indicates an intention to apply for relief under either such section and does not include a person with respect to whom a final adjudication denying an application made under either such section has been entered.

(2) CREDIBLE FEAR OF PERSECUTION.—The term "credible fear of persecution" has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(3) DETAINEE.—The term "detainee" means an alien in the Department's custody held in a detention facility.

(4) DETENTION FACILITY.—The term "detention facility" means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(5) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term "reasonable fear of persecution or torture" has the meaning described in section 208.31 of title 8, Code of Federal Regulations.

(6) STANDARD.—The term "standard" means any policy, procedure, or other requirement.

(7) VULNERABLE POPULATIONS.—The term "vulnerable populations" means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers.

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under article 3 of the Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment, done at New York, December 10, 1994.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 114 Stat. 1464), including applicants for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(G) Unaccompanied alien children (as defined in 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

SEC. ___03. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) Factors Relating to Sworn Statements.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) Recordings.—

(1) In general.—The recording of the interview shall also include the written statement, in its entirety, being read back to the alien in a language that the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) Format.—The recording shall be made in video, audio, or other equally reliable format.

(d) Exemption Authority.—

(1) Subsections (b) and (c) shall not apply to interviews that occur at facilities exempted by the Secretary pursuant to this subsection.

(2) The Secretary or the Secretary's designee may exempt any facility based on a determination by the Secretary or the Secretary's designee that compliance with subsections (b) and (c) at that facility would impair operations or impose undue burdens or costs.

(3) The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(4) The exercise of the exemption authority granted by this subsection shall not give rise to a private cause of action.

(e) Interpreters.—The Secretary shall ensure that a professional fluent interpreter is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

SEC. ___04. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking "Attorney General" and inserting "Secretary of Homeland Security";

(ii) by striking "(c)" and inserting "(d)"; and

(iii) in the second sentence by striking "Attorney General" and inserting "Secretary";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "Attorney General" and inserting "Secretary"; and

(II) by striking "or" at the end;

(ii) in subparagraph (B), by striking "but" at the end; and

(iii) by inserting after subparagraph (B) the following:

"(C) the alien's own recognizance; or

"(D) a secure alternatives program as provided for in this section; but";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (d), (e), (f), and (h), respectively;

(3) by inserting after subsection (a) the following new subsections:

"(b) Custody Decisions.—

"(1) In general.—In the case of a decision under subsection (a) or (d), the following shall apply:

"(A) The decision shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that decision.

"(B) The decision shall be served upon the alien within 72 hours of the alien's detention or, in the case of an alien subject to section 235 or 241(a)(5) who must establish a credible fear of persecution or a reasonable fear of persecution or torture in order to proceed in immigration court, within 72 hours of a positive credible fear of persecution or reasonable fear of persecution or torture determination.

"(2) Criteria to be considered.—The criteria to be considered by the Secretary and the Attorney General in making a custody decision shall include—

"(A) whether the alien poses a risk to public safety or national security;

"(B) whether the alien is likely to appear for immigration proceedings; and

"(C) any other relevant factors.

"(3) Custody redetermination.—An alien subject to this section may at any time after being served with the Secretary's decision under subsections (a) or (d) request a redetermination of that decision by an immigration judge. All decisions by the Secretary to detain without bond or parole shall be subject to redetermination by an immigration judge within 2 weeks from the time the alien was served with the decision, unless waived by the alien. The alien may request a further redetermination upon a showing of a material change in circumstances since the last redetermination hearing.

"(c) Exception for Mandatory Detention.—Subsection (b) shall not apply to any alien who is subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A or who has a final order of removal and has no proceedings pending before the Executive Office for Immigration Review.";

(4) in subsection (d), as redesignated—

(A) by striking "Attorney General" and inserting "Secretary"; and

(B) by striking "or parole" and inserting ", parole, or decision to release;";

(5) in subsection (e), as redesignated—

(A) by striking "Attorney General" and inserting "Secretary" each place it appears; and

(B) in paragraph (2), by inserting "or for humanitarian reasons," after "such an investigation,";

(6) in subsection (f), as redesignated—

(A) in the matter preceding paragraph (1), by striking "Attorney General" and inserting "Secretary";

(B) in paragraph (1), in subparagraphs (A) and (B), by striking "Service" and inserting "Department of Homeland Security"; and

(C) in paragraph (3), by striking "Service" and inserting "Secretary of Homeland Security";

(7) by inserting after subsection (f), as redesignated, the following new subparagraph:

"(g) Administrative Review.—If an immigration judge's custody decision has been stayed by the action of an officer or employee of the Department of Homeland Security, the stay shall expire in 30 days, unless the Board of Immigration Appeals before that time, and upon motion, enters an order continuing the stay."; and

(8) in subsection (h), as redesignated—

(A) by striking "Attorney General's" and inserting "Secretary of Homeland Security's"; and

(B) by striking "Attorney General" and inserting "Secretary".

SEC. ___05. LEGAL ORIENTATION PROGRAM.

(a) In General.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) Content of Program.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) Expansion of Legal Assistance.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear of persecution interview, as a continuation of existing programs, such as the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. 06. CONDITIONS OF DETENTION.

(a) In General.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) Procedures and Standards.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) Fair and humane treatment.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) Limitations on solitary confinement.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests or other extraordinary circumstances.

(3) Investigation of grievances.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) Access to telephones.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) Location of facilities.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) Procedures governing transfers of detainees.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) Quality of medical care.—

(A) In general.—Prompt and adequate medical care provided at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. 07. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the "Office").

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and shall report to, the Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of the actions to remedy findings of noncompliance or other problems that are taken by the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, and each detention facility found to be in noncompliance; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(4) REVIEW OF COMPLAINTS BY DETAINEES.—The Administrator of the Office shall establish procedures to receive and review complaints of violations of the detention standards promulgated by the Secretary. The procedures shall protect the anonymity of the claimant, including detainees, employees, or others, from retaliation.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Civil Rights Division of the Department of Justice; or

(5) any other relevant office or agency.

SEC. ___08. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—The secure alternatives program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(e)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The Secretary shall enter into contracts with qualified nongovernmental entities to implement the secure alternatives program.

(5) OTHER CONSIDERATIONS.—In designing such program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute and the Intensive Supervision Appearance Program.

SEC. ___09. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department's detention facilities in Broward County, Florida, and Berks County, Pennsylvania;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have ready access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall, to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) an asylum seeker;

(2) part of a family with minor children;

(3) a member of a vulnerable population; or

(4) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. ___10. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect on the date that is 6 months after the date of enactment of this Act.

SA 1192. Mrs. HUTCHISON submitted an amendment intended to proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 427. ENHANCED ROLE FOR NON-GOVERNMENTAL ENTITIES.

(a) IN GENERAL.—In carrying out the provisions of this title, or any of the amendments made by this title, the Secretary of Homeland Security, the Secretary of Labor, and the Secretary of State are authorized to enter into contractual agreements with non-governmental entities—

(1) to assist with the implementation, processing, and operation of the temporary worker programs established under subtitles A and B;

(2) to maximize the effectiveness of such operations; and

(3) to reduce expenditures and increase efficiencies related to such operations.

(b) REQUIRED CONSIDERATIONS.—To the extent that any Secretary acts under the authority granted under subsection (a), that Secretary shall give priority consideration to non-governmental entities with—

(1) experience or competence in the business of evaluation, recruitment, and placement of employees with employers based in the United States;

(2) the ability to ensure the security and placement of its processes and operations; and

(3) the ability to meet other any other requirements determined to be appropriate by that Secretary.

SA 1193. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1423, to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR) by reason of severe storms and tornados beginning on May 4. 2007, and determined by the President to warrant individual or public assistance from the Federal Government under such Act; which was referred to the Committee on Finance; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as "Kansas Disaster Tax Relief Assistance Act".

SEC. 2. TEMPORARY TAX RELIEF.

(a) IN GENERAL.—Subchapter Y of the Internal Revenue Code of 1986 (relating to short-term regional benefits) is amended by adding at the end the following new part:

"PART III—TAX BENEFITS FOR OTHER DISASTER AREAS

"Sec. 1400U. Tax benefits for Kiowa County, Kansas and surrounding area.

"SEC. 1400U. TAX BENEFITS FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

"The following provisions of this subchapter shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or public assistance from the Federal Government under such Act:

"(1) Suspension of certain limitations on personal casualty losses.—Section 1400S(b)(1), by substituting 'May 4, 2007' for 'August 25, 2005'.

"(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 1400L(g), by substituting 'storms on May 4, 2007' for 'terrorist attacks on September 11, 2001'.

"(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS.—Section 1400R(a)—

"(A) by substituting 'May 4, 2007' for 'August 28, 2005' each place it appears,

"(B) by substituting 'January 1, 2008' for 'January 1, 2006' both places it appears, and

"(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

"(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d)—

"(A) by substituting 'qualified Recovery Assistance property' for 'qualified Gulf Opportunity Zone property' each place it appears,

"(B) by substituting 'May 5, 2007' for 'August 28, 2005' each place it appears,

"(C) by substituting 'December 31, 2008' for 'December 31, 2007' in paragraph (2)(A)(v),

"(D) by substituting 'December 31, 2009' for 'December 31, 2008' paragraph (2)(A)(v),

"(E) by substituting 'May 4, 2007' for 'August 27, 2005' in paragraph (3)(A),

"(F) by substituting 'January 1, 2009' for 'January 1, 2008' in paragraph (3)(B), and

"(G) determined without regard to paragraph (6) thereof.

"(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e), by substituting 'qualified section 179 Recovery Assistance property' for 'qualified section 179 Gulf Opportunity Zone property' each place it appears.

"(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—

"(A) by substituting 'qualified Recovery Assistance clean-up cost' for 'qualified Gulf Opportunity Zone clean-up cost' each place it appears, and

"(B) by substituting 'beginning on May 4, 2007, and ending on December 31, 2009' for 'beginning on August 28, 2005, and ending on December 31, 2007' in paragraph (2) thereof.

"(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o).

"(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k)—

"(A) by substituting 'qualified Recovery Assistance loss' for 'qualified Gulf Opportunity Zone loss' each place it appears,

"(B) by substituting 'after May 3, 2007, and before on January 1, 2010' for 'after August 27, 2005, and before January 1, 2008' each place it appears,

"(C) by substituting 'May 4, 2007' for 'August 28, 2005' in paragraph (2)(B)(ii)(I) thereof,

"(D) by substituting 'qualified Recovery Assistance property' for 'qualified Gulf Opportunity Zone property' in paragraph (2)(B)(iv) thereof, and

"(E) by substituting 'qualified Recovery Assistance casualty loss' for 'qualified Gulf Opportunity Zone casualty loss' each place it appears.

"(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n).

"(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—

"(A) by substituting 'qualified Recovery Assistance distribution' for 'qualified hurricane distribution' each place it appears,

"(B) by substituting 'on or after May 4, 2007, and before January 1, 2009' for 'on or after August 25, 2005, and before January 1, 2007' in subsection (a)(4)(A)(i),

"(C) by substituting 'qualified storm distribution' for 'qualified Katrina distribution' each place it appears,

"(D) by substituting 'after November 4, 2006, and before May 5, 2007' for 'after February 28, 2005, and before August 29, 2005' in subsection (b)(2)(B)(ii),

"(E) by substituting 'beginning on May 4, 2007, and ending on November 5, 2007' for 'beginning on August 25, 2005, and ending on February 28, 2006' in subsection (b)(3)(A),

"(F) by substituting 'qualified storm individual' for 'qualified Hurricane Katrina individual' each place it appears,

"(G) by substituting 'December 31, 2007' for 'December 31, 2006' in subsection (c)(2)(A),

"(H) by substituting 'beginning on June 4, 2007, and ending on December 31, 2007' for 'beginning on September 24, 2005, and ending on December 31, 2006' in subsection (c)(4)(A)(i),

"(I) by substituting 'May 4, 2007' for 'August 25, 2005' in subsection (c)(4)(A)(ii), and

"(J) by substituting 'January 1, 2008' for 'January 1, 2007' in subsection (d)(2)(A)(ii).".

(b) CLERICAL AMENDMENT.—The table of parts for subchapter Y of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Part III. Tax benefits for other disaster areas.".

SA 1194. Mr. MENENDEZ (for himself Mr. HAGEL, Mr. DURBIN, Mrs. CLINTON, Mr. DODD, Mr. OBAMA, Mr. AKAKA, Mr. LAUTENBERG, and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

In paragraph (1) of subsection (c) of the quoted matter under section 501(a), strike "567,000" and insert "677,000".

In the fourth item contained in the second column of the row relating to extended family of the table contained in subparagraph (A) of paragraph (1) of the quoted matter under section 502(b)(1), strike "May 1, 2005" and insert "January 1, 2007".

In paragraph (3) of the quoted matter under section 503(c)(3), strike "May 1, 2005" and insert "January 1, 2007".

In paragraph (3) of the quoted matter under section 503(c)(3), strike "440,000" and insert "550,000".

In subparagraph (A) of paragraph (3) of the quoted matter under section 503(c)(3), strike "70,400" and insert "88,000".

In subparagraph (B) of paragraph (3) of the quoted matter under section 503(c)(3), strike "110,000" and insert "137,500".

In subparagraph (C) of paragraph (3) of the quoted matter under section 503(c)(3), strike "70,400" and insert "88,000".

In subparagraph (D) of paragraph (3) of the quoted matter under section 503(c)(3), strike "189,200" and insert "236,500".

In paragraph (2) of section 503(e), strike "May 1, 2005" each place it appears and insert "January 1, 2007".

In paragraph (1) of section 503(f), strike "May 1, 2005" and insert "January 1, 2007,".

In paragraph (6) of the quoted matter under section 508(b), strike "May 1, 2005" and insert "January 1, 2007".

In paragraph (5) of section 602(a), strike "May 1, 2005" and insert "January 1, 2007".

In subparagraph (A) of section 214A(j)(7) of the quoted matter under section 622(b), strike "May 1, 2005" and insert "January 1, 2007".

SA 1195. Mr. ENSIGN (for himself and Mr. THOMAS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) Insured Status.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

"(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).".

(b) Benefit Computation.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

SA 1196. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CUSTOMS AND BORDER PATROL MANAGEMENT FLEXIBILITY.

Notwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Patrol may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Commissioner determines to be necessary to carry out the functions of the U.S. Customs and Border Patrol. The Commissioner shall establish levels of compensation and other benefits for individuals so employed.

SA 1197. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (e) of section 601, add the following:

(9) Health coverage.—The alien shall establish that the alien will maintain a minimum level of health coverage through a qualified health care plan (within the meaning of section 223(c) of the Internal Revenue Code of 1986).

SA 1198. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 427. REPORT ON Y NONIMMIGRANT VISAS.

(a) In General.—The Secretary of Homeland Security shall annually report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) Timing of Reports.—

(1) Initial report.—The initial report required under subsection (a) shall be submitted to Congress not later than 2 years and 2 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act.

(2) Subsequent reports.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) Required Action.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

SA 1199. Mr. DODD (for himself and Mr. MENENDEZ) proposed an amendment SA 1150 proposed by Mr. REID (for himself and Mr. SPECTER) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Beginning on page 270, line 15, strike "not to exceed 40,000" and all that follows through "Y-1 nonimmigrant status terminated." on page 280, line 2, and insert the following: "not to exceed 90,000, plus any visas not required for the classes specified in paragraph (3), or".

(2) By striking paragraph (2) and inserting the following:

"(2) Spouses or children of an alien lawfully admitted for permanent residence or a national. Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or a noncitizen national of the United States as defined in section 101(a)(22)(B) of this Act who is resident in the United States shall be allocated visas in a number not to exceed 87,000, plus any visas not required for the class specified in paragraph (1).".

(3) By striking paragraph (3) and inserting the following:

"(3) Family-sponsored immigrants who are beneficiaries of family-based visa petitions filed before May 1, 2005. Immigrant visas totaling 440,000 shall be allotted visas as follows:

"(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (D).

"(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, shall be allocated visas totaling 110,000 immigrant visas, plus any visas not required for the class specified in (A).

"(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (A) and (B).

"(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas totaling 189,200 immigrant visas, plus any visas not required for the class specified in (A), (B), and (C).".

(4) By striking paragraph (4).

(d) Petition.—Section 204(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(i)) is amended by striking ", (3), or (4)" after "paragraph (1)".

(e) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

(2) Pending and approved petitions.—Petitions for a family-sponsored visa filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) which were filed before May 1, 2005, regardless of whether the petitions have been approved before May 1, 2005, shall be treated as if such provision remained in effect, and an approved petition may be the basis of an immigrant visa pursuant to section 203(a)(3).

(f) Determinations of Number of Intending Lawful Permanent Residents.—

(1) Survey of pending and approved family-based petitions.—The Secretary of Homeland Security may require a submission from petitioners with approved or pending family-based petitions filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) filed on or before May 1, 2005 to determine that the petitioner and the beneficiary have a continuing commitment to the petition for the alien relative under the classification. In the event

the Secretary requires a submission pursuant to this section, the Secretary shall take reasonable steps to provide notice of such a requirement. In the event that the petitioner or beneficiary is no longer committed to the beneficiary obtaining an immigrant visa under this classification or if the petitioner does not respond to the request for a submission, the Secretary of Homeland Security may deny the petition if the petition has not been adjudicated or revoke the petition without additional notice pursuant to section 205 if it has been approved.

(2) FIRST SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—The Secretary shall establish procedures by which nonimmigrants described in section 101(a)(15)(Z) who seek to become aliens lawfully admitted for permanent residence under the merit-based immigrant system shall establish their eligibility, pay any applicable fees and penalties, and file their petitions. No later than the conclusion of the eighth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be 20 percent of the total number of qualified applicants. The Secretary will calculate the number of visas needed per year.

(3) SECOND SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—No later than the conclusion of the thirteenth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants not described in paragraph (2) who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be the lesser of:

(A) the number of qualified applicants, as determined by the Secretary pursuant to this paragraph; and

(B) the number calculated pursuant to paragraph (2).

(g) CONFORMING AMENDMENTS.—

(1) Section 212(d)(12)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(12)(B)) is amended by striking "201(b)(2)(A)" and inserting "201(b)(2)".

(2) Section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)(2)".

(3) Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by striking "201(b)(2)(A)(i)" each place it appears and inserting "201(b)(2)".

(4) Section 214(r)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(r)(3)(A)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)(2)".

SEC. 504. CREATION OF PROCESS FOR IMMIGRATION OF FAMILY MEMBERS IN HARDSHIP CASES.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding a new section 203A reading:

"SEC. 203A. IMMIGRANT VISAS FOR HARDSHIP CASES.

"(a) IN GENERAL.—Immigrant visas under this section may not exceed 5,000 per fiscal year.

"(b) DETERMINATION OF ELIGIBILITY.—The Secretary of Homeland Security may grant an immigrant visa to an applicant who satisfies the following qualifications:

"(1) FAMILY RELATIONSHIP.—Visas under this section will be given to aliens who are:

"(A) the unmarried sons or daughters of citizens of the United States;

"(B) the unmarried sons or the unmarried daughters of aliens lawfully admitted for permanent residence;

"(C) the married sons or married daughters of citizens of the United States; or

"(D) the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age.

"(2) NECESSARY HARDSHIP.—The petitioner must demonstrate to the satisfaction of the Secretary of Homeland Security that the lack of an immigrant visa under this clause would result in extreme hardship to the petitioner or the beneficiary that cannot be relieved by temporary visits as a nonimmigrant.

"(3) INELIGIBILITY TO IMMIGRATE THROUGH OTHER MEANS.—The alien described in clause (1) must be ineligible to immigrate or adjust status through other means, including but not limited to obtaining an immigrant visa filed for classification under section 201(b)(2)(A) or section 203(a) or (b) of this Act, and obtaining cancellation of removal under section 240A(b) of this Act. A determination under this section that an alien is eligible to immigrate through other means does not foreclose or restrict any later determination on the question of eligibility by the Secretary of Homeland Security or the Attorney General.

"(c) PROCESSING OF APPLICATIONS.—

"(1) An alien selected for an immigrant visa pursuant to this section shall remain eligible to receive such visa only if the alien files an application for an immigrant visa or an application for adjustment of status within the fiscal year in which the visa becomes available, or at such reasonable time as the Secretary may specify after the end of the fiscal year for petitions approved in the last quarter of the fiscal year.

"(2) All petitions for an immigrant visa under this section shall automatically terminate if not granted within the fiscal year in which they were filed. The Secretary may in his discretion establish such reasonable application period or other procedures for filing petitions as he may deem necessary in order to ensure their orderly processing within the fiscal year of filing.

"(3) The Secretary may reserve up to 2,500 of the immigrant visas under this section for approval in the period between March 31 and September 30 of a fiscal year.

"(d) Decisions whether an alien qualifies for an immigrant visa under this section are in the unreviewable discretion of the Secretary.".

SEC. 505. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking "; and" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking "(a), (b), or (c)," and inserting "(a) or (b),";

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking "(a), (b), or (c)" and inserting "(a) or (b)"; and

(5) in subsection (g), by striking "(a), (b), and (c)" and inserting "(a) and (b)".

(c) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I);

(2) by redesignating subparagraphs (J), (K), and (L) of subsection (a)(1) as subparagraphs (I), (J), and (K), respectively; and

(3) in subsection (e), by striking "(a), (b), or (c)" and inserting "(a) or (b)".

(d) REPEAL OF TEMPORARY REDUCTION IN VISAS FOR OTHER WORKERS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act, as amended (Public Law 105–100; 8 U.S.C. 1153 note), is repealed.

(e) EFFECTIVE DATE.—

(1) The amendments made by this section shall take effect on October 1, 2008.

(2) No alien may receive lawful permanent resident status based on the diversity visa program on or after the effective date of this section.

(f) CONFORMING AMENDMENTS.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended by redesignating paragraphs (d), (e), (f), (g), and (h) as paragraphs (c), (d), (e), (f), and (g), respectively.

SEC. 506. FAMILY VISITOR VISAS.

(a) Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended to read as follows:

"(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he or she has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure. The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;".

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(s) PARENT VISITOR VISAS.—

"(1) IN GENERAL.—The parent of a United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating satisfaction of the requirements of this subsection may be granted a renewable nonimmigrant visa valid for 3 years for a visit or visits for an aggregate period not in excess of 180 days in any one year period under section 101(a)(15)(B) as a temporary visitor for pleasure.

"(2) REQUIREMENTS.—An alien seeking a nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

"(A) the alien's United States citizen son or daughter who is at least 21 years of age or the alien's spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien's visit to the United States;

"(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeited if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her nonimmigrant status; and

"(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

“(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

“(A) may not stay in the United States for an aggregate period in excess of 180 days within any calendar year unless an extension of stay is granted upon the specific approval of the district director for good cause;

“(B) must, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

“(C) may not be issued employment authorization by the Secretary or be employed.

“(4) PERMANENT BARS FOR OVERSTAYS.—

“(A) IN GENERAL.—Any alien admitted as a visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission is permanently barred from any future immigration benefits under the immigration laws, except—

“(i) asylum under section 208(a);

“(ii) withholding of removal under section 241(b)(3); or

“(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that:

“(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

“(ii) the alien has not otherwise violated his or her nonimmigrant status.

“(5) BAR ON SPONSOR OF OVERSTAY.—The United States citizen or Y-1 nonimmigrant sponsor of an alien—

“(A) admitted as a visitor for pleasure under the terms and conditions of this subsection, and

“(B) who remains in the United States beyond his or her authorized period of admission, shall be permanently barred from sponsoring that alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y–1 nonimmigrant sponsor, shall have his Y–1 nonimmigrant status terminated.

SA 1200. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (c) of section 418 and all that follows through subsection (d) of section 420, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended—

(1) by striking “(H)(i)(b) or (c),” and inserting “(F)(iv), (H)(i)(b), (H)(i)(c),”; and

(2) by striking “if the alien had obtained a change of status” and inserting “if the alien had been admitted as, provided status as, or obtained a change of status”.

SEC. 419. H–1B STREAMLINING AND SIMPLIFICATION.

(a) H–1B AMENDMENTS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(A) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

“(i) 150,000 in fiscal year 2008;

“(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

“(iii) 215,000 for any fiscal year; or”;

(B) in paragraph (6), as redesignated by section 409—

(i) in subparagraph (B), by striking “; or” and inserting a semicolon;

(ii) in subparagraph (C), by striking “until the number of aliens who are exempted from such numerical limitation during such fiscal year exceeds 20,000.” and inserting “; or”; and

(iii) by adding at the end the following:

“(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.”; and

(C) in paragraph (9), as redesignated by section 409—

(i) in subparagraph (B)—

(I) in clause (iii), by striking “The annual numerical limitations described in clause (i) shall not exceed” and inserting “Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:”; and

(ii) by striking clause (iv); and

(iii) by striking subparagraph (D).

(2) APPLICABILITY.—The amendments made by paragraph (1)(B) shall apply with respect to any petition or visa application pending on the date of the enactment of this Act and to any petition or visa application filed on or after such date of enactment.

(b) REQUIRING A DEGREE.—Paragraph (2) of section 214(i) (8 U.S.C. 1184(i)) is amended—

(1) in subparagraph (A), by striking the comma at the end and inserting “; and”;

(2) in subparagraph (B), by striking “, or” and inserting a period; and

(3) by striking subparagraph (C).

(c) PROVISION OF W-2 FORMS.—Section 214(g)(5), as redesignated by section 409, is amended to read as follows:

“(5) In the case of a nonimmigrant described in section 101(a)(15)(H)(i)(b)—

“(A) the period of authorized admission as such a nonimmigrant may not exceed 6 years (except for a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence);

“(B) if the alien is granted an initial period of admission less than 6 years, any subsequent application for an extension of stay for such alien shall include the Form W-2 Wage and Tax Statement filed by the employer for such employee, and such other form or information relating to such employment as the Secretary of Homeland Security, in the discretion of the Secretary, may specify, with respect to such nonimmigrant alien employee for the period of admission granted to the alien; and

“(C) notwithstanding section 6103 of the Internal Revenue Code of 1986, or any other law, the Commissioner of Internal Revenue or the Commissioner of the Social Security Administration shall upon request of the Secretary confirm whether the Form W-2 Wage and Tax Statement filed by the employer under subparagraph (B) matches a Form W-2 Wage and Tax Statement filed with the Internal Revenue Service or the Social Security Administration, as the case may be.”.

(d) EXTENSION OF H–1B STATUS FOR MERIT-BASED ADJUSTMENT APPLICANTS.—

(1) IN GENERAL.—Section 214(g)(4), as redesignated by section 409, is amended—

(A) by inserting “(A)” after “(4)”;

(B) by striking “If an alien” and inserting the following:

“(B) If an alien”; and

(C) by adding at the end the following:

“(C) Subparagraph (B) shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa accompanied by a qualifying employer recommendation under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence.”.

(2) REPEAL.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (8 U.S.C. 1184 note) is amended by striking subsections (a) and (b).

SEC. 420. H–1B EMPLOYER REQUIREMENTS.

(a) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking “90 days” each place it appears and inserting “180 days”; and

(ii) in subparagraph (F)(ii), by striking “90 days” each place it appears and inserting “180 days”; and

(B) in paragraph (2)(C)(iii), by striking “90 days” each place it appears and inserting “180 days”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(b) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

“(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

“(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

“(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

“(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.”; and

(2) in the flush text at the end, by striking “The employer” and inserting the following:

“(K) The employer”.

(c) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (b)(1), the following:

“(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.”.

SA 1201. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of subtitle A of title VII, insert the following:

SEC. 704. LOSS OF NATIONALITY.

(a) In General.—Section 349(a)(3) (8 U.S.C. 1481(a)(3)) is amended to read as follows:

"(3) entering, or serving in, the armed forces of a foreign state if—

"(A) such armed forces are engaged in, or attempt to engage in, hostilities or acts of terrorism against the United States; or

"(B) such person is serving or has served as a general officer in the armed forces of a foreign state; or".

(b) Special Rule and Definitions.—Such section 349 is amended by adding at the end the following new subsections:

"(c) Special Rule.—Any person described in subsection (a), who commits an act described in such subsection, shall be presumed to have committed such act with the intention of relinquishing United States nationality, unless such presumption is overcome by a preponderance of evidence.

"(d) Definitions.—In this section:

"(1) Armed forces of a foreign state.—The term 'armed forces of a foreign state' includes any armed band, militia, organized force, or other group that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

"(2) Foreign state.—The term 'foreign state' includes any group or organization (including any recognized or unrecognized quasi-government entity) that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

"(3) Hostilities against the United States.—The term 'hostilities against the United States' means the enticing, preparation, or encouragement of armed conflict against United States citizens or businesses or a facility of the United States Government.

"(4) Terrorism.—The term 'terrorism' has the meaning given that term in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))".

SA 1202. Mr. OBAMA (for himself and Mr. Menendez) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 509. TERMINATION.

(a) In General.—The amendments described in subsection (b) shall be effective during the 5-year period ending on September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted.

(b) Provisions.—The amendments described in this subsection are the following:

(1) The amendments made by subsections (a) and (b) of section 501.

(2) The amendments made by subsections (b), (c), and (e) of section 502.

(3) The amendments made by subsections (a), (b), (c), (d), and (g) of section 503.

(4) The amendments made by subsection (a) of section 504.

(c) Worldwide Level of Employment-Based Immigrants.—

(1) Temporary supplemental allocation.—Section 201(d) (8 U.S.C. 1151(d)) is amended by adding at the end the follows new paragraphs:

"(3) Temporary supplemental allocation.—Notwithstanding paragraphs (1) and (2), there shall be a temporary supplemental allocation of visas as follows:

"(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

"(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

"(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

"(4) Termination of temporary supplemental allocation.—The temporary supplemental allocation of visas described in paragraph (3) shall terminate when the number of visas calculated pursuant to paragraph (3)(C) is zero.

"(5) Limitation.—The temporary supplemental visas described in paragraph (3) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).".

(2) Effective date.—The amendment made by paragraph (1) shall be effective on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted.

SA 1203. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for othr purposes; which was ordered to lie on the table as follows;

At the appropriate place in title II, insert the following:

SEC. 2 . REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) Asylum.—Section 208(b)(2)(A) (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) by inserting "or the Secretary of Homeland Security" after "if the Attorney General"; and

(2) by amending clause (v) to read as follows:

"(v) the alien is described in section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case of an alien described in section 212(a)(3)(B)(i)(IX), the Secretary of Homeland Security or the Attorney General determines, in the discretion of the Secretary or the Attorney General, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or".

(b) Conforming Amendment.—Section 212(a)(3)(B)(ii) (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking "(VII)" and inserting "(IX)".

(c) Cancellation of Removal.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended by—

(1) by striking "inadmissible under" and inserting "described in"; and

(2) by striking "deportable under" and inserting "described in".

(d) Voluntary Departure.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)" and inserting "described in paragraph (2)(A)(iii) or (4) of section 237(a)".

(e) Restriction on Removal.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) by inserting "or the Secretary of Homeland Security" after "Attorney General" each place such term appears;

(2) in clause (iii), by striking "or" at the end;

(3) in clause (iv), by striking the period at the end and inserting "; or";

(4) by inserting after clause (iv) the following:

"(v) the alien is described in section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case of an alien described in subclause (IX) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in his discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States."; and

(5) in the undesignated matter at the end, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(f) Record of Admission.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE FOR CERTAIN ALIENS WHO ENTERED THE UNITED STATES BEFORE JULY 1, 1924 OR JANUARY 1, 1972.

"(a) In General.—The Secretary of Homeland Security, in the discretion of the Secretary and under such regulations as the Secretary may prescribe, may enter a record of lawful admission for permanent residence in the case of any alien, if no such record is otherwise available and the alien—

"(1) entered the United States before January 1, 1972;

"(2) has continuously resided in the United States since such entry;

"(3) has been a person of good moral character since such entry;

"(4) is not ineligible for citizenship;

"(5) is not described in section 212(a)(1)(A)(iv), 212(a)(2), 212(a)(3), 212(a)(6)(C), 212(a)(6)(E), or 212(a)(8); and

"(6) did not, at any time, without reasonable cause fail or refuse to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability.

"(b) Effective Date.—A recordation under subsection (a) shall be effective—

"(1) as of the date of approval of the application; or

"(2) if such entry occurred before July 1, 1924, as of the date of such entry.".

(g) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act. Sections 208(b)(2)(A), 212(a), 240A, 240B, 241(b)(3), and 249 of the Immigration and Nationality Act, as amended by this section, shall apply to—

(1) all aliens in removal, deportation, or exclusion proceedings;

(2) all applications pending on, or filed after, the date of the enactment of this Act; and

(3) with respect to aliens and applications described in paragraph (1) or (2), acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SA 1204. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on th table; as follows:

Strike section 203 and insert the following:

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, or in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements, and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting "murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;";

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) in subparagraph (U), by striking "an attempt or conspiracy to commit an offense described in this paragraph" and inserting "attempting or conspiring to commit an offense described in this paragraph, or aiding, abetting, counseling, procuring, commanding, inducing, or soliciting the commission of such an offense."; and

(6) by striking the undesignated matter following subparagraph (U).

(b) DEFINITION OF CONVICTION.—Section 101(a)(48) (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

"(C) Any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt.".

(c) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

SA 1205. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for the comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In title II, insert after section 203 the following:

SEC. 204. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

"(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

"(B) shall be binding upon any court regardless of the applicable standard of review;";

(2) in paragraph (8), by inserting ", regardless whether the crime was classified as an aggravated felony at the time of conviction, provided that, the Secretary of Homeland Security or Attorney General may in the unreviewable discretion of the Secretary or the Attorney General, determine that this paragraph shall not apply in the case of a single aggravated felony conviction (other than murder, manslaughter, homicide, rape, or any sex offense when the victim of such sex offense was a minor) for which completion of the term of imprisonment or the sentence (whichever is later) occurred 10 or more years before the date of application;" after "(as defined in subsection (a)(43))";

(3) by striking the first sentence of the flush language after paragraph (9) and inserting following:

" "The fact that any person is not within any of the foregoing classes shall not preclude a discretionary finding for other reasons that such a person is or was not of good character. The Secretary or the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time.".

(b) AGGRAVATED FELONS.—Section 509(b) of the Immigration Act of 1990 (8 U.S.C. 1101 note) is amended by striking "convictions" and all that follows and inserting "convictions occurring before, on or after such date.".

(c) TECHNICAL CORRECTION TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 5504 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended—

(1) in paragraph (1), by inserting "immediately preceding the flush language beginning 'The fact that' " after "the period at the end of paragraph (8)"; and

(2) in paragraph (2), by striking "adding at the end" and inserting "inserting immediately following paragraph (8) as amended by this section and immediately preceding the flush language beginning "The fact that' ".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after the date of enactment, and shall apply to any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws pending on or filed after the date of enactment of this Act. The amendments made by subsection (c) shall take effect as if included in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

(e) NATURALIZATION OF PERSONS ENDANGERING NATIONAL SECURITY.—

(1) IN GENERAL.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PERSONS ENDANGERING NATIONAL SECURITY.—No person may be naturalized if the Secretary of Homeland Security determines, in the discretion of the Secretary, to have been at any time an alien described in section 212(a)(3) or 237(a)(4). Such determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information, and shall be binding upon, and unreviewable by, any court exercising jurisdiction, under the immigration laws of the United States, over any application for naturalization, regardless of the applicable standard of review.".

(2) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking ": and no application" and all that follows and inserting the following: ". No application for naturalization shall be considered by the Secretary of Homeland Security or by any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or in canceling the removal of an alien under this Act shall not be binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established his eligibility for naturalization under this title.".

(3) PENDING DENATURALIZATION OR REMOVAL PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "No petition shall be approved pursuant to this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(4) CONDITIONAL PERMANENT RESIDENTS.—Section 216(e) and 216A(e) (8 U.S.C. 1186a(e) and 1186b(e)) are amended by inserting ", if the alien has had the conditional basis removed pursuant to this section." before the period at the end of each subsection.

(5) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews conducted under such section (as such terms are defined by the Secretary in regulation), the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary of Homeland Security for the Secretary's determination on the application.".

(6) CONFORMING AMENDMENT.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(A) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," before "seek"; and

(B) by striking the second sentence and inserting the following: "The burden shall be upon the petitioner to show that the Secretary's denial of the application was not supported by facially legitimate and bona fide reasons. Except in a proceeding under section 340, and notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, whether, for purposes of an application for naturalization, an alien—

"(1) is a person of good moral character;

"(2) understands and is attached to the principles of the Constitution of the United States; or

"(3) is well disposed to the good order and happiness of the United States.".

(7) EFFECTIVE DATE.—The amendments made by this subsection—

(A) shall take effect on the date of the enactment of this Act;

(B) shall apply to any act that occurred before, on, or after such date of enactment; and

(C) shall apply to any application for naturalization or any other case or matter under the immigration laws of the United States that is pending on, or filed after, such date of enactment.

SA 1206. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. USE OF 1986 IRCA LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES.

(a) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6) (8 U.S.C. 1160(b)(6)) is amended—

(1) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (A), by striking "Justice" and inserting "Homeland Security";

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(4) by inserting after subparagraph (B) the following:

"(C) AUTHORIZED DISCLOSURES.—

"(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in the discretion of the Secretary, or at the request of the Attorney General, information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

"(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may, in the discretion of the Secretary, use, publish, or release information furnished under this section to support any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence, or the national security."; and

(5) in subparagraph (D), as redesignated, by striking "Service" and inserting "Department of Homeland Security".

(b) ADJUSTMENT OF STATUS UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended—

(1) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (A), by striking "Justice" and inserting "Homeland Security";

(3) by amending subparagraph (C) to read as follows:

"(C) AUTHORIZED DISCLOSURES.—

"(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in the discretion of the Secretary, information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

"(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may, in the discretion of the Secretary, use, publish, or release information furnished under this section to support any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence, or the national security."; and

(4) in subparagraph (D), by striking "Service" and inserting "Department of Homeland Security".

SA 1207. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFINITION OF RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended by striking "section 1542" and all that follows through "section 1546 (relating to fraud and misuse of visas, permits, and other documents)" and inserting "sections 1541 through 1548 (relating to passport, visa, and immigration fraud)".

SA 1208. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ SANCTIONS FOR COUNTRIES THAT DELAY OR PREVENT REPATRIATION OF THEIR NATIONALS.

Sec. 243(d) (8 U.S.C. 1253(d)) is amended to read as follows:

"(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRIES THAT DENY OR DELAY ACCEPTING ALIENS.—Notwithstanding section 221(c), if the Secretary of Homeland Security determines that the government of a foreign country denies or unreasonably delays accepting aliens who are citizens, subjects, nationals, or residents of that country after the Secretary asks whether the government will accept an alien under this section, or after a determination that the alien is inadmissible under paragraph (6) or (7) of section 212(a)—

"(1) the Secretary of State, upon notification from the Secretary of Homeland Security of such denial or delay to accept aliens under circumstances described in this section, shall order consular officers in that foreign country to discontinue granting immigrant visas, nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the aliens;

"(2) the Secretary of Homeland Security may deny admission to any citizens, subjects, nationals, and residents from that country; and

"(3) the Secretary of Homeland Security may impose limitations, conditions, or additional fees on the issuance of visas or travel from that country and any other sanctions authorized by law.".

SA 1209. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) LIMITATION ON CIVIL ACTIONS.—No court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action filed after the date of the enactment of this Act pertaining to the administration or enforcement of the immigration laws of the United States.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be—

(A) discussed and explained in writing in the order granting prospective relief; and

(B) sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(c) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a higher court remands a decision on a motion subject to this section to a lower court, the order granting prospective relief which is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the Government's motion.

(E) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) PENDING MOTIONS.—

(A) 45 DAYS OR LESS.—Any motion pending for 45 days or less on the date of the enactment of this Act shall be treated as if it had been filed on the date of the enactment of this Act for purposes of this subsection.

(B) MORE THAN 45 DAYS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, which has been pending for more than 45 days on the date of enactment of this Act, and remains pending on the 10th day after such date of enactment, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of any such motion. An automatic stay pursuant to this subsection shall continue until the court enters an order granting or denying the Government's motion. No further postponement of any such automatic stay pursuant to this subsection shall be available under subsection (2)(C).

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—Subsection (b) shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(d) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(1) JUDICIAL REVIEW.—Except as expressly provided under section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) and notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas provision, and sections 1361 and 1651 of such title, no court has jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of such Act (8 U.S.C. 1225(b)(1)).

(2) GOVERNMENT MOTION.—Upon the Government's filing of a motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in a civil action identified in subsection (b), the court shall promptly—

(A) decide whether the court continues to have jurisdiction over the matter; and

(B) vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply to the extent that an order granting prospective relief was entered before the date of the enactment of this Act and such prospective relief is necessary to remedy the violation of a right guaranteed by the United States Constitution.

(e) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (b).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (b) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(f) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(g) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(h) APPLICATION OF AMENDMENT.—This Act shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(i) SEVERABILITY.—If any provision of this title or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this title and the application of the provisions of such to any person or circumstance shall not be affected by such finding.

SA 1210. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 49, lines 3 and 4, strike ", which is punishable by a sentence of imprisonment of five years or more".

SA 1211. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i)—

(i) in subclause (I), by striking ", or" and inserting a semicolon;

(ii) in subclause (II), by striking the comma at the end and inserting "; or"; and

(iii) by inserting after subclause (II) the following:

"(III) a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents, authentication features, and information),"; and

(B) by inserting after subparagraph (J), as redesignated by section 205(b)(A), the following:

"(K) CITIZENSHIP FRAUD.—Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of, a violation of, or an attempt or a conspiracy to violate, section 1425(a) or (b) of title 18 (relating to the procurement of citizenship or naturalization unlawfully), is inadmissible.

"(L) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

"(M) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

"(N) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS; CRIMES AGAINST CHILDREN.—

"(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. In this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

"(ii) Violators of protection orders.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding."; and

(2) in subsection (h)—

(A) by inserting "or the Secretary of Homeland Security" after "the Attorney General" each place such term appears;

(B) in the matter preceding paragraph (1), by striking "The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)" and inserting "The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (A)(i)(III), (B), (D), (E), (K), and (M) of subsection (a)(2)";

(C) in the matter following paragraph (2)—

(i) by striking "torture." and inserting "torture, or has been convicted of an aggravated felony."; and

(ii) by striking "if either since the date of such admission the alien has been convicted of an aggravated felony or the alien" and inserting "if since the date of such admission the alien".

(b) Deportability; Criminal Offenses.—Section 237(a)(3)(B) (8 U.S.C. 1227(a)(3)(B)) is amended—

(1) in clause (i), by striking the comma at the end and inserting a semicolon;

(2) in clause (ii), by striking ", or" at the end and inserting a semicolon;

(3) in clause (iii), by striking the comma at the end and inserting "; or"; and

(4) by inserting after clause (iii) the following:

"(iv) of a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18 (relating to the procurement of citizenship or naturalization unlawfully),".

(c) Deportability; Criminal Offenses.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) Identification fraud.—Any alien who is convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification), is deportable.".

(d) Effective Date.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act;

(2) all aliens who are required to establish admissibility on or after such date of enactment; and

(3) all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(e) Construction.—The amendments made by subsection (a) may not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before such amendments became effective.

SA 1212. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . REPORTING REQUIREMENTS.

(a) Clarifying Address Reporting Requirements.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking "notify the Attorney General in writing" and inserting "submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,";

(B) by striking "the Attorney General may require by regulation" and inserting "the Secretary may require"; and

(C) by adding at the end the following: "If the alien is involved in a proceeding before an immigration judge or in an administrative appeal of such proceeding, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.";

(2) in subsection (b), by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security";

(3) in subsection (c), by striking "given to such parent" and inserting "given by such parent"; and

(4) by adding at the end the following:

"(d)(1) Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section—

"(A) shall be the alien's current residential mailing address; and

"(B) may not be a post office box, another nonresidential mailing address, or the address of an attorney, representative, labor organization, or employer.

"(2) The Secretary may provide specific requirements with respect to—

"(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

"(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

"(3) An alien who is being detained by the Secretary under this Act—

"(A) is not required to report the alien's current address under this section while the alien remains in detention; and

"(B) shall notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

"(e)(1) Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

"(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

"(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

"(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

"(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

"(2) The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

"(3) The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).".

(b) Conforming Changes With Respect to Registration Requirements.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in section 263(a), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (f)—

(i) by striking "Attorney General is authorized" and inserting "Secretary of Homeland Security and Attorney General are authorized"; and

(ii) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) Penalties.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) Any alien or any parent or legal guardian in the United States of a minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

"(2) Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk.

"(3) The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.";

(2) in subsection (c), by inserting "or a notice of current address" before "containing statements"; and

(3) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SA 1213. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

After section 203, insert the following:

SEC. 203A. PRECLUDING REFUGEES AND ASYLEES WHO HAVE BEEN CONVICTED OF AGGRAVATED FELONIES FROM ADJUSTMENT TO LEGAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—Section 209(c) (8 U.S.C. 1159(c)) is amended—

(1) by inserting "(1)" before "The provisions"; and

(2) by adding at the end the following:

"(2) An alien who is convicted of an aggravated felony, as defined in section 101(a)(43), is not eligible for a waiver under paragraph (1) or for adjustment of status under this section.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to—

(1) any act that occurred before, on, or after the date of the enactment of this Act;

(2) all aliens who are required to establish admissibility on or after such date of enactment; and

(3) all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

SA 1214. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

After section 305, insert the following:

SEC. 305A. ADDITIONAL CRIMINAL PENALTIES FOR MISUSE OF SOCIAL SECURITY ACCOUNT NUMBERS.

(a) IN GENERAL.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) by amending paragraph (7) to read as follows:

"(7) for any purpose—

"(A) knowingly possesses or uses a social security account number or social security card knowing that such number or card was obtained from the Commissioner of Social Security by means of fraud or false statement;

"(B) knowingly and falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to the person or to another person, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to such person or to such other person;

"(C) knowingly buys, sells, or possesses with intent to buy or sell a social security account number or a social security card that is or purports to be a number or card issued by the Commissioner of Social Security;

"(D) knowingly alters, counterfeits, forges, or falsely makes a social security account number or a social security card; or

"(E) knowingly possesses, uses, distributes, or transfers a social security account number or a social security card knowing the number or card to be altered, counterfeited, forged, falsely made, or stolen; or";

(2) in paragraph (8)—

(A) by inserting "knowingly" before "discloses";

(B) by inserting "account" after "security"; and

(C) by striking the semicolon and inserting "; or";

(3) by inserting after paragraph (8) the following:

"(9) without lawful authority, knowingly produces or acquires for any person a social security account number, a social security card, or a number or card that purports to be a social security account number or social security card;"; and

(4) in the flush text, by striking "five" and inserting "10".

(b) CONSPIRACY AND DISCLOSURE.—Section 208 of the Social Security Act (42 U.S.C. 408) is further amended by adding at the end the following:

"(f) Whoever attempts or conspires to violate any criminal provision under this section shall be punished in the same manner as a person who completes a violation of such provision.

"(g)(1) Notwithstanding any other provision of law and subject to paragraph (3), the Commissioner of Social Security shall disclose to any Federal law enforcement agency the records described in paragraph (2) if such law enforcement agency requests such records for the purpose of investigating a violation of this section or any other felony offense.

"(2) The records described in this paragraph are records of the Social Security Administration concerning—

"(A) the identity, address, location, or financial institution accounts of the holder of a social security account number or social security card;

"(B) the application for and issuance of a social security account number or social security card; and

"(C) the existence or nonexistence of a social security account number or social security card.

"(3) The Commissioner of Social Security may not disclose any tax return or tax return information pursuant to this subsection except as authorized by section 6103 of the Internal Revenue Code of 1986.".

SA 1215. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) (8 U.S.C. 1201) is amended by striking the last sentence and inserting the following: "Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

SA 1216. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . WITHHOLDING OF REMOVAL.

(a) IN GENERAL.—Section 241(b)(3) (8 U.S.C. 1231(b)(3)) is amended—

(1) in subparagraph (A), by adding at the end the following: "The alien has the burden of proof to establish that the alien's life or freedom would be threatened in such country, and that race, religion, nationality, membership in a particular social group, or political opinion would be at least 1 central reason for such threat."; and

(2) in subparagraph (C), by striking "In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A)" and inserting "For purposes of this paragraph".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

SA 1217. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . JUDICIAL REVIEW OF DISCRETIONARY DETERMINATIONS AND REMOVAL ORDERS RELATING TO CRIMINAL ALIENS.

(a) DENIAL OF RELIEF.—Section 242(a)(2)(B) (8 U.S.C. 1252(a)(2)(B)) is amended to read as follows:

"(B) DENIAL OF DISCRETIONARY RELIEF AND CERTAIN OTHER RELIEF.—Except as provided under subparagraph (D), and notwithstanding any other provision of law, including section 2241 of title 28, any other habeas corpus provision, and sections 1361 and 1651 of such title, and regardless of whether the individual determination, decision, or action is made in removal proceedings, no court shall have jurisdiction to review—

"(i) any individual determination regarding the granting of status or relief under section 212(h), 212(i), 240A, 240B, or 245; or

"(ii) any discretionary decision or action of the Attorney General or the Secretary of Homeland Security under this Act or the regulations promulgated under this Act, other than the granting of relief under section 208(a), regardless of whether such decision or action is guided or informed by standards or guidelines, regulatory, statutory, or otherwise.".

(b) FINAL ORDER OF REMOVAL.—Section 242(a)(2)(C) (8 U.S.C. 1252(a)(2)(C)) is amended to read as follows:

"(C) Except as provided under subparagraph (D), and notwithstanding any other provision of law, including section 2241 of title 28, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review any final order of removal (regardless of whether relief or protection was denied on the basis of the alien's having committed a criminal offense) against an alien who is removable for committing a criminal offense under section 208(a)(2) or subparagraph (A)(iii), (B), (C), or (D) of section 237(a)(2), or any offense under section 237(a)(2)(A)(ii) for which both predicate offenses are, without regard to their date of commission, described in section 237(a)(2)(A)(i).".

SA 1218. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ACCESS TO NATIONAL CRIME INFORMATION CENTER'S INTERSTATE IDENTIFICATION INDEX.

(a) CRIMINAL JUSTICE ACTIVITIES.—Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by adding at the end the following:

"(f) CRIMINAL JUSTICE ACTIVITIES.—Notwithstanding any other provision of law, any Department of State personnel with authority to grant or refuse visas or passports may carry out activities that have a criminal justice purpose.".

(b) LIAISON WITH INTERNAL SECURITY OFFICERS; DATA EXCHANGE.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended by striking subsections (b) and (c) and inserting the following:

"(b) ACCESS TO NCIC-IIII.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General and the Director of the Federal Bureau of Investigation shall provide to the Department of Homeland Security and the Department of State access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III) and the Wanted Persons File and to any other files maintained by the National Crime Information Center for the purpose of determining whether an applicant or petitioner for a visa, admission, or any benefit, relief, or status under the immigration laws, or any beneficiary of an application or petition under the immigration laws, has a criminal history record indexed in the file.

"(2) AUTHORIZED ACTIVITIES.—

"(A) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State—

"(i) shall have direct access, without any fee or charge, to the information described in paragraph (1) to conduct name-based searches, file number searches, and any other searches that any criminal justice or other law enforcement officials are entitled to conduct; and

"(ii) may contribute to the records maintained by the National Crime Information Center.

"(B) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall receive, on request by the Secretary of Homeland Security, access to the information described in paragraph (1) by means of extracts of the records for placement in the appropriate database without any fee or charge.

"(c) CRIMINAL JUSTICE AND LAW ENFORCEMENT PURPOSES.—Notwithstanding any other provision of law, adjudication of eligibility for benefits under the immigration laws and other purposes relating to citizenship and immigration services, shall be considered to be criminal justice or law enforcement purposes with respect to access to or use of any information maintained by the National Crime Information Center or other criminal history information or records.".

SA 1219. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In subsections (e)(2) and (f)(1) of section 503, strike "May 1, 2005" each place it appears and insert "January 1, 2007".

SA 1220. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (c) of section 418 and all that follows through subsection (d) of section 420, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended—

(1) by striking "(H)(i)(b) or (c)," and inserting "(F)(iv), (H)(i)(b), (H)(i)(c),"; and

(2) by striking "if the alien had obtained a change of status" and inserting "if the alien had been admitted as, provided status as, or obtained a change of status".

SEC. 419. H–1B STREAMLINING AND SIMPLIFICATION.

(a) H–1B AMENDMENTS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(A) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

"(i) 150,000 in fiscal year 2008;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

"(iii) 215,000 for any fiscal year; or";

(B) in paragraph (6), as redesignated by section 409—

(i) in subparagraph (B), by striking "; or" and inserting a semicolon;

(ii) in subparagraph (C), by striking "until the number of aliens who are exempted from such numerical limitation during such fiscal year exceeds 20,000." and inserting "; or"; and

(iii) by adding at the end the following:

"(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States."; and

(C) in paragraph (9), as redesignated by section 409—

(i) in subparagraph (B)—

(I) in clause (iii), by striking "The annual numerical limitations described in clause (i) shall not exceed" and inserting "Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:"; and

(ii) by striking clause (iv); and

(iii) by striking subparagraph (D).

(2) APPLICABILITY.—The amendments made by paragraph (1)(B) shall apply with respect to any petition or visa application pending on the date of the enactment of this Act and to any petition or visa application filed on or after such date of enactment.

(b) REQUIRING A DEGREE.—Paragraph (2) of section 214(i) (8 U.S.C. 1184(i)) is amended—

(1) in subparagraph (A), by striking the comma at the end and inserting "; or";

(2) in subparagraph (B), by striking ", or" and inserting a period; and

(3) by striking subparagraph (C).

(c) PROVISION OF W-2 FORMS.—Section 214(g)(5), as redesignated by section 409, is amended to read as follows:

"(5) In the case of a nonimmigrant described in section 101(a)(15)(H)(i)(b)—

"(A) the period of authorized admission as such a nonimmigrant may not exceed 6 years (except for a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence);

"(B) if the alien is granted an initial period of admission less than 6 years, any subsequent application for an extension of stay for such alien shall include the Form W-2 Wage and Tax Statement filed by the employer for such employee, and such other form or information relating to such employment as the Secretary of Homeland Security, in the discretion of the Secretary, may specify, with respect to such nonimmigrant alien employee for the period of admission granted to the alien; and

"(C) notwithstanding section 6103 of the Internal Revenue Code of 1986, or any other law, the Commissioner of Internal Revenue or the Commissioner of the Social Security Administration shall upon request of the Secretary confirm whether the Form W-2 Wage and Tax Statement filed by the employer under subparagraph (B) matches a Form W-2 Wage and Tax Statement filed with the Internal Revenue Service or the Social Security Administration, as the case may be.".

(d) EXTENSION OF H–1B STATUS FOR MERIT-BASED ADJUSTMENT APPLICANTS.—

(1) IN GENERAL.—Section 214(g)(4), as redesignated by section 409, is amended—

(A) by inserting "(A)" after "(4)";

(B) by striking "If an alien" and inserting the following:

"(B) If an alien"; and

(C) by adding at the end the following:

"(C) Subparagraph (B) shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa accompanied by a qualifying employer recommendation under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence.".

(2) REPEAL.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (8 U.S.C. 1184 note) is amended by striking subsections (a) and (b).

SEC. 420. H–1B EMPLOYER REQUIREMENTS.

(a) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "90 days" each place it appears and inserting "180 days"; and

(ii) in subparagraph (F)(ii), by striking "90 days" each place it appears and inserting "180 days"; and

(B) in paragraph (2)(C)(iii), by striking "90 days" each place it appears and inserting "180 days".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(b) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

"(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

"(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

"(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

"(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs."; and

(2) in the flush text at the end, by striking "The employer" and inserting the following:

"(K) The employer".

(c) LIMIT ON PERCENTAGE OF H-1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (b)(1), the following:

"(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.".

SA 1221. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . SSI EXTENSION FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

"(M) SSI EXTENSION THROUGH FISCAL YEAR 2010.—

"(i) IN GENERAL.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during the period that begins on the date of enactment of this subparagraph and ends on September 30, 2010.

"(ii) ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—

"(I) IN GENERAL.—Beginning on the date of enactment of this subparagraph, any qualified alien rendered ineligible for the specified Federal program described in paragraph (3)(A) during fiscal years prior to the fiscal year in which such subparagraph is enacted solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this subparagraph, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

"(II) PAYMENT OF BENEFITS.—Benefits paid under subclause (I) shall be paid prospectively over the duration of the qualified alien's renewed eligibility.".

SA 1222. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 604 (relating to mandatory disclosure of information) and insert the following:

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section 601 and 602, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section 601 and 602 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, any application to extend such status under section 601(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section 601 or 602 are references to sections 601 and 602 of this Act and the amendments made by those sections.

SA 1223. Mr. SANDERS proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of title VII, insert the following:

Subtitle C—American Competitiveness Scholarship Program

SEC. 711. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this section as the "Director") shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(C) certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(c) AMOUNT OF SCHOLARSHIP; RENEWAL.—

(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000 per year, except that no scholarship shall be greater than the annual cost of tuition and fees at the institution of higher education in which the scholarship recipient is enrolled or will enroll.

(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.

(d) FUNDING.—The Director shall carry out this section only with funds made available under section 286(x) of the Immigration and Nationality Act (as added by section 712) (8 U.S.C. 1356).

(e) FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship under this section.

SEC. 712. SUPPLEMENTAL H-1B NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) (as amended by this Act) is further amended by inserting after subsection (w) the following:

"(x) SUPPLEMENTAL H-1B NONIMMIGRANT PETITIONER ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H-1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this Act, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(15).

"(2) USE OF FEES FOR AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—The amounts deposited into the Supplemental H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in section 711 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.".

SEC. 713. SUPPLEMENTAL FEES.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(15)(A) In each instance where the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amount determined under subparagraph (B).

"(B) The amount of the supplemental fee shall be $8,500, except that the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

"(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(x).".

SA 1224. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Purpose: To prohibit illegal immigrants from receiving welfare.

Section 602(a)(6) is amended by adding at the end the following: "In no event shall a Z nonimmigrant or an alien granted probationary benefits under section 601(h) be eligible for assistance under the designated Federal program described in section 402(b)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(3)(A)) before the date that is 5 years after the date on which the alien's status is adjusted under this section to that of an alien lawfully admitted for permanent residence.".

SA 1225. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 601(d)(1), strike subparagraph (I) and insert the following:

(I) The Secretary, in the discretion of the Secretary—

(i) may waive ineligibility under subparagraph (B) or (C) if the alien—

(I) has not been physically removed from the United States; and

(II) demonstrates that the departure of the alien from the United States would result in extreme hardship to the alien or the spouse, parent, or child of the alien; and

(ii) shall, unless the Secretary or the Attorney General determines that a waiver is not in the public interest based on the particular facts of the application for asylum of the alien, waive ineligibility under subparagraph (B) if—

(I) notwithstanding subparagraph (B), the alien is admissible to the United States as an immigrant;

(II) the alien filed an application for asylum before December 31, 2004, which was not found to be frivolous by the Attorney General under section 208(d)(6) of the Immigration and Nationality Act (11 U.S.C. 1158(d)(6));

(III) an immigration judge specifically cited changed country conditions as the basis, in whole or in part, for denying the application of the alien for asylum;

(IV) the alien applies for the adjustment of status;

(V) the alien—

(aa) has been physically present in the United States for at least 3 years; and

(bb) was physically present in the United States on the date the application for the adjustment of status was filed;

(VI) the alien has not returned to the country of nationality or last habitual residence of the alien since the filing of the application for asylum; and

(VII) the alien pays a fee, in an amount determined by the Secretary, for the processing of the application.

SA 1226. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 264, line 15, strike the end quote and final period and insert the following:

"(G) In addition to any merit points awarded pursuant to the evaluation system described in subparagraph (A), an alien shall receive 20 points if the alien—

"(i) is admissible to the United States as an immigrant (except for any provision under paragraphs (4), (5), and (7)(A) of section 212(a) or any other provision of such section waived by the Secretary of Homeland Security or the Attorney General (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (F) of paragraph (3)) with respect to such alien for humanitarian purposes, to assure family unity, or if otherwise in the public interest);

"(ii) filed an application for asylum before December 31, 2004, which was credible, based on the country conditions that existed at the time the application was file;

"(iii) has been physically present in the United States for not less than 3 years; and

"(iv) was physically present in the United States on the date on which the application described in clause (ii) was filed.".

SA 1227. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ADJUSTMENT OF STATUS FOR ASYLEES.

Section 245 of the Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n) ADJUSTMENT OF STATUS FOR ASYLEES.—

"(1) IN GENERAL.—The Secretary of Homeland Security (in this subsection referred to as the 'Secretary') shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

"(A) is admissible to the United States as an immigrant, except as provided under paragraph (2);

"(B) filed an application for asylum before December 31, 2004, which was not found to be frivolous by the Attorney General under section 208(d)(6);

"(C) changed country conditions were specifically cited by an immigration judge as the basis, in whole or in part, for denying the application for asylum;

"(D) applies for such adjustment of status;

"(E) has been physically present in the United States for at least 3 years and was physically present in the United States on the date on which the application for such adjustment was filed;

"(F) has not returned to his or her country of nationality or last habitual residence since the date of filing of the application for asylum; and

"(G) pays a fee, in an amount determined by the Secretary, for the processing of such application.

"(2) APPLICABILITY OF OTHER FEDERAL STATUTORY REQUIREMENTS.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking adjustment of status under this subsection, and the Secretary or the Attorney General may waive any other provision of such section 212(a) (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (F) of paragraph (3) of that section) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(3) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—The Secretary shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien is the spouse, child, or unmarried son or unmarried daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under paragraph (1).

"(4) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of this Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a motion to reopen, reconsider, or vacate such order. If the Secretary or the Attorney General grants the application, the Attorney General shall cancel the order of removal. If the Secretary or the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable, to the same extent as if the application had not been made.

"(5) STAY OF FINAL ORDER OF EXCLUSION, DEPORTATION, OR REMOVAL.—Filing for adjustment of status, as described in this subsection, shall result in a stay of a final order of exclusion, deportation, or removal.".

SA 1228. Mr. LEVIN (for himself, Mr. OBAMA, Mr. MENENDEZ, Mr. COLEMAN, Mr. REID, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID, (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (c) of section 215 of the amendment and insert the following:

(c) REPORTS ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States, in conjunction with the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the background and security checks conducted by the Federal Bureau of Investigation.

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) an analysis of resources devoted to the name check program, including personnel and support;

(C) a statistical analysis of the background and security check delays associated with different types of name check requests, such as those requested by the U.S. Citizenship and Immigration Services or the Office of Personnel Management, including—

(i) the number of background checks conducted on behalf of requesting agencies, by agency and type of requests (such as naturalization or adjustment of status); and

(ii) the average time spent on each type of background check described under subparagraph (A), including the time from the submission of the request to completion of the check and the time from the initiation of check processing to the completion of the check;

(D) a statistical analysis of the background and security check delays by the country of origin of the applicant;

(E) a description of the obstacles that impede the timely completion of such background checks;

(F) a discussion of the steps that the Director of the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 60 days; and

(G) a plan for the automation of all investigative records related to the name check process.

(3) ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.—Not later than the end of each fiscal year, the Attorney General shall submit to the appropriate congressional committees a report containing, with respect to that fiscal year—

(A) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests received but not yet in process;

(B) the average time taken to complete each type of background check;

(C) a description of efforts made and progress by the Attorney General in addressing any delays in completing such background checks;

(D) a description of progress made in carrying out subsection (d);

(E) a report on the number of name checks extended during the preceding year under subsection (d)(3); and

(F) a description of progress made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(d) ENHANCED SECURITY THROUGH AN EFFECTIVE NATIONAL NAME CHECK PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, subject to paragraph (3), the Director of the Federal Bureau of Investigation shall ensure that all name checks are completed by not later than 180 days after the date of submission.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the appropriate congressional committees a report that includes a comprehensive plan to meet the requirements of paragraph (1).

(3) EXCEPTIONAL CIRCUMSTANCES.—Notwithstanding paragraph (1), the Director of the Federal Bureau of Investigation may—

(A) extend the timeframe for completion of a name check for not more than 2 additional 180-day periods, if the Director determines that such an extension is necessary to resolve the name check because the check could not reasonably have been completed in the allotted time through due diligence; or

(B) extend the timeframe as the Director determines to be necessary in any case in which the individual who is the subject of the name check is the subject of an ongoing investigation, the completion of which is necessary for a response to the agency at which the name check request originated.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committee on the Judiciary of the Senate.

(2) The Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Homeland Security of the House of Representatives.

SA 1229. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 290, line 18, strike "by the end of the next business day" and insert ", by the end of the 72-hour period following the completion of those background checks,".

On page 291, line 1, strike "next business day" and insert "72-hour period described in paragraph (1)".

SA 1230. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 601(i)(2)(C) (relating to other documents)—

(1) strike clause (VI) (relating to sworn affidavits);

(2) in clause (V), strike the semicolon at the end and insert a period; and

(3) in clause (IV), add "and" at the end.

SA 1231. Mr. DURBIN (for himself and Mr. GRASSLEY) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

In section 218B(b) of the Immigration and Nationality Act, as added by section 403(a), strike "Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment to which the Y nonimmigrant is sought, each" and insert "Each".

In section 218B(c)(1)(G) of the Immigration and Nationality Act, as added by section 403(a), strike "Except where the Secretary of

Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the Y nonimmigrant is sought—" and insert "That—".

SA 1232. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 218A of the Immigration and Nationality Act, as added by section 402(a), add the following new subsection:

"(y) SOCIAL SECURITY AND MEDICARE.—

"(1) SOCIAL SECURITY PAYROLL TAX.—

"(A) IN GENERAL.—Notwithstanding whether an agreement under section 233 of the Social Security Act is in effect between the United States and the home country of Y nonimmigrant, upon submission of a request at a United States Consulate in the home country of an alien who has ceased to be a Y nonimmigrant as result of termination of employment in the United States, the Secretary of the Treasury shall pay the alien an amount equal to the total tax imposed under section 3101(a) of the Internal Revenue Code of 1986 on the wages received by the alien and 50 percent of the tax imposed under section 1401(a) of such Code on the self-employment income of such alien while the alien was in such nonimmigrant status (without interest). An alien receiving such a payment shall be—

"(i) ineligible for any future admission to the United States under a Y nonimmigrant status; and

"(ii) prohibited from being credited under title II of the Social Security Act for any quarter of coverage on which such payment is based.

"(B) ADMINISTRATION.—Not later than 1 year after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of the Treasury and the Commissioner of Social Security shall each issue regulations establishing procedures for carrying out this paragraph, without regard to the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act).

"(2) MEDICARE PAYROLL TAX.—Not later than 1 year after such date of enactment, the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall issue regulations establishing procedures for transferring amounts collected from the tax imposed under section 3101(b) of the Internal Revenue Code of 1986 on the wages received by Y nonimmigrant and 50 percent of the tax imposed under section 1401(b) of such Code on the self-employment income of such alien while working in the United States to the Secretary of Health and Human Services for the purpose of making payments to eligible providers for the provision of eligible services to aliens in the same manner as payments are made to such providers in accordance with section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note).

"(3) APPLICATION OF PROHIBITION ON ELIGIBILITY FOR FEDERAL PUBLIC BENEFITS.—Nothing in this section shall be construed as affecting the application of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.) to a Y nonimmigrant and in no event shall an alien be considered a qualified alien under such title while granted such status.".

SA 1233. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (2) of section 607(a) and insert the following:

(2) adding at the end the following new subsections:

"(d)(1) Except as provided in paragraphs (2) and (3) and subsection (e), for purposes of this section and for purposes of determining a qualifying quarter of coverage under section 402(b)(2)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)(B))—

"(A) no quarter of coverage shall be credited if, with respect to any individual who is assigned a social security account number after 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

"(B) there shall be a rebuttable presumption that an alien who is granted nonimmigrant status under section 101(a)(15)(Z) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Z)) and who was granted a social security account number prior to 2007, has no qualifying quarters of coverage earned prior to the date that the alien is granted such status.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who satisfies the criterion specified in subsection (c)(2).

"(3) The rebuttable presumption described in paragraph (1)(B) may be overcome with appropriate, verifiable documents proving creditable quarters of coverage during a period—

"(A) prior to the date that the alien is granted nonimmigrant status under section 101(a)(15)(Z); and

"(B) that the alien was present in the United States pursuant to a grant of status under a provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(e) Subsection (d) shall not apply with respect to a determination under subsection (a) or (b) for a deceased individual in the case of a child who is a United States citizen and who is applying for child's insurance benefits under section 202(d) based on the wages and self-employment income of such deceased individual.".

SA 1234. Mr. SESSIONS submitted an amendment to amendment SA 1150 proposed by Mr. REID, (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Any alien who is unlawfully present in the United States, receives adjustment of status under section 601 of this Act (relating to aliens who were illegally present in the United States prior to January 1, 2007), or enters the United States to work on a Y visa under section 402 of this Act, shall not be eligible for the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income) until such alien has his or her status adjusted to legal permanent resident status.

SA 1235. Mr. SESSIONS proposed an amendment to amendment SA 1150 proposed by Mr. REID. (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ______. 5-YEAR LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613) is amended by inserting ", including the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income)," after "means-tested public benefit".

SA 1236. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 3, lines 7 through 9, strike ", biometrics, and/or complies with the requirements for such documentation under the REAL ID Act" and insert "and biometrics".

On page 90, strike lines 22 through 38 and insert the following:

"(i) an individual's driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States if—

On page 92, strike lines 22 through 26.

On page 130, strike line 28 and all that follows through page 133, line 29.

SA 1237. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID, (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 601(f)(2), strike "12 months" and insert "2 years".

SA 1238. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 27, strike "$50,000,000" and insert "$100,000,000".

SA 1239. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, strike the section that requires the Secretary of Education to develop an Internet-based English Learning Program.

SA 1240. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 104.

SA 1241. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 123, in the matter preceding paragraph (1), insert "subject to the availability of appropriations," after "shall,".

SA 1242. Mr. LIEBERMAN (for himself, Mr. Hagel, Ms. Cantwell, and Mr. Schumer) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 265, beginning on line 27, strike all through page 266, line 8, and insert the following:

(c) Procedure for Granting Immigrant Status.—

(1) In general.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by striking subparagraphs (E) and (F).

(2) Highly skilled workers.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(6)), as redesignated by section 409, is amended—

(A) in subparagraph (C), by striking "until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000." and inserting "or has been awarded a medical specialty certification based on post-doctoral training and experience in the United States; or"; and

(B) by adding at the end the following:

"(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.".

(d) Effective Date.—

(1) In general.—Subject to paragraph (2), the amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment, unless such date is less than 270 days after the date of enactment, in which case the amendments shall take effect on the first day of the following fiscal year.

(2) Pending and approved petitions and applications.—

(A) In general.—Petitions for an employment-based visa filed for classification under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) (as such provisions existed prior to the enactment of this section) that were filed prior to the date of the introduction of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 and were pending or approved at the time of the effective date of this section, shall be treated as if such provisions remained effective and an approved petition may serve as the basis for issuance of an immigrant visa.

(B) Adjustment of status.—The alien with respect to whom a petition was pending or approved as described in subparagraph (A), and any dependent accompanying or following to join such alien, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available.

(C) Labor certification.—Aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

SA 1243. Mr. OBAMA (for himself and Mr. Menendez) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 509. EXPIRATION OF PROVISIONS.

On September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted, the following provisions of this Act (and the amendments made by such provisions) shall be repealed and the Immigration and Nationality Act shall be applied as if such provisions had not been enacted:

(1) Section 501, except that this paragraph shall not apply to paragraphs (2) through (4) of section 201(d) of the Immigration and Nationality Act (as added by section 501(b)).

(2) Subsections (a) through (e) of section 502.

(3) Subsections (a), (b), (c), (d), and (e)(1) of section 503.

(4) Section 504.

SA 1244. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike 601(e)(6)(E)(ii) and insert the following:

(ii) Deposit of state impact assistance funds.—The fees collected under subparagraph (C) shall be deposited in the State Impact Assistance Account established under section 286(x) of the Immigration and Nationality Act, as added by section 402, and used for the purposes described in such section 286(x).

SA 1245. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 148, strike lines 3 through 7, and insert the following:

"(B) State impact assistance fee.—An alien making an application for a Y-1 nonimmigrant visa shall pay a State impact assistance fee of $750 and an additional $100 fee for each dependent accompanying or following to join the alien.".

SA 1246. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, strike lines 4 through 9, and insert the following:

(C) State impact assistance fee.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z-1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $750 and an additional $100 fee for each dependent accompanying or following to join the alien.

SA 1247. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 148, strike lines 3 through 7, and insert the following:

"(B) State impact assistance fee.—An alien making an application for a Y-1 nonimmigrant visa shall pay a State impact assistance fee of $750 and an additional $100 fee for each dependent accompanying or following to join the alien.".

On page 288, strike lines 4 through 9, and insert the following:

(C) State impact assistance fee.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z-1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $750 and an additional $100 fee for each dependent accompanying or following to join the alien.

On page 288, strike lines 22 through 24, and insert the following:

(ii) Deposit of state impact assistance funds.—The fees collected under subparagraph (C) shall be deposited in the State Impact Assistance Account established under section 286(x) of the Immigration and Nationality Act, as added by section 402, and used for the purposes described in such section 286(x).

SA 1248. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 292, between lines 33 and 34, strike: "(D) In general.—The alien" through "which taxes are owed.", and insert the following:

"(i) In general.—The alien may satisfy such requirement by establishing that—

"(I) no such tax liability exists;

"(II) all outstanding liabilities have been met; or

"(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

"(ii) Limitation.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.".

SA 1249. Ms. CANTWELL (for herself, Mr. Cornyn, Mr. Leahy, and Mr. Hatch) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike lines 15 through 25 on page 265 and insert the following:

"section 204(c).

"(G) Notwithstanding any conflicting provisions of this paragraph, the requirements of this paragraph shall apply only to merit-based, self-sponsored immigrants and not to merit-based, employer-sponsored immigrants described in paragraph (5).

"(H) Notwithstanding any conflicting provisions of this paragraph, any reference in this paragraph to a worldwide level of visas refers to the worldwide level specified in section 201(d)(1).";

(3) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(4) in paragraph (2) (as redesignated by paragraph (3))—

(A) by striking "7.1 percent of such worldwide level" and inserting "4,200 of the worldwide level specified in section 201(d)(1)"; and

(B) by striking "5,000" and inserting "2,500";

(5) in paragraph (3) (as redesignated by paragraph (3))—

(A) in subparagraph (A), by striking "7.1 percent of such worldwide level" and inserting "2,800 of the worldwide level specified in section 201(d)(1)"; and

(B) in subparagraph (B)(i), by striking "3,000" and inserting "1,500"; and

(6) by adding at the end the following

"(5) MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

"(A) PRIORITY WORKERS.—Visas shall first be made available in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), to qualified immigrants who are aliens described in any of clauses (i) through (iii):

"(i) ALIENS WITH EXTRAORDINARY ABILITY.—An alien is described in this clause if—

"(I) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

"(II) the alien seeks to enter the United States to continue work in the area of extraordinary ability; and

"(III) the alien's entry into the United States will substantially benefit prospectively the United States.

"(ii) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien is described in this clause if—

"(I) the alien is recognized internationally as outstanding in a specific academic area;

"(II) the alien has at least 3 years of experience in teaching or research in the academic area; and

"(III) the alien seeks to enter the United States—

"(aa) for a tenured position (or tenure-track position) within an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) to teach in the academic area;

"(bb) for a comparable position with an institution of higher education to conduct research in the area, or

"(cc) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 individuals full-time in research activities and has achieved documented accomplishments in an academic field.

"(iii) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien is described in this clause if the alien, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this paragraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

"(B) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—

"(i) IN GENERAL.—Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraph (A), to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

"(ii) DETERMINATION OF EXCEPTIONAL ABILITY.—In determining under clause (i) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(C) PROFESSIONALS.—

"(i) Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraphs (A) and (B), to qualified immigrants who hold baccalaureate degrees and who are members of the professions and who are not described in subparagraph (B).

"(D) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under subparagraph (B) or (C) until there has been a determination made by the Secretary of Labor that—

"(i) there are not sufficient workers who are able, willing, qualified and available at the time such determination is made and at the place where the alien, or a substitute is to perform such skilled or unskilled labor; and

"(ii) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

An employer may not substitute another qualified alien for the beneficiary of such determination unless an application to do so is made to and approved by the Secretary of Homeland Security.".

(c) WORLDWIDE LEVEL OF MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)), as amended by section 501(b), is further amended by adding at the end the following:

"(5) WORLDWIDE LEVEL FOR MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

"(A) IN GENERAL.—The worldwide level of merit-based employer-sponsored immigrants under this paragraph for a fiscal year is equal to—

"(i) 140,000, plus

"(ii) the number computed under subparagraph (B).

"(B) ADDITIONAL NUMBER.—

"(i) FISCAL YEAR 2007.—The number computed under this subparagraph for fiscal year 2007 is zero.

"(ii) FISCAL YEAR 2008.—The number computed under this subparagraph for fiscal year 2008 is the difference (if any) between the worldwide level established under subparagraph (A) for the previous fiscal year and the number of visas issued under section 203(b)(2) during that fiscal year.".

In section 501, insert after subsection (b) the following:

(c) PROVIDING EXEMPTIONS FROM MERIT-BASED LEVELS FOR VERY HIGHLY SKILLED IMMIGRANTS.—Section 201(b)(1) of the Immigration and Nationality Act (as amended by section 503(a)) (8 U.S.C. 1151(b)(1)) is further amended by inserting after subparagraph (G) the following:

"(H) Aliens who have earned a master's or higher degree from a United States institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(I) Aliens who have earned a master's degree or higher degree in science, technology, engineering, or mathematics and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(J) Aliens who—

"(i) have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation; and

"(ii) seek to enter the United States to continue work in the area of extraordinary ability.

"(K) Aliens who—

"(i) are recognized internationally as outstanding in a specific academic area;

"(ii) have at least 3 years of experience in teaching or research in the academic area; and

"(iii) who seek to enter the United States for—

"(I) a tenured position (or tenure-track position) within an institution of higher education to teach in the academic area;

"(II) a comparable position with an institution of higher education to conduct research in the area; or

"(III) a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

"(L) Aliens who—

"(i) in the 3-year period preceding their application for an immigrant visa under section 203(b), have been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof; and

"(ii) who seek to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

"(M) The immediate relatives of an alien who is admitted as a merit-based employer-sponsored immigrant under subsection 203(b)(2).".

Strike section 418(c)(1).

Strike section 419(a) and insert the following:

(a) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Section 214(g)(6) (as renumbered by section 409) (8 U.S.C. 21184(g)(6)) is amended—

(A) in subparagraph (B), by striking "or" after the semicolon;

(B) in subparagraph (C), by striking ", until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000." and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.".

(2) Applicability.—The amendments made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

Strike section 419(b).

Strike section 420(a).

SA 1250. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 601(i)(2)(C) (relating to other documents)—

(1) strike clause (VI) (relating to sworn affidavits);

(2) in clause (V), strike the semicolon at the end and insert a period; and

(3) in clause (IV), add "and" at the end.

Strike section 604 (relating to mandatory disclosure of information) and insert the following:

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) In General.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section 601 and 602, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) Required Disclosures.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) Inapplicability After Denial.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section 601 and 602 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) Criminal Convictions.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) Auditing and Evaluation of Information.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, any application to extend such status under section 601(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) Use of Information in Petitions and Applications Subsequent to Adjustment of Status.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a determination on any petition or application.

(g) Criminal Penalty.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) Construction.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) References.—References in this section to section 601 or 602 are references to sections 601 and 602 of this Act and the amendments made by those sections.

SA 1251. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PEACE GARDEN PASS.

(a) Authorization.—Notwithstanding section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), the Secretary, in consultation with the Director of the Bureau of Citizenship and Immigration Services, shall develop a travel document (referred to in this section as the "Peace Garden Pass") to allow citizens and nationals of the United States described in subsection (b) to travel to the International Peace Garden on the borders of the State of North Dakota and Manitoba, Canada (and to be readmitted into the United States), without the use of a passport, passport card, or other similar alternative to a passport.

(b) Admittance.—The Peace Garden Pass shall be issued to, and shall authorize the admittance into the International Peace Garden and readmittance into the United States of, any citizen or national of the United States who enters the International Peace Garden from the United States and exits the International Peace Garden into the United States without having been granted entry into Canada.

(c) Identification.—The Secretary of State, in consultation with the Secretary, shall—

(1) determine what form of identification (other than a passport, passport card, or similar alternative to a passport) will be required to be presented by individuals applying for the Peace Garden Pass; and

(2) ensure that cards are only issued to—

(A) individuals providing the identification required under paragraph (1); or

(B) individuals under 18 years of age who are accompanied by an individual described in subparagraph (A).

(d) Limitation.—The Peace Garden Pass shall not grant entry into Canada.

(e) Duration.—Each Peace Garden Pass shall be valid for a period not to exceed 14 days. The actual period of validity shall be determined by the issuer depending on the individual circumstances of the applicant and shall be clearly indicated on the pass.

(f) Cost.—The Secretary may not charge a fee for the issuance of a Peace Garden Pass.

SA 1252. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 601, add the following:

(s) Perjury and False Statements.—Any person who willfully submits any materially false, fictitious, or fraudulent statement or representation (including any document, attestation, or sworn affidavit for that person or another person) relating to an application for any benefit under the immigration laws (including for Z nonimmigrant status) will be subject to prosecution for perjury under section 1621 of title 18, United States Code, or for making such a statement or representation under section 1001 of that title.

SA 1253. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 281, line 20, strike "January 1, 2007" and insert "May 1, 2005".

On page 281, line 24, strike "January 1, 2007" and insert "May 1, 2005".

SA 1254. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 602 and insert the following:

SEC. 602. ADJUSTMENT SHALL BE UNAVAILABLE FOR Z STATUS ALIENS.

Notwithstanding any other provision of this Act (or an amendment made by this Act)—

(1) a Z nonimmigrant shall not be adjusted to the status of a lawful permanent resident; and

(2) nothing in this section shall be construed to limit the number of times that a Z nonimmigrant can renew their status.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 5, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the preparedness of Federal land management agencies for the 2007 wildfire season and to consider recent reports on the agencies' efforts to contain the costs of wildfire management activities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Scott Miller at 202-224-5488 or Rachel Pasternack at (202) 224–0883.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, June 7, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on Alternate Energy-Related Uses on the Outer Continental Shelf: Opportunities, Issues and Implementation of Section 388 of the Energy Policy Act of 2005.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to gina_weinstock@energy.senate.gov.

For further information, please contact Patty Beneke at 202–224–5451 or Gina Weinstock at (202) 224–5684.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on June 6, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the impacts of climate change on water supply and availability in the United States, and related issues from a water use perspective.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, May 24, 2007, at 3 p.m. for a hearing entitled "The Road Home? An Examination of the Goals, Costs, Management, and Impediments Facing Louisiana's Road Home Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 24, 2007 at 9:30 a.m. in closed session to mark up the National Defense Authorization Act for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, May 24, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The hearing is on the nomination of Mr. Michael E. Baroody to be Commissioner and Chairman of the Consumer Product Safety Commission, and for Charles Darwin Snelling to be a Member of the Board of Directors at the Metropolitan Washington Airports Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 24, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building. The hearing will address opportunities and challenges associated with coal gasification, including coal-to-liquids and industrial gasification.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, May 24, 2007 at 10:30 a.m. in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled "The Issue of the Potential Impacts of Global Warming on Recreation and the Recreation Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 24, 2007, at 2 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "Energy Efficiency: Can Tax Incentives Reduce Consumption?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 24, 2007, at 11:30 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 24, 2007, at 10:00 a.m. in Dirksen Room 226.

AGENDA

I. Committee Authorization

Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills

S. 1327, A bill to create and extend certain temporary district court judgeships (Leahy, Brownback, Feinstein).

S. 185, Habeas Corpus Restoration Act of 2007 (Specter, Leahy, Feinstein, Feingold, Whitehouse).

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 24, 2007 at 3:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICE, AND INTERNATIONAL SECURITY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet on Thursday, May 24, 2007 at 10 a.m. for a hearing entitled, "Federal Real Property: Real Waste in Need of Real Reform"

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT—TREATY DOCUMENT 109–20

Mr. DURBIN. Mr. President, I ask unanimous consent that pursuant to the request of the State Department, Executive Communication 110–2046, dated May 24, 2007, Treaty Document 109–20 be star printed to include the exchange of diplomatic notes referred to in that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING THE WEEK OF MAY 20, 2007, AS "NATIONAL HURRICANE PREPAREDNESS WEEK"

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 217, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 217) designating the week of May 20, 2007, as "National Hurricane Preparedness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 217) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 217

Whereas the President has proclaimed that the week beginning May 20, 2007, shall be known as "National Hurricane Preparedness Week", and has called on government agencies, private organizations, schools, and media to share information about hurricane preparedness;

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

Whereas the official Atlantic hurricane season occurs in the period beginning June 1, 2007, and ending November 30, 2007;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends well beyond coastal areas, it is vital for individuals in hurricane prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration of the Department of Commerce recommends that each at-risk family of the United States develop a family disaster plan, create a disaster supply kit, secure their home, and stay aware of current weather situations to improve preparedness and help save lives; and

Whereas the designation of the week beginning May 20, 2007, as "National Hurricane Preparedness Week" will help raise the awareness of the individuals of the United States to assist them in preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of the President in proclaiming the week beginning May 20, 2007, as "National Hurricane Preparedness Week";

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the individuals of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

AUTHORIZING THE PRINTING OF A COLLECTION OF RULES OF COMMITTEES OF THE SENATE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 218, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 218) authorizing the printing of a collection of the rules of the committees of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 218) was agreed to, as follows:

S. RES. 218

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

OFFICIAL 50TH ANNIVERSARY CELEBRATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 219, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 219) recognizing the year 2007 as the official 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to the preamble be agreed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 219) was agreed to.

The preamble was agreed to.

The resolution, with its preamble reads as follows:

S. RES. 219

Whereas Congress authorized the creation of Lake Sidney Lanier and the Buford Dam in 1946 for flood control, power production, wildlife preservation, and downstream navigation;

Whereas construction on the Buford Dam project by the Army Corps of Engineers began in 1951;

Whereas the Army Corps of Engineers constructed the dam and lake on the Chattahoochee and Chestatee Rivers at a cost of approximately $45,000,000;

Whereas, in 1956, Jack Beachem and the Army Corps of Engineers signed a lease to create Holiday on Lake Sidney Lanier Marina as the lake's first concessionaire;

Whereas the first power produced through Buford Dam at Lake Sidney Lanier was produced on June 16, 1957;

Whereas Holiday on Lake Sidney Lanier opened on July 4, 1957;

Whereas Buford Dam was officially dedicated on October 9, 1957;

Whereas nearly 225,000 people visited Lake Sidney Lanier to boat, fish, and recreate in 1957;

Whereas today more than 8,000,000 visitors each year enjoy the attributes and assets of Lake Sidney Lanier to boat, fish, swim, camp, and otherwise recreate in the great outdoors;

Whereas Lake Sidney Lanier generates more than $5,000,000,000 in revenues annually, according to a study commissioned by the Marine Trade Association of Metropolitan Atlanta;

Whereas Lake Sidney Lanier has won the prestigious Chief of Engineers Annual Project of the Year Award, the highest recognition from the Army Corps of Engineers for outstanding management, an unprecedented 3 times in 12 years (in 1990, 1997, and 2002);

Whereas Lake Sidney Lanier hosted the paddling and rowing events for the Summer Games of the XXVI Olympiad held in Atlanta, Georgia, in 1996;

Whereas marinas serve as the gateway to recreation for the public on America's waterways;

Whereas Lake Sidney Lanier will join the Nation on Saturday, August 11, in celebration and commemoration of National Marina Day; and

Whereas 2007 marks the 50th anniversary of Lake Sidney Lanier: Now, therefore, be it

Resolved, That the Senate recognizes the 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia.

PRESERVATION APPROVAL PROCESS IMPROVEMENT ACT OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 151, H.R. 1675.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1675) to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1675) was ordered to a third reading, was read the third time, and passed.

NATIVE AMERICAN HOME OWNERSHIP OPPORTUNITY ACT OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 152, H.R. 1676.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1676) to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1676) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 170, S. 231.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

The bill (S. 231) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 231) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF GRANTS.

Section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3758) is amended by striking "for fiscal year 2006" through the period and inserting "for each of the fiscal years 2006 through 2012.".

EXPRESSING PROFOUND CONCERN REGARDING TRANSGRESSION AGAINST FREEDOM OF THOUGHT AND EXPRESSION IN VENEZUELA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 178, S. Res. 211.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 211) expressing the profound concern of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 211

Whereas, for several months, the President of Venezuela, Hugo Chávez, has been announcing over various media that he will not renew the current concession of the television station "Radio Caracas Televisión", also known as RCTV, which is set to expire on May 27, 2007, because of its adherence to an editorial stance different from his way of thinking;

Whereas President Chavez justifies this measure based on the alleged role RCTV played in the unsuccessful unconstitutional attempts in April 2002 to unseat President Chavez, under circumstances where there exists no filed complaint or judicial sentence that would sustain such a charge, nor any legal sanction against RCTV that would prevent the renewal of its concession, as provided for under Venezuelan law;

Whereas the refusal to renew the concession of any television or radio broadcasting station that complies with legal regulations in the matter of telecommunications constitutes a transgression against the freedom of thought and expression, which is prohibited by Article 13 of the American Convention on Human Rights, signed at San Jose, Costa Rica, July 18, 1978, which has been signed by the United States;

Whereas that convention establishes that "the right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions";

Whereas the Inter-American Declaration of Principles on Freedom of Expression, approved by the Inter-American Commission on Human Rights, states in Principle 13, "The exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans; the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression, and must be explicitly prohibited by law. The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression.";

Whereas, according to the principles of the American Convention on Human Rights and the Inter-American Declaration of Principles on Freedom of Expression, to both of which

Venezuela is a party, the decision not to renew the concession of the television station RCTV is an assault against freedom of thought and expression and cannot be accepted by democratic countries, especially by those in North America who are signatories to the American Convention on Human Rights;

Whereas the most paradoxical aspect of the decision by President Chavez is that it strongly conflicts with two principles from the Liberator Simón Bolivar's thinking, principles President Chavez says inspire him, which state that "[p]ublic opinion is the most sacred of objects, it needs the protection of an enlightened government which knows that opinion is the fountain of the most important of events," and that "[t]he right to express one's thoughts and opinions, by word, by writing or by any other means, is the first and most worthy asset mankind has in society. The law itself will never be able to prohibit it."; and

Whereas the United States should raise its concerns about these and other serious restrictions on freedoms of thought and expression being imposed by the Government of Venezuela before the Organization of American States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound concern about the transgression against freedom of thought and expression that is being attempted and committed in Venezuela by the refusal of the President of Venezuela, Hugo Chavez, to renew the concession of the television station "Radio Caracas Televisión" (RCTV) merely because of its adherence to an editorial and informational stance distinct from the thinking of the Government of Venezuela; and

(2) strongly encourages the Organization of American States to respond appropriately, with full consideration of the necessary institutional instruments, to such transgression.

HONORING 50TH ANNIVERSARY OF STAN HYWET HALL AND GARDENS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to consideration of S. Con. Res. 32.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 32) honoring the 50th anniversary of Stan Hywet Hall & Gardens.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 32) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 32

Whereas Stan Hywet Hall was built between 1912 and 1915 by Franklin "F.A." Augustus Seiberling and his wife, Gertrude;

Whereas Franklin Seiberling hired architect Charles S. Schneider of Cleveland to design the home, landscape architect Warren H. Manning of Boston to design the grounds, and Hugo F. Huber of New York City to decorate the interior;

Whereas Stan Hywet Hall is one of the finest examples of Tudor Revival architecture in the United States;

Whereas Alcoholics Anonymous, an organization that continues to help millions of individuals worldwide recover from alcohol addiction, was founded on Mother's Day 1935 following a meeting between Mr. Bill Wilson and Dr. Bob Smith and hosted by Henrietta Seiberling at Stan Hywet Hall;

Whereas, in 1957, in keeping with the Stan Hywet Hall crest motto of "Non Nobis Solum (Not for Us Alone)", the Seiberling family donated Stan Hywet Hall to a nonprofit organization, which came to be known as Stan Hywet Hall & Gardens, so that the public could enjoy and experience part of a noteworthy chapter in the history of the United States;

Whereas Stan Hywet Hall & Gardens is identified as a National Historic Landmark by the Department of the Interior, the only location in Akron, Ohio, with such a designation and one of only 2,200 nationwide;

Whereas Stan Hywet Hall & Gardens is one of Ohio's top 10 tourist attractions, is a Save America's Treasures project, and is accredited by the American Association of Museums;

Whereas more than 5,000,000 people from around the world have visited Stan Hywet Hall & Gardens, with the number of visitors annually averaging between 150,000 and 200,000 since 1999;

Whereas Stan Hywet Hall & Gardens contributes over $12,000,000 annually to the greater Akron economy;

Whereas Stan Hywet Hall & Gardens is a recipient of the Trustee Emeritus Award for Excellence in the Stewardship of Historic Sites from the National Trust for Historic Preservation, only the fourth recipient of the Award after George Washington's Mount Vernon, Thomas Jefferson's Monticello, and Washington, D.C.'s Octagon House; and

Whereas Stan Hywet Hall & Gardens relies on more than 1,300 volunteers to ensure that its doors remain open to the public, including the Women's Auxiliary Board, the Friends of Stan Hywet, the Stan Hywet Gilde, the Stan Hywet Needlework Guild, the Stan Hywet Flower Arrangers, the Stan Hywet Garden Committee, the Carriage House Gift Shop, the Conservatory, Vintage Base Ball, Vintage Explorers, the Akron Garden Club, and the Garden Forum of Greater Akron: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates Stan Hywet Hall & Gardens on its 50th anniversary;

(2) honors Stan Hywet Hall & Gardens for its commitment to sharing its history, gardens, and art collections with the public; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Stan Hywet Hall & Gardens.

TO INCREASE THE NUMBER OF IRAQI AND AFGHANI TRANSLATORS AND INTERPRETERS WHO MAY BE ADMITTED TO THE UNITED STATES AS SPECIAL IMMIGRANTS

Mr. DURBIN. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1104) to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Strike out all after the enacting clause and insert:

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES.

(a) INCREASE IN NUMBERS ADMITTED.—Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking "as a translator" and inserting ", or under Chief of Mission authority, as a translator or interpreter";

(B) in subparagraph (C), by inserting "the Chief of Mission or" after "recommendation from"; and

(C) in subparagraph (D), by inserting "the Chief of Mission or" after "as determined by"; and

(2) in subsection (c)(1), by striking "section during any fiscal year shall not exceed 50." and inserting the following: "section—

"(A) during each of the fiscal years 2007 and 2008, shall not exceed 500; and

"(B) during any other fiscal year shall not exceed 50.".

(b) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—Section 1059(c)(2) of such Act is amended—

(1) by amending the paragraph designation and heading to read as follows:

"(2) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—"; and

(2) by inserting "and shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4))" before the period at the end.

(c) ADJUSTMENT OF STATUS; NATURALIZATION.—Section 1059 of such Act is further amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

"(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

"(1) was paroled or admitted as a nonimmigrant into the United States; and

"(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act.

"(e) NATURALIZATION.—

"(1) IN GENERAL.—An absence from the United States described in paragraph (2) shall not be considered to break any period for which continuous residence in the United States is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.).

"(2) ABSENCE DESCRIBED.—An absence described in this paragraph is an absence from the United States due to a person's employment by the Chief of Mission or United States Armed Forces, under contract with the Chief of Mission or United States Armed Forces, or by a firm or corporation under contract with the Chief of Mission or United States Armed Forces, if—

"(A) such employment involved working with the Chief of Mission or United States Armed Forces as a translator or interpreter; and

"(B) the person spent at least a portion of the time outside of the United States working directly with the Chief of Mission or United States Armed Forces as a translator or interpreter in Iraq or Afghanistan.".

Amend the title so as to read "An Act to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes.".

Mr. DURBIN. I ask unanimous consented that the Senate concur in the House amendments, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S.J. RES. 14

Mr. DURBIN. Mr. President, I understand that S.J. Res. 14, introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution by title for the first time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 14) expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

Mr. DURBIN. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the joint resolution will receive its second reading on the next legislative day.

CONDITIONAL ADJOURNMENT OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 158, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 158) providing for conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the current resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection it is so ordered.

The concurrent resolution (H. Con. Res. 158) was considered and agreed to, as follows:

H. CON. RES. 158

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 24, 2007, Friday, May 25, 2007, or Saturday, May 26, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 5, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, May 25, 2007, Saturday, May 26, 2007, or on any day from Monday, May 28, 2007, through Saturday, June 2, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 4, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

ORDERS FOR FRIDAY, MAY 25, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, May 25; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of S. 1348, the immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, on behalf of the majority leader, I would like to announce that there will be no rollcall votes on Friday. The next rollcall vote will occur Tuesday, June 5, prior to the caucus recess period.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:43 p.m., adjourned until Friday, May 25, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 2007:

DEPARTMENT OF DEFENSE

PRESTON M. GEREN, OF TEXAS, TO BE SECRETARY OF THE ARMY, VICE FRANCIS J. HARVEY, RESIGNED.

EXPORT-IMPORT BANK OF THE UNITED STATES

DIANE G. FARRELL, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2011, VICE JOSEPH MAX CLELAND, TERM EXPIRED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

HENRIETTA HOLSMAN FORE, OF NEVADA, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE RANDALL L. TOBIAS, RESIGNED.

DEPARTMENT OF STATE

MICHAEL W. MICHALAK, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JAMES W. HOLSINGER, JR., OF KENTUCKY, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS, VICE RICHARD H. CARMONA, TERM EXPIRED.

THE JUDICIARY

WILLIAM J. POWELL, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA, VICE W. CRAIG BROADWATER, DECEASED.

AMUL R. THAPAR, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE JOSEPH M. HOOD, RETIRING.

GOVERNMENT PRINTING OFFICE

ROBERT CHARLES TAPELLA, OF VIRGINIA, TO BE PUBLIC PRINTER, VICE BRUCE R. JAMES, RETIRED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral

JONATHAN W. BAILEY

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral

PHILIP M. KENUL

HOUSE OF REPRESENTATIVES—*Thursday, May 24, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LYNCH).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 24, 2007.

I hereby appoint the Honorable STEPHEN F. LYNCH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of sacred revelation, the poetic and pathetic story of Job raises for every generation the mysterious question of human suffering: Why do bad things happen to good people?

In our own day, Lord, we hear Job in the African cry of the poor, in the conflicted mind of the wounded Marine and in the silence of the abused child.

Make the Members of Congress true comforters of Job, who not only talk about suffering but are in anguish to relieve his fate. Lift them from the illusion that virtue is directly linked to public notoriety and comparative wealth. Rather, by the infusion of faith, Lord, plunge them into a deeper solidarity with the war-torn poor and the heroic innocents so that Job's blessing may truly be their own:

"Naked I came from my mother's womb and naked I shall return. The Lord has given and the Lord has taken away. Blessed be the name of the Lord forever."

Amen

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. LAHOOD) come forward and lead the House in the Pledge of Allegiance.

Mr. LAHOOD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 414. An act to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building".

H.R. 437. An act to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office".

H.R. 625. An act to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office".

H.R. 988. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office".

H.R. 1402. An act to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building".

H. Con. Res. 128. Concurrent resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Gerald Rudolph Ford.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to ten 1-minutes per side.

WAR IN IRAQ

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, I have served this Nation in combat in Afghanistan and Iraq. The first was a just war; the second was a tragic misadventure.

After 31 years of military service, I ran for this office. I have never deviated from believing that a date certain to redeploy from Iraq is the only strategy which can change the incentives for the Iraqis, the Iranians and Syria, to change their behavior and to work for a non-failed state in Iraq. But I have run the Navy $67-billion-a-year warfare program. And I understand that money is only so fungible, and we will run out.

There is a greater good than me, than my office, than my caucus, than this Congress, and that is those that still wear the cloth of this Nation in Iraq that we Americans sent to fight for us.

I cannot vote to place their security between us and someone we hope might blink, because I do believe, however, after this, that I have great faith that there are those Americans on both sides of the aisle that will work towards ending this open-ended commitment for their security and America's.

LANCE CPL. BEN DESILETS

(Mr. LAHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAHOOD. Mr. Speaker, I rise today to pay tribute to Lance Cpl. Ben Desilets.

Ben was killed in Iraq on Tuesday. He was from Elmwood, Illinois, which is just west of Peoria, Illinois. He was a 2004 graduate of Elmwood High School.

In a statement from his family, it was described that Ben was killed behind the wheel of a Humvee when he died in the early morning hours. His mother is quoted as saying in an article in a local paper today, "He thought he was doing good. I was proud of him. It made him grow up a lot."

Today, as we honor Ben and all those who have fallen, and we remember our veterans on Memorial Day, we thank them for their service. We thank their families for their service and the great sacrifice that people like Ben and others have made in the name of freedom.

God bless Lance Cpl. Ben Desilets and his family.

IT IS TIME TO END THE WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. KUCINICH. With the passing of the war supplemental, our creation, the Iraqi Government, must meet certain benchmarks of performance, including turning over most of their oil assets worth as much as $21 trillion to international oil companies.

The administration blows up Iraq, is responsible for the deaths of perhaps as many as a million Iraqi citizens; the administration triggers a civil war, takes $10 billion in Iraq oil proceeds, which disappear, and now tells the Iraqis they better start behaving or the U.S. won't give them more support.

This isn't politics; this is pathology. Instead of passing legislation to continue the war, we should instead deny funds for the war and begin documenting war crimes.

It is time this Congress took responsibility to bring the troops home, to end this war, to restore our Constitution and reconnect our country to the highest values of truth and justice.

A CALL FOR LEADERSHIP IN THE HOUSE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I rise this morning in a continuing call for responsible leadership in this House.

It has now been 107 days since the President called for Congress to produce a supplemental bill that will adequately fund the war on terror. And after more than 3 months of political theater and grandstanding, we have a leadership that hasn't produced anything. A bill will come before us today, hopefully that will fund the troops, and quite simply this will hurt our men and women in uniform.

These are not my words but those of a sergeant first class from Tennessee serving in Iraq who wrote to me recently. She has said this, and she is frustrated with some of the things in Iraq but is committed to her duty. And I would like to quote from her letter.

She writes, "I believe that before Congress keeps pushing to get us out of here just to get their sons and daughters home, they need to take a step back, talk to the soldiers." She continues, "I have lost several good friends, brothers and sisters in arms, to this place, but I do not want my children to come back here and clean up this mess if I had the capability to take care of it myself. I know that if we pull out now, the next generation will be right back here to finish what we did not, because too many people are worried about their own political agenda. I am proud to be an American soldier, doing my job to protect my country and help others."

God bless this soldier, and God bless all who with her serve.

☐ 1010

UNDERSCORING THE NEED TO MAKE CRITICAL INVESTMENTS IN PRESCHOOL EDUCATION

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, yesterday's Democratic National Summit on America's Children underscored the need to keep critical investments in preschool education for children today so that society does not pay a higher price later. A new Joint Economic Committee report shows that investing in high quality education is a cost-effective way of improving the life circumstances of children, while also increasing the U.S. economic growth over the long term by as much as 3.5 percent.

Another report details the provisions in Federal and State tax codes that are available to help families with children. The credits offered by my home State of New York are among the most generous. Both reports are available on the JEC website.

Investing in our Nation's children not only helps them, but also helps produce an innovative workforce for the future and keeps our economy strong.

WHY THERE IS A MEMORIAL DAY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, this Memorial Day, we honor the warriors of America whose lives were taken in their youth for their country's future. In Southeast Texas, 18 of these men have been killed in Iraq in sacrifice and service for the rest of us. One of those was 20 year old Lance Corporal Anthony Aguirre of Channelview, Texas.

While on patrol with 20 other Marines in the desert sands of Al Anbar Province, Lance Corporal Aguirre stepped on an improvised explosive device. Since America's enemies hide in caves and won't face off with our troops, these cowards of the desert use these explosives to kill Americans. Rather than immediately jump off the IED, however, Aguirre stood firm and told his fellow Marines to clear the area. When his buddies were safe, he took his foot off the bomb. He died so others could live. Amazing men, these young Marines of the United States Marine Corps.

Later, as the funeral procession passed through the streets of Channelview, the crowds, estimated at 8,000, waved flags and stood in silence along the rural roads for this Son of Texas.

Mr. Speaker, Lance Corporal Aguirre and his fallen comrades are why we have Memorial Day.

And that's just the way it is.

RECOGNIZING THE CONTRIBUTIONS OF JEWISH PEOPLE TO AMERICA

(Mr. SARBANES asked and was given permission to address the House for 1 minute.)

Mr. SARBANES. Mr. Speaker, I rise today during Jewish American Heritage Month to recognize the contributions the Jewish people have made to our country.

I have come to understand that to the Jewish people, the word "heritage" has deep meaning. It is not simply a sense of pride or history. It is a belief that each person should in some way improve the world. The often quoted Rabbi Hillel asked the question, "If I am not for myself, who will be for me? If I am not for others, who am I?"

It is this same set of values that brings Jewish groups to the Hill advocating not just for so-called Jewish issues, but for issues that affect everyone; better education, better healthcare, more protections for the environment, free speech, and separation of church and state. The Jewish community feels a special obligation to repair the world, one little piece at a time, for all people, not just their own.

I am grateful to the organizations in my own district for their contributions to our community. From providing educational and social services, to involvement in local and national policy, the commitment to improving our society is one of the many values I have come to respect in the Jewish community in Baltimore and across this Nation.

THE END OF THE BLAIR ERA

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, the decision of British Prime Minister Tony Blair to resign on June 27th marks the end of an era in U.S.-British relationships. Blair's extraordinarily close alliance with President Bush has been a major force on the world stage since the terrorist attack of September 11, 2001.

The Prime Minister has been an eloquent and passionate leader in confronting global terrorism. He deserves credit for his central role in the global war on terrorism and for having the courage to act on his convictions in the face of tremendous opposition within his own party and from other European governments.

His steadfast support for the United States in the 4 years since 2001 and his key role in building the international coalition of the willing demonstrated principled leadership as well as vision.

The strong U.S.-British relationship will certainly endure under Blair's successor. However, there is no doubt that this relationship was made better because of Tony Blair.

AMERICANS WILL BE HEARD ON ENDING THE WAR

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, it is unfortunate that Congress is poised to approve a short-term funding proposal for Iraq without strong conditions to phase down this war. I, for one, will not vote for it. But the sad fact is that we don't yet have a majority in this House to end the war.

Yet it is hardly a victory for the Bush administration. Congressional support is slowly crumbling, even among Republicans, as the politicians are catching up to where most Americans are on this war.

I would urge people not to be discouraged by the vote today, but to keep up their spirits and their pressure. Americans will be heard, and this nightmare will end.

REJECT AMNESTY FOR ILLEGAL ALIENS

(Mr. CULBERSON asked and was given permission to address the House for 1 minute.)

Mr. CULBERSON. Mr. Speaker, as Members of Congress return home for the Memorial Day weekend, as we honor the sacrifices of our men and women who have given their lives in defense of our Nation and of its values, I hope that every American will remind their elected representatives that in honoring that sacrifice, our elected representatives have an obligation to uphold the rule of law, to preserve our borders and to preserve this Nation's financial security for the future.

In so doing, every American ought to demand that their elected representatives reject this monstrous amnesty bill, which proposes to legalize 14 to 20 million illegal aliens, honoring those who have broken our laws, threatening the financial security of the Nation by more rapidly bankrupting Social Security and all of our financial social welfare programs, and driving this Nation more rapidly towards that financial brick wall which is so rapidly approaching.

In my office, 100 percent of the phone calls received have been in strong opposition to this bill. Every other Member of Congress from the Republican side that I have visited has received equally strong opposition.

I think it is vitally important for Americans to rise up, as we did in the Dubai ports deal, and demand that our elected representatives honor the sacrifices of our fallen soldiers by rejecting this mass amnesty bill over the Memorial Day break.

ACCOUNTABILITY PLAN NEEDED FOR IRAQ WAR

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, today, the House of Representatives will vote on a war spending bill that does not call for accountability. Unlike the previous Iraq supplemental, the bill we are voting on today does not provide the American people with a path to end this war. For me, the issue of accountability is imperative. Without a real accountability plan in Iraq, there is no telling how long this war will continue.

We were elected to bring a new direction in Iraq, and I will continue that fight, along with many of my colleagues. As I have made clear time and time again with my votes, I fully support our troops and their families. But I also believe that it is Congress' duty to support a change in the Iraq policy that will meet our national security objectives.

When the people of South Florida chose me to be their voice in Congress, they put their trust and faith in me to represent their values and priorities. Along with the people of South Florida, I will continue to stand up and work toward a new policy in Iraq.

For these reasons, I will vote against the Iraq supplemental bill today.

DEMOCRATS WILL KEEP PLEDGE TO THE AMERICAN PEOPLE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, the Republican Party and the President will make it clear today to the American people that they own this war; hook, line and sinker.

The President and his Republican colleagues will be successful today in continuing the Iraq war, but this is a pyrrhic victory at best. The Democratic leadership is allowing this bill to pass because, unlike the President, they will not leave our troops unprotected in battle. It is our troops and their families that are the only ones being asked to make any sacrifice in this war, and this President's policy is unworthy of their sacrifice.

The only sacrifice requested of the rest of us has been to go out and spend our tax cuts at the mall. Meanwhile, the Iraqi parliament is preparing to take the summer off, probably using some of the missing $9 billion to sunbathe along the Mediterranean. Our soldiers risk life and limb to secure their country, which is in the midst of a civil war, and they go on vacation. Ask yourself if you think this is a war worthy of our soldiers' sacrifice.

We Democrats will do everything, legally and legislatively, to bring our troops home as soon and as safely as possible. That is our pledge to the American people, and we will keep it.

□ 1020

TURNING THIS WAR AROUND

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, there are two sets of issues coming before this Congress before we finish up our work this week. One is the President's request for a blank check to finance this war for the remainder of this fiscal year. I cannot and will not support that.

This House will also consider funding for children's health insurance, gulf coast recovery and drought relief for our farmers. I will indeed support that.

We have put forth a plan in this House to the President. He has rejected it time and time again. I will continue to fight. Even though this proposal before the Congress today provides benchmarks, it is not enough. Even though it requires reports to Congress in July and September, it is not enough.

My pledge is for a new direction to turn this war around, to bring stronger accountability, stronger support for our troops, and bring them home safe, sound and soon.

LIVES IN THE BALANCE

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, I wish to quote Jackson Browne's "Lives in the Balance," a song written quite a few years ago but most appropriate for today.

"I've been waiting for something to happen
For a week or a month or a year.
With the blood in the ink of the headlines
And the sound of the crowd in my ear
You might ask what it takes to remember
When you know that you've seen it before
Where a government lies to a people
And a country is drifting to war.
"And there's a shadow on the faces
Of the men who send the guns
To the wars that are fought in places
Where their business interests runs.
"On the radio talk shows and the TV
You hear one thing again and again
How the U.S.A. stands for freedom
And we come to the aid of a friend
But who are the ones that we call our friends,
These governments killing their own?
There are lives in the balance
There are people under fire

There are children at the cannons
And there is blood on the wire.
"There's a shadow on the faces
Of the men who fan the flames
Of the wars that are fought in places
Where we can't even say the names?
"I want to know who the men in the shadows are
I want to hear somebody asking them why.
They can be counted on to tell us who our enemies are,
But they're never the ones to fight or die.
And there are lives in the balance
There are people under fire
There are children at the cannons
And there is blood on the wire."

SUPPORT OUR TROOPS

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we have heard sentiments from the other side of the aisle about the vote that is going to take place today. I would like to throw a few facts on the table.

One, the President asked us 110 days ago for this support; 110 days. Nothing has changed with his request, the need for the support of the troops, from then until now, except we have gone through political exercises to try and limit the ability of the President and, more importantly, his commanders in the field, from doing what they think is best.

I have heard it said that we need a new policy. We have a new policy. I have heard it said, we need a new military commander. We have a new military commander. I have heard it said, we need new tactics. We have new tactics.

The problem is, as the President has presented this, as we put this into effect, all we hear is, no, no, no, and no. That is not a policy; that is a denial. That does not support the troops. Unfortunately, it makes it more difficult for them.

Let's remember as we vote to support our troops, we could have done this and should have done this 110 days ago.

SAD DAY FOR AMERICA

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEA-PORTER. Mr. Speaker, this is a very sad day for our country. Once again, the President is going to be handed a blank check by the Republicans. Last year the Republicans took a lot longer than the Democrats on this side of the aisle to pass this supplemental. Every year they have given the President exactly what he wanted: a blank check.

This time we said to the President twice, we will give the money as long as you meet certain criteria, responsible criteria; and he said, no. He had to have it completely his way, running the war in the fifth year the way he ran it in the first year and the fourth year, without any kind of check, sending our brave troops into battle without the equipment they need. And if they come home injured, failing to care for them and providing for them what they need at home.

We tried to give our brave troops a 3.5 percent pay raise. The President said, no. He supports the troops but not financially, not physically and not in the ways that really matter.

So here we are approaching Memorial Day, and once again, we are leaving our troops unprotected while they have a political battle about this. And they can't go back to their districts and tell the truth.

I will vote against this supplemental because I am voting for the troops.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2206, U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 438 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 438

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2206) making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the House amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question except that the Chair shall divide the question of adoption of the motion between the two House amendments.

SEC. 2. If both portions of the divided question specified in the first section of this resolution are adopted, the action of the House shall be engrossed as a single amendment to the Senate amendment to H.R. 2206.

SEC. 3. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of such motion to such time as may be designated by the Speaker.

SEC. 4. (a) During consideration in the Committee of the Whole of a bill making supplemental appropriations for military operations in Iraq or Afghanistan for fiscal year 2008, before consideration of any other amendment, it shall be in order to consider an amendment only proposing to add to the bill the text of H.R. 2451. Such amendment shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or the Committee of the Whole. All points of order against such amendment are waived except those arising under clause 9 of rule XXI.

(b) Subsection (a) shall not apply to a bill making regular appropriations for the Department of Defense for the fiscal year ending September 30, 2008.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 438.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, House Resolution 438 provides for consideration of the Senate amendment to H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

Mr. Speaker, when my fellow Members of Congress and I speak and debate and cast our votes on this floor, we seek to reconcile our ideals with what is possible to achieve. We seek to do what is right in principle and necessary at any particular point in time, and pray that the two are one and the same.

That struggle has formed the foundation of the fight Democrats have waged since January, and it is the basis of what we are doing today.

This war was not challenged by the last Congress. It was supported by the last Congress. It was defended by the last Congress. Year after year, the Republican-led House kept this war alive.

☐ 1030

But the public rightly lost faith in the war and those who would support it unquestionably. We all know what the result was.

The first opportunity the new majority had to change course in Iraq came with the first version of this bill. That legislation conditioned any future support for the conflict upon proof that our efforts were bearing some fruit. What is more, it would have ended the war by August 2008 at the very latest. Democrats, and some Republicans, united, and that bill was passed by the House.

Democrats in the Senate agreed, and the conference report that was sent to the President was even stronger. The same benchmarks were in place, but the war was to end 6 months sooner, by March of next year.

Our position was clear and unequivocal. For the first time since 2003, a majority of the United States Congress supported a new direction in Iraq, and it was a direction which would lead to an end to the war. The President vetoed that bill.

Our Constitution requires two-thirds of the Congress to overcome a veto. Two-thirds of the public stood squarely with the Democrats in this Chamber, and a handful of Republicans, who voted to overcome it. But what we needed was significant support from the other side of the aisle, and we did not get it.

Since then the President's made it clear that he will veto any legislation which even mentions the word "timeline," and so he left my fellow Democrats and me with a choice. Some would have us ignore his words and simply send him a new copy of our original bill. I certainly relate to those feelings.

But as appealing as this may seem, I do not believe that it would be right. The President and his allies in Congress have put our soldiers in harm's way, and Mr. Bush is willing to keep them there no matter how much they suffer.

If this Congress delayed funding by continuing to back a bill we cannot pass at this time, we would not force the President to end the war. All indications are that he would leave our soldiers in Iraq, and without adequate funding, they would have to do even more with even less.

The Democratic Party is the party that supports our soldiers. We're the party that fights for them to have proper equipment, training and rest. We're the party that demands that they be given a sensible strategy for victory before going into battle. We're the party that demands that they receive proper medical care once they return.

We understand the mistaken judgment and obstinacy of the White House, and so we will not prevent any funding from coming forth from this Congress, an outcome which would permit the President to further add to the struggles that our troops endure every day.

Ultimately, of course, supporting the troops means ending the war entirely, and the legislation we bring to the floor today goes as far as is possible at this moment to achieving that goal.

Mr. Speaker, I ask everyone listening to look at the victories that have been won here. The President previously said he would block any bill which contained benchmarks for the war, but now the only legislation the House will deliver to him contains no fewer than 18 benchmarks linking economic aid to improvements in the Iraqi situation.

Furthermore, the President and members of the Republican minority derided what they called "unrelated spending" during our first debate on this bill. They did so even though Democrats were seeking only to fill the gaps left by last year's failure to give us a budget.

But today we will pass a minimum wage increase. We will increase funding for military health care and for veterans' health care, and critically needed funding for agriculture disaster aid, children's health care, and recovery from Hurricane Katrina.

What is critical for all of our citizens to understand is that what is missing from this bill, a timeline to end the war, has been neither forgotten nor conceded by the Democrats in the Congress.

To the contrary, our path forward is clear. We will fight every day until the world's greatest deliberative body lives up to its billing and actually represents the will of the people its serves.

As I said before, at least two-thirds of the American people oppose the President's approach to Iraq and want this war brought to a close. It's time that two-thirds of this Congress wants the same. And we all know where the remaining votes have to come from.

Some days in Iraq are worse than others, but all days there are bloody. Four American soldiers died on Monday. Six more died on Tuesday. Three lost their lives yesterday. Three hundred twenty-one civilians have been anonymously murdered in Baghdad just this month, an average of 13 a day.

We must not be afraid to speak what is a simple truth. Every day that the Republican minority in this Congress stands by and empowers the President to perpetuate this war, they are saying the day's deaths in Iraq are acceptable. They're saying that those lives lost are part of a price they're willing to let others pay, other mothers, other fathers, other sisters, other brothers and other children, not theirs.

But they are alone. Official Pentagon assessments now speak of Iraq's "civil war," meaning the Pentagon itself has broken now from the White House. The generals on the ground are admitting that our whole approach to Iraq must change. That dialogue, even with insurgent groups the President swore he would never talk to, must replace the open-ended warfare, which means the surge has failed.

And, of course, the overwhelming majority of the American people are not willing to accept the sacrifices asked of our soldiers and Iraqi civilians not because of a lack of will, but because of an abundance of reason. They correctly see the war as it is being fought today has never and will never yield the intended results, that our soldiers have been given a mission that has failed them and the people of Iraq time and time again.

The Democrats in both Chambers of this Congress stand with them. A handful of principled Republicans stand with us as well, but not yet enough.

The American people will continue to demand that their voices be heard. They will continue to demand their Representatives no longer willfully ignore their wishes, and my fellow Democrats and I will continue to demand the same.

Together we will struggle until our collective ideals becomes one with what is possible to achieve and until this representative Congress actually represents its constituents and forces the President to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule, and I express my appreciation to my very good friend, the distinguished Chair of the Committee on Rules, the gentlewoman from Rochester, for yielding me the customary 30 minutes.

Mr. Speaker, I have to begin by saying how greatly saddened I am by the opening statement that was just delivered by the Chair of the Committee on Rules. Using the word "failure" to describe what has taken place in Iraq is, to me, as we head into this Memorial Day weekend, an extraordinarily sad message for our courageous men and women who are on the frontline in this struggle against global terrorism.

Mr. Speaker, I have to tell you that we just got the news this morning of the death of Joseph Anzack who was one of the three troops in Iraq who was kidnapped, and as we think about this Memorial Day weekend, to say to those men and women who are there on the frontline that this is a failure, I believe, is a horrible, horrible message, and I'm greatly troubled that those words would emanate from the floor of the House of Representatives.

Mr. Speaker, it has taken the Democratic leadership four tries, and as my very good friend from California (Mr. DANIEL E. LUNGREN) said in his 1-minute speech, more than 100 days since the President's request that they have finally agreed to vote on an emergency supplemental appropriations bill that gives our troops the funding they need without tying their hands and ensuring their defeat.

Mr. Speaker, no matter how many times my friend from Rochester, the distinguished Chair of the Committee on Rules, is saying that they have lost, saying that they have failed and saying that defeat is imminent, the passage of this funding bill will help very much to ensure that that is not the case.

I'm extremely proud that we have been able to hold the line on the disastrous proposal and this notion that somehow we have lost and we have failed in the struggle against terrorism. Unfortunately, though, at this point in the debate, we can't be totally certain about what it is exactly that we're agreeing upon, particularly in the case, Mr. Speaker, of the additional spending.

☐ 1040

Now, let me explain why. For several years, there has been concern from both sides of the aisle about the lack of availability of the text of bills and conference reports. That concern has been raised by both Democrats and Republicans on a regular basis.

I would like to briefly, for our colleagues, outline a timeline for how this rule we are debating at this moment was produced. Last night, the Committee on Rules adjourned at roughly 8:45 p.m. after reporting the rule on lobbying reform, which we will be considering in a little while.

Then members of the Rules Committee patiently waited until 11 p.m., when we were notified the text of the supplemental agreement wouldn't be ready until the early morning hours and that the Rules Committee would hold an emergency meeting at 7 a.m.

The text of the Obey amendments were then circulated to the Rules Committee members at 5:39 this morning, just a few hours ago; 5:39 this morning, less than 1½ hours before we convened the Rules Committee. The text of the amendments were not posted publicly on the committee's Web site until around the time we actually met.

Now we are here considering the rule, which makes in order language which spends $119.99999 billion, less than 4 hours after it was actually submitted.

I remember my very good friend from Rochester (Ms. SLAUGHTER) regularly saying that we needed to be provided with 24 hours notice. This clearly is a far cry from what was promised at the beginning of this Congress.

This language may very well represent the agreement between the House, the Senate and the administration. However, there is no way for us to know this, because there has been no time to thoroughly read the language and verify.

Unfortunately, as most Members must at this point, I shall have to proceed under an assumption. I must say that I am very concerned about the negative impact the ongoing surrender debate has had in Iraq, both in terms of the morale of our troops and our credibility with the Iraqi people. I am concerned about the impact that this delay in funding has had on our military as well.

But, ultimately, we have succeeded in ensuring that this body has the opportunity to fund our troops without simultaneously handing the terrorists a date certain for our surrender. While this process, this political process has played out, I talked a great deal about what the consequences would be if we were to abandon the Iraqis to the terrorists. And, of course, al Qaeda has taken responsibility for the murder of Mr. Anzack, whom I mentioned, Joseph Anzack.

They clearly are in the midst of their drive. We also are hoping very much that we can see this fledgling democracy take hold. That is why what we are going to be doing here, providing that necessary support, helps us in that quest, but there is no need to take my word in this matter. We are hearing repeatedly, repeatedly from our people on the ground, from the Iraqi leadership and from the Iraqi people, that withdrawing before our mission is complete would have terrible consequences.

Iraq's ambassador to the United Nations, Feisal Amin al-Istrabadi, has implored us not to leave. I would like to quote Iraq's ambassador to the United Nations. "We are at war together," he recently said. "We are allied at war together against a common enemy. We have one way forward: together."

In a recent interview with the New York Post, he talked about the troop surge and pointed to the progress that is being made because of it. At this critical juncture, Iraq's ambassador to the United Nations believes we should be redoubling our efforts and pressing forward, not debating a withdrawal at the precise moment that progress is being made.

Every Member of this body knew at the beginning of this process that the President would never sign a withdrawal bill. The President said it, and the President says what he means, and he means what he says.

Unfortunately, as Mr. LUNGREN pointed out in his 1-minute speech earlier, the weeks and weeks of pointless debate on our surrender date have clearly taken their toll in Iraq. As Ambassador al-Istrabadi points out, and I quote, "It's been very painful to watch the political process in Washington, because it seems to have very little to do with Iraq." He says that al Qaeda has been following this debate closely. The ambassador says, "There are real enemies who are watching the debate, who understand what's happening here and who think they can affect the outcome of the debate."

He is baffled, as I am baffled, that the Democratic leadership could even consider playing right into the terrorists' hands. How on earth could we even contemplate giving them what they want and turning the country and the region over to them?

I understand many Americans just want this war to be over. I want this war to be over, too. I would like nothing more. I would like nothing more than to be able to tell the people whom I am honored to represent here that their husbands and wives and sons and daughters and brothers and sisters are going to be coming home tomorrow.

The problem is that, even if we were to withdraw from Iraq, the war would not magically be over. We can pick up and go home. We can turn off our TV sets and ignore what is taking place over there. But the war will still go on. The terrorists will continue their battle for Iraq and for the region; only, this time, we would not be there to stop them.

We would not be there to train and strengthen the Iraqi Army and police forces or to help strengthen those democratic institutions.

I have to say that I am particularly proud of the work that our House Democracy Assistance Commission is doing. DAVID PRICE of North Carolina has chaired this effort, and we are hoping to be able to include Iraq's parliament as we work in consultation to help them build this fledgling democracy.

Before long, I have no doubt whatsoever that the war would make its way to our doorstep once again. We ignored a growing terrorist haven once before, and we suffered the worst attack on our soil because of it.

I was very proud during the decade of the 1980s to work with a number of our colleagues in providing the assistance to the Mujahedin who were fighting to liberate their country of Afghanistan from the Soviet Union. When that was over, we left and did virtually nothing to help build a democracy.

Did Afghanistan teach us anything? Did September 11 teach us nothing? Burying our heads in the sand is not an effective defense. The consequences of abandoning our mission in Iraq would be even graver than the consequences of ignoring the growing terrorist threat that took place during the decade of the 1990s in Afghanistan. This time, not only would the terrorists establish another safe haven from which to operate their global terror network, they would, and I quote, "erect a triumphant monument on the ruins of American power," as the American Enterprise Institute scholar Frederick Kagan said.

We simply cannot and will not strengthen the hands of terrorists who have made the destruction of America their number one priority. We cannot and will not abandon the Iraqis to be butchered by these terrorists in their midst. We cannot and will not abandon our mission just as real progress is starting to be made.

Mr. Speaker, I reserve the balance of my time.

☐ 1050

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield to the gentleman from

Wisconsin (Mr. OBEY) as much time as he may consume.

Mr. OBEY. Mr. Speaker, let me first address the gentleman's comments about process and time.

We have been negotiating with the Senate and with the White House since last Friday. At approximately 12:30 last night, the majority staff on the Appropriations Committee finally wrapped up our work in putting this package together. At about 1:00, we communicated what that package was to the minority staff on the Appropriations Committee. It couldn't have been communicated any earlier because it wasn't done until 12:30. One of the reasons it wasn't done is because as late as 10:00 last night, the White House was still squawking about individual provisions in the bill. And the last time I looked, the White House was in Republican hands.

Now, we have negotiated in good faith. I hate this agreement. I am going to vote against the major portion of this agreement even though I negotiated it, because I think that the White House is in a cloud somewhere in terms of understanding the realities in Iraq. But let's not get our nose out of joint about the way this package was put together.

We have tried in good faith to find a way to put the administration's request and their opponent's position on the floor on an equal footing to give everybody an opportunity to vote however they wanted on it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to direct their remarks to the Chair.

The gentleman may proceed.

Mr. OBEY. As I was saying, Mr. Speaker, we don't relish bringing a package to the floor that we don't like and that we are not going to vote for. But what I especially don't relish is the fact that, in the process of doing so, we are criticized by people on the minority side of the aisle who, when they were in charge, couldn't run a two-car funeral in terms of the budget.

The gentleman claims that it has taken us too long to get here. The fact is, the gentleman's party was in control last year, and it took them 110 days to produce a supplemental that the administration requested. That is 10 days longer than it took us. And we had to spend the first 30 days of this session passing last year's budget because the gentleman's party couldn't get a single domestic appropriations bill through the House because of an internal Republican Party squabble between Republicans in the Senate and Republicans in the House. So that ate up the first 30 days. And the rest of the time we have spent trying to convince the President to change his mind on the policy in Iraq.

And so we haven't exactly been doing nothing these last 110 days. We sent a proposition to the President to try to force change in American policy in Iraq. He vetoed it. So if somebody is going to bellyache about the fact that the money isn't getting to the troops, we passed that. It was the President who vetoed it. It is the President's action that has delayed getting anything to anywhere.

We then sent a second package over, and the Senate couldn't pass that. And so that is when we faced the inevitability that we simply did not have the votes to force the President to change policy, and so we are now trying to produce a responsible alternative.

Let me also say, with respect to the argument that we are somehow playing into the hands of al Qaeda. Who played into the hands of al Qaeda? A fellow by the name of Bush. He lives in that big White House at the other end of the avenue. He is the guy who walked this country into a war he didn't have a clue about how to end, he didn't have a clue about the political realities in the region, he didn't have a clue about what was necessary militarily to pacify the country. He didn't have a clue about what this was going to do to our influence in the world. If anybody in this country has weakened our influence drastically and tragically in the Middle East third of the world, it is the occupant, the present occupant, of the White House and his Republican allies who continue to support this misguided policy on this misbegotten war.

So, I get a little tired of people who produced one mess after another. I get a little tired of people who have been wrong from the start on this war. They went after the wrong country. They didn't go after al Qaeda, they went after Iraq. Iraq didn't have anything to do with 9/11. The gentleman knows that, unless he has a faulty memory. Only DICK CHENEY is still trying to invent that connection, and his aim is about as bad as it is when he's got a shotgun in his hand.

So with all due respect, Mr. Speaker, we have tried to produce change. We have been blocked in obtaining that change by the President. We are now trying to move ahead, on the only option we have available. And the gentleman's nose is out of joint because the action was completed last night too late to provide good notice. You know what? I didn't know about a third of this stuff in this package until I got it in the morning, because we made a number of changes in response to White House requests as late as 10:00 last night. I don't apologize for that. That is what negotiating is supposed to be.

You can't have it both ways. You can't squawk at us for being too late in bringing the bill to the floor, and then squawk at us for not giving you enough notice.

So, with all due respect, I will take a look at the record of the minority party last year when they were running the show and couldn't pass anything, and I will compare theirs to our record any day of the week.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to refrain from engaging in personalties toward the President or the Vice President.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume and then I'm going to be yielding to one of my colleagues.

Let me say that at 7 o'clock this morning I praised the distinguished chairman of the Committee on Appropriations, Mr. OBEY. He knows that I have the utmost respect for him and his work. He is very, very diligent, and a very, very thoughtful Member. And I have been privileged to serve with him for the last more than a quarter of a century, as we were counting upstairs some of our former colleagues who are long departed, Mr. Dabo, Mr. Conte, and others.

Mr. Speaker, let me say that, with all due respect to my friend, I am not bellyaching about the process itself. I am not bellyaching about what it is that got us here. I am simply pointing to a promise that was made to this institution; and that promise, Mr. Speaker, was that there would be 24 hours to review legislation before it is brought to the floor. And I will acknowledge that when we were in the majority, we did not always provide that 24 hours. But, Mr. Speaker, I would say to my friend from Wisconsin, it is not about what we did, it is about what this new majority promised they were going to do. And that commitment was that after this laborious late-night negotiating process that included Members of the other body, the White House, and Members of this body into the night, that there would be a 24-hour opportunity for Members to look at a $119.99 billion spending measure.

So I have to say that the process that led up to the creation of this is historically the process that does bring about bipartisan agreements. The gentleman is absolutely right, not everyone is happy with all the measures included in this bill. But the fact of the matter is we are where we are; we have gotten here under challenging circumstances. As I said, the Rules Committee adjourned at 8:45 last night. At 11 o'clock we were informed that we would have an emergency meeting at 7 o'clock this morning, and at 5:39 this morning it was made available to us.

☐ 1100

And here we are just a few hours later considering it on the House floor. Now, Mr. Speaker, I'm hoping to go back to Los Angeles tomorrow morning, and I'd like to be able to do that. But I'm more than willing to help this majority comply with the promise that they made that on all major legislation, they would in fact provide the minority and, frankly, the majority Members with 24 hours to review the legislation.

And, finally, I just have to say that when we hear arguments that somehow President Bush is playing into the hands of the terrorists and responsible for where we are, Mr. Speaker, September 11 of 2001 changed not only the United States but the world. The largest most important Nation in the history of mankind suffered an attack the likes of which we had never seen in our Nation's history. And so, taking on a multi-pronged approach, dealing with, as we have in both Afghanistan and in Iraq, and we all know that Iraq is the central front for al Qaeda, has been very important. You can raise issues like weapons of mass destruction and other items like that, but the fact of the matter is, we are where we are today. And I believe that it would be a horrendous mistake for us to take a retrograde step, which is exactly what those terrorists want.

And with that, I'm happy to yield 4 minutes to my very good friend from Sacramento, Mr. LUNGREN.

Ms. SLAUGHTER. Mr. Speaker, I believe it's my time to yield time following your speech.

Mr. DREIER. Mr. Speaker, I was recognized, and I announced at the beginning——

Ms. SLAUGHTER. Nonetheless, I think we do alternate.

Mr. DREIER. Mr. Speaker, was I out of order by yielding to my colleague?

The SPEAKER pro tempore. Who seeks time?

Ms. SLAUGHTER. I seek time.

Mr. DREIER. Mr. Speaker, I was in control of the time. I yielded myself such time as I may consume, and as I did that, I asked that I yield to my colleague from California.

But if, in fact, the distinguished Chair of the Committee on Rules wishes to supersede that, I will reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 4½ minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, some might see this Iraq supplemental as a victory for President Bush in his never-ending quest to secure open-ended, unaccountable funding for his disastrous policy in Iraq. If so, it is a hollow victory.

We can debate why and when our Iraq policy turned into the disaster that plays out every day in Baghdad and Dyala. But that debate really doesn't matter anymore, because the President's policy is a failure. And no amount of funding, with or without conditions, can fix it. The only thing that matters now is when and how we end this disaster, and when we bring our uniformed men and women safely home to their families and communities.

Our troops did their job. They achieved their mission. They ended the brutal reign of Saddam Hussein, and confirmed for the world that there never were any weapons of mass destruction.

They weren't sent to Iraq to take a bullet on behalf of the sectarian religious factions hellbent on civil war.

Mr. Speaker, this supplemental only postpones the inevitable. After hundreds of billions of dollars; after more than 3,400 soldiers, marines, sailors and airmen have lost their lives; after nearly 1,000 U.S. defense contractors have been killed; after more than 25,000 uniformed men and women have been wounded or maimed; after tens of thousands of American veterans returning from Iraq will be suffering from the trauma they experienced in combat for the rest of their lives; after hundreds of thousands of Iraqi men, women and children have been killed and millions more have been traumatized by the violence and horror that now marks Iraqi daily life; after the destruction of towns, villages, communities, neighborhoods and infrastructure, we still come back to the same place, the same stark question.

Mr. Speaker, how and when is this war and our military occupation of Iraq going to end?

The Middle East is going up in flames. Al Qaeda and other terrorist networks remain strong and intact. Their recruitment is growing. Meanwhile, America's standing in the world has never been lower.

I ask each of my colleagues, when and how are we going to get out of Iraq? When will each of us be able to tell the families in our districts that their sons and daughters, fathers and mothers, husbands and wives, brothers and sisters, will finally be coming home?

Mr. Speaker, unbelievably, the President doesn't even want his own policy priorities tied to a time line for removing our troops in Iraq. He wants no accountability on the readiness of our troops, or whether they are adequately trained and equipped. Just show me the money. That's all he wants.

Mr. Speaker, I simply can't support it. And I will vote against this blank check of a supplemental.

Mr. Speaker, let me just conclude with a few words about the rule. This is not a satisfactory conclusion to the weeks-long debate over funding the war. But the sad reality is that the Senate is too timid and the President too irrational. There was no one with whom the House could forge a genuine compromise to hold the President accountable for the lives he is willing to sacrifice and the money he seeks and move us closer to bringing our troops home. And we do not have the votes in this House, sadly, to override a veto.

Mr. Speaker, I want to thank Speaker PELOSI and Chairman OBEY for their persistence and their courage in trying to end this tragic war.

The rule before us ensures that we do not walk away from this debate or the decision to remove our troops from Iraq. Under this rule, the House must vote on removing our troops from Iraq before any further supplemental funding can be approved for the war.

So let's be clear. Those of us who oppose this war will be back again and again and again and again until this war is ended.

Mr. Speaker, from the White House to our military field commanders, everyone, including the Republican leader of this House, has said that September is the tipping point. Well, we will vote, and we will vote in September. And we will decide, and I pray that we will then bring our troops home.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 14 minutes remaining, and the gentlelady from New York has 10½ minutes remaining.

Mr. DREIER. Mr. Speaker, with that, I'm happy to yield 5½ minutes to my very good friend from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, as we sit here and listen to this debate, both on this rule and on the 1-minutes that went before us, one thing is passing strange. I heard my friends on the other side of the aisle complain or lament that the problem with this bill is that it does not hold the President in check. We're dealing with a wartime supplemental. I thought the purpose of that is to hold the enemy in check, not hold the President of the United States in check.

I heard another Member of the other side of the aisle say, Republicans now, you understand, you own this war. Are we trying to make a political statement, or are we trying to help our troops? Are we trying to do some political dance, or are we trying to stand behind our troops?

I heard from the other side of the aisle, you Republicans are continuing this war. The enemy is continuing this war. Have we lost sight on what it is we're supposed to be talking about here? Have we lost sight on what it is that our troops are thinking about? Is this something where we define somebody other than the enemy on the field as the enemy?

We now have heard from the distinguished lady from New York that the surge has failed. She has joined others, including those in the other body from that side of the aisle, who have made the determination, not that this policy will fail, not that it cannot succeed, but they have now declared, as she has said, that the surge has failed. Perhaps she should talk to General Petraeus. Perhaps she should talk to our military leaders in the field. I don't question her sincerity, but I would suggest that perhaps General Petraeus has a better idea about what the circumstances on the ground are. Has he declared victory? No. Has he said he believes that victory is achievable? Yes. Has he told that to our troops time and time again? Yes. Has he quoted the gentlelady from New York to say to our troops, as I send you out on this mission, understand that the surge has already failed? No, he has not. No, he has not.

We hear repeated on this floor, we need a change in mission. We need a change in policy. We need a change in leadership.

☐ 1110

You have a new Secretary of Defense. You have a new military commander. You have a new mission on the field. And yet as it begins to unfold, what do you say? What do we hear said on this floor by those who ask for those things? Not, let's see if it works, the President has listened to us, we have the best of the best, the best warrior leader we have in our country who has come up with this plan, who has put his imprimatur on this plan, who tells us and tells the troops this plan is a plan for victory.

But no. What do we hear? "The surge has failed," we hear uttered on this floor. "The surge has failed." If you believe it has failed, then why have we been fooling around with all of these other things? Why don't you just have an up-or-down vote, get us off this funding completely, tell the troops the only thing to do is to take them home?

But what have we heard from the other side? They say, we don't have the votes to do that, so we are going to have death by a thousand cuts. That is why it has taken us 110 days plus, because of the strategy to somehow do by indirection what the Constitution won't allow you to do by direction.

We have heard it again and again and again from the other side of the aisle. Their dictionary begins with "F" and the word "fail," and it ends with the word "lost." You will not find in their lexicon the words "victory" and "win." You will find only "failure" and "loss." And not that we will fail, but we have heard the pronouncement from the majority on this floor today we have already lost. That is the message they are sending by their vote today, and they have told us what it is with an exclamation point.

Troops in the field, we sent you on a mission that is a mission to fail, and it has already failed. What a terrible message to send to our troops. We should reject that notion. We should support our troops. We should support this funding. And we should stop trying to play the "gotcha" game here on the floor of this House.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

Perhaps my good friend from California has not heard the news. The Pentagon has now said that we are indeed enmeshed in a civil war and we now have a plan B. What we are going to do now is deal with insurgents so that we can try to pacify them and get pockets of peace somewhere, here and there in Iraq, never mind the Iraqi Government we have been holding up all this time.

This may be news to him, but as far as I am concerned, the Pentagon has really called it straight, and I consider it a break with what the White House has been telling us.

We know the President said time and again he would never negotiate with any insurgents. Well, that was yesterday.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 3 minutes to my colleague from Hood River, Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, it saddens me that once again I have to remind my colleagues of the current emergency occurring in my district and throughout many counties in the rural West all because the Federal Government has violated its promise to America's forested communities.

Here I have the front page of the May 17 edition of the Grants Pass Daily Courier in Josephine County. Notice the photo. It is a banner that says "Sheriff Out of Service." "Service jobs slash 42 sheriff's deputies, 28 juvenile correctional officers among those laid off. Medical rescue help may be delayed."

The last 3 years Congressman DEFAZIO and I have been warning the Congress that these are the things that are going to happen out in our part of the world if we don't fix for the long term the county payments issue. In Jackson County, the most populated area of my district, all 15 public libraries have closed.

Now, the underlying bill has a 1-year fix for this. It is an emergency bridge, and for that we are indeed thankful and appreciative. But the problem continues. The 1 year does not give enough assurance to the financially strapped rural communities to restore the hundreds of jobs and countless public safety services that have already been compromised by Congress's failure to have a long-term solution. As the Medford Mail Tribune editorialized today, "Josephine County has laid off 42 sheriff's deputies, ended patrols, and virtually shut down its jail. Curry County," in Congressman DEFAZIO's district, "which has lost 68 percent of its general fund, also has no sheriff's patrols and has asked the National Guard to provide security for coastal residents. Jackson County closed its libraries and plans to lay off nine sheriff's deputies, road workers, and other employees for a total of 172 positions.

"There are those in Washington, DC," the paper writes, "who will paint the 1-year extension as a great day for rural counties. Meanwhile, back here in Mudville, there is little joy."

So I sent to the Rules Committee this morning two amendments that would have extended the emergency funding for years, not months. The first amendment was identical to that passed by a 75–22 vote in the Senate with complete offsets for a 5-year extension. The second amendment I submitted would have extended the emergency funding in the emergency supplemental bill for 2 years, not 1, without increasing the overall cost of the bill or changing the funding distribution formula. Unfortunately, both of those amendments were denied along party lines.

The work to secure a long-term extension and reauthorization of these funds must continue. I will not give up. I will not quit. I will not rest. The Congress will be forced to address this issue over and over and over again until we reach agreement on a long-term solution for the forested counties and keep the government's commitment.

My good friend and colleague Congressman DEFAZIO and I sent a letter, which I would like to put in the RECORD, on May 17 to the emergency supplemental conferees, which was signed by more than 90 Members of our Congress, 74 of which were the Democrat Party, asking that a 5-year solution be included in the emergency supplemental. Many conversations with Speaker PELOSI and Leader BOEHNER have made them aware of this emergency, as has a recent Presidential meeting that I had with Senator WYDEN. We appreciate all the support for seeking a long-term solution and will be relying on all of us to get this done.

My colleagues, though, we cannot wait any longer. More to the point, the people of America's forested communities cannot wait any longer. We need to act for a long-term solution.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 2007.

Hon. DAVID OBEY,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. JERRY LEWIS,
Ranking Member, Committee on Appropriations, House of Representatives, Washington, DC.

Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN OBEY, CHAIRMAN BYRD, CONGRESSMAN LEWIS AND SENATOR COCHRAN: As you conference on the Emergency Supplemental Appropriations bill for FY 2007 (Supplemental) to fund vital government programs, we urge you to support the Senate passed language to reauthorize and fully fund the Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-393) and the Payment in Lieu of Taxes program (PILT). The Senate language was passed by an overwhelming vote, and identifies offsets.

P.L. 106–393 expired at the end of September 2006 endangering the loss of payments to over 600 counties and 4400 school districts in 39 states. In addition to reauthorizing the Secure Rural Schools program, the Senate passed language would further benefit these rural communities by fully funding, for the first time, the Payment in Lieu of Taxes program, which provides general funds to 49 states. Rural communities have relied on these programs to provide stable funding for rural schools, health care, law enforcement and other critical programs.

The elimination of the Secure Rural Schools and Community Self Determination Act would default on the 100 year old federal commitment to our rural communities that depend on these payments to keep their communities strong and stable. Fully funding PILT, for the first time ever, would provide much needed economic stability for the rural communities that support our public lands.

Please support the Senate passed reauthorization language of P.L. 106–393 and full funding for PILT.

Sincerely,

Peter DeFazio, Don Young, Chris Van Hollen, Charles Wilson, Leonard Boswell, G.K. Butterfield, Pete Stark, Earl Pomeroy, Jon Porter, Timothy J. Walz;
Eddie Bernice Johnson, Neil Abercrombie, Collin Peterson, Peter Welch, Carol Shea-Porter, Rick Boucher, Shelley Moore Capito, Lois Capps, John Conyers, Henry Cuellar;
Lincoln Davis, John Doolittle, Gabrielle Giffords, Raúl Grijalva, Baron Hill, Steve Kagen, Ron Kind, Dan Lungren, Jim Matheson, Jim Marshall;
Michael Michaud, Brad Miller, Grace Napolitano, Devin Nunes, Solomon Ortiz, Ted Poe, Vic Snyder, John Spratt, Gene Taylor, Bennie G. Thompson;
Buck McKeon, James L. Oberstar, Ed Perlmutter, Nick Rahall, David G. Reichert, John T. Salazar, Cathy McMorris Rogers, Steve Pearce, George P. Radanovich, Rick Renzi;
Mike Ross, Bill Sali, Bob Filner, Louie Gohmert, Doc Hastings, Wally Herger, Jay Inslee, Rick Larson, Doris O. Matsui, Barney Frank;
Phil Hare, Alcee L. Hastings, Darlene Hooley, Sheila Jackson Lee, David Loebsack, Jim McDermott, Michael Arcuri, Brian Baird, Shelley Berkley, Bruce L. Braley;
Dennis Cardoza, Lincoln Davis, Jo Ann Emerson, Joe Baca, Joe Barton, Earl Blumenauer, Corrine Brown, Donna M. Christian-Christensen, Diana DeGette, Bob Etheridge;
Linda Sánchez, Mike Simpson, Betty Sutton, Mike Thompson, Greg Walden David Wu, Heath Shuler, Bart Stupak, Ellen Tauscher, Mark Udall, Maxine Waters, Members of Congress.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply say, in response to the comments from the gentleman, that given what he prefers to see in this bill on this subject, we are very lucky to have the 1-year fix at all because the White House opposed not only the long-term fix, but the short-term fix as well.

I would also point out that it was last year's Congress that allowed the program to expire in the first place and never managed to get around to finding the offsets that would have enabled the committee to provide this package long term.

So I recognize the legitimacy of the gentleman's concern, but I want to point out that I think that given the resistance of the White House to anything except money for the Iraqi operation and a tiny portion of our obligation for Katrina, with those two exceptions, the White House resisted every single effort made by us to deal with any problem, whether it was Western schools, whether it was kids getting knocked off health-care rolls, or whether it was the need to provide more veterans' health care. They fought it all.

Mr. WALDEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Speaker, I appreciate the gentleman's work on this issue, and I realize that the last Congress did not get it done. I complained about that at the time and tried everything I could to get it reauthorized.

It passed out of the Resources Committee, as you know, and then did not make any progress in either Chamber.

It has been a very difficult, uphill battle across the board to educate all of our Members about how we have got to solve this problem. If you remember the Kim family, who were tragically lost in Josephine County last year and Mr. Kim was later found dead, it is that county that just eliminated all sheriff's patrols.

So I am not here to point blame at anybody. You have been terrific in helping us in this 1-year extension. I am just saying thank you, but the big job remains because this problem does not go away.

Mr. OBEY. Mr. Speaker, I agree with the gentleman. I just wish the administration would give us as much help in solving American problems as they have given us heat for not supporting their multibillion-dollar on-the-installment-plan request for Iraq.

☐ 1120

Mr. DREIER. Mr. Speaker, may I inquire of my very good friend from Rochester how many speakers she has remaining and then how much time is remaining on each side.

Ms. SLAUGHTER. Mr. Speaker, I have one other besides myself.

The SPEAKER pro tempore. The gentlewoman from New York has 8 minutes and the gentleman from California has 6 minutes remaining.

Mr. DREIER. I will reserve the balance of my time, then.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, we cannot, we should not, and we must not give President George Bush a blank check to squander the lives of our children and the dollars of our constituents in Iraq. We should not give him a blank check today, we should not give him a blank check next week, and we should not give him a blank check ever. The days of giving him a blank check to make repeated incompetent decisions in Iraq must be stopped and they should be stopped today by voting "no" on this supplemental.

And the inspiration for doing that should come from our proud men who are serving in Iraq. I heard a story a few weeks ago about a fellow who had his buddy shot by a sniper, he was being shot up by automatic weapons fire, and his buddy ran out into the field of fire to rescue his friend. We should look at our duty today as rescuing our children, brothers, sisters, husbands and wives in Iraq. And if we take hostile political fire in doing so, so be it. That tiny act of standing up to George Bush does not end up in the same league of courage of those who are serving in Iraq who take real hostile fire, that need to be rescued from the incompetence of the executive branch of the United States Government. And it is solely the power of the U.S. Congress to do that.

The people who established this institution had a very wise knowledge. They knew someday there could be a President who might make bad decisions on occasion, who might make bad decisions in the course of a war, and that is why in article I, section 8, they vested in the U.S. Congress the power of the purse to be used in exactly these circumstances, to rein in a rogue President who cannot seem to understand the reality on the ground in Iraq and has a hallucinatory policy that is exposing our children to harm. This power in section 8, the power of the purse, is one that is designed by the framers of democracy for exactly these circumstances. And the reason the framers put the power of the purse to rein in a rogue President is because they understood that this is the institution closer to the American people. This is the People's House.

And I know there's a lot of problems that none of us are geniuses on in Iraq, but there is one thing we know: In difficult times in America, there is one will, one sense of absolute genius that all of us should follow, and that is the will of the American people, the joint, commonsense consensus. From the cornfields of the Midwest to the coastlines, there is a common consensus that we need a change in policy in Iraq, and the only way we will get it, the only way that common sense of the American people will be followed is to vote "no" on this today. We can be united in understanding that. And when we do so, we will follow the Congresses of the past who on at least five occasions have used the constitutional power of the purse to insist on a change.

And I will say this. In the Constitution, this organization here is given the power to declare war. And we also have the power to end a war. Presidents do not have the authority to fight wars in perpetuity. There is no way that Congress would ever give that authority. And today using the power of the purse, a constitutional tool, we should stand up for the will of the American people and fulfill our rescue mission for our sons and daughters in Iraq and vote "no" on this supplemental bill.

Mr. DREIER. Mr. Speaker, it is my understanding that my friend from Rochester is just going to close the debate on her side.

Ms. SLAUGHTER. I am.

Mr. DREIER. Then I will yield myself the balance of the time on our side. How much time is that, Mr. Speaker?

The SPEAKER pro tempore. Six minutes, sir.

Mr. DREIER. Thank you very much, Mr. Speaker.

Let me begin by saying that I do have the utmost respect for the distinguished Chair of the Committee on Appropriations and, of course, for my Chair, the gentlewoman from Rochester (Ms. SLAUGHTER). And I understand that there is great sincerity on their part in this quest here and I understand there is a desire to ensure that we have a process that works. I will just make a couple of comments on process here and some concerns that I have and then I have some other remarks on the overall issue of the war.

We have gone through, as we know, four incarnations of this attempt and now 110 days that has really prevented us from making sure that we have had an opportunity to get the funding necessary for our troops. Through that process, Democrats and Republicans alike have regularly said they don't want to do anything to prevent funding from getting to our troops. And I respect that. Again, Members on both sides of the aisle have pointed that out, Mr. Speaker. But we all know that from the outset, the President made it clear that he was going to veto anything that established an artificial timeline which he, and I agree with him, concluded would be a prescription for admitting defeat. And so he was very strong on that and unwavering.

So we've gotten to the point where we are at this moment, and that point is we have a 213-page package that is before us. My good friend from Wisconsin said that I was bellyaching about the process, and I will say again to my colleagues, I'm not complaining about what took place in the hours leading up to the consideration of this package. This is my 27th year here and I understand that negotiations among the Senate, the House and the White House are challenging and can often go into the night. The only point that I am making, Mr. Speaker, is that as we look at this process of having this 213-page measure before us, we were promised by the new majority that we would be given 24 hours before consideration of major legislation here on the House floor. And, as I said, and I am really somewhat confused on this because, I would say to my friend from Wisconsin, I look at the time stamp on this. The time stamp on the measure that we are voting on is 9:38 p.m. last night. Yet he said that he was negotiating into the night, 1 o'clock in the morning. I mean, I didn't follow all of the incarnations of this, but I do know that we received this at 5:39 this morning, and that was less than an hour and a half before the Rules Committee was scheduled to convene at its 7 a.m. meeting this morning. And then we had it made public at about the time our group convened, the Rules Committee convened. And so that does concern me.

And so, Mr. Speaker, I am going to be urging my colleagues to vote against the previous question so that I may amend the rule to allow Members to offer motions to strike earmarks which are undoubtedly going to come to the attention of Members the longer that this agreement is available.

Mr. Speaker, I ask unanimous consent that the text of my amendment and extraneous material be printed in the CONGRESSIONAL RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, let me just say, finally, we are going into this Memorial Day weekend. I have the honor of participating in seven Memorial Day events on Monday in southern California, and I will be meeting with family members.

Just yesterday, I met with the mother of a young man, Mr. Colnot, who lost his life over a year ago in Iraq. She said to me just yesterday afternoon, "It is absolutely essential that we complete our mission."

I have regularly pointed to another one of my constituents whose son paid the ultimate price. A man called Ed Blecksmith's son, J.P., died over 2 years ago, 2½ years ago, on the famous November battle of Fallujah.

□ 1130

And repeatedly Mr. Blacksmith has said to me, "You must complete this mission or my son, J.P., will have died in vain."

So, Mr. Speaker, as we go into this Memorial Day weekend, I thank God that we are going to pass this measure that will be providing the essential support for our troops, so that General David Petraeus and the new leadership, with a new strategy to deal with uncertainty, will have the hope of victory. There is no guaranteed success, but there is a hope for victory because this is a struggle which is going to continue on and on and on as long as there are people out there who are going to try to do us in, to kill us, and to change our way of life.

So, Mr. Speaker, I urge a "no" vote on the previous question so that I can offer my amendment. And if by chance we are not successful on that, I urge my colleagues to vote against this rule because of the unfair process that we have. But if in fact the rule does proceed, I urge everyone, in a bipartisan way, to support the very important measure that will allow us to support our troops and allow them to complete their mission.

Mr. Speaker, with that, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the Chair of the committee (Mr. OBEY) to respond.

Mr. OBEY. Mr. Speaker, I am sorry to interfere with the gentlelady's time, but I just wanted to bring something to the attention of the gentleman from California.

He mentioned that the time stamp on the proposition he received was 6:31 p.m. last night. That was one of only two packages. That time stamp refers to the time at which the legislative counsel got this copy to the staff. The staff still had to read it, to check it out, to make certain it did what it was supposed to do. And that was on the easiest package, that was on the President's package. And everybody knows what the President's request was and what the Warner amendment is.

The time stamp on the other package is 9:30 p.m. last night. What that means is that you have over 200 pages, which we got from legislative counsel, and the staff had to read every page of that to make certain, again, that it did what it was intended to do, and to make sure that, among other things, it reflected the changes that had been demanded by the White House at the same time.

Mr. DREIER. Will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I would simply say, Mr. Speaker, that if in fact we were going to see compliance with this 24-hour request, the 9:38 time stamp that is on this measure, the 6:30 time stamp that is on the other, the domestic spending measure would have in fact allowed us to consider this measure on the floor on Friday, which is really what should have happened as we proceeded with that.

Mr. OBEY. Will the gentlewoman yield?

Ms. SLAUGHTER. I will yield 30 seconds to Mr. OBEY to respond.

Mr. OBEY. Mr. Speaker, with all due respect, the gentleman has criticized us for taking too much time to bring this to the floor, and he is now suggesting that we delay it. That is like falling off both sides of the same horse at the same time.

Mr. DREIER. If the gentlewoman will yield.

Ms. SLAUGHTER. I will yield 30 seconds.

Mr. DREIER. I thank the gentlewoman for yielding.

Mr. Speaker, all I'm saying is that we were promised a 24-hour opportunity for Members of both the Democratic and the Republican Parties to have a chance to review this measure. And I believe that having gone 110 days, that allowing for a review with potential earmarks and other items in here is the responsible thing to do because that is the promise that was made to this institution at the beginning of the 110th Congress.

The SPEAKER pro tempore. The gentlewoman from New York is recognized to close.

Ms. SLAUGHTER. Mr. Speaker, I would urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. DREIER is as follows:

Amendment to H. Res. 438 Offered by Rep. Dreier of California

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution, after conclusion of the period of debate on the motion to concur in the Senate amendment, it shall be in order for any Member to offer a motion to strike any provision of the amendment numbered one in the Rules Committee report accompanying the resolution, which is asserted that would specifically benefit an entity, State, locality, or Congressional district. Any such motion shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2317, LOBBYING TRANSPARENCY ACT OF 2007 AND PROVIDING FOR CONSIDERATION OF H.R. 2316, HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 437

Resolved, That at any time after the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2317) to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution, the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2316) to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. During consideration of H.R. 2317 or H.R. 2316 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either bill to such time as may be designated by the Speaker.

SEC. 4. Subparagraph (3)(Q) of clause 5(a) of rule XXV is amended to read as follows:

"(Q) Free attendance at an event permitted under subparagraph (4).".

□ 1140

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution provides for consideration of H.R. 2317, the Lobbying Transparency Act of 2007, and H.R. 2316, the Honest Leadership and Open Government Act of 2007.

The resolution provides that H.R. 2317 is to be considered under a closed rule, with 1 hour of debate equally divided and controlled by the Committee on the Judiciary. The rule waives all points of order against the bill and its consideration, except for those arising under clauses 9 and 10 of rule XXI.

The resolution also provides for consideration of H.R. 2316, the Honest Leadership and Open Government Act of 2007, under a structured rule. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against the bill and its consideration, except those arising under clauses 9 or 10 of rule XXI.

The rule makes in order and provides the appropriate waivers for five amendments, three by Democratic Members and two by Republican Members.

Mr. Speaker, I urge strong support for the Honest Leadership and Open Government Act of 2007 and the Lobbying Transparency Act as well and this rule.

The Honest Leadership and Open Government Act continues the new direction charted by this new Congress and builds upon the strongest ethics reforms ever adopted in the United States Congress.

Last November, the Congress was reinvigorated by the election of a large number of new Members, who were sent here by the American people to fight for reform and change and to sweep aside a previous Congress that was defined by scandal and corruption.

On the first day of this new Congress, the new reform-minded Members, under the leadership of Speaker NANCY PELOSI and Rules Committee Chair LOUISE SLAUGHTER, ushered in the broadest ethics and lobbying revisions since the Watergate era. The ethics watchdog group Public Citizen called the new ethics rules sweeping in scope and a signal that the Democratic majority in the House appears committed to serious lobbying and ethics reform.

Those new rules include a ban on gifts from lobbyists and organizations that employ lobbyists, a ban on trips that are privately funded by lobbyists and organizations that employ lobbyists, prohibition on Members and staff flying on private corporate jets, an end to the K Street Project, and a new requirement that all earmarks with congressional sponsors be disclosed to the public.

Then 3 weeks after the adoption of that very broad and aggressive ethics reform rules package, the House acted again on ethics reform and stripped the congressional pensions of Members of Congress who commit any of a number of crimes during their tenure, including bribery, conspiracy and perjury.

This new Congress took that direct action to change the culture of Congress at a time when Members of the previous Congress were pleading guilty to living off gifts they had received from lobbyists in exchange for votes and earmarks. Through our bold and expanding ethics package, this new Congress is tackling the cozy relationships between lobbyists and lawmakers.

Next, Mr. Speaker, these bills that we will consider today, the one for open government and honest leadership and transparency in lobbying, and this rule. provide rigorous new requirements for lobbyist disclosure and enforcement of lobbying laws and regulations.

Mr. Speaker, we don't adopt reforms for reform's sake alone. We adopt these reforms and we fight for change because it matters to our constituents and our neighbors back home.

For over a year I have been sitting down with seniors trying to work through the disaster of Medicare part D that was crafted in the last Congress. Fortunately, this bill adds a House rule prohibiting Members and senior staff from negotiating future employment or salaries and requires public recusal of Members on any matters where there may be a conflict of interest.

You see, Mr. Speaker, that Medicare part D that is so costly and confusing to our seniors and puts all the benefit on the side of HMOs and Big Pharma, and puts all of the burden on our seniors, was crafted by a Member of Congress who, shortly thereafter, after he helped write the Medicare drug bill, went on to become the head lobbyist for PhRMA in what I think was a crass violation of the public trust. Fortunately, this bill will tackle that problem.

This bill also makes it a Federal crime for Members and senior staff to influence employment decisions or practices of private entities for partisan political gain. Some people have called this the K Street Project. The K Street Project was an initiative by the Republican Party to pressure Washington lobbying firms to hire Republicans in top positions and to reward loyal GOP lobbyists with access to influential officials.

The bill also requires quarterly instead of semiannual disclosure of lobbying reports. It requires in the age of the Internet for lobbying reports to be filed electronically and be made available in a free, searchable, downloadable database within 48 hours of being filed.

It also requires the Clerk of the House to post travel disclosures on the Internet. This follows the scandals of Jack Abramoff. We must allow greater transparency into the trips and financial holdings of Members of Congress. Former Members of Congress took lavish trips to Scotland with a lobbyist that had minimal disclosure, and these new provisions will bring more such light to congressional disclosure forms.

Through this legislation we will also increase civil and criminal penalties for failure to comply with lobbying disclosure requirements. And it does much, much more.

Mr. Speaker, we must continue to fight for high ethical standards in government to end the culture of corruption in Washington so that our neighbors and folks we represent know they can count on us to stand up for them against powerful special interests and trust that congressional Members work in the public interest.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by expressing my appreciation to my very good new friend from Tampa (Ms. CASTOR) for yielding me the customary 30 minutes, and to congratulate her on her statement that she has just provided. But, Mr. Speaker, I rise to reluctantly oppose this rule.

This bill has lots of problems, and I understand the problems on the other side of the aisle. I am very happy to see the distinguished Chair of the Committee on the Judiciary, my very good friend JOHN CONYERS, here.

It was just a year ago, it was just a year ago this month, that we were on the floor with our own lobbying bill, and we faced many of the same problems and challenges that Chairman CONYERS and others in the Democratic leadership are facing at this moment. Trying to address the concerns that our colleagues have on this issue is a challenge, a very challenging thing, and they have discovered the lesson that I learned long ago, and that is reform is very hard work. It is a constant work in progress.

I was reminded by one of my staff members that I had said at one point as we moved ahead with a reform bill, which I am happy to say we passed in the last Congress, I said, when we are done with that reform, what we need to do is work on more reform.

This is, again, a constant work in progress, and will continue to be. And I believe it is part of our responsibility to constantly look at ways in which we can reform and improve the operations of this institution.

□ 1150

But if the bill that this House passed in the last Congress was described as a "sham," it is very unfortunate, and Mr. CONYERS and Ms. CASTOR and others were there when I was describing this, the very distinguished chair of the Committee on Rules no fewer than seven times when we, a year ago this month, were debating this measure, described the bill I had, H.R. 4975, as a "sham" bill.

I have to say, as I listen to my friend from Tampa (Ms. CASTOR) talk about this bill, she was going through the fact that we will have disclosure on the Internet of travel, and she went through basically the provisions included in H.R. 4975; it is basically the same bill. But, unfortunately, there are a number of important provisions included in H.R. 4975 that are not included in this measure. I find that to be somewhat troubling.

For instance, while starting out with a 2-year restriction on lobbying after Congress, the majority left that provision on the cutting room floor. They recognized, as we did, that the economics of attracting and retaining good staff, they don't work with that kind of restriction. But instead of retaining a provision which passed the House last year and would provide everyone with a degree of transparency about who was and was not under the lobbying restriction, and I am going to offer an amendment to add that back which I hope will be able to improve the bill. But this bill, as we have it, is not nearly to the level of what the new majority described as a sham in the last Congress.

While this bill provides important new criminal penalties for lobbying violations, it includes nothing, absolutely nothing, Mr. Speaker, to make enforcement more rigorous.

I offered an amendment in the Rules Committee to add a provision which again was included in the bill that we had passed out of this House last year which would allow the House inspector general to randomly audit lobbying disclosure filings and forward cases of wrongdoing to the Department of Justice for prosecution.

The majority's answer to that proposal was, no, we don't want enforcement of our bill. Enforcement is always a challenge. We deal with that with the issue of illegal immigration and a wide range of things. It is easy to put all kinds of great ideas out there, but if there is no enforcement, it has no teeth and no chance of success. That is something that is very lacking in this bill. We had it in our lobbying reform bill that passed last year, and I offered it as an amendment at the Rules Committee. Unfortunately, my colleagues in the majority on the Rules Committee rejected it.

Mr. Speaker, last year, Mr. CASTLE added a provision on the floor requiring lobbyists to take ethics training. Is that provision in this bill? Nope, it's not.

Did the majority make Mr. CASTLE's amendment in order to consider that? Nope, they didn't.

My colleague, Dr. GINGREY, a former member of the Rules Committee, added an amendment on the floor dealing with the personal leadership of PAC funds. That was not included in the bill, and his amendment was not made in order. Last year, with bipartisan support on the floor, we amended our bill, H.R. 4975, to say that Members who have leadership PACs cannot transfer those dollars into their own account for personal use, which is what can happen today. It is not allowed for principal campaign committee accounts, but that loophole which allows Members to transfer money from their leadership PAC for personal use is still going to be allowed. And the attempt to even offer an amendment to close that horrendous loophole was denied.

That is to say nothing of the other creative ideas that were summarily rejected by the Rules Committee majority last evening.

Mr. Speaker, if the bill which I sponsored last year was a sham, and as I said the chairman of the Rules Committee, although last night she said she never said it, seven times it is in the CONGRESSIONAL RECORD when she was offering her motion to recommit, if it was a sham, then this bill can only be characterized at this moment as being "sub-sham," and our efforts to raise it to the level of a mere sham were rebuffed, unfortunately, in the Rules Committee.

Which brings me to the rule for this bill, Mr. Speaker. For all of the criticism the Republicans take for the way we administered the House, and we hear that constantly up in the Rules Committee and down here on the floor, it is notable this bill makes in order fewer amendments than we did when we considered our bill last year.

The rule for H.R. 4975, our lobbying bill, made in order nine amendments. This year, only five amendments were made in order. And while it gives Mr. VAN HOLLEN an up-or-down vote on his so-called bundling disclosure bill, it doesn't attach it to the lobbying bill going to the Senate, making it much more difficult to ultimately reach passage.

Mr. Speaker, this rule and these bills are not unlike many of the so-called reforms instituted in this Congress, which means all show and no substance whatsoever.

For instance, our Democratic friends take credit for adopting and supposedly improving Republican earmark disclosure reforms. As Mr. FLAKE found out just last week, when it comes to actually trying to enforce those rules, the Rules Committee eliminated every avenue for a Member to bring this question before the House. On top of that, Mr. FLAKE had several amendments addressing lobbying for earmarks. Mr. Speaker, none of those amendments were made in order.

In the end, there is little in this bill that is truly objectionable. My friend from Tampa went through and outlined the provisions included in H.R. 4975 that passed this House a year ago this month with bipartisan support. Again, there is little that is truly objectionable. There is very little that is in this bill that is beyond what we had in the last Congress; and, unfortunately, it doesn't include or even provide an opportunity to provide amendments to include many of the items that were so important in this effort.

This bill takes no risk, reaches no heights, and falls short of the lofty promises made by my newly minted majority colleagues. Unfortunately, the rule is unacceptable in its current form, Mr. Speaker, and I am going to urge its defeat.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I am very pleased to yield 4½ minutes to the ethics reformer of Ohio and my colleague on the Rules Committee, Ms. SUTTON.

Ms. SUTTON. Mr. Speaker, I thank the gentlewoman from Florida for her leadership on this issue and for yielding me the time.

Today I rise in favor of the rule and in favor of the Honest Leadership and Open Government Act. On my first day in office representing Ohio's 13th District, under the leadership of the new Speaker, NANCY PELOSI, I stood on the floor of the House in support of a new ethics rules package, a rules package that put an end to the K Street Project, that ended gifts and perks and trips, and that made a historic move towards cleansing the inner workings of government.

This rules package was extraordinary in its scope and its breadth, but it was only the beginning. In our fight against the climate of excess that flourished under recent Republican leadership of this body, it is clear we must take further action. We must continue to eradicate the pay-to-play culture that has pervaded and all too often undermined lawmaking in the Congress.

We must expose and eliminate the strings and the coziness that have resulted in policies by the special interests for the special interests. We must end the culture of corruption so we remain focused and truly tend to the people's business.

When I ran to represent Ohio's 13th District, I made it clear that I wanted to go to Congress to change the way business was being done and to restore the public trust. Safeguarding the public trust is not a part-time job. It must always remain uppermost in our minds. It requires the observation of current rules, and it requires legislative action to cure problems that persist.

Today we take the next step to bring the cleansing light of day to political financial contributions and to reduce the potential for shady lobbying practices.

☐ 1200

This bill focuses on sanitizing the relationship that lobbyists have with Congress. It gives the American people the ability to follow the money. It increases the number of times per year that lobbyists must file disclosure reports, and it requires electronic filing of these reports, making it available to the American public on the Internet. To increase public disclosure, we will shed needed light on the money trail from lobbyists to Capitol Hill.

This bill also requires lobbyists to certify that they have not provided elected Members of Congress with gifts or travel forbidden by the rules of the House. This is another means to ensure that the past practice of special interests using gifts and perks to woo legislators is truly coming to an end.

When lobbying laws and congressional rules are violated, the American people suffer. They suffer in policy, and they suffer in spirit. They are cheated out of their right to proper representation. The action we are taking today provides for greater punishment for the violation of these laws by those who are willing to betray the public trust.

When Americans went to the polls last November, they sent a clear message that they're concerned about the state of government. I have long believed that what people truly want from their Representative is someone who understands their concerns and who will strive to do all that they can on their behalf. The American people want to know that we are here for them, not for lobbyists, not for special interests, not for self-interests. They deserve nothing less.

Today, thanks to an amendment made in order by this rule, we also take action to bring much-needed transparency to the practice of lobbyists' bundling of campaign contributions. The American people deserve to know the source of campaign contributions, as well as the sometimes lengthy and roundabout paths that these campaign contributions travel before they are placed into the hands of candidates.

Our bill gives the American people a window into the lobbying practices and fund-raising activities by requiring the disclosure of bundled contributions collected by lobbyists for candidates.

This Democratic Congress is working to restore and ensure the trust of our constituents. One step was the elimination of soft money, the next step the House rules package. We can't stop there.

In closing I just want to say, as a new member of Congress, Mr. Speaker, how very honored I am to have been given the awesome opportunity and responsibility to represent the people of the thirteenth district of Ohio. Every day, I cherish the trust that they have placed in me to do all that I can on their behalf. I know that others in this body feel just as strongly as I do about their own constituents. We must pass this bill to restore the hope and live up to the promise that those we have been sent to serve have placed in us. Our constituents must know and it must be true, that it is they that are always uppermost in our hearts and minds as we carry out our responsibilities. I am pleased to support this rule, this bill, and the amendment to disclose the bundling of campaign contributions. I respectfully urge my colleagues to join in passing them.

I urge the passage of the rule, the bill and the amendment on bundling.

Mr. DREIER. Mr. Speaker, we're all reformers today, and at this time I'm very happy to yield 2 minutes to a great reformer from Cherryville, North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague from California for yielding.

The Speaker and I are on opposite sides of most issues, so I take great pleasure in the rare instance that we can find some common ground. The rule on this bill is one of those rare occasions. In fact, Speaker PELOSI and I completely agree when it comes to her public statements on the need for an open debate on lobbying reform. "We urge you to immediately bring to the floor, under an open rule that permits unrestricted amendments and debate on the wide-ranging reform provisions contained in the Honest Leadership and Open Government Act of 2006."

Madam Speaker, those were your words on February 9 of last year, but, Madam Speaker, I'm hearing a different tune these days. Your words are different than your actions. Very different, I might say.

We should be debating this bill today under an open rule that you urged that permits unrestricted amendments and debates. Unfortunately we won't.

There were 48 amendments offered to the Rules Committee. Only five were allowed to be offered here on the floor today. I submitted one of those 43 amendments that the Democrat leadership didn't want to hear on, didn't want to have a debate on, and my amendment would require Members of Congress to make an accurate disclosure of their financial holdings, including their personal residence. We've seen in recent Washington scandals the results of this loophole that allows Members to hide ownership of properties. This is a bad thing, and we should close that loophole.

Unfortunately, the Democrat leadership didn't allow us to have this debate here today on that important amendment. They're allowing it to stay open.

Another quick point. The American people should realize that we're debating essentially a watered-down version, as my colleague from California said, of the lobbying bill that Republicans offered last Congress. Only eight Democrats voted for that tougher bill to reform rogue lobbying practices; 192 voted no.

Mr. Speaker, does the Democrat hypocrisy know no bounds? Does it? At the time, they said the bill didn't go far enough. We realize they're singing a different tune, a tone-deaf tune, Mr. Speaker, and I urge the defeat of this rule so we can have an open debate on lobbying reform.

Ms. CASTOR. Mr. Speaker, I am very honored to yield as much time as he may consume to the gentleman from Michigan (Mr. CONYERS), the chairman of the House Judiciary Committee.

Mr. CONYERS. Mr. Speaker, I want to thank the gentlewoman from Florida (Ms. CASTOR) who is floor manager for this important bill.

And I want to thank the gentlewoman from Ohio (Ms. SUTTON) for the great work she, and I include the former chairman of the Rules Committee, they have done in trying to bring about reform in the House of Representatives and in the Congress as a whole. I mean it. I was up there yesterday, and I was one of the ones that took exception to calling Mr. DREIER of California's H.R. 4975 a sham bill. It was not a sham bill, and we have taken many of the things out of that bill and have brought them to H.R. 2316 which we're observing.

So we think that we all agree on both sides of the aisle that we have one big problem. The Congress has a black eye in terms of ethics, and we want to correct it. We're agreed? Okay. We check that one off.

Now, how do we correct it? Well, the one way that you will never correct it in the 110th Congress is to vote down this rule this afternoon, because if you vote down this rule this afternoon, there will be nothing to meet the Senate bill, which has already passed in January. They have been waiting for February, March, April, end of May, and now all of us who are concerned about fighting corruption, fighting for better ethics, fighting for transparency, fighting for basic disclosure now say on that side, let's vote down the rule. And do what I would ask? What do you have in mind that we haven't done now?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my very dear friend for yielding, and I would simply say the reason we're calling for a "no" vote on the rule is that we should allow us to get to what I, as we now know, affectionately describe what the former minority leadership called the sham level. We need to at least get up to the level, and I'm very appreciative of the remarks that my friend has offered characterizing, I think correctly, my bill.

Mr. CONYERS. I thank my friend for helping me out there, because what we will have done, and there are some in the media that are predicting that this is what's going to happen, that we're going to abandon all of the work that we have put into this measure. And I'm looking still after a number of decades for the Member who can concede that he's voted on the perfect bill in the legislative process.

But if we abandon this at this course, months behind schedule, we're sending a perfectly obvious message to the American people; namely, that this is the sham that is working on the Congress.

We've got to get this rule going. I'm happy that our colleague, the former chairman of Rules, said nothing about the amendments that have been granted by the committee in which he worked so hard over the years. We've got amendments. Some are Republican amendments, some are Democratic amendments, but for goodness sake, let's keep our promises to the American people.

We campaigned on this. We said we can improve the transparency and the rules regulating lobbyists, regulating bundling, regulating reporting, increasing the penalties. We've said all of this and put it in in as perfect form as we can do here.

□ 1210

We need now to get something to go to conference. I pledge to be open to suggestions, as I have all along the way. We've got to keep our promises, and the promises start with voting the rule to begin the debate. Now, you may have differences in the debate but certainly not on moving forward from this elementary process.

I thank the gentlelady, the floor manager, for allowing me to bring these matters up at this point.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to a former member of the Rules Committee, our good friend from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY. I thank my friend and former chairman, Mr. DREIER, for yielding.

I rise in strong opposition to this rule to H.R. 2316. The Honest Leadership and Open Government Act I am not opposed to. It's the rule that I am opposed to. When you have 48 amendments and five of them are made in order, this is not open government. This is not open process.

I want to particularly, to my colleagues, mention the fact that I had one of those 43 amendments which were not made in order. And I think if we really wanted meaningful reform in an open government, that this amendment clearly would have been made in order, we would have had an opportunity on the floor of this House to debate it.

No, it's not in the Senate version. If it doesn't get in the House version, then, clearly, it's not going to come out of conference.

What this amendment basically says is that Members, either Republicans or Democrats, House or Senate, in a leadership position that formed these things known as leadership PACs, cannot convert that money at any time, but especially when they leave this place, to their personal use.

Now we did that, or a former Congress, I think, back in the early 1990s, said Members cannot retire from this body and go home with seven figures worth of money in their campaign accounts. For those who are not paying attention, seven figures is over $1 million.

A lot of Members, back then in the early 1990s, decided since they were not going to be able to do that after a date certain, they retired so they could go home and spend that money and buy a new vacation home or fancy automobile or whatever.

Since then, what's happened is Members have formed these leadership PACs. It's not just leadership Members; in fact, any Member can form a leadership PAC. So I am not saying that the money that they use out of those PACs is improperly or dishonestly spent, but the temptation is there.

I want to give you an example of just one. I have 10 listed in my official remarks. I am not here to embarrass anybody. But there was one PAC called Searchlight PAC that, in 2006, raised $2 million. Do you know how much of that money was spent on helping another Member run for a Federal office in that particular PAC's party? $300,000. That means $1.7 million of that PAC's money was spent in some personal way. I don't know if it was dishonest, but we have to stop this sort of thing.

Really, I am shocked that this amendment was not made in order. Listen to this letter that was sent to Speaker HASTERT last year when my former Chairman DREIER worked on lobbying ethics reform. Here is the letter. "The House of Representatives is supposed to be a marketplace of ideas, and any debate in open government must not restrict the discussion of serious proposals . . . I am calling on you to use your authority as Speaker to direct the Rules Committee to report an unrestricted rule on lobby reform." Signed then-Minority Leader NANCY PELOSI.

Ms. PELOSI obviously has changed her mind this time around. This rule says loud and clear that this House no longer is a marketplace for ideas; there is no room in this House for full and unrestricted debate on open government. That's why I am standing in opposition, not to the bill, but to the rule. We could have made this bill so much better if we had allowed these amendments, such as mine, to be made in order.

I ask my colleagues, as former Chairman DREIER said, to oppose this rule.

Ms. CASTOR. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the leader on the issue of earmark reform, the gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding. This bill is referred to as the Honest Leadership and Open Government Act. I am pained to say there is precious little of either of it in this bill.

The previous speaker mentioned that the voters were aware of the needs that existed here in Congress, and the majority party paid the price in November. I fully agree with that. I wasn't quiet on that subject in the last Congress.

I was overjoyed to see that the Democrats came in in January, and not that they came in in January; but when they did, they actually enacted earmark reform that I felt was a little stronger than what we had done a few months previous. Having said that, then we go to where we are today where we rolled back a lot of those protections that were there or simply ignored them.

The rules that you put in place are only as good as your willingness to enforce them. We just heard this past week that the earmark rules simply are going to be ignored. If a bill comes to the floor, and if it is certified to have no earmarks, we have no recourse, even though there might be earmarks, and have been in a few of the bills already this year. Now we have heard that the plan is to take the appropriation bills through the House process and into the conference process without any earmarks, and simply air drop the earmarks during the conference process.

This is not more sunlight. This is actually keeping earmarks secret until it's too late to do anything about it. No amendments can be offered during the conference process, so it will be impossible for anybody to challenge any of what will be thousands and thousands and thousands of earmarks in the bill.

This is not better. This is far worse than we have had before.

Let me just speak specifically to this legislation and some of the failings. I offered an amendment which would get rid of the so-called Abramoff exemption. Few people are probably aware, but public universities, or lobbyists who represent public universities, or State and local governments, are not required under this legislation, are not bound by the same rules that people who lobby for a private institution are.

So what, in effect, you are saying, well, let's just take the final four of the basketball tournament that we just had in the NCAA. There was a game between Xavier University and Ohio State. If you were a lobbyist for Xavier University, you couldn't take a Member to the game. But if you were a lobbyist for Ohio State University, you could treat your Member of Congress, your favorite Member or anybody you wanted to, to a $400 ticket. That's the difference.

Now, are we to assume that if you are lobbying for a private institution, that you are somehow inherently suspect, but if you are lobbying for a public institution, you are not? That's the dichotomy here.

This amendment was not sprung on the majority as some kind of a gotcha amendment. I took this to the Democrat leadership earlier this year and said, please, can we work together and get rid of this loophole? But we didn't.

The amendment was offered in good faith, and it was rejected. Why are we doing this? Why do we allow, right now, if Jack Abramoff were still around, he could still, under these current rules that we are going to enact today, Jack Abramoff could treat Members at the Capital Grille to a big steak dinner. We shouldn't be doing this.

The Jack Abramoff incident is what precipitated a lot of these reforms. I'm glad it did. But the problem is, Jack Abramoff represented public institutions, State and local government, territories. I believe he collected about $6.7 million from the government of Saipan. With that, he could continue to do what he did before under these rules, and we should put a stop to it.

□ 1220

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just like to clarify this once again, if I might.

So a private institution is not allowed to provide any kind of meal or support, tickets or things like that, but a public institution is able to?

Mr. FLAKE. That is correct. Let me take the example from right at home where I am. The University of Phoenix can take me to dinner, but they can't buy even a cheeseburger. But Arizona State University right next door can buy me a seven-course meal. They can fly me wherever. There are no gift rule problems there. So private institutions are treated differently than public institutions.

Mr. DREIER. So that won't be changed under this bill that we are considering right now. Am I correct in concluding that?

Mr. FLAKE. That is correct. It would have been a very simple amendment simply to get rid of what I call the Abramoff exemption, but that amendment was rejected by the Rules Committee for no reason. Like I said, it wasn't a "gotcha" amendment. This was offered to the Democratic leadership earlier this year. They simply don't want to change the rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say to my friend, the example of allowing a public institution to provide meals and tickets and all kinds of things while a private institution cannot do that underscores the fact that this issue needs to be addressed in a broad bipartisan way.

Now, in the exchange that I had with the distinguished Chair of the Committee on the Judiciary upstairs, he was happy to give it back over to us at the Rules Committee. We should have had an original jurisdiction hearing on a wide range of these issues that have not been addressed. In the last Congress, we held four original jurisdiction hearings on this issue. This year there have been none.

So I think that the point that my friend from Mesa is making, very correctly, is that he made a bipartisan attempt to the new majority leadership to try and address this and was rebuffed.

Everyone has recognized, I believe, certainly on our side of the aisle, and we did so when we were in the majority, that the issue of reform needs to be done in a bipartisan way. I know that on the Judiciary Committee, Mr. SMITH, the ranking member, has worked with Chairman CONYERS; but there are many of the rest of us who have been involved in this issue of reform who I believe should have been consulted, especially in light of a number of provisions that were included; and, in fact, one provision which is absolutely outrageous, no hearing whatsoever, it was literally snuck into this bill, dealing with the question of Members attending charitable events. No hearing, no consideration whatsoever. A piecemeal attempt to do this.

Now, Mr. Speaker, on the 29th of March, nearly 2 months ago, the minority leader, Mr. BOEHNER, sent a letter to the Speaker asking that she deal with these important questions which impact every single Member of this institution with a bipartisan panel. Mr. Speaker, I am saddened to inform the House that Minority Leader BOEHNER has gotten no response to that letter that was sent nearly 2 months ago. So that is why we are concerned about this process.

Yes, the bill itself is one which included so much of what I was proud to include in H.R. 4975; does not get to that level. But I am urging opposition to this rule, as is Mr. FLAKE, as was Dr. GINGREY and others of my colleagues, so that we can try and improve this in a bipartisan way.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I am pleased to yield 1½ minutes to my colleague from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, for over five years I have attempted to close a gaping loophole in the Lobby Disclosure Act that has permitted various lobbyists to form over 800 stealth or hidden coalitions to avoid the requirements of the act. That effort had been met with nothing but indifference. Finally we now have a new Congress and a new direction.

Under the legislation Mr. CONYERS offers today, we incorporate the provisions of that Stealth Lobbyist Disclosure Act. Here is how it works: A lobbyist for an unpopular cause, like those who would avoid their taxes by renouncing their American citizenship and moving abroad, or by those who would deny climate change, instead of indicating who they actually represent, those lobbyists claim they represent a "coalition" of two or more individuals and avoid any indication of the true parties in interest.

When deep-pocketed interests spend big money to influence public policy, the public has a right to know. Even a little light can do a lot of good. If wealthy interests want legislators to sing their tune, the public has a right to know who is paying the piper.

Of course, President Harry Truman said, "The buck stops here." But with stealth lobbying we don't know where "here" is or whose buck it is.

This stealth lobbyist disclosure provision helps close this loophole. The bill amends the definition of "client" to require the disclosure of the members of a coalition or association so that a small number of people or corporations can no longer operate under a shell group and destroy the intent of our lobby disclosure laws. Combining "wealth" with "stealth" is a recipe for unaccountable government.

After years of indifference, we have a new Congress dedicated to open government and the pursuit of the public interest. This rule and this legislation should be approved.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side? And then I would like to ask my colleague, she indicated she was the last speaker a few minutes ago, and then Mr. DOGGETT joined us.

The SPEAKER pro tempore (Mr. CAPUANO). The gentleman from California has 8½ minutes; the gentlewoman from Florida has 11¾ minutes.

Ms. CASTOR. Mr. Speaker, I will reserve the balance of my time until the gentleman has closed for his side.

Mr. DREIER. So the gentlewoman is the last speaker?

Ms. CASTOR. That is correct, Mr. Speaker.

Mr. DREIER. Mr. Speaker, the gentlewoman is on her feet and so I would actually like to engage her in a colloquy, if I might, and ask some questions. I would be more than happy to yield to my friend from Tampa.

I am very concerned about the ramifications of this measure, and I talked about the concern that I have over this issue of charitable events, and that this item was in a piecemeal way stuck into this rule, and I raised the issue of the letter.

Mr. Speaker, I submit for printing in the RECORD a copy of the letter that was sent by Mr. BOEHNER to my California colleague Speaker PELOSI. Mr. Speaker, the reason I do that is that there has been no response to this nearly 2-month-old letter; and I hope that maybe someone on the Speaker's staff will read the CONGRESSIONAL RECORD and see this request for a truly bipartisan approach to this issue.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 29, 2007.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: The American people have every right to expect the highest ethical standards here in the people's House. Yet, less than three months into the 110th Congress it has become clear that House ethics rules are hopelessly broken. Members on both sides of the aisle are understandably frustrated because they know you can't "clean up Congress" with confusing rules that are as difficult to comply with as they are to enforce.

It is equally clear that until the ethics rules are repaired through a genuinely bipartisan process, they will continue to lack the credibility needed to ensure broad compliance, effective enforcement and widespread public acceptance.

As you know, sweeping changes to House ethics rules imposed at the start of this Congress were drafted in secret by the incoming Majority without consulting either the Minority or the staff of the nonpartisan Ethics Committee. The new rules were then rammed through the House with no opportunity to carefully analyze the proposals or to improve them in any way. The consequences of this ill-considered approach are now being felt by Members and staff on both sides of the aisle:

A staffer may attend an evening reception hosted by a corporation and consume shrimp, champagne, sliced filet and canapés . . . but may not accept a slice of pizza or a $7 box lunch provided by the very same corporation at a policy briefing the next day. [see Ethics Committee "pink sheet", Feb 6, 2007 (pp. 4–5)]

Although Members and staff may play in a $1,000 per person charity golf tournament to benefit a local scholarship fund, they are prohibited from similarly helping the American Red Cross raise funds for Katrina victims by playing in its golf tournament—solely because the Red Cross employs lobbyists. [see Ethics Committee "pink sheet", Jan 19, 2007 (p. 7)]

In order to go on a "first date" with someone who happens to be a lobbyist, a staffer must agree to pay for his or her full share of the lunch or dinner, as well as anything else of value, such as a movie, concert or ballgame. [see Ethics Committee "pink sneet", Feb 6, 2007 (p.2)]

A Member may accept $200 tickets for the Final Four from Ohio State (public university), but not $20 tickets to a preseason game from Xavier University (private university). [see Gifts & Travel, House Ethics Committee, April 2000 (p. 37)]

A Member may accept a $15 t-shirt or $20 hat from the Farm Bureau, but not a $12 mug or mouse pad. Similarly, a $4 latte is OK—but a $4 sandwich is not. [see Ethics Committee "pink sheet", Feb 6, 2007 (p. 5)]

A Member who has his own airplane is prohibited from flying it for any purpose—official, campaign or personal—even at his own expense. [see Ethics Committee letter to Rep. Stevan Pearce, Feb 16, 2007]

A staffer invited to a post-season barbecue for her daughter's soccer team may not attend once she learns that it will be held in the home of a player whose father is a lobbyist. [see Ethics Committee "pink sheet", Feb 6, 2007 (p. 2)]

Although a Member may not accept dinner from a lobbyist who uses his own funds or those of his firm, he may accept dinner from the very same lobbyist using a credit card provided by his state or local government clients. [see clause 5(a)(3)(O) of House Rule XXV]

A corporate executive who is not a lobbyist may not use his expense account to take a Member out to dinner, but may—in many cases—take the same Member to dinner using his personal funds. [see Ethics Committee "pink sheet", Feb 6, 2007 (p. 3)]

A Member may not take a privately-funded trip if a lobbyist accompanies him to and from Washington; but the same Member may spend five days in Brussels discussing global warming with environmental group lobbyists—as long as none of them are on the same flights to and from the meeting. [see Ethics Committee "pink sheet", March 14, 2007 (p. 2)]

It's no surprise that Members deeply committed to following the rules are confused and concerned by the current state of disarray in the House.

Making matters worse, the chaos inflicted on Members and staff by careless (or worse) Democrat rule writers has now infected the legislative process as well. For example, confusion over the proper application of congressional earmark rules has made it possible for Democratic leaders to certify as "earmark free" a multi-billion dollar Continuing Resolution that any knowledgeable observer will confirm was laden with them.

Moreover, the failure of the House Ethics Committee to provide official guidance to Members seeking to comply with newly adopted earmark "conflict of interest" rules until after the deadline fix submission of earmark requests had expired has unnecessarily disrupted the FY08 appropriations process by delaying for more than a month processing of many Member earmark requests, and complicated efforts to make the earmark process more transparent.

This latter incident underscores the folly of Democrats rushing to unilaterally impose complicated and contradictory new rules on the House, and then denying an entirely reasonable joint request by the Chairman and Ranking Republican of the Ethics Committee for the additional resources the panel needs to carry out its added responsibilities to Members.

Sadly, Democrat leaders straining to legitimize their campaign rhetoric have instead left Members—on both sides of the aisle—more vulnerable than ever to violating rules that are hard to define, riddled with logical inconsistencies, and utterly unlikely to prevent the sort of abuses that have properly sparked so much public outrage.

After all, few of the "Culture of Corruption" violations by Duke Cunningham and Bob Ney—or alleged violations by William Jefferson and Alan Mollohan—would have been prevented had the recently passed ethics changes been in effect last year.

Rather, the principled path to a more ethical Congress is through clearcut, common sense rules that are widely communicated and firmly enforced. And, as you and your fellow Democrat leaders argued so persuasively during the last Congress, the process of developing those rules must be transparent and genuinely bipartisan.

To that end, I ask that you join me in appointing a bipartisan working group tasked with analyzing House ethics rules—and recommending fair, sensible and understandable revisions that working group members believe would improve both compliance and enforcement.

As with the Livingston-Cardin ethics task force in 1997, the working group should be led by co-chairs and evenly divided between majority and minority members. I propose that it consist of six to eight members, including a member of the ethics committee from each party (but neither its chairman nor ranking minority member), one elected leader from each party, and one or two additional Members from each side of the aisle.

I further propose that we direct the working group to report back its recommendations no later than July 1, 2007 to allow time for the House to consider its proposed revisions to the Rules of the House prior to the August recess.

Madam Speaker, I have been encouraged by recent public statements made by you and members of your staff noting your desire to correct evident problems with several of the new rules. Thus, I hope you will commit to work constructively with me to ensure that any revisions to the Code of Conduct and other House rules are imbued with the sort of credibility that you have often pointed out can only result from a thoroughly bipartisan effort.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Mr. Speaker, I would simply ask my colleague from Tampa to describe a term that is in this bill.

Now, one of the questions out there is that Members of Congress are often approached by people and considered for employment beyond their service in this institution. Now, in H.R. 4975, we were very specific in saying that when negotiation for compensation, and those are the exact words that we used in H.R. 4975, are included in the bill, then there has to be a letter to the Committee on Standards of Official Conduct stating that that negotiating process has begun. So we had that exact term of "negotiating for compensation." Those are the three words that we had in there.

Now, I would like to inquire of my friend from Tampa why it was in this measure that they went from "negotiation for compensation" to simply "negotiation." And the reason I say that is a very sincere one.

The question naturally comes to mind, now, the gentlewoman from Tampa is new here and obviously not prepared to leave at this point. But there are people, Mr. Speaker, who may have been here for a while and people have decided they wanted to approach them.

Is it negotiation if it is simply said to that person, "Gosh, we'd like you to consider going to work for us"? And so I am wondering if my friend might define this term "negotiation" for us. And I am happy to yield to the distinguished manager of this rule.

Ms. CASTOR. Well, my interest, Mr. Speaker, is keeping this legislation on track. The American people spoke loud and clear in November. They called on us to fight for reform and change.

Mr. DREIER. Mr. Speaker, if I might reclaim my time. And I do so to simply say, I was posing a question to my colleague, not asking for a campaign speech on what the American people sent us to do here in November. The fact is, Democrats and Republicans alike are committed to reform. I am very proud of the record we have had on reform, and I am honored to have had it praised by the distinguished Chair of the Committee on the Judiciary.

The question that I have is a very specific one: Why in this legislation did we go from the utilization of three words, "negotiation for compensation," to this open-ended question of simply "negotiation"?

I would be happy to further yield to my friend to elucidate us on that.

Mr. CANTOR. I thank my colleague very much. I recall the sessions I have had with seniors back home in Florida trying to work through the morass of Medicare part D.

Mr. DREIER. Mr. Speaker, if I could reclaim my time. My question, and I will pose it again to my colleague from Tampa. The issue of negotiation for Members of Congress, the debate that we are having now is not about the message that was sent last November, it is not about Medicare part D. It is a question about the issue of lobbying and ethics reform in this institution. And obviously my colleague doesn't really have an answer to this question.

What it does do is it underscores the fact that it is absolutely essential that we deal with this issue in a responsible, bipartisan way to try to bring about some kind of resolution in here. And so I am very, very troubled with the way that this has been handled in a piecemeal way.

□ 1230

And so, Mr. Speaker, it is true that the effort is a valiant one. I congratulate and praise those who have been involved in it. And as I said in my opening remarks, it's very clear that reform is a work in progress. And we need to do more on the issue of reform. It's just that this bill is nowhere near the level of the bill that was passed under the Republican Congress. And I will say, I hope very much this institution will pass a bill that is even better than the one that I was privileged to author in the 109th Congress. And I believe that we could do better than we did in the 109th Congress. It's just that this measure, after all of this talk of reform, after all of this talk about the message sent last November, falls short of where we were in the last Congress, and that's why we are very troubled by this.

Mr. Speaker, I'm going to urge my colleagues to vote "no" on the previous question, so that when we succeed in defeating the previous question, I will be able to make in order an amendment that was offered that specifically provides greater disclosure and transparency and accountability which, again, are the three buzz words that are used around here: transparency, disclosure and accountability.

If, in fact, a Member is asking for an earmark, if a Member has been asked for an earmark by a lobbyist, under the amendment that I hope that we will be able to make in order, that Mr. FLAKE has propounded and unfortunately it was rejected by the Rules Committee, it would simply require that lobbying entity to disclose the fact that they have, in fact, made that in order.

Mr. Speaker, I ask unanimous consent that I be able to, just before the vote on the previous question, have printed in the CONGRESSIONAL RECORD a detailed explanation of the amendment that would require that lobbyists who make a request of a Member, that they call for an earmark to be made, that that information be made public. I believe that that, in and of itself, is a very, very modest but responsible thing that needs to be done in this effort to ensure greater transparency and disclosure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. So, with that, Mr. Speaker, I urge a "no" vote on the previous question.

Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I urge adoption of the Honest Leadership and Open Government Act and the Lobbying Transparency Act and this rule. Citizens deserve open and honest leadership. We must stay on track with lobbying reform. And after the scandals in past years, we will continue the fight for reform and change so that the American people trust that Members of Congress are making decisions that benefit our communities and our country, and not some powerful special interest with undue influence.

Unfortunately, there has been a price to pay for the culture of corruption. You can see it when you gas up at the pump. Big Oil has gotten millions and billions in tax breaks, while people that we represent pay higher gas prices. And in Florida, the big oil companies have been granted a right to drill off our beautiful coastline.

You can see it when our seniors are pushed into privatized Medicare. The HMOs get a slush fund, and seniors pay more for health care.

You can see it when students and their families pay more for student loans because of sweetheart deals. The special interests get tax breaks, and our kids pay off higher debt.

Mr. Speaker, today we will keep our promise to the American people to fight for change and reform. When our neighbors and the folks back home send us to Washington, they rightly expect their representatives to act in the public interest and not in the interest of well-paid lobbyists with undue influence.

I urge my colleagues to build on the strongest ethics reform ever adopted in the Congress, what we started on day one in this new Congress.

I urge a "yes" vote on the previous question and on the rule.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H.R. 2316, the Honest Leadership and Open Government Act, and H.R. 2317, the Lobbying Transparency Act.

As the Jack Abramoff scandal made abundantly clear, the way that business has been conducted in Washington during the past few years needs to change. Congress already has taken important steps to reduce the influence of lobbyists, and the legislation that we are considering today will implement additional necessary reforms. These reforms include closing the revolving door between the legislative branch and post-employment lobbying, increased reporting requirements, including for bundled campaign contributions, and greater public access to lobbying reports and disclosure information.

The issue of openness in government is critical to our democracy. The American people should have faith that their representatives in Congress are responding to their needs and not acting in the interests of those trying to buy influence.

I also want to commend Chairman CONYERS and the Judiciary Committee for including language in the bill to clarify that H.R. 2316 does not infringe upon the first amendment or prohibit any activities currently protected by the free speech, free exercise, or free association clauses.

I urge my colleagues to support this legislation.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 2316, the Honest Leadership and Open Government Act, as well as H.R. 2317, the Lobbying Transparency Act.

When the new Democratic Congress convened on January 4, our first action was the approval of a sweeping package of changes to restore the integrity and fiscal responsibility of the House of Representatives. While these reforms represented the most significant ethics and lobbying revisions in decades, we promised that this would be just the first step in ending the cozy relationships between Congress and special interest lobbyists. Today we take the next important step.

The Honest Leadership and Open Government Act H.R. 2316 mandates quarterly disclosure of lobbying reports; ends the K Street Project of Members and staff influencing employment decisions of private entities for partisan political gain; increases disclosure of lobbyists' contributions to lawmakers; and establishes an online, searchable public database of lobbyist disclosure information.

One of the most important provisions of this lobbying reform package is the Lobbying Transparency Act, H.R. 2317. This legislation requires a registered lobbyist who also serves as a fundraiser to disclose the campaign checks that he or she solicits or "bundles."

When lobbyists also act as campaign fundraisers, a possible conflict of interest arises, making it all the more necessary to allow for greater public awareness as to their actions and treatment.

Reforming the way that lobbyists and Members of Congress do business is the right thing to do not only because it will help to restore the trust of the American people in their institution of Congress, but also because doing so has a very real impact in putting the power back into the hands of the public.

I urge my colleagues to join me in supporting H.R. 2316 and H.R. 2317.

Mr. UDALL of New Mexico. Mr. Speaker, today we stand on the verge of passing two pieces of lobby reform legislation that mark an important step toward greater transparency and accountability for Congress. This is a welcome and much-needed response to the growing dissatisfaction of the American people, who do not approve of the increasing role and influence that special interests have on our democracy. There is, however, much more that Congress must do.

In the November 2008 election, the American people made it clear that the corruption that has been seeping into government cannot be tolerated. It is now the task of Congress to raise the standards of ethics in lobbying and campaign finance in order to meet the expectations of the public. We must take action now to remove the grip that private money has on our democracy. I urge my colleagues to support these lobbying reform measures on the floor today, but believe our work is not yet done.

We must break the link between private financing of campaigns and the electoral process. During the 109th Congress, Chairman OBEY introduced legislation to do just that. His bill would have set specific expenditure limitations for general elections, established the Grassroots Good Citizenship Fund to provide public funding for House candidates' expenditures, and banned independent expenditures in House elections. This bill would take money laden with strings and political debts out of House elections. I cosponsored this bill last Congress, and I hope Chairman OBEY will be reintroducing it soon.

We must also take the job of reorganizing districts out of the realm of partisan politics and special interests. H.R. 543, the Fairness and Independence in Redistricting Act of 2007, introduced by Representative JOHN TANNER, would establish an independent commission for the purpose of doing the work of redistricting. I am a cosponsor of this legislation, and hope that this Congress will look very seriously at passing it.

We must utilize the public airways to make campaigns less costly. Most of what is spent in an election is spent on advertising. We can change this. By fairly utilizing publicly owned airways to run campaign ads, the exorbitant cost of campaigns can be reduced, and the associated fundraising, and perceived corruption could be curbed.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise in support of the Honest Leadership Open Government Act and congratulate Speaker PELOSI for taking this important step in changing the way business is done in Washington.

H.R. 2316 will bring real transparency to lobbyists' activities in order to break the corrupting influence that has been present over the last decade in Congress. This bill requires disclosure of lobbyists' contributions to members, doubles the frequency of lobbyists' reporting, and establishes a searchable public database of this disclosure information. It also increases criminal and civil penalties for those who violate the Lobby Disclosure Act and bans the K street project.

The Honest Leadership Open Government Act includes new requirements for Members of Congress, including required disclosure of job negotiations for post-Congressional employment, and establishes a public database for Members' travel and financial disclosure information.

This legislation is the second step in fulfilling the Democrats' promise to clean up Washington. In the first 100 hours of the 110th Congress we passed new House Rules imposing the toughest ethics standards ever. These rules banned gifts, meals and trips paid for by lobbyists. The House has also voted to deny pension benefits to Members of Congress convicted of corruption.

The House of Representatives is the People's House. In order to ensure that we are truly responsive to and representative of the people, it is critical that lobbyists' do not have undue access to Members or influence over the legislative process. H.R. 2316 shines a bright light on lobbyists' activities in order to end the illegal practices that waste taxpayer dollars and bring disgrace to this institution.

Under Democratic leadership, this Congress is moving America in a New Direction. Our priorities put the interests of American families ahead of special interests. I am proud to support this legislation today and urge my colleagues to do the same.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 437 OFFERED BY REP. DREIER OF CALIFORNIA

At the end of the resolution, add the following:

SEC. 4. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order to H.R. 2316 as though printed as the last amendment in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 4 is as follows:

Page 13, line 3, strike "Section 5(b)" and insert "(a) GIFTS.—Section 5(b)".

Page 13, insert after line 18 the following:

(b) REQUESTS FOR CONGRESSIONAL EARMARKS.—Section 5(b)(2)(A) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)(2)(A)) is amended by striking "bill numbers" and inserting the following: "bill numbers, requests for Congressional earmarks (as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives for the One Hundred Tenth Congress),".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

Mr. DREIER. Mr. Speaker, may I ask the indulgence of the Chair to ask unanimous consent if I could reclaim my time. I didn't realize that my very distinguished colleague from Kentucky was here, and he had a very important question that he wanted to pose on this, and I'd ask unanimous consent to be able to reclaim my time and yield to the gentleman from Kentucky.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from California?

Ms. CASTOR. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. DREIER. Thank you very much, Mr. Speaker, and thanks to my colleagues for their consideration.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 437 will be followed by 5-minute votes on adoption of House Resolution 437, if ordered; ordering the previous question on House Resolution 438; and the adoption of House Resolution 438, if ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 195, not voting 13, as follows:

[Roll No. 415]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Cardoza
Cooper
Davis, Jo Ann
DeGette
Emerson
Engel
Hunter
Jones (OH)
Lewis (GA)
McMorris Rodgers
Oberstar
Radanovich
Rohrabacher

☐ 1259

Messrs. SOUDER, McCOTTER, NEUGEBAUER and RAMSTAD changed their vote from "yea" to "nay."

Ms. CORRINE BROWN of Florida changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 197, not voting 11, as follows:

[Roll No. 416]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Cardoza
Davis, Jo Ann
DeGette
Emerson
Engel
Hunter
Jones (OH)
Lewis (GA)
McMorris Rodgers
Oberstar
Radanovich

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on the vote.

☐ 1308

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NEW CLERK MAKING IMPRESSIONS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to call to the attention of all of the Members that our new Clerk of the House is continuing to make impressions. She is on the cover of Crisis magazine for this month, the official publication of the NAACP. And she is president of the local chapter. I just thought that if you don't have a copy, she is standing right over there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2206, U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 438, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 199, not voting 12, as follows:

[Roll No. 417]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Clay
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cardoza
Davis, Jo Ann
DeGette
Emerson
Engel
Hunter
Jones (OH)
Lewis (GA)
McMorris Rodgers
Oberstar
Pickering
Radanovich

□ 1316

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 1 minute remains in this vote.

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 201, not voting 13, as follows:

[Roll No. 418]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—201

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Clay
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (WI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)

Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Cardoza
Davis, Jo Ann
DeGette
Emerson
Engel
Gutierrez
Hunter
Jones (OH)
Lewis (GA)
McMorris Rodgers
Oberstar
Radanovich
Shea-Porter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1323

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 417

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that Representative XAVIER BECERRA be removed as a cosponsor of H. Res. 417. Mr. BECERRA was listed as a cosponsor due to a clerical error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. EMANUEL. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 441) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 441

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Brady of Pennsylvania, Chairman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2317, the Lobbying Transparency Act of 2007.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

LOBBYING TRANSPARENCY ACT OF 2007

Mr. CONYERS. Madam Speaker, pursuant to House Resolution 437, I call up the bill (H.R. 2317) to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lobbying Transparency Act of 2007".

SEC. 2. QUARTERLY REPORTS BY REGISTERED LOBBYISTS ON CONTRIBUTIONS BUNDLED FOR CERTAIN RECIPIENTS.

(a) IN GENERAL.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended by adding at the end the following new subsection:

"(d) QUARTERLY REPORTS ON CONTRIBUTIONS BUNDLED FOR CERTAIN RECIPIENTS.—

"(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the first day of January, April, July, and October of each year, each registered lobbyist who bundles 2 or more contributions made to a covered recipient in an aggregate amount exceeding $5,000 for such covered recipient during such quarterly period shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the registered lobbyist;

"(B) in the case of an employee, his or her employer; and

"(C) the name of the covered recipient to whom the contribution is made, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for the covered recipient.

"(2) EXCLUSION OF CERTAIN INFORMATION.—In filing a report under paragraph (1), a registered lobbyist shall exclude from the report any information described in paragraph (1)(C) which is included in any other report filed by the registered lobbyist with the Secretary of the Senate and the Clerk of the House of Representatives under this Act.

"(3) REQUIRING SUBMISSION OF INFORMATION PRIOR TO FILING REPORTS.—Not later than 25 days after the end of a period for which a registered lobbyist is required to file a report under paragraph (1) which includes any information described in such section with respect to a covered recipient, the registered lobbyist shall transmit by certified mail to the covered recipient involved a statement containing—

"(A) the information that will be included in the report with respect to the covered recipient; and

"(B) the source of each contribution included in the aggregate amount referred to in paragraph (1)(C) which the registered lobbyist bundled for the covered recipient during the period covered by the report and the amount of the contribution attributable to each such source.

"(4) DEFINITION OF REGISTERED LOBBYIST.—For purposes of this subsection, the term 'registered lobbyist' means a person who is registered or is required to register under paragraph (1) or (2) of section 4(a), or an individual who is required to be listed under section 4(b)(6) or subsection (b).

"(5) DEFINITION OF BUNDLED CONTRIBUTION.—For purposes of this subsection, a registered lobbyist 'bundles' a contribution if—

"(A) the contribution is received by a registered lobbyist for, and forwarded by a registered lobbyist to, the covered recipient to whom the contribution is made; or

"(B) the contribution will be or has been credited or attributed to the registered lobbyist through records, designations, recognitions or other means of tracking by the covered recipient to whom the contribution is made.

"(6) OTHER DEFINITIONS.—In this subsection—

"(A) the term 'contribution' has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), except that such term does not include a contribution in an amount which is less than $200;

"(B) the terms 'candidate', 'political committee', and 'political party committee' have the meaning given such terms in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.);

"(C) the term 'covered recipient' means a Federal candidate, an individual holding Federal office, a leadership PAC, or a political party committee; and

"(D) the term 'leadership PAC' means, with respect to an individual holding Federal office, an unauthorized political committee which is associated with such individual, except that such term shall not apply in the case of a political committee of a political party.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the second quarterly period described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 (as added by subsection (a)) which begins after the date of the enactment of this Act and each succeeding quarterly period.

The SPEAKER pro tempore. Pursuant to House Resolution 437, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110–167, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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Senate and the Clerk of the House of Representatives containing—

"(A) the name of the registered lobbyist;

"(B) in the case of an employee, his or her employer; and

"(C) the name of the covered recipient to whom the contribution is made, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for the covered recipient.

"(2) EXCLUSION OF CERTAIN INFORMATION.—In filing a report under paragraph (1), a registered lobbyist shall exclude from the report any information described in paragraph (1)(C) which is included in any other report filed by the registered lobbyist with the Secretary of the Senate and the Clerk of the House of Representatives under this Act.

"(3) REQUIRING SUBMISSION OF INFORMATION PRIOR TO FILING REPORTS.—Not later than 25 days after the end of a period for which a registered lobbyist is required to file a report under paragraph (1) which includes any information described in such section with respect to a covered recipient, the registered lobbyist shall transmit by certified mail to the covered recipient involved a statement containing—

"(A) the information that will be included in the report with respect to the covered recipient;

"(B) the source of each contribution included in the aggregate amount referred to in paragraph (1)(C) which the registered lobbyist bundled for the covered recipient during the period covered by the report and the amount of the contribution attributable to each such source; and

"(C) a notification that the covered recipient has the right to respond to the statement to challenge and correct any information included before the registered lobbyist files the report under paragraph (1).".

"(4) DEFINITION OF REGISTERED LOBBYIST.—For purposes of this subsection, the term 'registered lobbyist' means a person who is registered or is required to register under paragraph (1) or (2) of section 4(a), or an individual who is required to be listed under section 4(b)(6) or subsection (b).

"(5) DEFINITION OF BUNDLED CONTRIBUTION.—For purposes of this subsection, a registered lobbyist 'bundles' a contribution if—

"(A) the contribution is received by a registered lobbyist for, and forwarded by a registered lobbyist to, the covered recipient to whom the contribution is made; or

"(B) the contribution will be or has been credited or attributed to the registered lobbyist through records, designations, recognitions or other means of tracking by the covered recipient to whom the contribution is made.

"(6) OTHER DEFINITIONS.—In this subsection—

"(A) the term 'contribution' has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), except that such term does not include a contribution in an amount which is less than $200;

"(B) the terms 'candidate', 'political committee', and 'political party committee' have the meaning given such terms in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.);

"(C) the term 'covered recipient' means a Federal candidate, an individual holding Federal office, a leadership PAC, or a political party committee; and

"(D) the term 'leadership PAC' means, with respect to an individual holding Federal office, an unauthorized political committee which is associated with such individual, except that such term shall not apply in the case of a political committee of a political party.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the second quarterly period described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 (as added by subsection (a)) which begins after the date of the enactment of this Act and each succeeding quarterly period.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the moment has come in this very important session of Congress that we examine the lobbying and bundling provisions that have been of such interest and debate for the past several months.

This measure, the Lobbying Transparency Act, will more effectively regulate, but does not ban, the practice of registered lobbyists bundling together the large numbers of campaign contributions to candidates for Federal office. This is a practice that has already taken root in Presidential campaigns.

In essence, the bill requires a registered lobbyist who bundles two or more contributions made to a candidate to file quarterly reports with the House Clerk and Secretary of the Senate.

I want to begin by paying tribute to the gentleman from Maryland, Mr. CHRIS VAN HOLLEN, for the enormous amount of work not only in this Congress but in the previous Congress that he has put forward on behalf of this measure.

Under the bill, the bundled contribution is limited to contributions which the lobbyist physically receives and forwards to the candidate, or which are credited to the lobbyist through a specific tracking system put in place by the candidate. In order to better ensure that a registered lobbyist does not inaccurately report contributions involving a candidate, the measure further requires the lobbyist to send the candidate a proposed statement first. This allows the candidate or the political action committee to correct any errors.

This legislation reflects considerable input on Members of the House of Representatives both on the Judiciary Committee and off the Judiciary Committee.

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It reflects the considered judgment of many Members not even on the Judiciary Committee. We've worked with the public interest groups around the clock to craft a workable piece of legislation that provides for the disclosure of large-scale bundling in a way that provides clear and enforceable legal requirements.

The American people have been waiting for this. We've talked about this for a considerable period of time, and many people now have realized that the House of Representatives has taken a very important step in moving this measure forward.

Most significantly, the measure does not include the provision that would have counted as bundled any contribution arranged by a lobbyist. After careful consideration, we've concluded that as the Senate provision is written, it was too vague to be effectively enforced.

And so I rise today to let you know of my firm conviction that we ultimately need to move to assist the public financing of campaigns, and I don't mean somewhere in the nebulous future; I'm talking about as soon as we can. But until we do, I remain persuaded that the legislation today represents an extremely important step forward toward that reform when coupled with the other lobbying reform measure that is before us.

This is not the perfect bill. I'm still looking for a Member that has ever passed the perfect piece of legislation. But I draw to my colleagues' attention this measure and ask that they examine it carefully and recognize the importance and significance of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill addresses the issue of the disclosure of campaign contributions bundled together by lobbyists. The Judiciary Committee addressed this issue in the last Congress when we adopted an amendment by the gentleman from Maryland (Mr. VAN HOLLEN) by a vote of 28–4.

As a principal supporter of these provisions, Mr. VAN HOLLEN signed the following statement in last year's committee report: "At the markup, we were able to develop a bipartisan provision concerning the areas of Judiciary Committee jurisdiction, principally the Lobbying Disclosure Act."

So I'm glad to see a provision brought to the floor today that is so similar to what we did last year. However, I do find it ironic that we are bringing this bill to the floor with little advance notice.

Yesterday we received notice that this bill would come up less than an hour before the Rules Committee was to start. That hardly gave us a fair opportunity to offer amendments to the bill.

Madam Speaker, this bill and the other bill that we consider today on lobbying reform are supposed to be about open government, but the process by which this bill has been rushed to the floor shows how this House sometimes lacks a fair and open process.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself 15 seconds.

When we went to the Rules Committee, my dear friend LAMAR SMITH and myself, there were 48 amendments already filed when we got there. I don't know how many were ultimately considered.

Madam Speaker, I am very pleased to yield as much time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN), the one Member who has worked longer and harder than anyone else on this matter, a former member of the Judiciary Committee.

Mr. VAN HOLLEN. Madam Speaker, let me begin by congratulating the chairman of the Judiciary Committee Mr. CONYERS, and the ranking member Mr. SMITH, on all their work on this particular issue, and I want to thank them and the other members of the Judiciary Committee for reporting this bill out by unanimous vote, a unanimous bipartisan vote. And I also want to thank the other cosponsors of this legislation, including Mr. MEEHAN and others.

Madam Speaker, in the last election I think the American people sent Congress a very strong and unambiguous message, that it's time to change the way Washington does business. They said loud and clear that the status quo on Capitol Hill is unacceptable. The American people want this Congress to hold the Bush administration accountable, and they want Congress to hold itself accountable.

They grew weary of a Congress that used the power of the majority to benefit narrow special interests at the expense of the public interest, and that's why on the very opening day of this new Congress, under the leadership of Speaker PELOSI, we immediately enacted a series of important reforms, gift bans, travel limitation, and greater transparency of the earmark process.

The lobbying reform bills that are before us today are the next important steps along the path to greater openness and transparency, and I think we would all agree that with greater openness to the public comes greater accountability for this institution.

Let's be clear. Lobbyists come before this body to advocate issues on behalf of their clients, and they serve a valid and important service of providing information and expertise on complex issues that we face. However, we know a number of recent scandals have demonstrated that lobbyists, some of them like Jack Abramoff, have been able to exercise undue influence in shaping the legislative agenda and the policies that come out of the Congress.

This bill, the Lobbying Transparency Act, deals with the role of lobbyists in the campaign fund-raising process. It requires registered lobbyists to disclose certain contributions that they bundle on behalf of candidates and political committees.

This bill involves simply the disclosure of information that the public has a right to know, and a vote against this bill is a vote to deny that public important information that they can use to judge the legislative process.

I think we all agree that Members of Congress are sent here to represent the public interest. We're not here to represent narrow special interests, and we should have a very simple test, a very simple standard in considering whether we're going to vote for or against legislation, and that test is, does that legislation advance the public interest. And the answer on this bill is unequivocally yes.

Let's fulfill our promise to restore the public trust by serving the public interest. I urge adoption of this legislation.

Mr. SMITH of Texas. Madam Speaker, at this time I have no other speakers on this particular bill. So I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Madam Speaker, I will take my time now to applaud and thank both the chairman of the full committee Mr. CONYERS, and the ranking member of the full committee, my colleague from Texas, Mr. SMITH, and our former colleague Mr. VAN HOLLEN for having a partnership between H.R. 2317 and H.R. 2316.

I think the first point I'd like to make is that as I have spent a lot of time in this first session, first couple of months, with a lot of visitors who have come to this Capitol, I've watched them look in awe, visit with their Member of Congress, and appreciate this most powerful law-making body that cherishes democracy and values integrity.

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I know that visitors have a great sense of respect for their individual Members of Congress. I want you to know that that respect is well deserved. Your Member is hard-working. They cherish not only the democratic values of this Nation, but they pride themselves in promoting integrity and promoting your interests over their interests.

But sometimes we need a little cleanup. It does not mean that the whole body has disregarded the question of integrity and the question of ensuring your interests be put forth. But we have had some bumps in the road.

So we have projected two legislative initiatives that will separate out the interests at work of lobbyists. That is part of the Democratic process, but it will also provide an opportunity for voices to be heard, the right of the protections of the first amendment.

As it relates to the concept of bundling, which sounds like a very interesting and difficult word, that is the course of putting a number of financial contributions together. We will have a system that will work, that everyone who is here to put forward the interests of the American people, will, in fact, know that that is the first priority.

But we have a system that does not promote public finance. I would like to see us have a complete system of public financing. That means the taxpayers will contribute toward the presidential candidates, and they would not be able to opt out Federal congressional candidates, Senate and House. That will be a system dominated by the people.

But we don't have that system. So we have good-thinking people who want to contribute, and we have good people, good-thinking people who would receive. Let us not taint all of them.

But I rise to support these two initiatives, because they provide the open-door transparency that we need. I want to thank Chairman CONYERS, first of all, for accepting my amendment that clearly stated that those advocacy groups that wanted to be heard, the right of the protections of the First Amendment.

Nothing in this bill denies any first amendment protection for expression or association. I know the leadership of Chairman CONYERS on the issue of civil liberties, in complete, but I wanted to reaffirm this fact so that we know for sure, any Member coming to the floor to vote for this, they know their university or they know their place of faith, or they know the Boy Scouts or the Girl Scouts, or they know their various civil rights organizations will still have the opportunity to convey their voice with the assurance of first amendment protection.

I also want to thank Mr. VAN HOLLEN for working with me to include language that I hope all Members will appreciate, and that is, as I stated earlier, that Members come here with the greatest sense of integrity and respect for their duty to the American people. So we provided a provision that instructs lobbyists to give notice to the Member of the list of items that they are going to file. That Member cannot, if you will, stop the list from being filed, but the Member will have the opportunity, the Member of Congress, to be able to read the list and make sure that it is accurate as it is being filed.

We will not stop the time from ticking, if you will, for the filing process, but we will make the system work better and provide for the participation by all of the impacted parties. The congressional Member will be allowed to receive the notice of this filing and have the opportunity to correct it, to make sure it is consistent with his or her files.

These are difficult times, because we all realize our ultimate responsibility is to the American people. We must put them over self. But my amendment in this bill, I believe, will help the open-door transparency proceed, family and I ask my colleagues to support it.

Madam Speaker, I rise in support of H.R. 2317, the "Lobbying Transparency Act of 2007." I rise in support of legislation that will help bring about the most open government and the most honest leadership in the history of the Congress. Most of the credit for this achievement goes to my very good friend, the gentleman from Maryland, Mr. VAN HOLLEN, for his tenacity in shepherding this legislation through the gamut that is the House legislative process.

In particular, Madam Speaker, I wish to commend Mr. VAN HOLLEN and the Rules Committee for agreeing to incorporate my friendly amendment to H.R. 2316. Let me describe the bill and explain why I believe the incorporation of the Jackson-Lee amendment improves the bill to the point where it warrants the support of the members of this body.

H.R. 2316 requires registered lobbyists to provide quarterly reports to the House clerk and secretary of the Senate regarding the "bundled" contributions totaling more than $5,000 in a quarter that they provide to a covered recipient.

"Bundled contributions" are contributions that are received by a registered lobbyist and forwarded to a covered recipient, or contributions that are otherwise credited or attributed to a lobbyist through records, designations or other means of tracking, such as placing the lobbyist's name on a check's memo line or using another symbol. The bill's definition of "covered recipients" applies to federal candidates, federal officeholders, leadership political action committees or political party committees.

The required reports would disclose the name of the lobbyist, the name of his or her employer, and the name of the covered recipient to whom the contributions were given, as well as the amount of the contributions made or a good-faith estimate thereof. The report would be due within 45 days of the end of the quarterly period. These reports would not include certain information that is included in other required disclosure reports. Within 25 days of the end of a quarterly reporting period, the registered lobbyist is to send a notification by certified mail to a covered recipient outlining the information that will be included in the lobbyists' report, and the source of each contribution.

For all its good intentions, for many members these provisions are problematic. There is a legitimate concern that the information the lobbyist might report to the Clerk or Secretary of the Senate may be inaccurate or incomplete which may later be disclosed to the public causing untold problems or embarrassment to the covered recipient. The amendment that I offered, and which has been incorporated into the bill, assuages that concern.

The Jackson-Lee amendment requires that the statement which a covered registered lobbyist must provide to the recipient also shall include a notification that the recipient has the right to respond to the statement to challenge and correct any information included before the registered lobbyist files the report with the Clerk of the House or Secretary of the Senate.

The inclusion of this provision will reduce the likelihood that the recipient will be unduly prejudiced by the disclosure of inaccurate information by giving the recipient notice and opportunity to identify, and the lobbyist the opportunity to correct, inaccurate information regarding bundled contributions.

In sum, H.R. 2317 now will help ensure that the salutary objectives of the legislation are achieved without reaping the unintended consequence of prejudicing a recipient—whether he or she be an office holder or candidate for federal office—by the disclosure of inaccurate or incomplete information.

Madam Speaker, all of us favor open government. All of us favor honest leadership. And all of us are in favor of transparency of process. But we also believe in fundamental fairness. And that includes fairness to those who seek to exercise their First Amendment rights to freedom of speech and of association, and to petition their government for a redress of grievances.

That is why I offered, and the Judiciary Committee, approved my amendment during markup that provides a rule of construction that nothing in H.R. 2316 is intended or is to be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech, free exercise, or free association clauses of, the First Amendment to the Constitution.

The Jackson-Lee amendment incorporated in H.R. 2317 is intended to ensure fair treatment to elected office holders and candidates for federal office.

Again, let me thank Mr. VAN HOLLEN for his fine work in crafting this legislation. Let me also thank the members of the Rules Committee incorporating my amendment into H.R. 2317. I urge all members to support this legislation. It will be another step in the right direction toward fulfilling our promise to the American people to drain the swamp and return open government, honest leadership, and transparency to the legislative process.

Madam Speaker, I rise in strong support of H.R. 2316, the "Honest Leadership and Open Government Act of 2007." With the adoption of this legislation, we begin to make good on our pledge to "drain the swamp" and end the "culture of corruption" that pervaded the 109th Congress.

It is critically important that we adopt the reforms contained in H.R. 2316 because Americans are paying for the cost of corruption in Washington with skyrocketing prices at the pump, spiraling drug costs, and the waste, fraud and no-bid contracts in the Gulf Coast and Iraq for administration cronies.

The cozy relationship between Congress and special interests we saw during the 109th resulted in serious lobbying scandals, such as those involving Republican super lobbyist Jack Abramoff. In this scandal, a former congressman pleaded guilty to conspiring to commit fraud—accepting all-expense-paid trips to play golf in Scotland and accepting meals, sports and concert tickets, while providing legislative favors for Abramoff's clients.

But that is not all. Under the previous Republican leadership of the House, lobbyists were permitted to write legislation, 15-minute votes were held open for hours, and entirely new legislation was sneaked into signed conference reports in the dead of night.

The American people registered their disgust at this sordid way of running the Congress last November and voted for reform. Democrats picked up 30 seats held by Republicans and exit polls indicated that 74 percent of voters cited corruption as an extremely important or a very important issue in their choice at the polls.

Ending the culture of corruption and delivering ethics reform is one of the top priorities of the new majority of House Democrats. That is why as our first responsibility in fulfilling the mandate given the new majority by the voters, Democrats are offering an aggressive ethics reform package. We seek to end the excesses we witnessed under the Republican leadership and to restore the public's trust in the Congress of the United States.

Madam Speaker, federal lobbying is a multibillion dollar industry, and spending to influence members of Congress and executive branch officials has increased greatly in the last decade. While the Lobbying Disclosure Act of 1995 (LDA) is one of the main laws to promote transparency and accountability in the federal lobbying industry and represents the most comprehensive overhaul of the laws regulating lobbying practices in 50 years prior to 1995, it falls far short of a complete solution, as even recognized by its staunchest supporters, during congressional hearings on the issue.

The need for further reform was highlighted by a major study of the federal lobbying industry published in April 2006 by the Center for Public Integrity, which found that since 1998, lobbyists have spent nearly $13 billion to influence members of Congress and other federal officials on legislation and regulations. The same study found that in 2003 alone, lobbyists spent $2.4 billion, with expenditures for 2004 estimated to grow to at least $3 billion. This is roughly twice as much as the already vast amount that was spent on federal political campaigns in the same time period.

The LDA contains a number of measures to help prevent inappropriate influence in the lobbying arena and promote sunshine on lobbying activities. However, according to the Center's study, compliance with these requirements has been less than exemplary. For example, the report found: during the last 6 years, 49 out of the top 50 lobbying firms have failed to file one or more of the required forms; nearly 14,000 documents that should have been filed are missing; almost 300 individuals, companies, or associates have lobbied without ng registered; more than 2,000 initial registrations were filed after the legal deadline; and in more than 2,000 instances, lobbyists never filed the required termination documents at all.

Under the LDA, the Secretary of the Senate and the Clerk of the House must notify in writing any lobbyist or lobbying firm of noncompliance with registration and reporting requirements, and they must also notify the U.S. Attorney for the District of Columbia of the noncompliance if the lobbyist or lobbying firm fails to respond within 60 days of its notification. It appears that until very recently, however, these cases of noncompliance were not being referred to the Department of Justice for enforcement. It is also clear that the infractions that are actually being investigated by the Secretary or the Clerk do not coincide with the extent of noncompliance, and it is entirely unknown whether enforcement actions are being effectively pursued by the Department of Justice. Clearly, further reform is needed.

Madam Speaker, I commend Chairman CONYERS and the members of the Judiciary Committee for their excellent work in preparing this lobbying reform package. The reforms contained in the package are tough but not nearly too tough for persons elected to represent the interests of the 600,000 constituents in their congressional districts. Indeed, similar bipartisan lobbying and government reform proposals were debated and passed by the House and Senate in 2006 but the Congress failed to reconcile the two versions.

Madam Speaker, I support H.R. 2316 because it closes the "Revolving Door," requires full public disclosure of lobbying activities, provides tougher enforcement of lobbying restrictions, and requires increased disclosure.

H.R. 2316 closes the "Revolving Door" by retaining the current 1-year ban on lobbying by former members and senior staff and requires them to notify the Committee on Standards of Official Conduct within 3 days of engaging in any negotiations or reaching any agreements regarding future employment or salary. The members' notification will be publicly disclosed.

The bill also requires members and senior staff to recuse themselves during negotiations regarding future employment from any matter in which there is a conflict of interest or an appearance of a conflict.

Madam Speaker, this legislation also ends the "K Street Project," made notorious during the 12 years of Republican control of Congress. Members and senior staff are prohibited from influencing employment decisions or practices of private entities for partisan political gain. Violators of this provision will be fined or imprisoned for a term of up to 15 years.

Second, H.R. 2316 requires full public disclosure of lobbying activities by strengthening lobbying disclosure requirements. It does this by mandating quarterly, rather than semiannual, disclosure of lobbying reports. It covers more lobbyists by reducing the contribution thresholds from $5,000 to $2,500 in income from lobbying activities and from $20,000 to $10,000 in total lobbying expenses. It also reduces the contribution threshold of any organization other than client that contributes to lobbying activities to $5,000 ($10,000 under current law).

Third, the legislation increases disclosure of lobbyists' contributions to lawmakers and entities controlled by lawmakers, including contributions to members' charities, to pay the cost of events or entities honoring members, contributions intended to pay the cost of a meeting or a retreat, and contributions disclosed under FECA relating to reports by conduits.

Fourth, the bill requires the House Clerk to provide public Internet access to lobbying reports within 48 hours of electronic filing and requires that the lobbyist/employing firm provide a certification or disclosure report attesting that it did not violate House/Senate gift ban rules. And it makes it a violation of the LDA for a lobbyist to provide a gift or travel to a member/officer or employee of Congress with knowledge that the gift or travel is in violation of House/Senate rules.

Transparency is increased by the requirements in the bill that lobbyists disclose past Executive and Congressional employment and that lobbying reports be filed electronically and maintained in a searchable, downloadable database. For good reason, the bill also requires disclosure of lobbying activities by certain coalitions but expressly exempts 501(c) and 527 organizations.

Finally, Madam Speaker, H.R. 2316 increases civil penalties for violation of the Lobby Disclosure Act from $50,000 to $100,000 and adds a criminal penalty of up to 5 years for knowing and corrupt failure to comply. Finally, the bill requires members to prohibit their staff from having any official contact with the member's spouse who is a registered lobbyist or is employed or retained by such an individual and establishes a public database of member Travel and Personal Financial Disclosure Forms.

Madam Speaker, it is wholly fitting and proper that at the beginning of this new 110th Congress, the Members of this House, along with all of the American people, paid fitting tribute to the late President Gerald R. "Jerry" Ford, a former leader in this House, who did so much to heal our Nation in the aftermath of Watergate. Upon assuming the presidency, President Ford assured the Nation: "My fellow Americans, our long national nightmare is over." By his words and deeds, President Ford helped turn the country back on the right track. He will be forever remembered for his integrity, good character, and commitment to the national interest.

This House today faces a similar challenge. To restore public confidence in this institution we must commit ourselves to being the most honest, most ethical, most responsive, most transparent Congress in history. We can end the nightmare of the last 6 years by putting the needs of the American people before those of the lobbyists and special interests. To do that, we can start by adopting H.R. 2316.

Mr. SMITH of Texas. Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself the remainder of the time.

I urge my colleagues to step up to the plate this afternoon, the day before we go out into recess, to join with your Committee on the Judiciary in their bipartisan support for this bundling bill. It's necessary that we continue to bring sunlight on the workings of the lobbying organizations and the fundraising as it affects the congressional product.

It's important, as a part of the promise that we have made to the American people, that we work to restore their confidence in us, and this will be accomplished, in part, by what we do here on the floor of the House of Representatives on this day. I hope we will keep that commitment by passing this very important measure before us, H.R. 2317, the Lobbying Transparency Act of 2007.

Mr. MEEHAN. Madam Speaker, I rise in strong support of this bill.

I am a proud cosponsor of this legislation, and I am glad to see that this House is following in the footsteps of the Senate in crafting some of the most important lobbying reforms in a generation.

Madam Speaker, there is an often cited quote from Supreme Court Justice Louie Brandeis. He said: "Sunlight is the best disinfectant."

In the spirit of that principle, the law already requires that lobbyists disclose their direct contributions to Members of Congress.

But that is hardly the full picture of the relationship between lobbyists, Members and campaign contributions.

In a practice known as bundling, lobbyists call up their clients and fellow colleagues and pool checks to hand over to Members.

Sometimes this will happen at fundraisers, where a lobbyist comes in with an envelope full of bundled checks.

Sometimes lobbyists will pledge to raise a certain amount for a campaign, and their progress is tracked through a coding system—for example, getting donors to write a name or number on the memo line of a check.

In either scenario, lobbyists are likely bundling contributions that far exceed their individual contribution.

I believe that it is more important to know how much a lobbyist is bundling for a Member of Congress than how much he is contributing directly.

Lobbyists, like every other citizen, are limited in their individual giving, but are unlimited in how much they can collect and forward to a campaign.

Without passing this bill, and requiring lobbyists to report their bundled contributions, this Congress and the American public will remain in the dark.

The Van Hollen bill shines sunlight on the practice of bundling.

In their lobbying bill, the Senate addressed bundling, setting a high bar for the House.

This proposal meets that high bar.

Mr. BLUMENAUER. Madam Speaker, I support H.R. 2316 and 2317—bills that significantly reform the lobbyist-lawmaker relationship for the better. By opening the lobbying process to greater oversight, we will reaffirm our commitment to accountability and transparency in Congress. Although I am deeply frustrated that stronger reform measures were abandoned, I believe this pair of bills represents an essential step toward a more honest and open government.

Earlier this year, my colleague GREG WALDEN and I reintroduced H.R. 1136, the "Ethics Reform Act of 2007," with provisions that tighten lobbyist disclosure and reporting. I am pleased to see similar provisions—such as quarterly disclosure requirements, electronic filing, and a public database of disclosure data—in H.R. 2316.

I am also pleased to see increased gift restrictions, tightened reporting requirements, and stiffened noncompliance penalties included in these bills. These are critical components of effective lobbying reform whose adoption will help to clearly delineate an appropriate boundary between lobbyists and lawmakers.

However, I must also voice a deep concern: these bills do not go far enough. The Senate easily passed—by 96–2—a more stringent bill which included stricter penalties and tighter lobbying restrictions on Members of Congress and their families. The House, in contrast, weakened the lobbyist, "cool-off" period in H.R. 2316. We can, and must, do better. With the leadership of Speaker PELOSI, I look forward to improving these bills in conference.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I, too, urge my colleagues to support this legislation and yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 437, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 2317 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

In section 5(d)(6)(C) of the Lobbying Disclosure Act of 1995, as proposed to be added by section 2(a) of the bill, insert after "leadership PAC," the following: "a multicandidate political committee described in section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)),".

The SPEAKER pro tempore (during the reading). Is there objection to dispensing with the reading?

Mr. CONYERS. Madam Speaker, reserving the right to object, and I believe I may have to object, because we are just seeing the motion for the first time.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Madam Speaker, the base bill addresses the same bundling issue that the Judiciary Committee dealt with in a bipartisan fashion last year. Mr. VAN HOLLEN, the principal supporter of these provisions, signed on to that compromise.

I offer this motion to recommit because there is a difference between what was covered by the Van Hollen amendment that was adopted in committee last Congress and what is contained in this legislation authored by Mr. VAN HOLLEN in this Congress, a very big difference.

This legislation does not require that bundled contributions to political action committees, often referred to as PACs, be disclosed. Why are PACs omitted from the disclosure requirements in this legislation?

As has been recently reported in the BNA Money & Politics Report, "Democrats' new-found majority status has made them the biggest recipients of campaign money from lobbyists and others, a fact that could increase their wariness about passing strict new rules."

"For example, a new analysis posted on the politicalmoneyline.com Web site, and based on Federal Election Commission reports, found that in the first quarter of 2007, Federal political action committees, that is the PACs this legislation exempts, reported giving all Federal candidates $27 million, of which almost $17 million, or 62 percent, went to Democrats, and only 38 percent went to Republicans. The Democrats' newfound fundraising prowess could cause them to have second thoughts about such proposals as increased disclosure of bundled contributions arranged by lobbyists, some observers said."

□ 1350

It appears these observers were correct. The majority has let the color of money dampen their desire for more openness and reform. The loophole in this bill that exempts bundled contributions to PACs is big enough to ride a Democratic donkey through.

If we are requiring the disclosure of bundled contributions to political party committees, those same disclosure rules should also apply to contributions to PACs. Party committees represent all members of that party affiliation. PACs, on the other hand, represent more narrow, special interests. Why should the former be exposed to more sunshine, but not the latter?

The fact that PACs give more money to Democrats is not a serious answer. Time and again the majority party finds itself presenting legislation that picks favorites, when what the American people want is more honesty and more accountability. This motion to recommit would achieve that by including bundled contributions to PACs under the same provisions that cover Federal candidates, other PACs, and political party committees.

I urge my colleagues to support this motion to recommit so that we can have a more open and honest government. To put it another way, what was good for the Democrats last year should be good for the Democrats this year.

Madam Speaker, the American people want and deserve a government that operates in the sunlight and not in the shadows.

Mr. CONYERS. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. CONYERS. Members of the House, recommit motions too frequently here have become procedural tactics that are not based on the work that we have done in the committee up until now. And I rise to oppose the provision because it raises conveniently a new issue not discussed in our hearings and not even raised in the markup. I don't think that it is really going to be helpful to the bundling law at all.

As I understand this motion to recommit, this is a broad new provision that would make the bill even more complex and difficult to administer. We have had that problem with this measure in the other body, and we certainly don't want to bring that kind of strategy into the measure before us now. It would seem to sweep into its reach entities that are not public or official.

This would include political action committees created by the following organization. It would include the National Rifle Association, the Right to Life Organization, even the Congressional Black Caucus. It would include Emily's List. It would seem to me that this would really confuse the bill, and I urge my Members, at this late date, under this strategy, to oppose the amendment.

Madam Speaker, I yield to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Madam Speaker, I thank my colleague. I also urge my colleagues to vote against the motion to recommit.

During the earlier discussion, Mr. SMITH talked about how the bill that we passed last year out of the Judiciary Committee was a bipartisan bill. In fact, it was a bipartisan vote in the Judiciary Committee. But what he failed to mention, and in the spirit of bipartisanship earlier I thought I wouldn't raise, was when that amendment that was attached in the Judiciary Committee got to the Rules Committee, the Rules Committee took it out. So the lobbying reform bill that the Republicans brought to the floor of the House stripped out the amendment that Mr. SMITH, number one, claims bipartisanship on right now.

Number two, the measure that we have brought before us today is, in fact, broader than the amendment that the Judiciary Committee voted on last year and, in fact, captures more bundling activity. It doesn't just capture very narrow bundling activities, it is broader, and, in fact, would capture a lot more of the bundling and disclose a lot more than the bill that Mr. SMITH referred to. So, in fact, it is a very important step forward in terms of the public's right to know.

Finally, the purpose of dealing with the registered lobbyists is registered lobbyists register for a reason. They are paid to try and influence legislation before Congress. They are paid to try and influence Members of Congress with respect to legislation. So the whole purpose of this is to go get at that nexus. Registered lobbyists don't register to go lobby a PAC. They don't go register to lobby the NRA PAC or to go lobby an environmental PAC or go lobby a right-to-life PAC.

So this is drawn to get at the issue that we are trying to get out in this Congress, which is to change the way we do business here and to make sure that we address the nexus between registered lobbyists and the legislative process. That is the focus. This takes us out of that focus, so I urge that we oppose this particular motion to recommit.

Mr. CONYERS. Madam Speaker, the fact of the matter is that these organizations aren't the objects of a bundling activity, the National Rifle Association, the right-to-life, and others. This is a poison pill amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 228, nays 192, not voting 12, as follows:

[Roll No. 419]

YEAS—228

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Stearns
Sullivan
Sutton
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn

NOT VOTING—12

Campbell (CA)
Cardoza
Davis, Jo Ann
DeGette
Emerson
Engel
Hunter
Jones (OH)
Lewis (GA)
McMorris Rodgers
Oberstar
Radanovich

□ 1426

Messrs. MURTHA, HOYER, WELCH of Vermont, TIERNEY, ELLISON, BERRY, ROSS, DINGELL, McNERNEY, SNYDER, BOUCHER, TAYLOR, Mrs. McCARTHY of New York, and Ms. SLAUGHTER changed their vote from "yea" to "nay."

Messrs. BONNER, SESTAK, ROHRABACHER, McKEON, TIAHRT, FRANKS of Arizona, TERRY, CANNON, MURPHY of Connecticut, ISRAEL, SHUSTER, SMITH of Washington, HALL of New York, KUCINICH, CUELLAR, MARSHALL, DeFAZIO, MORAN of Virginia, GOHMERT, COHEN, KLEIN of Florida, BARROW, MITCHELL, ELLSWORTH, Mrs. BLACKBURN, and Mrs. CUBIN changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Madam Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 2317, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Texas:

In section 5(d)(6)(C) of the Lobbying Disclosure Act of 1995, as proposed to be added by section 2(a) of the bill, insert after "leadership PAC," the following: "a multicandidate political committee described in section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)),".

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 37, not voting 13, as follows:

[Roll No. 420]

YEAS—382

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—37

Abercrombie
Baker
Barrett (SC)
Boehner
Boyd (FL)
Buyer
Clay
Cleaver
Costa
Cubin
Dingell
Flake
Gohmert
Grijalva
Hastings (FL)
Honda
Johnson, E. B.
Kaptur
Kilpatrick
Kucinich
Mack
Meeks (NY)
Nunes
Pastor
Paul
Pickering
Sanchez, Loretta
Schakowsky
Sessions
Shadegg
Tanner
Thompson (MS)
Towns
Watt
Whitfield
Wicker
Young (AK)

NOT VOTING—13

Berman
Campbell (CA)
Cardoza
Davis, Jo Ann
DeGette
Emerson
Engel
Jones (OH)
Lewis (GA)
McMorris Rodgers
Murphy (CT)
Oberstar
Radanovich

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining for this vote.

☐ 1435

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. HOYER. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 158) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 158

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 24, 2007, Friday, May 25, 2007, or Saturday, May 26, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 5, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, May 25, 2007, Saturday, May 26, 2007, or on any day from Monday, May 28, 2007, through Saturday, June 2, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 4, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2316, the Honest Leadership and Open Government Act of 2007.

The SPEAKER pro tempore (Mr. LYNCH). Is there objection to the request of the gentleman from Michigan?

There was no objection.

HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 437 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2316.

☐ 1440

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2316) to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1440

Mr. CONYERS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the Honest Leadership and Open Government Act reported out of the Committee on the Judiciary on a bipartisan basis builds on the work of the last Congress to make long-needed reforms to the Lobby Disclosure Act and related rules and law.

The legislation before us today, right now, reflects the give and take of the legislative process incorporating proposals of Members on both sides of the aisle, both on and off the Judiciary Committee. At the end of the day, I believe that we have a measure that represents a very significant improvement over current law.

By emphasizing increased disclosure and enforcement, the bill is defined to effect practical change in the way that lobbying efforts are reported and monitored. It accomplishes this without infringing upon our first amendment rights as citizens to petition our government for redress of grievances.

The measure before us effects important changes in three areas: Prohibition of unethical conduct, increased disclosure, and enhanced penalties.

First, it ends the practice of Members attempting to use their power to influence private lobbyist hiring decisions. It does it by prohibiting Members and senior staff from influencing hiring decisions or practices of private entities for partisan political gain. Violations can result in not only fines, but imprisonment for up to 15 years.

Second, this measure now under consideration provides for greater disclosure. It requires the disclosure of lobbying activities by many coalitions, as well as the past executive branch and congressional employment of registered lobbyists. It also requires lobbyists to file more detailed reports disclosing their contacts with Congress, as well as certifications that the lobbyist did not give a gift or pay for travel in violation of the rules. These reports are to be filed electronically and more frequently, quarterly rather than semiannually, and they will be made available to the public for free over the Internet in a timely fashion.

Finally, the legislation provides for stronger enforcement. This measure significantly increases the penalties for noncompliance with Lobbying Disclosure Act requirements. Civil penalties are increased from the current $50,000 per violation to $100,000, and there are new criminal penalties for knowing, willful and corrupt violations, with potential sentences of imprisonment up to 5 years.

The recent round of lobbying scandals demonstrates that fundamental change is needed. The legislation before us today helps to reform the lobbying process and provides us with an opportunity to begin to rebuild confidence in Congress.

I believe that this legislation represents a realistic approach that strengthens current law to restore accountability in the Congress. This bill is not about any one Member or any one political party. It is about restoring the American people's trust in all of us.

Madam Chairman, it is now time for us to act. We are a few months late in getting around to this measure, but I am sure with the cooperation of Members on both sides of the aisle, we will succeed in our endeavor to raise the integrity of the Congress and restore the American people's trust in all of us.

Madam Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, we all deplore unethical conduct by Members of Congress and their staff. Each party has their share of examples. The public wants and deserves clean government, and today we finally bring before the House a bill that seems very familiar. That is because the increased disclosures required in the bill we are addressing today are largely those that were contained in H.R. 4975, which was introduced by Congressman DAVID DREIER in the last Congress and passed the House then.

Last year's H.R. 4975 contained all of the following provisions: a requirement to disclose postemployment negotiations with private entities; a prohibition on partisan influences on an outside entity's employment decisions; and increased quarterly electronic filing in a public database of lobbyist campaign contributions linked to Federal Elections Commission filings.

The legislation also increased civil and criminal penalties for failure to comply, required disclosure by lobbyists of all past executive branch and congressional employment, and contained a prohibition on lobbyists' violation of House gift ban rules. Similar provisions, of course, are included in the legislation before us today.

At the Judiciary Committee's markup, I was glad to see that several Republican amendments that would strengthen this bill were adopted by voice vote. One was an amendment offered by Representative CHRIS CANNON that provides for a 1-year revolving-door ban that would prohibit private lawyers and law firms who enter into contracts with congressional committees from lobbying Congress while under contract to such committee and for 1 year thereafter.

Republicans passed nearly identical reform provisions over a year ago. I am pleased to finally see legislation come before the House this Congress that substantially mirrors Republican efforts from the last Congress.

The concepts of greater transparency and more accountability are not the property of any one political party, but it just so happens that Republicans led the way in the last Congress by writing a reform package very similar to the one we are considering today. A simple comparison of the provisions in this bill with those in H.R. 4975 from the last Congress will show that what we see on the House floor today is a clear reflection of what we saw on the House floor last year.

I had hoped a vote on these measures would have occurred much earlier in this Congress, but I am happy to cast my vote again today for these reforms.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from Ohio (Mr. SPACE).

Mr. SPACE. Madam Chairman, I rise today in support of the Honest Leadership and Open Government Act of 2007. For me, reform isn't a political talking point. As the successor of Bob Ney and, to a certain degree, to the illegal actions of Jack Abramoff, it is an absolute necessity.

I campaigned on the promise that I would do everything in my power to clean up Washington. This Congress has begun to do that. Earlier this year we enacted a sweeping set of reforms banning gifts, travel and meals from lobbyists. By passing this ban, we made serious inroads into breaking that link that exists between lobbyists and legislators.

Now, today, we broaden our campaign to let the sun shine in on a broad scope of lobbyist activities. It is what the American people have demanded, and it is what they deserve.

□ 1450

If nothing unethical is taking place, then these requirements will reassure the American public, which is itself a worthy endeavor. But if inappropriate actions are happening, then we have a responsibility, no, an obligation, to crack down on those activities.

This bill is not perfect. We have a long way to go in our efforts to restore credibility in this body, but it reflects our serious effort to create transparency, honesty and leadership on this issue.

My constituents have been betrayed before, and I will not let that happen again.

Mr. SMITH of Texas. Madam Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. KING), a valued and active member of the Judiciary Committee.

Mr. KING of Iowa. Madam Chairman, I thank Ranking Member LAMAR SMITH for yielding to me and also for his leadership on this bill and also for his overall leadership within the Judiciary Committee.

I want to also express my gratitude to Chairman CONYERS, a gracious gentleman, who has worked most of these issues out in a generally bipartisan fashion, sometimes I would go so far as to say a nonpartisan fashion.

Occasionally when I come up with an idea, it is considered a good one by my side of the aisle. And it is quite rare for me to come up with an idea that is considered a good one on both sides of the aisle. And yet, in this case, I am pleased that both sides have agreed that the portion that I introduced which provides for reporting to be on the Internet in a searchable, sortable, downloadable fashion. I mean, this is the 21st century. We are in the BlackBerry and iPod age, and Congress ought to get up to speed and be able to transfer that information out to the public.

One of the things advocated by the chairman and ranking member and other members of the Judiciary Committee was that we shine sunlight on this lobbying process and the funding process. That is the anecdote to whatever we are doing here. Whenever we have tightened-up regulations, and we are trying to correct for generally one individual human failure, sometimes it is an anecdote. Occasionally it is a small group. Seldom does it go across a broad universe of people. If you look through the legislation that has passed on the floor of Congress throughout generations, I think you will find that often that legislation is specific to an incident. So those incidents reflect human failures, and human nature itself, I believe that foundation is generally good.

Well, what sunlight does, it activates that human nature and it turns loose and activates the bloggers across the country where they are sitting with now real-time access within a reporting period of time to the lobbying activities, the funding activities that take place, and they will be able to track those activities on the Internet. There will be new blogs that will open up. There will be others that will be activated and animated, and when they can search and sort and download, that means that their scrutiny of the lobbying activities that surround this Congress will be real, and it will be effective, and it will be sortable.

Mr. CONYERS. Madam Chairman, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to say to the gentleman from Iowa (Mr. KING) that his work on this measure in the Judiciary Committee was very important to us, and on both sides of the aisle, I think we acknowledge and thank you for your contributions.

Mr. KING of Iowa. I thank the chairman, as I reclaim my time. And I appreciate the tone and the tenor of this debate, as well as the work that has gone on on this policy.

I would advocate there are a few things that we can do yet to move us further into the technological age. I look up on the wall of the House and see, I can be watching on television, to walk over here, and in the 5 minutes it takes to get here from the Longworth building, the subject can change. Actually, the bill can change or the amendment can change, and a Member, a seasoned Member, can walk in here and not know what the debate is about. And yet, many of the State legislatures post, they project on the wall inside their chambers, the bill, the subject matter that is being debated. It is one of the other things that we can do in the context of shining some sunlight on. In fact, we can shine sunlight on the activities of Members in the fashion as we have lobbyists. That is not the subject of this debate here on the floor, so much as it is, I like to raise the expectations and the hopes that we can use this same philosophy and expand sunlight on reporting process of our travel activities, for example, and our financial recordings, both personal and the FEC documents, so they are in a searchable, sortable, downloadable database and give the bloggers that opportunity to scrutinize us the same way they will the lobbyist.

I think if we keep moving down the path and having this kind of debate and dialogue, we will get to where the public confidence in us raises.

The chairman also recognizes that I am concerned about some of the allegations about the electoral process. If we are able to add integrity in the electoral process, then the American people have more confidence in the whole process.

This is one component of what needs to be done. If we can add to it the same levels of reporting for ourselves as Members, if we can add more integrity in voter registration and the actual electoral process, all of those things strengthen us as a Nation.

I want to make it clear, and I don't think there is any doubt that I would rather lose an election than lose the confidence of the American people in this system. If they lose their confidence in our democratic process, then the whole system melts down. This is an important step along the way. There are other steps to take along the way. I think they are consistent with the philosophy of the bill before us. I thank all parties involved.

Mr. CONYERS. Madam Chair, I am honored to recognize now the distinguished majority leader, STENY HOYER of Maryland, for 1 minute.

Mr. HOYER. Madam Chair, I thank my friend, one of the Deans of this House, who has for so very long ensured that this country has a democracy of which our people can be proud and which is accessible to all of our people, as our Constitution promises. I am so pleased to join him, and I thank the ranking member as well for his leadership on so many issues.

Madam Chair, I intend to support this important bill before us, the Honest Leadership and Open Government Act, which addresses the relationship between Members of Congress and those who seek to influence legislation. I urge all of my colleagues to support this legislation as well.

This bill, like the one we just considered, is not perfect. Few bills are. However, these measures call for a greater transparency, and provide specific guidance to Members and lobbyists on the propriety of certain actions.

Without question, the recent scandals involving former lobbyist Jack Abramoff and the guilty pleas of former Representatives Randy "Duke" Cunningham and Bob Ney have raised serious questions in the public's mind about the integrity of our process and the Members who serve here. That is unfortunate, but nevertheless true.

The legislation introduced by Chairman CONYERS is an important step in addressing such concerns and thereby will help ensure public confidence in our legislative process and in this institution, the people's House.

Among other things, this legislation will outlaw the so-called K Street Project in which Members influenced employment decisions of private entities for partisan gain. In fact, violators of this proposition will be fined or imprisoned for up to 15 years, an appropriate penalty.

This legislation expands and strengthens lobbying disclosure requirements, mandating quarterly disclosure of lobbying reports and increasing penalties for violation of the Lobbying Disclosure Act.

This legislation requires Members to disclose job negotiations for post-congressional employment. The public wants to know that their representatives are acting on their behalf, not on the behalf of the special interest.

And this legislation retains the 1-year ban on lobbying imposed on Members and senior staff. But in addition to that, it importantly requires Members and such staff to recuse themselves from working on legislation in which a prospective employer has a vested interest, a substantial step forward.

This bill alone, of course, cannot guarantee honest, ethical conduct any more than the law against burglary will necessarily deter every burglar.

□ 1500

However, when coupled with the most sweeping ethics changes since Watergate, which the Democratic majority enacted on the very first day of this Congress, the legislation will help reassure the public that we appreciate the legitimate concerns raised by the Abramoff case and others and are committed to taking action to address them.

I understand that some believe that this bill and the one we just considered do not go far enough. I know that some sincerely believe that our current system in which lobbyists or any other American legally contribute to a political campaign is inevitably questionable. The public financing obviously would be the alternative. The public does not support that. We know that.

Let me say, however, without equivocation, I strongly disagree with the view that because there are private contributions that our system is broken.

The implication of this position is not only inaccurate but also an unwarranted smear on the integrity of the overwhelming majority of the Members of both sides of the aisle who diligently abide by ethical rules and our campaign finance laws and who otherwise conduct themselves with high integrity.

Do not misunderstand me. Our system can and should and must be continually improved to ensure public confidence in the integrity of our legislative process. However, as long as there is private financing of political campaigns, and as long as men and women exercise their right to petition their government, the relationship between private giving and public action will be recurring issues that require close examination by us and by the public.

That is precisely what this bill before us today represents: important reform that ensures greater transparency and specifically addresses some of the most egregious recent transgressions.

Finally, as important as this legislation and the ethics changes made in January are, they alone will not ensure the integrity of our process and this institution. Rather, the Members of this House will ensure the integrity of this House when we conduct ourselves openly and honestly and hold accountable those who fail to abide by the rules and the highest ethical standards.

Thus, we have an obligation to ensure that the Ethics Committee does the job that it was constituted to perform. The implementation of rules, while critical, must be followed by effective, real enforcement and accountability.

I urge my colleagues, Madam Chairman, to vote for this legislation and let us provide greater transparency of our legislative process and ensure public confidence in this institution in which all of us are so proud to serve.

Mr. SMITH of Texas. Madam Chair, I yield such time as he may consume to the gentleman from Kentucky (Mr. WHITFIELD) who, among the other things, I believe wants to engage the chairman of the Judiciary Committee in a colloquy.

Mr. WHITFIELD. Madam Chairman, as we debate the Honest Leadership and Open Government Act of 2007, I want to commend the members of the Judiciary Committee for the tremendous job that they have done, but I did want to ask a couple of questions regarding this legislation because I've not had an opportunity to look at it in its entirety.

But title I is referred to as closing the revolving door, and we all understand that that relates to former Members of Congress who leave Congress and become registered lobbyists and represent private interests before the House of Representatives.

And then title II is talking about full public disclosure of those people engaged in lobbying.

And the question that I would like to ask Chairman CONYERS, and maybe Mr. SMITH knows as well, but we have a lot of Members of Congress, and last year the Congress passed legislation on the floor, an ethics package that prohibited former Members of Congress who became registered lobbyists from going to the House gym.

And so my question is, in this bill, does this bill prohibit a former Member of Congress who is a registered lobbyist from parking in House parking spaces, reserved for Members of Congress and staff? And then if it does not, in title II, do we require a former Member of Congress who is now a registered lobbyist to report that as a benefit that he receives from the taxpayers of the United States?

And those would be the two questions that I would appreciate the gentleman answering.

Mr. CONYERS. Madam Chairman, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from Michigan.

Mr. CONYERS. Madam Chairman, as you know, the first part of our three-prong attempt in increasing disclosure and enforcement is, of course, trying to influence private lobbyists' hiring decisions.

And in terms of parking issues, that is not involved in this measure because the subject matter does not come to the Judiciary Committee, but it does come to the House Administration Committee, where I think there is important discussion going on about this issue that you raise about parking, even as we speak. But it was not considered in the Judiciary Committee.

Mr. WHITFIELD. So this bill would not prevent former Members of Congress who are now registered lobbyists from continuing to park for free in government parking spaces, nor would it require them to file disclosure of that benefit that the taxpayers provide them? But it is your understanding that the House Administration is looking at that issue?

Mr. CONYERS. Yes, that is absolutely correct, and it's an important point, though. We can't extend these benefits to even former Members who have become lobbyists. They have to be carefully considered by Members. As a matter of fact, prerogatives of Members, as the gentleman knows, is being limited and is getting harder and harder to become available even to active Members of the House of Representatives.

Mr. WHITFIELD. Well, I really appreciate the gentleman responding to the question. And what raised it, I was pulling into the garage this morning, and two former Members who are registered lobbyists were parking there, and it reminded me again that it is an issue that is still outstanding.

And I thank the chairman, and I thank the ranking member for yielding time.

Mr. CONYERS. Madam Chairman, we are happy to have Mr. RAHM EMANUEL, the gentleman from Illinois, who is recognized for as much time as he may consume, not to exceed 3 minutes.

Mr. EMANUEL. I'd like to thank the chairman, and I use that with my kids at the breakfast table. You can talk not to exceed 3 minutes. But thank you very much for that time.

When the new Congress came in session, this Congress, the 110th, we banned gifts by lobbyists. We banned meals paid for by lobbyists. We changed the rules of the reports on earmarks where Members were doing things that benefited themselves at taxpayers' expense.

Today we're considering the most comprehensive legislation on lobbying disclosure since the Watergate era, the most comprehensive legislation, because over the last 12 years, people saw a buildup in this people's House that gave them no confidence that their business was being done, but, in fact, the work of the special interests were done.

When that gavel on the Speaker's table comes down, it's intended to open the people's House, not the auction house, and the American people lost confidence in this institution. The playing field was tilted to the special interests.

This legislation, time and again, alters fundamentally the law as it relates to the abuses that we saw over the last 12 years.

Now, I compliment my colleagues because in 1994 when they ran for Congress, they came to change Washington. They passed a lobbying bill, but after 12 years in power, rather than change Washington, Washington changed them. They became comfortable with power. They became comfortable and cozy with the special interests, and the American people said, enough.

It beared on us and the responsibility of Democrats to change the culture here, to break that link between lobbyists and legislation.

□ 1510

What happened at the end of the last 12 years was the special interest voices were heard at the expense of the American people.

So whether it's in banning the K Street Project that rewarded companies and institutions that hired the majority party's friends, whether it became gifts, trips and the reporting of those trips, whether it became when Members were negotiating their future employment and doing the work here on the floor of their future employer even before they left, every element of that reform needed to be changed. This bill, under this chairman, does it.

That will set the laws. Now it's the conduct of the Member to also understand there is a new day, there is change in the way you do things here in Washington.

About 6 years ago, the Congress altered, through passing campaign finance reform, the relationship between a contributor and a candidate. This alters the relationship between a lobbyist and the legislation.

Going forward, it would require a constant vigil, the attempt now is to ensure that at no point did those who represent the special interests have a capacity and an interest and an access that far outweighs the American people. That is the attempt of this legislation.

Whether it's the provision that relates to Jack Abramoff, the provisions that relate to the K Street Project, the provisions that relate to rangers or pioneers, that they don't have an ability to do things for Members or individuals that far exceed what the people who vote on election day for that Member and that their interests are heard.

We have to always come back and make sure that it is rules of the road to Washington don't tilt in favor of the special interests. This is a beginning, and it builds on what we did by banning on day one the gifts and meals by lobbyists, brings transparency to earmarks, and it brings transparency to the entire process as it relates to lobbyists' influence on legislators.

I commend our colleague and our chairman for his leadership on this legislation.

Mr. SMITH of Texas. Madam Chairman, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my very good friend from San Antonio for yielding.

Madam Chairman, I have to say, I was just downstairs listening to the remarks of my very good friend from Chicago (Mr. EMANUEL). It really saddens me to hear the politicization of this issue.

The gentleman from Detroit, the distinguished chairman of the Committee on the Judiciary, has done a phenomenal job, from my perspective, in recognizing the challenges that we face, the fact that we're working to address this issue in a bipartisan way now, he has worked with Mr. SMITH on this issue. We went beyond our debate on the rule issue, and I said that I believe that the legislation that we had that is before us is not nearly as strong as the legislation that we were proud to have worked on in the 109th Congress, but we are what we are today.

As I listened to my friend from Chicago (Mr. EMANUEL) talk about this legislation as being the most sweeping reform since the Watergate era, I would encourage my friend to simply take a look at H.R. 4975, the legislation that we passed in the last Congress. It was dramatically stronger on the area of transparency, disclosure and accountability than the legislation that's before us.

I wasn't going to make these remarks, but it saddens me, as I listened to the speeches that have been given. Mr. SMITH has spoken very eloquently about the need to address a wide range of these issues, as has the distinguished chairman of the Committee on the Judiciary.

If one were to listen to this debate, one could only conclude that the issue of ethics and the challenges of ethics in this institution are one-sided, that only the Republican Party has faced any ethical challenges.

Now, I am not going to get into enumerating and throwing out the names. We keep hearing the name Jack Abramoff talked about time and time again. And it's very easy, and the chairman of the committee knows very well, it's very easy for us to now stand here and begin pointing fingers and talking about blame on the other side of the aisle. But I think it's unfortunate. It's an unfortunate thing to see this gross politicization.

The 1994 class came here with a goal of changing the Congress, and, you know, they changed these individuals. All of that stuff is sad and tired political rhetoric and nothing more than that. We are in the midst of the legislative process at this moment. I think it's been widely recognized that the bill that is before us is not nearly as strong as the measure that we passed with bipartisan support, even though it was described as a sham in the last Congress.

I have been joking back and forth with the distinguished chairman of the Committee on the Judiciary, I see this bill as being sub-sham. I am going to vote for this bill at the end of the day. It basically doesn't have the teeth in it on transparency, disclosure and accountability that we passed in the last Congress. That bill was described by the Chair of the Committee on Rules, Ms. SLAUGHTER, seven times in the debate that we had last year as a sham, and there were others in the Democratic leadership who described it as a sham.

I am not going to characterize this legislation in a disparaging manner, other than to say that it has not come up to that level.

I am happy to yield to my friend, if he would like me to yield.

Mr. EMANUEL. I would. I do appreciate it.

As you heard what I said from my friend from California, I said you came to change Washington and to pass lobbying reform. Over 12 years you came to change Washington; Washington changed the Republican Congress.

Now, to that effect, since you decided not to politicize it, but did decide to describe it, as a sham.

Mr. DREIER. Madam Chairman, if I could reclaim my time. The time was yielded me by the gentleman from Texas. Let me reclaim my time by saying, I did not, in fact, describe the measure that is before us as a sham.

What I said was the legislation that I authored in the 109th Congress was characterized by the Democratic leadership, including the now Chair of the Committee on Rules, as a sham bill.

What I have said is that this measure that is before us does not meet the standard that we passed in the last Congress on transparency, disclosure and accountability. To argue that this is somehow the most sweeping reform legislation since Watergate is absolutely preposterous, because the legislation that was passed through the House in the last Congress went much, much further than this.

So all I am saying is, I want to work with Mr. CONYERS. I want to work with Mr. SMITH. I think that rather than pointing fingers and characterizing one political party as having ethical challenges or lacking ethics or having changed and transformed in that 12-year period, I believe that that's a mischaracterization.

While he may not say it, I have a sneaking suspicion that the very distinguished chairman of the Committee on the Judiciary may be inclined to agree with what I have said.

Mr. CONYERS. Madam Chairman, I cautiously yield 3 minutes to the gentleman from Illinois.

Mr. EMANUEL. I don't think I will use that time.

Madam Chairman, as Ronald Reagan once said, facts are a stubborn thing. Let's take the section on required recusal for Members and staff in negotiation for jobs. This bill has a closure on that, and it brings disclosure on that. The bill brought up before the Republican Congress last time just sits by on that.

Bans the K Street Project: This legislation only. In the last time, it said nothing on that. It was silent, except it was against the House rules.

Disclosure of lobbyist contributions to charities, conferences, or similar events Members have interests in: This bill has it. Last year, it did not.

The Harry and Louise disclosures, so interest groups could hide behind phony names and advertise against Members: This bill has it. Last year's did not.

Public database of Members' travel and financial disclosures: This bill has it. Last year's didn't.

Increased penalties: This bill has it. Didn't last.

Spousal lobbying, restrictions on their spouses: This bill has it; did not before.

Disclosure of lobbyist bundling will be considered in separate legislation. The goal is on comparison of the legislation. This is an improvement.

Second, to my good friend from California, I am glad you passed legislation last time. The Senate has now passed this. We're going to go to conference on this bill and actually get it done.

Number two, and, most importantly, I don't want to go forward looking back. My goal is to get this done, because as I said before, this is an institutional problem that requires an institutional solution, and that's what we have provided here.

☐ 1520

Mr. SMITH of Texas. Madam Chair, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Chair, I thank my friend, the ranking member of the committee, the gentleman from San Antonio, for yielding.

I would simply say that when we look at what was passed in the 109th Congress and put that up against this measure, we can go through the litany. This notion of the K Street Project, the 1-year ban is present law. And, in fact, I offered amendments to enhance the transparency and disclosure. I hope very much, when we get to the amendment process, the amendment that I am going to be offering will be accepted by the majority. I suspect that it may be. I think it is a thoughtful amendment.

So we are working to enhance and strengthen this measure to the level that was passed by the House last year. And I just hope very much that, again, we can work in a bipartisan way, because I am proud to be an institutionalist. I believe in this institution. I am privileged to have spent now nearly a majority of my life as a Member of this institution. I revere it. And I hope very much that we can make it more accountable to the American people by putting into place very proper reforms that will enjoy bipartisan support.

Mr. SMITH of Texas. Madam Chair, I yield back the balance of my time.

Mr. CONYERS. Madam Chair, I close the general debate by merely observing that this has been healthy. We are working under time constraints. I appreciate both gentlemen from Illinois and California in their exchanges and reflecting back on how we got to where we are. But we are moving forward now, and we are all concerned that this 110th Congress do everything in its power to make up for the lack of transparency and enforcement that may have taken place in an earlier period of time.

In the last few months, we have worked to address these concerns and begin to restore the trust in the Congress, as we promised our voters that we would last November. So this is an important bipartisan start. It is not the end of reform in this area. As everyone knows, it really doesn't have an end.

Madam Chair, it is in that spirit of expediting this process that I yield back the balance of my time.

Mr. CANNON. Madam Chairman, the language included in Section 103 of HR 2316 entitled Additional Restrictions on Contractors is language I offered at the Judiciary Committee that closed a loophole in the revolving door provisions of the law.

This language was accepted by voice vote in the Judiciary Committee with the support of Committee Chairman JOHN CONYERS. My amendment would impose the same post employment restrictions currently in law to those attorneys and firms that are employed through a contract with the Congress.

Currently, the House Judiciary Committee Majority has agreed to a contract with a partner in a law firm at the same time that law firm is registered to lobby the Congress and in particular is registered to lobby for clients with particular legislative interest before the committee. It is a glaring loophole that a law firm would be able to send an individual to work on the hill at the same time the firm is lobbying the contract employee's colleagues on the committee and the contract employee can potentially lobby the committee where they worked because they are technically not an employee of the committee.

The contract the Judiciary Committee signed was with Irv Nathan of Arnold and Porter for $25,000 per month for up to $250,000 for a 10 month contract. An astonishing amount of money to be paid to a staffer, an amount any full time staffer or member would appreciate to be making.

It is my opinion the only way to comply with clause 14(b) of House Rule XXI, which states contract employees shall not be able to use one's official position for private gain and to conduct oneself at all times in a manner that reflects creditably on the House, is to include contract employees in the revolving door provisions. In an article from the Washington Post on January 16, 2007, Jeff Birnbaum writes:

> The most jaw-dropping hire from K Street, though, is Matt Gelman. Gelman is senior adviser to House Democratic Whip JAMES E. CLYBURN (S.C.) and is, in effect, on loan from Microsoft, where he is director of federal government affairs. He's on unpaid leave for a few months from the software giant and will return after he helps build Clyburn's vote-counting operation.

Furthermore, in a January 27, 2007 story in McClatchy Newspapers Matt Stearns writes:

> Clyburn spokeswoman Kristie Greco defended the hire, saying that Gelman is a veteran Capitol Hill aide with specialized knowledge . . . and that Microsoft is banned from lobbying Clyburn's personal and leadership offices while Gelman works there.

In essence, the language would codify the Clyburn precedent and extend the post-employment restrictions to contract employees and their firms. This language closes a loophole which is ripe for abuse.

I appreciate that the language was accepted and remains in the legislation that is being considered today.

Mr. MEEHAN. Madam Chairman, I rise in strong support of this bill. The minority has said that this bill is just a watered down version of the lobbying bill that they brought last year. Nothing could be farther from the truth. The Republican Lobbying and Ethics Reform bill was, in fact, a sham reform bill. The Democratic Majority made this clear on day one. The Republican bill said that members could still take trips from lobbyists with pre-certification. The Democrats banned lobbyist-sponsored travel. The Republican bill tried to "curb" gifts from lobbyists. The Democrats banned lobbyist gifts and meals.

During the last election, Democrats made a promise to the American people: we vowed to institute new ethical standards for members and to break the link between lobbying and legislating. We made good on that promise on day one, and today, we make good on the second part of that promise by passing a strong lobbying reform bill.

This bill will require lobbyists to file more frequently—quarterly instead of semiannually. For the first time ever, these reports will be easily available, through a free, searchable and sortable database. These filings will not just be more frequent, but also more detailed: lobbyists will now be required to disclose the various ways they make money available to assist members of Congress, including contributions to members, but also their contributions to Political Action Committees, 527 groups, and contributions to foundations named for members of Congress.

Lobbyists will also have to certify that they have complied with the House ban on gifts and travel. Unlike the Republican bill, this bill puts teeth into that requirement, with increased penalties for lying on their filings.

This bill will also require stealth coalitions to disclose their activities—something the Republicans ignored in their bill last Congress. In short, this is a strong lobbying reform bill, and one that the House should pass on a bipartisan vote.

With the acceptance of Congressman VAN HOLLEN's bundling bill, the House will pass a bill that gives unprecedented transparency into the practice of lobbying. That is something that I think everyone agrees is a good thing.

When combined with the reforms made in the first 100 Hours of this Congress, Democrats will have passed the most important lobbying and ethics reforms in a generation.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Honest Leadership and Open Government Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Disclosure by Members and staff of employment negotiations.
Sec. 102. Wrongfully influencing a private entity's employment decisions or practices.
Sec. 103. Additional restrictions on contractors.
Sec. 104. Effective date.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

Sec. 201. Quarterly filing of lobbying disclosure reports.
Sec. 202. Electronic filing of lobbying disclosure reports.
Sec. 203. Additional lobbying disclosure requirements.
Sec. 204. Quarterly reports on other contributions.
Sec. 205. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to congressional employees.
Sec. 206. Disclosure of lobbying activities by certain coalitions and association.
Sec. 207. Disclosure by registered lobbyists of past executive branch and congressional employment.
Sec. 208. Public database of lobbying disclosure information; maintenance of information.
Sec. 209. Inapplicability to certain political committees.
Sec. 210. Effective date.

TITLE III—ENFORCEMENT OF LOBBYING RESTRICTIONS

Sec. 301. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.

TITLE IV—INCREASED DISCLOSURE

Sec. 401. Prohibition on official contact with spouse of Member who is a registered lobbyist.
Sec. 402. Posting of travel and financial disclosure reports on public website of Clerk of the House of Representatives.

TITLE V—GENERAL PROVISIONS

Sec. 501. Rule of construction.

TITLE I—CLOSING THE REVOLVING DOOR

SEC. 101. DISCLOSURE BY MEMBERS AND STAFF OF EMPLOYMENT NEGOTIATIONS.

The Rules of the House of Representatives are amended by redesignating rules XXVII and XXVIII as rules XXVIII and XXIX, respectively, and by inserting after rule XXVI the following new rule:

"RULE XXVII

"DISCLOSURE BY MEMBERS AND STAFF OF EMPLOYMENT NEGOTIATIONS

"1. A Member, Delegate, or Resident Commissioner shall not directly negotiate or have any agreement of future employment or compensation until after his or her successor has been elected, unless such Member, Delegate, or Resident Commissioner, within 3 business days after the commencement of such negotiation or agreement of future employment or compensation, files with the Committee on Standards of Official Conduct a statement, which must be signed by the Member, Delegate, or Resident Commissioner, regarding such negotiations or agreement, including the name of the private entity or entities involved in such negotiations or agreement, and the date such negotiations or agreement commenced.

"2. An officer or an employee of the House earning in excess of 75 percent of the salary paid to a Member shall notify the Committee on Standards of Official Conduct that he or she is negotiating or has any agreement of future employment or compensation.

"3. The disclosure and notification under this rule shall be made within 3 business days after the commencement of such negotiation or agreement of future employment or compensation.

"4. A Member, Delegate, or Resident Commissioner, and an officer or employee to whom this clause applies, shall recuse himself or herself from any matter in which there is a conflict of interest or an appearance of a conflict for that Member, Delegate, Resident Commissioner, officer, or employee under this rule and shall notify the Committee on Standards of Official Conduct of such recusal. A Member, Delegate, or Resident Commissioner making such recusal shall, upon such recusal, submit to the Clerk for public disclosure the statement of disclosure under clause 1 with respect to which the recusal was made.".

SEC. 102. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§227. Wrongfully influencing a private entity's employment decisions by a Member of Congress

"Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) takes or withholds, or offers or threatens to take or withhold, an official act, or

"(2) influences, or offers or threatens to influence, the official act of another,

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.".

(b) NO INFERENCE.—Nothing in section 227 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 227 of title 18, United States Code, was a criminal or civil offense before the enactment of this Act, including under section 201(b), 201(c), or any of sections 203 through 209, of title 18, United States Code.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"227. Wrongfully influencing a private entity's employment decisions by a Member of Congress.".

SEC. 103. ADDITIONAL RESTRICTIONS ON CONTRACTORS.

(a) PROHIBITION.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§220. Restrictions on contractors with Congress

"(a) RESTRICTIONS.—

"(1) IN GENERAL.—If a person who is an attorney or a law firm, including a professional legal corporation or partnership, or an attorney employed by such a law firm, enters into a contract to provide services to—

"(A) a committee of Congress, or a subcommittee of any such committee,

"(B) a Member of the leadership of the House of Representatives or a Member of the leadership of the Senate,

"(C) a covered legislative branch official, or

"(D) a working group or caucus organized to provide legislative services or other assistance to Members of Congress,

the attorney or law firm entering into the contract, and the law firm by which the attorney entering into the contract is employed, may not, during the period prescribed in paragraph (2), knowingly make, with the intent to influence, any communication or appearance before any person described in paragraph (3), on behalf of any other person (except the United States), in connection with any matter on which such attorney or law firm seeks official action by a Member, officer, or employee of either House of Congress, in his or her official capacity.

"(2) PERIOD DESCRIBED.—The period referred to in paragraph (1) is the period during which the contract described in paragraph (1) is in effect, and a period of 1 year after the attorney or law firm, as the case may be, is no longer subject to the contract.

"(3) PERSONS DESCRIBED.—The persons referred to in paragraph (1) with respect to appearances or communications by an attorney or law firm are any Member, officer, or employee of either House of Congress.

"(b) PENALTY.—Any person who violates paragraph (1) shall be punished as provided in section 216.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'committee of Congress' includes any standing committee, joint committee, and select committee;

"(2) the term 'covered legislative branch official' has the meaning given that term in section 3 of the Lobbying Disclosure Act of 1995;

"(3)(A) a person is an employee of a House of Congress if that person is an employee of the House of Representatives or an employee of the Senate;

"(B) the terms 'employee of the House of Representatives' and 'employee of the Senate' have the meanings given those terms in section 207(e)(7);

"(4) an attorney is 'employed' by a law firm if the attorney is an employee of, or a partner or other member of, the law firm;

"(5) the terms 'Member of the leadership of the House of Representatives' and 'Member of the leadership of the Senate' have the meanings given those terms in section 207(e)(7); and

"(6) the term 'Member of Congress' means a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 11 of title 18, United States Code, is amended by inserting after the item relating to section 219 the following new item:

"220. Restrictions on contractors with Congress.".

(2) Section 216 of title 18, United States Code, is amended by striking "or 209" each place it appears and inserting ", 209, or 220".

SEC. 104. EFFECTIVE DATE.

(a) SECTION 101.—The amendment made by section 101 shall take effect on the date of the enactment of this Act, and shall apply to negotiations commenced, and agreements entered into, on or after that date.

(b) SECTION 102.—The amendments made by section 102 shall take effect on the date of the enactment of this Act.

(c) SECTION 103.—The amendments made by section 103 shall take effect on May 23, 2007, and shall apply with respect to any contract entered into before, on, or after that date.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking "SEMIANNUAL" and inserting "QUARTERLY";

(B) by striking "the semiannual period" and all that follows through "July of each year" and insert "the quarterly period beginning on the first day of January, April, July, and October of each year"; and

(C) by striking "such semiannual period" and inserting "such quarterly period"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by striking "six month period" and inserting "3-month period".

(2) REGISTRATION.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) ENFORCEMENT.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (6) by striking "semiannual period" and inserting "quarterly period".

(4) ESTIMATES.—Section 15 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) DOLLAR AMOUNTS.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is further amended—

(A) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(B) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(C) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(D) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

(a) IN GENERAL.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives.".

(b) EFFECTIVE DATE.—The requirement in section 5(d) of the Lobbying Disclosure Act of 1995, as added by subsection (a) of this section, that reports be filed electronically shall take effect on the day after the end of the first calendar quarter that begins after the date of the enactment of this Act.

SEC. 203. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) a certification that the lobbying firm, or registrant, and each employee listed as a lobbyist under section 4(b)(6) or paragraph (2)(C) of this subsection for that lobbying firm or registrant, has not provided, requested, or directed a gift, including travel, to a Member of Congress or an officer or employee of either House of Congress in violation rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.".

SEC. 204. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is further amended by adding at the end the following:

"(e) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

"(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the first day of January, April, July, and October of each year, or on the first business day after the first day of such month if that day is not a business day, each person who is registered or is required to register under paragraph (1) or (2) of section 4(a), and each employee who is or is required to be listed as a lobbyist under section 4(b)(6) or subsection (b) of this section, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the person;

"(B) in the case of an employee, his or her the employer;

"(C) the names of all political committees established or administered by the person;

"(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the person or a political committee established or administered by the person within the calendar year, and the date and amount of each contribution made within the quarterly period;

"(E) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the person or a political committee established or administered by the person during the quarterly period—

"(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

"(F) any information reported to the Federal Election Commission under the second sentence of section 315(a)(8) of the Federal Election Campaign Act of 1971 (relating to reports by intermediaries and conduits of the original source and the intended recipient of contributions under such Act) during the quarterly period by the person or a political committee established or administered by the person; and

"(G) the amount and recipient of any funds provided to an organization described in section 527 of the Internal Revenue Code of 1986 that is not treated as a political committee under section 301(4) under the Federal Election Campaign Act of 1971.

"(2) DEFINITION.—In this subsection, the term 'leadership PAC' means, with respect to an individual holding Federal office, an unauthorized political committee that is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.".

SEC. 205. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

(a) PROHIBITION.—The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following:

"SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

"(a) PROHIBITION.—Any person described in subsection (b) may not make a gift or provide travel to a Member, officer, or employee of Congress, if the person has knowledge that the gift or travel may not be accepted under the rules of the House of Representatives or the Senate.

"(b) PERSONS SUBJECT TO PROHIBITION.—The persons subject to the prohibition under subsection (a) are any lobbyist that is registered or is required to register under section 4(a)(1), any organization that employs 1 or more lobbyists and is registered or is required to register under section 4(a)(2), and any employee listed or required to be listed as a lobbyist by a registrant under section 4(b)(6).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 206. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATION.

Paragraph (2) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended to read as follows:

"(2) CLIENT.—

"(A) IN GENERAL.—The term 'client' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees.

"(B) TREATMENT OF COALITIONS AND ASSOCIATIONS.—

"(i) IN GENERAL.—Except as provided in clauses (ii), (iii), and (iv), in the case of a coalition or association that employs or retains other persons to conduct lobbying activities, each of the individual members of the coalition or association (and not the coalition or association) is the client. For purposes of section 4(a)(3), the preceding sentence shall not apply, and the coalition or association shall be treated as the client.

"(ii) EXCEPTION FOR CERTAIN TAX-EXEMPT ASSOCIATIONS.—In the case of an association—

"(I) which is described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

"(II) which is described in any other paragraph of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which has substantial exempt activities other than lobbying with respect to the specific issue for which it engaged the person filing the registration statement under section 4,

the association (and not its members) shall be treated as the client.

"(iii) EXCEPTION FOR CERTAIN MEMBERS.—Information on a member of a coalition or association need not be included in any registration under section 4 if the amount reasonably expected to be contributed by such member toward the activities of the coalition or association of influencing legislation is less than $500 during the quarterly period during which the registration would be made.

"(iv) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—No disclosure is required under this Act, by reason of this subparagraph, with respect to lobbying activities if it is publicly available knowledge that the organization that would be identified under this subparagraph is affiliated with the client concerned or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. Nothing in this subparagraph shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under this subparagraph.".

SEC. 207. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST EXECUTIVE BRANCH AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)(6)) is amended by striking "or a covered legislative branch official" and all that follows through "as a lobbyist on behalf of the client," and inserting "or a covered legislative branch official,".

SEC. 208. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION; MAINTENANCE OF INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registrations and reports filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 4(b) or 5(b); and

"(10) retain the information contained in a registration or report filed under this Act for a period of at least 6 years after the registration or report (as the case may be) is filed.".

(b) AVAILABILITY OF REPORTS.—

(1) IN GENERAL.—Section 6(4) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by inserting before the semicolon at the end the following: "and, in the case of a report filed in electronic form pursuant to section 5(d), make such report available for public inspection over the Internet not more than 48 hours after the report is so filed".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the day after the end of the first calendar quarter that begins after the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605), as added by subsection (a) of this section.

SEC. 209. INAPPLICABILITY TO CERTAIN POLITICAL COMMITTEES.

The amendments made by this title shall not apply to the activities of any political committee described in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)).

SEC. 210. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this title shall apply with respect to any quarterly filing period under the Lobbying Disclosure Act of 1995 that begins on or after January 1, 2008.

TITLE III—ENFORCEMENT OF LOBBYING RESTRICTIONS

SEC. 301. INCREASED CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by striking "Whoever" and inserting "(a) CIVIL PENALTY.—Whoever";

(2) by striking "$50,000" and inserting "$100,000"; and

(3) by adding at the end the following:

"(b) CRIMINAL PENALTY.—Whoever knowingly and corruptly fails to comply with any provision of this Act shall be imprisoned for not more than 5 years or fined under title 18, United States Code, or both.".

TITLE IV—INCREASED DISCLOSURE

SEC. 401. PROHIBITION ON OFFICIAL CONTACT WITH SPOUSE OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"7. A Member, Delegate, or Resident Commissioner shall prohibit all staff employed by that Member, Delegate, or Resident Commissioner (including staff in personal, committee, and leadership offices) from having any official contact with that individual's spouse if that spouse is a lobbyist under the Lobbying Disclosure Act of 1995 or is employed or retained by such a lobbyist for the purpose of influencing legislation.".

SEC. 402. POSTING OF TRAVEL AND FINANCIAL DISCLOSURE REPORTS ON PUBLIC WEBSITE OF CLERK OF THE HOUSE OF REPRESENTATIVES.

(a) REQUIRING POSTING ON INTERNET.—The Clerk of the House of Representatives shall post on the public Internet site of the Office of the Clerk, in a format that is searchable, sortable, and downloadable, each of the following:

(1) The advance authorizations, certifications, and disclosures filed with respect to transportation, lodging, and related expenses for travel under clause 5(b) of rule XXV of the Rules of the House of Representatives by Members (including Delegates and Resident Commissioners to the Congress), officers, and employees of the House.

(2) The reports filed under section 103(h)(1) of the Ethics in Government Act of 1978 by Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress).

(b) APPLICABILITY AND TIMING.—

(1) APPLICABILITY.—Subject to paragraph (2), subsection (a) shall apply with respect to information received by the Clerk of the House of Representatives on or after the date of the enactment of this Act.

(2) TIMING.—The Clerk of the House of Representatives shall—

(A) not later than August 1, 2008, post the information required by subsection (a) that the Clerk receives by June 1, 2008; and

(B) not later than the end of each 45-day period occurring after information is required to be posted under subparagraph (A), post the information required by subsection (a) that the Clerk has received since the last posting under this subsection.

(c) RETENTION.—The Clerk shall maintain the information posted on the public Internet site of the Office of the Clerk under this section for a period of at least 6 years after receiving the information.

TITLE V—GENERAL PROVISIONS

SEC. 501. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech, free exercise, or free association clauses of, the First Amendment to the Constitution.

The CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in part B of House Report 110–167. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–167.

Mr. CONYERS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CONYERS:

Page 2, in the item relating to section 206 in the table of contents, strike "**ASSOCIATION**" and insert "**ASSOCIATIONS**".

Page 17, line 21, strike "association" and insert "associations".

Page 4, line 11, strike "this clause" and insert "this rule".

Page 5, line 24, strike "or any" and insert "any".

Page 5, line 24, insert "or section 872," after "209,".

Page 13, line 21, strike "the Act" and insert "the Lobbying Disclosure Act of 1995".

Page 26, insert after line 2 the following:

(3) OMISSION OF PERSONALLY IDENTIFIABLE INFORMATION.—Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress) shall be permitted to omit personally identifiable information not required to be disclosed on the reports posted on the public Internet site under this section (such as home address, Social Security numbers, personal bank account numbers, home telephone, and names of children) prior to the posting of such reports on such public Internet site.

(4) ASSISTANCE IN PROTECTING PERSONAL INFORMATION.—The Clerk of the House of Representatives, in consultation with the Committee on Standards of Official Conduct,

shall include in any informational materials concerning any disclosure that will be posted on the public Internet site under this section an explanation of the procedures for protecting personally identifiable information as described in this section.

The CHAIRMAN. Pursuant to House Resolution 437, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. I thank the Chair.

Members of the House, this is merely a truly technical revision to H.R. 2316. Sometimes technical amendments aren't really only technical. This one is, because all it does is clarify the application of the bill's provisions regarding the posting of financial disclosure forms on the Internet.

The amendment makes clear that Members may omit personally identifiable information not required to be disclosed from travel and personal financial disclosure forms before these forms are submitted to the House Clerk for posting on the Internet. It ensures that the bill's heightened disclosure requirements do not become potential fodder for identity theft or any other inappropriate processes or purposes. It also directs the Clerk to detail the procedures for protecting personally identifiable information to Members.

I am indebted to one of our committee members in particular, the gentleman from Texas, Mr. LOUIE GOHMERT, for working with us to ensure that Members receive proper guidance regarding the information that they are required to provide, as well as the information they are not required to provide.

Madam Chair, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. I support this manager's amendment. It contains provisions authored by Representative GOHMERT of Texas that would allow Members to omit personally identifiable information from the electronic reports of their travel and financial disclosure statements if such information is not required to be disclosed under House rules. This is a reasonable bipartisan provision, and I urge my colleagues to support it.

Madam Chair, I yield back the balance of my time.

Mr. CONYERS. Madam Chair, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DREIER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–167.

Mr. DREIER. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DREIER:

Immediately prior to section 104, add the following new section, redesignate section 104 as section 105, and conform the table of contents accordingly:

SEC. 104. NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.

Section 207(e) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(8) NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.—After a Member of the House of Representatives or an elected officer of the House of Representatives leaves office, or after the termination of employment with the House of Representatives of an employee of the House of Representatives covered under paragraph (2), (3), or (4), the Clerk of the House of Representatives, after consultation with the Committee on Standards of Official Conduct, shall notify the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under this subsection, and also notify each office of the House of Representatives with respect to which such prohibitions apply of those dates. The Clerk shall also post the information contained in such notification on the public Internet site of the Office of the Clerk in a format that is searchable, sortable, and downloadable.".

Section 105 (as so redesignated) as amended by adding at the end the following new subsection:

(d) SECTION 104.—The amendments made by section 104 shall take effect on the date of enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 437, the gentleman from California (Mr. DREIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DREIER. Madam Chairman, I express my appreciation to the Committee on Rules for making my amendment in order. And I would like to say that this is an amendment which is designed, again, to simply strive in our quest to bring the level of this lobbying reform measure up to the standard that we had in last year's past bill, H.R. 4975.

The provision that was included in last year's bill allows for greater transparency and disclosure. It adds language, Madam Chairman, which simply creates a requirement that full disclosure of the starting and ending times for a person who is leaving the employment of the Capitol, what their lobbying constraints are.

Now, this bill originally had a 2-year ban on lobbying once someone leaves the Capitol. Chairman CONYERS decided that, as the challenge we faced last year, making sure we have first-rate staff here is a challenge, so they pared back from the 2 years that was in the Senate bill and was initially in this bill back to the 1-year level.

I understand that, again, this is something that we did last year, but the thing that we did is we felt strongly about the need for disclosure as to exactly what those dates are; and so we called for a letter to be written which has the start times and the end times for the lobbying ban. That letter goes to the individual, and it goes to the office from which that person has left. And it goes actually a step further than we did in the past, and it calls for disclosure of that information on the Internet so that everyone knows, in fact, that there is a ban on that person from engaging in lobbying their former colleagues. I hope very much that my colleagues can support that.

Madam Chair, I yield 1 minute to the distinguished ranking member of the Committee on Judiciary, the gentleman from San Antonio (Mr. SMITH).

□ 1530

Mr. SMITH of Texas. Madam Chair, I support this amendment. The base bill under consideration today is largely a reflection of the Republican reform bill the House passed in the last Congress, and that was largely authored by the Representative from California (Mr. DREIER). But it does not include all of the Republican authored reform provisions. One of those authored by Representative DREIER is contained in this amendment. It would require that when Members and House employees end their service in the House, they be given notice of the exact dates in which their post-employment restrictions apply. The amendment also would require that that information be made available on the Internet, which would provide more accountability and transparency. I urge my colleagues to support this amendment.

And Madam Chair, I once again want to thank Mr. DREIER for his continuous efforts to try to achieve open and honest government. Those efforts have begun years ago, and they continue today and will effectuate the passage of this amendment and this bill.

Mr. DREIER. Madam Chairman, I'm inclined to reserve the balance of my time, but if the gentleman from San Antonio wants to continue with the line of argument he was making, I'd yield him the whole rest of my time if he wanted to continue to be as gracious as he was.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I ask unanimous consent to speak on the amendment, even though I am not opposed to it.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. CONYERS. Ladies and gentlemen of the House, the former chairman of the Rules Committee has put forward a good, commonsense amendment. It was one that I recognized to have been in his previous legislation. As a matter of fact, it's improved. And there is absolutely no reason for us to have any reservations about it. I commend the gentleman. It's a good addition to H.R. 2316. And as Justice Brandeis said famously, "Sunlight is said to be the best disinfectant." And this is a sunlight amendment if I've ever seen one.

What we want to do is make this more understandable to the American people and to the Members of Congress as well, and so I'm very pleased to accept the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. DREIER. Madam Chair, I thank the distinguished chair of the Committee on the Judiciary and the gentleman from Texas for their very kind remarks and support of this effort that we're making to improve the level of this legislation. And I'm not going to buy it back from the chairman since he's been so gracious.

So, with that, I'll yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110–167.

Mr. CONYERS. Madam Chairwoman, as the designee of the gentleman from Hawaii (Mr. ABERCROMBIE), I offer the amendment that is now at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CONYERS: Insert the following after section 103 and redesignate the succeeding section accordingly:

SEC. 104. RESTRICTIONS ON CERTAIN UNIFORMED OFFICERS.

Section 207 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(m) ADDITIONAL RESTRICTIONS ON CERTAIN OFFICERS OF THE ARMED FORCES.—Any person who is a general or flag officer of the Armed Forces and who, within 1 year after the person's retirement or separation from the Armed Forces, receives compensation from any entity under contract with the Department of Defense if the contract or contracts in effect at the time of the receipt of the compensation are in amounts, in the aggregate, greater than $50,000,000 shall be punished as provided in section 216 of this title.".

In section 105, as redesignated, add the following at the end:

(d) SECTION 104.—The amendment made by section 104 shall apply to any individual who retires or is separated from the Armed Forces more than 120 days after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 437, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Madam Chairman, Members of the House, this is an amendment originally proposed by the gentleman from Hawaii, and it is designed to ensure that the decisions made by government officials aren't tainted by the prospect of private gain after they leave public office. That was one of the very first of our goals in this entire bill, to end the practice of Members attempting to use their power to influence private lobbyists' hiring decisions.

This amendment furthers that objective by extending the conflict of interest standards to generals and flag officers of the Armed Forces who serve as top decision-makers in their respective services. It only applies to contracts greater than $50 million in size, and it mandates a cooling-off period for 1 year.

Now, we have a huge military budget, a growing one, and unfortunately, many questions have arisen in recent years about the manner in which some of these contracts have been negotiated. Some have even received prison sentences as a result of serious conflicts of interest that occurred during the conduct of these negotiations.

Each of these contracts involving military people affect the security of our Nation, the welfare of our men and women in uniform, and the public trust of the taxpayers. The provision of the gentleman from Hawaii will ensure that there is not even the appearance of a conflict. It will provide an assurance that the public's defense dollars are spent on the security of our Nation and the welfare of our troops rather than from private gain from our top military officials. It's a measure that the gentleman from Hawaii has discussed with me in great detail. And I urge its favorable consideration.

Madam Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, I would like to yield 2 minutes to the gentleman from Pennsylvania (Mr. SESTAK) who, prior to his current public service to our country, also served as a Vice Admiral in the Navy.

Mr. SESTAK. Madam Chair, several days ago, I withdrew an amendment on an independent ethics commission, as the leadership discussed that imminently there would be something forthcoming.

I grew up in the military, and I bring this point up, from the Vietnam days until last year, and we were used to having investigations, outside investigations, whether with Milai or whether it was recently the USS *Cole*.

But during that entire period of time, 30-plus years, I learned that the best leadership is leadership by example; that type of leadership where others want to emulate your standards.

My question, therefore, is, how can this Congress look across the Potomac River at the Pentagon, to those men and women who have served 30 to 40 years in the cloth of this Nation and say, you cannot work for any company, including General Motors, if they have more than $50 million of contracts, and then not do the same to ourselves where Congressmen can walk out this door today and work for a lobbying firm, proscribed from certain activities, but work and get compensation.

If not us, why them? Why them, if not us?

I will be disappointed if this Congress passes this. I can support this amendment if it is for us, and I would like to see it for us. I know leadership, however, and this is not leadership.

Mr. SMITH of Texas. Madam Chair, I reserve the balance of my time.

Mr. CONYERS. Madam Chair, I would yield as much time as he may consume to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Chairman, let's go over what this does do and why it's here.

This amendment places a 1-year ban on flag and general officers in the Armed Services from receiving compensation from any company that does greater than $50 million in business with the Department of Defense. The rationale is very, very straightforward. It assures that large corporations, relying on DOD business, do not take advantage of loopholes in the post-employment ethics laws right now. That's what this is addressing, what exists right now.

Current laws govern conduct-based actions. Conduct-based actions and restrictions that are in there now are meaningless because there's what's called behind-the-scenes and in-house provisions. I didn't make this up. This is what's going on right now. If I'm going to get lectured on ethics, let's talk about ethics. Former flag and general officers cannot overtly attempt to influence government officials. We know that. The $50 million ensures that small businesses seeking access to the DOD market are protected and people can go to work for them.

□ 1540

It does not impact officers pay grade O–6 and below. We are talking about the top people up here making the top money making the top decisions with Department of Defense organizations.

The amendment protects senior officers from large DOD prime contractors seeking to gain undue influence during their time in service. You think you walk out the door of the Pentagon and down the stairs and by immaculate conception can go to work for one of these DOD corporations and not have tried to influence that job beforehand or negotiate that job before you walk out the door?

Take public universities. From the publication that just came out in March of 2007, of all the universities in the country, only two universities in the country are doing more than $50 million worth of business. So that is open that you can go to.

Dwight Eisenhower, more than 40 years ago, way back in 1961, warned us about the military industrial complex that was emerging in our country. And I am quoting: "Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions."

I think President Eisenhower's words speak for themselves. The amendment speaks for itself. This is an implementation of an ethics rule that should apply to the Pentagon, and I would think that people of goodwill would want to embrace it.

Mr. SMITH of Texas. Madam Chair, I yield 2½ minutes to the distinguished gentleman from Virginia (Mr. CANTOR), a member of our Republican leadership team.

Mr. CANTOR. Madam Chair, I thank the gentleman from Texas for yielding.

I rise in opposition to this amendment and take issue with the suggestion from the other side that somehow our generals and flag officers are tainted by the offers of employment upon leaving military service.

We are talking about individuals who have spent their entire professional lives serving in the United States of America. Our men and women in the uniformed services consistently hold themselves to a higher standard of ethical and moral conduct. They serve as role models for Americans all across this Nation. They deserve our respect, gratitude, and admiration.

This amendment imposes employment restrictions on general and flag officers that do not apply to any other officer or employee of the executive or legislative branch. In fact, as the gentleman from Pennsylvania who spoke before said, this amendment would ensure that our Nation's senior military leaders are governed by more restrictive postemployment rules than Members of Congress are.

Current postemployment prohibitions and restrictions in title 18 already apply to officers and employees of the executive and legislative branches, including general and flag officers. Current law does not generally prohibit employment, but rather restricts what individuals can do for 1- or 2-year periods following government service.

Finally, Madam Chair, this amendment hints of an antimilitary sentiment that will have an adverse impact on military officers serving in military grades below general and flag rank.

Our Nation's men and women serving in the military today have made tremendous sacrifices in the service of our country. I urge my colleagues to oppose this amendment and send a message to our Nation's senior military leaders that we appreciate their service, recognize their sacrifice, and honor their integrity.

Mr. SMITH of Texas. Madam Chairman, I yield 1 minute to the gentleman from Virginia (Mr. WOLF), a senior member of the Appropriations Committee.

Mr. WOLF. Madam Chairman, I oppose the amendment.

But let me ask your side. I had an amendment to say that CIA station chiefs and people who were ambassadors cannot go out and work for the Khartoum government. Many on your side talk about the genocide in Darfur. I have been before the Rules Committee three times, and I have never had an amendment made in order. Now you give him an amendment, which may be a good amendment or maybe not, but I don't get any opportunity to offer my amendment.

Many on your side say, we are concerned about Darfur. This would have done more. There was a CIA station chief who left the CIA, working for the Khartoum government, and you would not even allow us to offer an amendment. Yet you go to the rallies and you speak out against Darfur.

I rise in opposition this amendment, and I rise against the activity of the Rules Committee. You all are pushing too much. And you are pushing people on this side.

Mr. ABERCROMBIE. Would you yield? You are pointing your finger at me.

Mr. WOLF. I am pointing at the Rules Committee. I am pointing at everybody on this side who would not give me an amendment to stop the genocide in Darfur.

Madam Chairman, I continue to grow more and more frustrated that my side of the aisle is not being heard.

I have been to the Rules Committee no less than three times this year—most recently last night—seeking amendments to bills coming before the House. Each time I have offered substantive changes, aimed at improving legislation. I have not been offering partisan amendments that would gut bills.

The amendment I sought to have debated as part of this bill would have closed the revolving door on former ambassadors and CIA station chiefs from representing countries in which they served for five years. Currently, an ambassador can leave the service of the United States one day and be hired the very next as an agent of foreign nation where they had served. These officials see every decision the United States makes in relation to that country. They have access to intelligence, policy documents and other confidential information. But under today's rules, the day they leave they have every legal right to use that same information on behalf of a foreign nation. These are people who have been entrusted with great responsibility. And they don't always work in the most friendliest of countries, or countries who have the United States best interests at heart.

My amendment would have ended this practice. Regrettably, it wasn't ruled in order, yet Mr. ABERCROMBIE's amendment, which aimed at closing the revolving door for flag and general officers from going to work for huge defense companies, was. I don't understand. Your side talks about wanting to work in a bipartisan fashion. I don't see it. My amendment drives at the same thing as Mr. ABERCROMBIE's, yet was roundly dismissed. This issue has nothing to do with Republican or Democrat. It has to do with what is right.

Last year I learned that a former State Department official and former CIA station chief, trained at the expense of the American taxpayer, were lobbying on behalf of Sudan, the same government that is playing a role in the genocide in Darfur.

No other government is a more established enemy of human dignity. Not only is the government widely linked to organizing and arming militias who have raped and killed innocent women, men and children, pillaged villages and displaced millions in Darfur, the Khartoum government gave safe haven to Osama bin Laden from 1991 to 1996 and allows the terrorist group Hamas to operate within its borders.

We all say we want to end the genocide yet we have no problem with rogue govermnents hiring Washington-based lobbyists. Yet the Rules Committee won't allow an amendment barring former high ranking diplomats and CIA station chiefs from representing country's like Sudan.

Don't even get me started on Saudi Arabia, where not just one, but several former ambassadors to Saudi Arabia have been on the Kingdom's payroll.

Severe human rights abuses and religious persecution are status quo in Saudi Arabia. Our own State Department has flatly said religious freedom does not exist in the Kingdom of Saudi Arabia. The Wahhabi doctrine, which is at the root of our global war on terror, is taught and encouraged by Saudi Arabia.

Read the attached piece from CQ that ran in February of 2006 about former U.S. Ambassadors to Saudi Arabia—the home to 15 of the 19 al Qaeda hijackers—who have or are presently on retainer by the Saudi government. It is extremely troubling.

During the Reagan Administration no lobbyist would have dared to even suggest representing a country like the Soviet Union. The clients signed up by some in the lobbying business today are among the world's most unsavory governments, including major human rights abusers and direct threats like China.

It saddens me to learn that reputable Washington lobbying firms take up the mantle of a Chinese state-run entity in their efforts to "merge" with a private American company. Is there no consideration given to the fact that the Chinese government poses a national security threat to the United States, including an organized spy network, which I have heard described in great detail in FBI briefings?

China blatantly disrespects free trade norms and intellectual property law. It persistently violates human rights, imprisoning and torturing Catholic priests, Protestant house church leaders, Tibetan Buddhists, Uyghur Muslims, and Falun Gong practitioners. China consistently stifles political dissent and free expression. Yet, big K Street firms don't think twice about representing them.

Nor do they think twice about the fact that China is providing guns and ammunition to the government of Sudan, which is complicit in the genocide that is taking place in Dafur. More than 450,000 people have died and China has done nothing to stop the violence. The PRC, in fact, is helping fuel the violence.

Sadly, we didn't get to debate this today. I hope in the future that the Rules Committee, and your side, will look at the aim of the amendment before just dismissing them out of hand.

AMERICAN DIPLOMATS TEND TO BECOME SAUDI LOBBYISTS—BUT MAYBE NOT FOR MUCH LONGER

(By Jeff Stein, National Security Editor)

Back in August 2002, a congressional delegation was traveling around Saudi Arabia, home to 15 of the 19 al Qaeda hijackers who less than a year earlier had launched the Sept. 11 attacks on the United States.

On one leg of the trip, in a big, white embassy van, Republican Representative Mike Rogers of Michigan, a former FBI agent, turned to the U.S. ambassador to Saudi Arabia, Robert Jordan. He asked Jordan, in light of how the Sept. 11 attacks had revealed the Saudis' role in nurturing al Qaeda-connected charities and religious schools, whether Jordan, a big-time Houston oil and gas lawyer, would be the first U.S. ambassador to not go to work for the Saudis after leaving his post.

Jordan, who had George W. Bush as a client before he went to the White House, considered Rogers' question for a moment, and then politely declined to "take the pledge," according to a witness who recalled the episode.

Not that it mattered: Jordan's firm, Baker Botts LLP—that would be James A. Baker III, secretary of State in the first Bush administration and lawyer for the second Bush in the 2000 Florida election deadlock—already had a host of business clients in the royal kingdom, with offices in Riyadh and Dubai.

In any event, Jordan in 2003 joined the long list of U.S. ambassadors and other former American officials working directly or indirectly for the Saudi royal family.

Rogers last week introduced a bill that would bar federal employees from representing foreign governments for four years after they leave public service. Also last week, the House overwhelmingly approved a resolution (H. Res. 648) that sharply curtails lobbyists by foreign agents on the House floor.

Representative Frank R. Wolf, R-Va., plans similar legislation, but more narrowly targeted diplomatic and intelligence officials. He called the practice of ambassadors—and former CIA officials—representing the Saudis, or other governments where they had worked, "scandalous."

"It's a great honor to be an American ambassador, to represent the United States," Wolf said by telephone. "And we have some great ambassadors. But with that, to whom much is given, much is required."

Reached in Houston, Jordan said he doesn't remember "all the details of that conversation," but added: "At that time I certainly didn't have any intention of representing Saudi interests. It was premature in any event, because I was still pretty much in office."

Pressed further, he said, "I remember someone bringing it up, and it may well have been Congressman Rogers."

Rogers declined to comment on the matter.

Actually, it would be big news if a senior U.S. diplomat in the Middle East did not accept the warm embrace of the Saudis or other despots upon leaving the region.

They are sprinkled all over Washington, particularly in such well-known Saudi-supported think tanks as the Middle East Institute (MEI).

Two former American ambassadors to Saudi Arabia lead the MEI—Wyche Fowler Jr. (chairman) and Edward Walker (president). Former ambassador to the United Arab Emirates and deputy assistant secretary for the Near East David Mack is MEI's vice president. Also at MEI is Richard Parker, former ambassador to Algeria, Lebanon, and Morocco, and Michael Sterner, former ambassador to UAE and deputy assistant secretary of Near Eastern Affairs.

Chas. W. Freeman Jr., another former U.S. ambassador to the kingdom, is president of the Saudi-backed Middle East Policy Council. Another ambassador, Walter Cutler, leads the Saudi-backed Meridian International Center.

From the Saudi point of view, all this is a good thing.

The legendary former Saudi ambassador to Washington Prince Bandar bin Sultan was quoted in The Washington Post a few years back as saying, "If the reputation then builds that the Saudis take care of friends when they leave office, you'd be surprised how much better friends you have who are just coming into office."

Rogers' bill would prohibit U.S. officials from leaving office and lobbying "on behalf of any foreign entity."

Wolf's bill "will be much more narrow, focused primarily on ambassadors and [CIA] station chiefs," said an aide.

Wolf is concerned about Saudi Arabia's influence. But he's also watching China.

Last July he sent a blistering letter to the Washington powerhouse firm of Akin Gump, which represented the China National Offshore Oil Corp. during some of its aggressive takeover bids here last year. One of its partners was a member of the president's Foreign Intelligence Advisory Board.

"That's just not appropriate," Wolf said.

Mr. ABERCROMBIE. I support your amendment; so leave me out of it. It is unfair for you to do that.

Mr. WOLF. We don't have a vote on it, and it was not made in order. I can't bring it up. And the genocide continues.

Mr. ABERCROMBIE. Madam Chairman, I rise today in support of my amendment which places a one-year ban on flag and general officers of the Armed Services from receiving compensation from any company that does greater than $50 million in business with the Department of Defense.

This ban will take place 120 days from the enactment of the legislation.

The rationale is to ensure former flag and general officers and large corporations relying on DoD business do not take advantage loopholes in the post-employment ethics laws.

Current laws governing conduct-based actions and restrictions are meaningless because of "behind-the-scenes" or "in-house" provisions where former flag/general officers cannot overtly attempt to influence government officials, but can provide an unfair business advantage by providing their new colleagues in the private sector with valuable knowledge immediately after leaving the Department of Defense.

The $50 million ceiling ensures small businesses seeking access to the DoD market are not restricted from hiring former general or flag officers as employees or consultants. Moreover, this does not impact officers paygrade O–6 and below.

Why include all flag and general officers? While not all flag and general officers are involved in procurement, they can be involved in the development of future military systems and operational requirements or have "official responsibility" for an acquisition program.

This amendment will protect senior officers from large DoD prime contractors seeking to gain undue influence during their time in service. The "prime" contractors in the DoD industry are so pervasive and ingrained that they have been referred to as "quasi-agencies" in the media. One private company received over $24 billion in DoD contracts, an amount equal to the budget request for the Department of Justice for Fiscal Year 2008 budget request totals $24.02 billion.

Another concern is the impact on the ability of these former officers to teach at universities. Well over 1,000 schools are listed in the Federal Science and Engineering Support to Universities, Colleges and Nonprofit Institutions: FY 2004 Report released March 2007—only two schools received more than $50 million in DoD funds (Johns Hopkins and University of Texas at Austin).

I urge my colleagues to support closing loopholes in our ethics laws and vote in favor of this amendment.

Mr. SMITH of Texas. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ABERCROMBIE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. CASTLE

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110–167.

Mr. CASTLE. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CASTLE:

Insert the following after section 208 and redesignate the succeeding sections, and conform the table of contents, accordingly:

SEC. 209. SENSE OF CONGRESS REGARDING LOBBYING BY IMMEDIATE FAMILY MEMBERS.

It is the sense of the Congress that the use of a family relationship by a lobbyist who is an immediate family member of a Member of Congress to gain special advantages over other lobbyists is inappropriate.

The CHAIRMAN. Pursuant to House Resolution 437, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Madam Chair, I yield myself such time as I may consume.

The legislation before us, which I support, has in it a provision banning lobbying by spouses in the office of the individual whose spouse it is. And I am very supportive of that. I think it is something that we should do, but I think it should go a little further than that. And this is a sense of Congress in which we are going to cast a wider net in terms of being careful about who is lobbying.

I am concerned that family members other than just spouses, obviously including children, parents, brothers, sisters, direct family members, lobbying can be extremely maybe unfairly influential in terms of what happens in the Congress of the United States. Obviously, if the spouse of a committee chair come to you, and you are on that particular committee, that could have an adverse influence as far as your decisionmaking is concerned. And I think we need to be careful about that.

I have done this, though not as a specific prohibition, but as a caution in the form in which we find it. And I also noted a recent poll suggesting that 80 percent of Americans believe it is wrong for lawmakers and their staffs to have contact with family members of other lawmakers who are lobbyists.

I believe in openness and transparency. I think it is essential to all that we do. And I believe if somebody has an unfair, unstated advantage in terms of what they are doing, it is something that we in Congress should pay attention to.

Mr. CONYERS. Madam Chairman, will the gentleman yield?

Mr. CASTLE. I would be happy to yield to the gentleman.

Mr. CONYERS. Madam Chairman, I am very delighted to accept this amendment. It expresses a sense of Congress that is perfectly consistent with what we are doing. I am pleased to accept it, and we can move on to the next amendment.

Mr. CASTLE. Madam Chairman, I thank the gentleman from Michigan for the work on the bill and for the acceptance of this amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CARDOZA

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110–167.

Mr. CARDOZA. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CARDOZA:

Insert after title IV the following new title and redesingate the succeeding title accordingly:

TITLE V—ADDITIONAL CRIMINAL PENALTIES FOR PUBLIC OFFICIALS

SEC. 501. CRIMINAL PENALTIES FOR PUBLIC OFFICIALS.

(a) IN GENERAL.—Subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following:

“§ 3587. Increased imprisonment for certain offenses by public officials.

“(a) GENERAL RULE.—In any Federal criminal case in which a public official is convicted of an offense against the United States—

“(1) consisting of conduct during the course of official duty, intended to enrich that official; and

“(2) involving bribery, fraud, extortion, or theft of public funds greater than $10,000;

the sentencing judge may increase the sentence of imprisonment by an amount of up to 2 years. The sentencing judge may double the sentence of imprisonment that would otherwise be imposed in that case: *Provided, however* that in no instance may the sentencing judge be allowed to increase the sentence by more than 2 years.

“(b) DEFINITION.—In this section, the term ‘public official’ means—

“(1) an elected official of the United States or of a State or local government;

“(2) a presidentially-appointed official; and

“(3) an official appointed to a State or local governmental office by an elected official of a State or local government.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following new item:

“3587. Increased imprisonment for certain offenses by public officials.”.

The CHAIRMAN. Pursuant to House Resolution 437, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Madam Chairman, I yield myself such time as I may consume.

Unfortunately, recent scandals have somewhat tarnished the reputation of Congress and stretched the bonds of trust between the public and their government. My amendment is quite simple and will help to restore that bond between public officials and the people that we represent.

My amendment gives Federal judges discretion to increase criminal sentences in cases where public confidence in government has been violated. If a public official has been convicted of bribery, fraud, extortion, or theft of public funds greater than $10,000, a sentencing judge has within his discretion to double the length of the sentence up to 2 years for those public officials convicted of ethics violations.

□ 1550

The 110th Congress has already taken steps to ensure that public officials adhere to the highest ethical standards and are more accountable for their actions. Banning meals, restricting congressional travel, and tightening the lobbying rules are all important first steps that we have already taken. However, more needs to be done.

With public faith in government officials weakened by scandals, we need to ensure that those who break these laws are punished appropriately. Beyond breaking the law, the perpetrators of these crimes violate the public trust by defying their fiduciary responsibility to our Constitution. For government to function effectively, the public must be able to trust the people making the decisions, and as public officials, we must hold ourselves to a higher standard.

This amendment signals that breaches of the public trust will not be condoned. I hope my colleagues will support this amendment and join me in providing a deterrent to illegal behavior in the future and helping rebuild public trust in government officials.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I rise in support of the amendment and I ask unanimous consent to speak in favor of it.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. CONYERS. I would just like my friend to know that this amendment meets with our standards. I want to commend the gentleman from California, because it allows judges to deal effectively and appropriately with extraordinary abuses of public trust, and that does not have any mandatory conditions to it whatsoever. I am pleased to accept it.

Madam Chairman, I yield back the balance of my time.

Mr. CARDOZA. Madam Chairman, I thank the gentleman from Michigan, the distinguished Chair. I appreciate his comments. I think it's a worthy amendment, and I ask the House to support it.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 271, answered "present" 1, not voting 13, as follows:

[Roll No. 421]

AYES—152

Abercrombie
Ackerman
Allen
Arcuri
Baird
Baldwin
Becerra
Bishop (NY)
Blumenauer
Boren
Boucher
Brady (PA)
Braley (IA)
Butterfield
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Cleaver
Cohen
Conyers
Costa
Courtney
Crowley
Cummings
Davis (IL)
Davis, Lincoln
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Ellison
Ellsworth
Emanuel
English (PA)
Etheridge
Faleomavaega
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hill
Hinchey
Hinojosa
Hirono
Hodes
Inslee
Jackson (IL)
Jindal
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kilpatrick
Kind
Kirk
Kucinich
Larson (CT)
Lee
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCaul (TX)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Murphy (CT)
Napolitano
Neal (MA)
Norton
Olver
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Peterson (PA)
Price (NC)
Rahall
Rangel
Rohrabacher
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schwartz
Serrano
Shays
Shea-Porter
Sherman
Sires
Slaughter
Solis
Space
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—271

Aderholt
Akin
Alexander
Altmire
Andrews
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carson
Carter
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Eshoo
Everett
Fallin
Farr
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McKeon
McNerney
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Nunes
Obey
Ortiz
Paul
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Towns
Turner
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Rogers (MI)

NOT VOTING—13

Berman
Bordallo
Campbell (CA)
Clay
Davis, Jo Ann
DeGette
Emerson
Engel
Jones (OH)
Lewis (GA)
McMorris Rodgers
Oberstar
Radanovich

☐ 1622

Ms. GINNY BROWN-WAITE of Florida, Ms. HARMAN, Ms. BEAN, Ms. ESHOO, Ms. HOOLEY, Ms. FOXX, Mrs. MUSGRAVE, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Ms. CARSON, Ms. LORETTA SANCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas and Mrs. BOYDA of Kansas and Messrs. PATRICK J. MURPHY of Pennsylvania, RODRIGUEZ, HIGGINS, TANNER, WALZ of Minnesota, ISRAEL, SALAZAR, LANTOS, GORDON, ROTHMAN, HONDA, DONNELLY, MORAN of Virginia, HOLT, DENT, MEEKS of New York, TOWNS, KLEIN of Florida, WELCH of Vermont, ROSS, DAVIS of Alabama, BERRY, LANGEVIN, MOORE of Kansas and AL GREEN of Texas changed their vote from "aye" to "no."

Mrs. CHRISTENSEN, Ms. ROYBAL-ALLARD and Mr. HALL of Texas changed their vote from "no" to "aye."

Mr. ROGERS of Michigan changed his vote from "no" to "present."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Mrs. TAUSCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2316) to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes, pursuant to House Resolution 437, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CHABOT. I am, in its current form.

Mr. CONYERS. Mr. Speaker, I reserve a point of order on the motion to recommit.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Chabot of Ohio moves to recommit the bill H.R. 2316 to the Committee on the Judiciary with instructions to report the same

back to the House forthwith with the following amendments:

At the end of title IV, add the following new section:

SEC. 403. LIMITING GIFTS TO MEMBERS, OFFICERS, AND EMPLOYEES OF THE HOUSE FROM STATE AND LOCAL GOVERNMENTS.

(a) Gifts From State and Local Governments.—Clause 5(a)(3)(O) of rule XXV of the Rules of the House of Representatives is amended by striking ", by a State or local government,".

(b) Conforming Amendment.—Clause 5(b)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting "a State or local government or" before "a private source".

Insert the following after section 103 and redesignate the succeeding section accordingly:

SEC. 104. RESTRICTION ON CONGRESSIONAL EMPLOYEES REGARDING FORMER EMPLOYERS.

(a) Restriction.—Chapter 11 of title 18, United States Code, as amended by this Act, is further amended by inserting after section 220 the following new section:

"§221. Additional restriction on congressional employees

"(a) Restriction.—Any person—

"(1) who is a congressional employee,

"(2) who, before becoming employed as a congressional employee, was employed as a lobbyist, and

"(3) who, within 1 year after leaving employment as a lobbyist, knowingly makes, in carrying out his or her official responsibilities as a congressional employee, any communication to or appearance before—

"(A) the organization that employed the person as a lobbyist, if the person was not self-employed,

"(B) any entity that was a client of the person while employed as a lobbyist, or any entity that was a client of the organization described in subparagraph (A) while the person was employed as a lobbyist, or is a client of that organization during that 1-year period, on a matter relating specifically to that organization or client,

shall be punished as provided in section 216.

"(b) Definitions.—In this section—

"(1) the term 'congressional employee' means—

"(A) an elected officer of either House of Congress; and

"(B) any employee to which any of the restrictions contained in paragraphs (1) though (5) of section 207(e) apply;

"(2) the term 'lobbyist' means a person that is registered or required to register as a lobbyist under section 4(a)(1) of the Lobbying Disclosure Act of 1995, and any employee of an organization that is registered or required to be registered under section 4(b)(6) of that Act; and

"(3) the term 'client' has the meaning given that term in section 3(2) of the Lobbying Disclosure Act of 1995.".

(b) Conforming Amendment.—The table of sections for chapter 11 of title 18, United States Code, is amended by inserting after the item relating to section 220 the following new item:

"221. Additional restriction on congressional employees.".

(c) Effective Date.—The amendments made by this section shall apply to individuals who become congressional employees on or after January 1, 2007.

In section 203, strike "Section 5(b)" and insert "(a) Gifts.—Section 5(b)".

Add the following at the end of section 203:

(b) Requests for Congressional Earmarks.—Section 5(b)(2)(A) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)(2)(A)) is amended by striking "bill numbers" and inserting the following: "bill numbers, requests for Congressional earmarks (as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives for the One Hundred Tenth Congress),".

In section 204, strike "Section 5" and insert "(a) Other Contributions.—Section 5".

Add at the end of section 204 the following:

(b) Contributions Bundled for Certain Recipients.—

(1) In general.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended by adding at the end the following new subsection:

"(f) Quarterly Reports on Contributions Bundled For Certain Recipients.—

"(1) In general.—Not later than 45 days after the end of the quarterly period beginning on the first day of January, April, July, and October of each year, each registered lobbyist who bundles 2 or more contributions made to a covered recipient in an aggregate amount exceeding $5,000 for such covered recipient during such quarterly period shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the registered lobbyist;

"(B) in the case of an employee, his or her employer; and

"(C) the name of the covered recipient to whom the contribution is made, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for the covered recipient.

"(2) Exclusion of certain information.—In filing a report under paragraph (1), a registered lobbyist shall exclude from the report any information described in paragraph (1)(C) which is included in any other report filed by the registered lobbyist with the Secretary of the Senate and the Clerk of the House of Representatives under subsection (e).

"(3) Requiring submission of information prior to filing reports.—Not later than 25 days after the end of a period for which a registered lobbyist is required to file a report under paragraph (1) which includes any information described in such section with respect to a covered recipient, the registered lobbyist shall transmit by certified mail to the covered recipient involved a statement containing—

"(A) the information that will be included in the report with respect to the covered recipient;

"(B) the source of each contribution included in the aggregate amount referred to in paragraph (1)(C) which the registered lobbyist bundled for the covered recipient during the period covered by the report and the amount of the contribution attributable to each such source; and

"(C) a notification that the covered recipient has the right to respond to the statement to challenge and correct any information included before the registered lobbyist files the report under paragraph (1).

"(4) Definition of registered lobbyist.—For purposes of this subsection, the term 'registered lobbyist' means a person who is registered or is required to register under paragraph (1) or (2) of section 4(a), or an individual who is required to be listed under section 4(b)(6) or subsection (b).

"(5) Definition of bundled contribution.—For purposes of this subsection, a registered lobbyist 'bundles' a contribution if—

"(A) the bundled contribution is received by a registered lobbyist for, and forwarded by a registered lobbyist to, the covered recipient to whom the contribution is made; or

"(B) the bundled contribution will be or has been credited or attributed to the registered lobbyist through records, designations, recognitions or other means of tracking by the covered recipient to whom the contribution is made.

"(6) Other definitions.—In this subsection—

"(A) the term 'contribution' has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), except that such term does not include a contribution in an amount which is less than $200;

"(B) the terms 'candidate', 'political committee', and 'political party committee' have the meaning given such terms in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.);

"(C) the term 'covered recipient' means a Federal candidate, an individual holding Federal office, a leadership PAC, a multicandidate political committee described in section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)), or a political party committee; and

"(D) the term 'leadership PAC' has the meaning given such term in subsection (e)(2).".

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to the second quarterly period described in section 5(f)(1) of the Lobbying Disclosure Act of 1995 (as added by paragraph (1)) which begins after the date of the enactment of this Act and each succeeding quarterly period.

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. CONYERS. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will continue to read.

The Clerk continued to read.

□ 1630

Mr. CHABOT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. Chabot) is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker, I yield myself 4 minutes.

We have been waiting for 5 months now to see on the House floor a package of reforms that largely reflect those that were in the Republican reform bill that passed the House last Congress over a year ago.

Now that the majority has finally scheduled this reform legislation for consideration, the House has an opportunity to build on Republicans' previous reform efforts. This motion to recommit does just that. To strengthen the legislation, this motion to recommit would do the following: It would close the existing loophole that allows State and local government entities to give gifts and travel to Members and their staff that other entities can't give.

This motion to recommit also contains a provision that could be described as a reverse revolving door provision. It would prohibit a congressional employee who was a registered lobbyist prior to his or her congressional employment from knowingly making during the course of official business any communication or appearance before their former private employer on a matter relating specifically to that former private employer for a period of 1 year.

This motion to recommit would also require lobbyists to disclose which special projects they lobbied for. If a special interest lobbyist is having closed-door meetings with Members of Congress regarding programs that do not benefit all Americans but only benefit a small group of people in one part of the country, then this motion to recommit would require those projects be disclosed.

Finally, this motion to recommit includes H.R. 2317 in the form that passed the House earlier today. With the inclusion of the amendment adopted by the motion to recommit, H.R. 2317 now requires that bundled contributions to political action committees, often referred to as PACs, be disclosed.

Let me be clear: Mr. EMANUEL said during the debate on this bill that this bill is the bill that will be conferenced with the Senate bill. Only by passing this motion to recommit can we guarantee that the vital fix we make to the bundling provisions in the previous motion to recommit will be conferenced with the Senate bill. This motion to recommit is the true test of Members' commitment to what they voted for earlier today.

So if you voted for the previous motion to recommit and you really want the fix included in the conference, you must support this motion to recommit as well.

The majority has brought to the floor a package that does not quite reach the standard set by House Republicans last Congress; but we all have this last opportunity today to show America that not only will we raise that standard to meet our efforts last Congress, but we will raise that standard even higher. I urge my colleagues to join me in passing this motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, just a few minutes ago I heard a Member of the Democratic leadership say we have ended meals and gifts from lobbyists. That is true only if you approve this motion to recommit. There is a huge, huge loophole right now in this bill. It doesn't include lobbyists who lobby for State and local governments or for public universities. It is what I call the Jack Abramoff exemption.

Under this legislation, unless we pass the motion to instruct, Jack Abramoff could take any Member of this body out to dinner at the Capital Grille tomorrow and pay $300 for your meal because one of his biggest clients was the government of Saipan which is a territorial government. He would not be included; unless we include this motion to recommit, the Jack Abramoff loophole or exemption will still exist.

This is not a game of gotcha. This legislation was introduced last year, and it was offered to the Democratic leadership earlier this year. We didn't need to come to this. It should have been part of the bill. There are some very good things in this bill. This would make the bill far better.

State and local governments and public universities spent $132 million last year alone lobbying Congress; $132 million last year alone. None of the lobbyists hired by those institutions are covered in this legislation. Lobbyists for State and local governments and public universities have spent $875 million since 1998, none of which would be covered by this legislation unless you include and unless you vote for the motion to recommit.

The SPEAKER pro tempore. Does the gentleman from Michigan continue to reserve his point of order?

Mr. CONYERS. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, this is a level of hutzpah tonight to have Jack Abramoff's name being brought up by the Republicans, which is why we are on the floor here legislating. This is what brought it all on. I am so delighted that you chose to give it the right name.

Now let's be reasonable about this. We have not had the opportunity to even get the vaguest idea of what this recommit motion was about. And I ask my colleague, as one who has worked with the Judiciary Committee Republicans without exception, what is wrong with 5 minutes notice about it? We got no notice, and so we had to waste 435 Members' time until we could find out what was in the motion to recommit. I just ask my friends on the other side of the aisle, particularly the leadership because I don't ascribe this to Lamar Smith, the ranking member, at all. But let's get to the substance.

From our brief review of what we could hear and read about this matter, this motion to recommit deals with several issues: The ability of the State and local governments and Indian tribes to make gifts, a new revolving door limitation on former lobbyists, a requirement that lobbyists disclose when they are lobbying on earmarks, and new restrictions on bundling.

Now I wish we had time to review the motion in detail. But I have worked hard to make this process bipartisan and will continue to do so.

My inclination is to accept this amendment today; and I will tell you why, we have no objection to combining the bundling provisions with the rest of the lobbying disclosures. They do go together. We started out this process, and we thought it would appeal to more Members, but if now my colleagues on the other side of the aisle wish to combine them, I find no objection with it. It gives us one bill. We can go into conference and we will work our way there. This chairman has at least a 50 percent chance of becoming the conference chairman.

So, without any further ado, we accept the amendment of the gentleman from Ohio (Mr. CHABOT).

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CHABOT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 346, noes 71, answered "present" 2, not voting 13, as follows:

[Roll No. 422]

AYES—346

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Coble
Cole (OK)
Conaway
Conyers
Cooper
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake

Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Jindal
Johnson (IL)
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—71

Abercrombie
Baird
Baldwin
Barton (TX)
Bishop (GA)
Boyd (FL)
Butterfield
Capuano
Cardoza
Clarke
Clay
Cleaver
Clyburn
Cohen
Costa
Costello
Crowley
Davis (IL)
Doyle
Ellison
Grijalva
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kilpatrick
Larson (CT)
Lee
Lungren, Daniel E.
Matsui
McCollum (MN)
McDermott
Meeks (NY)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Pascrell
Pastor
Paul
Payne
Pickering
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Stupak
Tanner
Thompson (MS)
Towns
Visclosky
Waters
Watson
Watt
Welch (VT)
Wicker
Woolsey
Young (AK)

ANSWERED "PRESENT"—2

Hulshof
Meehan

NOT VOTING—13

Berman
Blunt
Brown, Corrine
Campbell (CA)
Davis, Jo Ann
DeGette
Emerson
Engel
Jones (OH)
Lewis (GA)
McMorris Rodgers
Oberstar
Wexler

☐ 1657

Mr. PAYNE and Ms. WOOLSEY changed their vote from "aye" to "no."

Mr. HINOJOSA and Mr. NADLER changed their vote from "no" to "aye."

Mr. MEEHAN changed his vote from "no" to "present."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2316, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT:

At the end of title IV, add the following new section:

SEC. 403. LIMITING GIFTS TO MEMBERS, OFFICERS, AND EMPLOYEES OF THE HOUSE FROM STATE AND LOCAL GOVERNMENTS.

(a) GIFTS FROM STATE AND LOCAL GOVERNMENTS.—Clause 5(a)(3)(O) of rule XXV of the Rules of the House of Representatives is amended by striking ", by a State or local government,".

(b) CONFORMING AMENDMENT.—Clause 5(b)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting "a State or local government or" before "a private source".

Insert the following after section 103 and redesignate the succeeding section accordingly:

SEC. 104. RESTRICTION ON CONGRESSIONAL EMPLOYEES REGARDING FORMER EMPLOYERS.

(a) RESTRICTION.—Chapter 11 of title 18, United States Code, as amended by this Act, is further amended by inserting after section 220 the following new section:

"§ 221. Additional restriction on congressional employees

"(a) RESTRICTION.—Any person—

"(1) who is a congressional employee,

"(2) who, before becoming employed as a congressional employee, was employed as a lobbyist, and

"(3) who, within 1 year after leaving employment as a lobbyist, knowingly makes, in carrying out his or her official responsibilities as a congressional employee, any communication to or appearance before—

"(A) the organization that employed the person as a lobbyist, if the person was not self-employed,

"(B) any entity that was a client of the person while employed as a lobbyist, or any entity that was a client of the organization described in subparagraph (A) while the person was employed as a lobbyist, or is a client of that organization during that 1-year period,

on a matter relating specifically to that organization or client,

shall be punished as provided in section 216.

"(b) DEFINITIONS.—In this section—

"(1) the term 'congressional employee' means—

"(A) an elected officer of either House of Congress; and

"(B) any employee to which any of the restrictions contained in paragraphs (1) though (5) of section 207(e) apply;

"(2) the term 'lobbyist' means a person that is registered or required to register as a lobbyist under section 4(a)(1) of the Lobbying Disclosure Act of 1995, and any employee of an organization that is registered or required to be registered under section 4(b)(6) of that Act; and

"(3) the term 'client' has the meaning given that term in section 3(2) of the Lobbying Disclosure Act of 1995.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by inserting after the item relating to section 220 the following new item:

"221. Additional restriction on congressional employees.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who become congressional employees on or after January 1, 2007.

In section 203, strike "Section 5(b)" and insert "(a) GIFTS.—Section 5(b)".

Add the following at the end of section 203:

(b) REQUESTS FOR CONGRESSIONAL EARMARKS.—Section 5(b)(2)(A) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)(2)(A)) is amended by striking "bill numbers" and inserting the following: "bill numbers, requests for Congressional earmarks (as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives for the One Hundred Tenth Congress),".

In section 204, strike "Section 5" and insert "(a) OTHER CONTRIBUTIONS.—Section 5".

Add at the end of section 204 the following:

(b) CONTRIBUTIONS BUNDLED FOR CERTAIN RECIPIENTS.—

(1) IN GENERAL.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended by adding at the end the following new subsection:

"(f) QUARTERLY REPORTS ON CONTRIBUTIONS BUNDLED FOR CERTAIN RECIPIENTS.—

"(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the first day of January, April, July, and October of each year, each registered lobbyist who bundles 2 or more contributions made to a covered recipient in an aggregate amount exceeding $5,000 for such covered recipient during such quarterly period shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the registered lobbyist;

"(B) in the case of an employee, his or her employer; and

"(C) the name of the covered recipient to whom the contribution is made, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for the covered recipient.

"(2) EXCLUSION OF CERTAIN INFORMATION.—In filing a report under paragraph (1), a registered lobbyist shall exclude from the report any information described in paragraph (1)(C) which is included in any other report filed by the registered lobbyist with the Secretary of the Senate and the Clerk of the House of Representatives under subsection (e).

"(3) REQUIRING SUBMISSION OF INFORMATION PRIOR TO FILING REPORTS.—Not later than 25 days after the end of a period for which a registered lobbyist is required to file a report under paragraph (1) which includes any information described in such section with respect to a covered recipient, the registered lobbyist shall transmit by certified mail to the covered recipient involved a statement containing—

"(A) the information that will be included in the report with respect to the covered recipient;

"(B) the source of each contribution included in the aggregate amount referred to in paragraph (1)(C) which the registered lobbyist bundled for the covered recipient during the period covered by the report and the amount of the contribution attributable to each such source; and

"(C) a notification that the covered recipient has the right to respond to the statement to challenge and correct any information included before the registered lobbyist files the report under paragraph (1).

"(4) DEFINITION OF REGISTERED LOBBYIST.—For purposes of this subsection, the term 'registered lobbyist' means a person who is registered or is required to register under paragraph (1) or (2) of section 4(a), or an individual who is required to be listed under section 4(b)(6) or subsection (b).

"(5) DEFINITION OF BUNDLED CONTRIBUTION.—For purposes of this subsection, a registered lobbyist 'bundles' a contribution if—

"(A) the bundled contribution is received by a registered lobbyist for, and forwarded by a registered lobbyist to, the covered recipient to whom the contribution is made; or

"(B) the bundled contribution will be or has been credited or attributed to the registered lobbyist through records, designations, recognitions or other means of tracking by the covered recipient to whom the contribution is made.

"(6) OTHER DEFINITIONS.—In this subsection—

"(A) the term 'contribution' has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), except that such term does not include a contribution in an amount which is less than $200;

"(B) the terms 'candidate', 'political committee', and 'political party committee' have the meaning given such terms in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.);

"(C) the term 'covered recipient' means a Federal candidate, an individual holding Federal office, a leadership PAC, a multicandidate political committee described in section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)), or a political party committee; and

"(D) the term 'leadership PAC' has the meaning given such term in subsection (e)(2).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to the second quarterly period described in section 5(f)(1) of the Lobbying Disclosure Act of 1995 (as added by paragraph (1)) which begins after the date of the enactment of this Act and each succeeding quarterly period.

Mr. BOEHNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 396, noes 22, answered "present" 1, not voting 13, as follows:

[Roll No. 423]

AYES—396

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jordan
Kagen
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—22

Abercrombie
Boyd (FL)
Brown, Corrine
Clay
Cleaver
Gohmert
Hastings (FL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Mack
Meeks (NY)
Murtha
Paul

Schakowsky
Shadegg
Tanner
Towns
Watt
Whitfield
Young (AK)

ANSWERED "PRESENT"—1

Hulshof

NOT VOTING—13

Akin
Berman
Campbell (CA)
Davis, Jo Ann
DeGette
Emerson
Engel
Hunter
Jones (OH)
Lewis (GA)
McMorris Rodgers
Oberstar
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1705

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2316, HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2316, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 438, I call up the bill (H.R. 2206) making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), that it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 438, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. OBEY moves that the House concur in the amendment of the Senate with the amendments printed in House Report 110–168, as follows:

AMENDMENT 1 TO THE SENATE AMENDMENT TO H.R. 2206

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—[RESERVED]
TITLE II—[RESERVED]
TITLE III—ADDITIONAL DEFENSE, INTERNATIONAL AFFAIRS, AND HOMELAND SECURITY PROVISIONS
TITLE IV—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY
TITLE V—OTHER EMERGENCY APPROPRIATIONS
TITLE VI—OTHER MATTERS
TITLE VII—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS
TITLE VIII—FAIR MINIMUM WAGE AND TAX RELIEF
TITLE IX—AGRICULTURAL ASSISTANCE
TITLE X—GENERAL PROVISIONS

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—[RESERVED]

[The provisions of this title are reserved for possible additions through subsequent amendment.]

TITLE II—[RESERVED]

[The provisions of this title are reserved for possible additions through subsequent amendment.]

TITLE III—ADDITIONAL DEFENSE, INTERNATIONAL AFFAIRS, AND HOMELAND SECURITY PROVISIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $100,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 3101. There is hereby appropriated $10,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

CHAPTER 2

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $139,740,000, of which $129,740,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, "A Review of the Federal Bureau of Investigation's Use of National Security Letters", of which $500,000 shall be transferred to and merged with "Department of Justice, Office of the Inspector General".

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $3,698,000, to remain available until September 30, 2008.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. Funds provided in this Act for the "Department of Justice, Federal Bureau of Investigation, Salaries and Expenses", shall be made available according to the language relating to such account in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107).

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $343,080,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $408,283,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $108,956,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $139,300,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $8,223,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $5,660,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $6,073,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $109,261,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $19,533,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $24,000,000.

STRATEGIC RESERVE READINESS FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided in this or any other Act, for training, operations, repair of equipment, purchases of equipment, and other expenses related to improving the readiness of non-deployed United States military forces, $1,615,000,000, to remain available until September 30, 2009; of which $1,000,000,000 shall be transferred to "National Guard and Reserve Equipment" for the purchase of equipment for the Army National Guard; and of which $615,000,000 shall be transferred by the Secretary of Defense only to appropriations for military personnel, operation and maintenance, procurement, and defense working capital funds to accomplish the purposes provided herein: *Provided*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfers made pursuant to this authority: *Provided further*, That funds shall be transferred to the appropriation accounts not later than 120 days after the enactment of this Act: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,217,000,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $130,040,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $1,263,360,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $139,040,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $258,860,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Defense Health Program", $1,878,706,000; of which $1,429,006,000 shall be for operation and maintenance, including $600,000,000 which shall be available for the treatment of traumatic brain injury and post-traumatic stress disorder and remain available until September 30, 2008; of which $118,000,000 shall be for procurement, to remain available until September 30, 2009; and of which $331,700,000 shall be for research, development, test and evaluation, to remain available until September 30, 2008: *Provided*, That if the Secretary of Defense determines that funds made available in this paragraph for the treatment of traumatic brain injury and post-traumatic stress disorder are in excess of the requirements of the Department of Defense, the Secretary may transfer amounts in excess of that requirement to the Department of Veterans Affairs to be available only for the same purpose.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3301. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 3302. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984)—

(1) section 2340A of title 18, United States Code;

(2) section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 3303. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2008. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 3304. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 3305. Not more than 85 percent of the funds appropriated to the Department of Defense in this Act for operation and maintenance shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees a report detailing the use of Department of Defense funded service contracts conducted in the theater of operations in support of United States military and reconstruction activities in Iraq and Afghanistan: *Provided*, That the report shall provide detailed information specifying the number of contracts and contract costs used to provide services in fiscal year 2006, with sub-allocations by major service categories: *Provided further*, That the report also shall include estimates of the number of contracts to be executed in fiscal year 2007: *Provided further*, That the report shall include the number of contractor personnel in Iraq and Afghanistan funded by the Department of Defense: *Provided further*, That the report shall be submitted to the congressional defense committees not later than August 1, 2007.

SEC. 3306. Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "A death gratuity" and inserting "Subject to subsection (d), a death gratuity";

(2) by redesignating subsection (d) as subsection (e) and, in such subsection, by striking "If an eligible survivor dies before he" and inserting "If a person entitled to all or a portion of a death gratuity under subsection (a) or (d) dies before the person"; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person covered by section 1475 or 1476 of this title may designate another person to receive not more than 50 percent of the amount payable under section 1478 of this title. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (1) through (5) of subsection (a).".

SEC. 3307. (a) INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Where appropriate, standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to the congressional defense committees a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) where appropriate, standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 3308. (a) AWARD OF MEDAL OF HONOR TO WOODROW W. KEEBLE FOR VALOR DURING KOREAN WAR.—Notwithstanding any applicable time limitation under section 3744 of title 10, United States Code, or any other time limitation with respect to the award of certain medals to individuals who served in the Armed Forces, the President may award to Woodrow W. Keeble the Medal of Honor under section 3741 of that title for the acts of valor described in subsection (b).

(b) ACTS OF VALOR.—The acts of valor referred to in subsection (a) are the acts of Woodrow W. Keeble, then-acting platoon leader, carried out on October 20, 1951, during the Korean War.

(TRANSFER OF FUNDS)

SEC. 3309. Of the amount appropriated under the heading "Other Procurement, Army", in title III of division A of Public Law 109–148, $6,250,000 shall be transferred to "Military Construction, Army".

SEC. 3310. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment or the Office of Dependents Education of the Department of Defense, shall use not less than $10,000,000 of funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds to provide special assistance to local education agencies.

SEC. 3311. Congress finds that United States military units should not enter into combat unless they are fully capable of performing their assigned mission. Congress further finds that this is the policy of the Department of Defense. The Secretary of Defense shall notify Congress of any changes to this policy.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $72,000,000 is provided for the International Nuclear Materials Protection and Cooperation Program, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 3401. The Administrator of the National Nuclear Security Administration is authorized to transfer up to $1,000,000 from Defense Nuclear Nonproliferation to the Office of the Administrator during fiscal year 2007 supporting nuclear nonproliferation activities.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

ANALYSIS AND OPERATIONS

For an additional amount for "Analysis and Operations", $8,000,000, to remain available until September 30, 2008, to be used for support of the State and Local Fusion Center program: *Provided*, That starting July 1, 2007, the Secretary of Homeland Security shall submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives detailing the information required in House Report 110–107.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $75,000,000, to remain available until September 30, 2008, to support hiring not less than 400 additional United States Customs and Border Protection Officers, as well as additional intelligence analysts, trade specialists, and support staff to target and screen U.S.-bound cargo on the Northern Border, at overseas locations, and at the National Targeting Center; to support hiring additional staffing required for Northern Border Air and Marine operations; to implement Security and Accountability For Every Port Act of 2006 (Public Law 109-347) requirements; to advance the goals of the Secure Freight Initiative to improve significantly the ability of United States Customs and Border Protection to target and analyze U.S.-bound cargo containers; to expand overseas screening and physical inspection capacity for U.S.-bound cargo; to procure and integrate non-intrusive inspection equipment into inspection and radiation detection operations; and to improve supply chain security, to include enhanced analytic and targeting systems using data collected via commercial and government technologies and databases: *Provided*, That up to $3,000,000 shall be transferred to Federal Law Enforcement Training Center "Salaries and Expenses", for basic training costs associated with the additional personnel funded under this heading: *Provided further*, That the Secretary shall submit an expenditure plan for the use of these funds to the Committees on Appropriations of the Senate and the House of Representatives no later than 30 days after enactment of this Act: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives immediately if United States Customs and Border Protection does not expect to achieve its plan of having at least 1,158 Border Patrol agents permanently deployed to the Northern Border by the end of fiscal year 2007, and explain in detail the reasons for any shortfall.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", for air and marine operations on the Northern Border, including the final Northern Border air wing, $75,000,000, to remain available until September 30, 2008, to accelerate planned deployment of Northern Border Air and Marine operations, including establishment of the final Northern Border airwing, procurement of assets such as fixed wing aircraft, helicopters, unmanned aerial systems, marine and riverine vessels, and other equipment, relocation of aircraft, site acquisition, and the design and building of facilities: *Provided*, That the Secretary shall submit an expenditure plan for the use of these funds to the Committees on Appropriations of the Senate and the House of Representatives no later than 30 days after enactment of this Act.

United States Immigration and Customs Enforcement

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000, to remain available until September 30, 2008; of which $5,000,000 shall be for the creation of a security advisory opinion unit within the Visa Security Program; and of which $1,000,000 shall be for the Human Smuggling and Trafficking Center.

Transportation Security Administration

AVIATION SECURITY

For an additional amount for "Aviation Security", $390,000,000; of which $285,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; of which $25,000,000 shall be for checkpoint explosives detection equipment and pilot screening technologies, to remain available until expended; and of which $80,000,000 shall be for air cargo security, to remain available until September 30, 2009: *Provided*, That of the air cargo funding made available under this heading, the Transportation Security Administration shall hire no fewer than 150 additional air cargo inspectors to establish a more robust enforcement and compliance program; complete air cargo vulnerability assessments for all Category X airports; expand the National Explosives Detection Canine Program by no fewer than 170 additional canine teams, including the use of agency led teams; pursue canine screening methods utilized internationally that focus on air samples; and procure and install explosive detection systems, explosive trace machines, and other technologies to screen air cargo: *Provided further*, That no later than 90 days after the date of enactment of this Act, the Secretary shall provide the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan detailing how the Transportation Security Administration will utilize funding provided under this heading.

FEDERAL AIR MARSHALS

For an additional amount for "Federal Air Marshals", $5,000,000, to remain available until September 30, 2008: *Provided*, That no later than 30 days after enactment of this Act, the Secretary shall provide the Committees on Appropriations of the Senate and the House of Representatives a report on how these additional funds will be allocated.

National Protection and Programs

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for "Infrastructure Protection and Information Security", $24,000,000, to remain available until September 30, 2008; of which $12,000,000 shall be for development of State and local interoperability plans as discussed in House Report 110–107; and of which $12,000,000 shall be for implementation of chemical facility security regulations: *Provided*, That within 30 days of the date of enactment of this Act the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for execution of these funds: *Provided further*, That within 30 days of the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the computer forensics training center detailing the information required in House Report 110–107.

Office of Health Affairs

For expenses for the "Office of Health Affairs", $8,000,000, to remain available until September 30, 2008: *Provided*, That of the amount made available under this heading, $5,500,000 is for nuclear event public health assessment and planning: *Provided further*, That the Office of Health Affairs shall conduct a nuclear event public health assessment as described in House Report 110–107: *Provided further*, That none of the funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure.

Federal Emergency Management Agency

MANAGEMENT AND ADMINISTRATION

For expenses for management and administration of the Federal Emergency Management Agency ("FEMA"), $14,000,000, to remain available until September 30, 2008: *Provided*, That of the amount made available under this heading, $6,000,000 shall be for financial and information systems, $2,500,000 shall be for interstate mutual aid agreements, $2,500,000 shall be for FEMA Regional Office communication equipment, $2,500,000 shall be for FEMA strike teams, and $500,000 shall be for the Law Enforcement Liaison Office, the Disability Coordinator and the National Advisory Council: *Provided futher*, That none of such funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further*, That unobligated amounts in the "Administrative and Regional Operations" and "Readiness, Mitigation, Response, and Recovery" accounts shall be transferred to "Management and Administration" and may be used for any purpose authorized for such amounts and subject to limitation on the use of such amounts.

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $247,000,000; of which $110,000,000 shall be for port security grants pursuant to section 70107(l) of title 46, United States Code to be awarded by September 30, 2007 to tier 1, 2, 3, and 4 ports; of which $100,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants to be awarded by September 30, 2007; of which $35,000,000 shall be for regional grants and regional technical assistance to tier one Urban Area Security Initiative cities and other participating governments for the purpose of developing all-hazard regional catastrophic event plans and preparedness, as described in House Report 110–107; and of which $2,000,000 shall be for technical assistance for operation and maintenance training on detection and response equipment that must be competitively awarded: *Provided*, That none of the funds made available under this heading may be obligated for such regional grants and regional technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further*, That the Federal Emergency Management Agency shall provide the regional grants and regional technical assistance expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives on or before August 1, 2007: *Provided further*, That funds for such regional grants and regional technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants", $50,000,000.

United States Citizenship and Immigration Services

For an additional amount for expenses of "United States Citizenship and Immigration Services" to address backlogs of security checks associated with pending applications and petitions, $8,000,000, to remain available until September 30, 2008: *Provided*, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

Science and Technology

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for "Research, Development, Acquisition, and Operations" for air cargo security research, $5,000,000, to remain available until expended.

Domestic Nuclear Detection Office

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for "Research, Development, and Operations" for non-container, rail, aviation and intermodal radiation detection activities, $35,000,000, to remain available until expended: *Provided*, That $5,000,000 is to enhance detection links between seaports and railroads as authorized in section 121(i) of the Security and Accountability For Every Port Act of 2006 (Public Law 109–347); $8,000,000 is to accelerate development and deployment of detection systems at international rail border crossings; and $22,000,000 is for development and deployment of a variety of screening technologies at aviation facilities.

SYSTEMS ACQUISITION

For an additional amount for "Systems Acquisition", $100,000,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 3502. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

CHAPTER 6

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,437,000, as follows:

ALLOWANCES AND EXPENSES

For an additional amount for allowances and expenses as authorized by House resolution or law, $6,437,000 for business continuity and disaster recovery, to remain available until expended.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Government Accountability Office, $374,000, to remain available until September 30, 2008.

CHAPTER 7

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended: *Provided*, That within 30 days of the enactment of this Act, the Secretary of Defense shall submit a detailed spending plan to the Committees on Appropriations of the House of Representatives and the Senate.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to close Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped: *Provided*, That to ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to maintain the maximum level of inpatient and outpatient services.

SEC. 3702. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

SEC. 3703. The Secretary of the Navy shall, notwithstanding any other provision of law, transfer to the Secretary of the Air Force, at no cost, all lands, easements, Air Installation Compatible Use Zones, and facilities at NASJRB Willow Grove designated for operation as a Joint Interagency Installation for use by the Pennsylvania National Guard and other Department of Defense components, government agencies, and associated users to perform national defense, homeland security, and emergency preparedness missions.

CHAPTER 8

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $34,103,000, to remain available until September 30, 2008, of which $31,845,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the amount available under this heading, $258,000 shall be transferred to, and merged with, funds available in fiscal year 2007 for expenses for the United States Commission on International Religious Freedom: *Provided further*, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading "Emergencies in the Diplomatic and Consular Service" to reimburse expenditures from that account in facilitating the evacuation of persons from Lebanon between July 16, 2006 and the date of enactment of this Act.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $1,500,000, to remain available until December 31, 2008.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $50,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $60,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $3,000,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $3,500,000, to remain available until September 30, 2008.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $122,300,000, to remain available until September 30, 2008.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $5,000,000, to remain available until September 30, 2008.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $42,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $59,000,000, to remain available until September 30, 2008.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $25,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $30,000,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $45,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $40,000,000, to remain available until September 30, 2008: *Provided*, That funds appropriated under this heading shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform.

GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 3801. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007

(Public Law 109-364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109-440), is amended by inserting “or fiscal year 2007” after “fiscal year 2006”.

LEBANON

SEC. 3802. (a) LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading “Economic Support Fund” for cash transfer assistance for the Government of Lebanon may be made available for obligation until the Secretary of State reports to the Committees on Appropriations on Lebanon's economic reform plan and on the specific conditions and verifiable benchmarks that have been agreed upon by the United States and the Government of Lebanon pursuant to the Memorandum of Understanding on cash transfer assistance for Lebanon.

(b) LIMITATION ON FOREIGN MILITARY FINANCING PROGRAM AND INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR LEBANON.— None of the funds made available in this Act under the heading “Foreign Military Financing Program” or “International Narcotics Control and Law Enforcement” for military or police assistance to Lebanon may be made available for obligation until the Secretary of State submits to the Committees on Appropriations a report on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in United States training and assistance programs and on the end use monitoring of all equipment provided under such programs to the Lebanese armed forces and police forces.

(c) CERTIFICATION REQUIRED.—Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings “Foreign Military Financing Program” and “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

(d) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on the Government of Lebanon's actions to implement section 14 of United Nations Security Council Resolution 1701 (August 11, 2006).

(e) SPECIAL AUTHORITY.—This section shall be effective notwithstanding section 534(a) of Public Law 109-102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Law 110-5).

DEBT RESTRUCTURING

SEC. 3803. Amounts appropriated for fiscal year 2007 for “Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring” may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 3804. To facilitate effective oversight of programs and activities in Iraq by the Government Accountability Office (GAO), the Department of State shall provide GAO staff members the country clearances, life support, and logistical and security support necessary for GAO personnel to establish a presence in Iraq for periods of not less than 45 days.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 3805. The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 3806. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the “Inspector General”) may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 1 additional year.

(3) Not more than 10 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2007. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES, REPORTS AND DIRECTIVES

SEC. 3807. (a) Funds provided in this Act for the following accounts shall be made available for countries, programs and activities in the amounts contained in the respective tables and should be expended consistent with the reporting requirements and directives included in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110-107):

“Diplomatic and Consular Programs”.

“Office of the Inspector General”.

“Educational and Cultural Exchange Programs”.

“Contributions to International Organizations”.

“Contributions for International Peacekeeping Activities”.

“Child Survival and Health Programs Fund”.

“International Disaster and Famine Assistance”.

“Operating Expenses of the United States Agency for International Development”.

“Operating Expenses of the United States Agency for International Development Office of Inspector General”.

“Economic Support Fund”.

“Assistance for Eastern Europe and the Baltic States”.

“Democracy Fund”.

“International Narcotics Control and Law Enforcement”.

“Migration and Refugee Assistance”.

“Nonproliferation, Anti-Terrorism, Demining and Related Programs”.

“Foreign Military Financing Program”.

“Peacekeeping Operations”.

(b) Any proposed increases or decreases to the amounts contained in the tables in the joint explanatory statement shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 3808. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter and under the headings in chapter 6 of title I, except for funds appropriated under the heading “International Disaster and Famine Assistance”: *Provided*, That funds appropriated under the headings in this chapter and in chapter 6 of title I, except for funds appropriated under the heading named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CONDITIONS ON ASSISTANCE FOR PAKISTAN

SEC. 3809. None of the funds made available for assistance for the central Government of Pakistan under the heading “Economic Support Fund” in this Act may be made available for non-project assistance until the Secretary of State submits to the Committees on Appropriations a report on the oversight mechanisms, performance benchmarks, and implementation processes for such funds: *Provided*, That notwithstanding any other provision of law, funds made available for non-project assistance pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available for assistance for Pakistan under the heading “Economic Support Fund” in this Act, $5,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, for political party development and election observation programs.

CIVILIAN RESERVE CORPS

SEC. 3810. Of the funds appropriated by this Act under the heading “Diplomatic and Consular Programs”, up to $50,000,000 may be made available to support and maintain a civilian reserve corps: *Provided*, That none of the funds for a civilian reserve corps may be obligated without specific authorization in a subsequent Act of Congress: *Provided further*, That funds made available for this purpose shall be subject to the regular notification procedures of the Committees on Appropriations.

EXTENSION OF AVAILABILITY OF FUNDS

SEC. 3811. Section 1302(a) of Public Law 109-234 is amended by striking “one additional year” and inserting “two additional years”.

SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES

SEC. 3812. (a) INCREASE IN NUMBERS ADMITTED.—Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking "as a translator" and inserting ", or under Chief of Mission authority, as a translator or interpreter";

(B) in subparagraph (C), by inserting "the Chief of Mission or" after "recommendation from"; and

(C) in subparagraph (D), by inserting "the Chief of Mission or" after "as determined by"; and

(2) in subsection (c)(1), by striking "section during any fiscal year shall not exceed 50." and inserting the following: "section—

"(A) during each of the fiscal years 2007 and 2008, shall not exceed 500; and

"(B) during any other fiscal year shall not exceed 50.".

(b) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—Section 1059(c)(2) of such Act is amended—

(1) by amending the paragraph designation and heading to read as follows:

"(2) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—"; and

(2) by inserting "and shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4))" before the period at the end.

(c) ADJUSTMENT OF STATUS.—Section 1059 of such Act is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

"(1) was paroled or admitted as a nonimmigrant into the United States; and

"(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act.".

TITLE IV—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 4101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking "During calendar year 2006, the" and inserting "The".

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $50,000,000, to remain available until expended: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina: *Provided further*, That these funds shall be apportioned among the States in quotient to their level of violent crime as estimated by the Federal Bureau of Investigation's Uniform Crime Report for the year 2005.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", for necessary expenses related to the consequences of Hurricanes Katrina and Rita on the shrimp and fishing industries, $110,000,000, to remain available until September 30, 2008.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities" for necessary expenses related to the consequences of Hurricane Katrina, $20,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4201. Funds provided in this Act for the "Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", shall be made available according to the language relating to such account in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107).

SEC. 4202. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,300,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,407,700,000, to remain available until expended: *Provided*, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading "Flood Control and Coastal Emergencies", in chapter 3 of Public Law 109–148: *Provided further*, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled "Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi": *Provided further*, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing for all costs associated with operation and maintenance of the project: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4301. The Secretary is authorized and directed to determine the value of eligible reimbursable expenses incurred by local governments in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area that the Secretary determines to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 4302. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading "Flood Control and Coastal Emergencies" for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized, subject to the approval of the House and Senate Committees on Appropriation.

SEC. 4303. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges to the lakefront or in combination with discharges directly to the Mississippi River in Jefferson Parish; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: *Provided*, That the analysis should be conducted at Federal expense: *Provided further*, That the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SEC. 4304. Using funds made available in Chapter 3 under title II of Public Law 109–234, under the heading "Investigations", the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: *Provided*, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $181,069,000, to remain available until expended, shall be used for administrative expenses to carry out the disaster loan program, which may be transferred to and merged with "Small Business Administration, Salaries and Expenses", of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be paid to appropriations for the Office of Inspector General; of which $171,569,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,000,000 is for indirect administrative expenses.

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $25,000,000 shall be made available for loans under section 7(b)(2) of the Small Business Act to pre-existing businesses located in an area for which the President declared a major disaster because of the hurricanes in the Gulf of Mexico in calendar year 2005, of which not to exceed $8,750,000 is for direct administrative expenses and may be transferred to and merged with "Small Business Administration, Salaries and Expenses" to carry out the disaster loan program of the Small Business Administration.

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $150,000,000 is transferred to the "Federal Emergency Management Agency, Disaster Relief" account.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief", $710,000,000, to remain available until expended: *Provided*, That $4,000,000 shall be transferred to "Office of Inspector General": *Provided further*, That the Government Accountability Office shall review how the Federal Emergency Management Agency develops its estimates of the funds needed to respond to any given disaster as described in House Report 110-60.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Wilma, Dennis, and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—

(1) IN GENERAL.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

(2) LIMITATION.—In the case of disaster assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share provided by subsection (a) shall be limited to assistance provided for projects for which a "request for public assistance form" has been submitted.

SEC. 4502. (a) COMMUNITY DISASTER LOAN ACT.—

(1) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88) is amended by striking "*Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88).

(b) EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—

(1) IN GENERAL.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended under Federal Emergency Management Agency, "Disaster Assistance Direct Loan Program Account" by striking "*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 4503. (a) IN GENERAL.—Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended by striking "12 months" and inserting "24 months".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until September 30, 2008: *Provided*, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: *Provided further*, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: *Provided further*, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 4601. Of the disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, "National Park Service—Historic Preservation Fund", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season that were allocated to the State of Mississippi by the National Park Service, $500,000 is hereby transferred to the "National Park Service—National Recreation and Preservation" appropriation: *Provided*, That these funds may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: *Provided further*, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount under part B of title VII of the Higher Education Act of 1965 ("HEA") for institutions of higher education (as defined in section 101 or section 102(c) of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to Hurricanes Katrina or Rita, $30,000,000: *Provided*, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: *Provided further*, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA: *Provided further*, That the Secretary shall award funds available under this paragraph not later than 60 days after the date of the enactment of this Act.

HURRICANE EDUCATION RECOVERY

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators, who commit to work for at least three years in school-based positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness, with priority given to teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators who previously worked or lived in one of the affected areas, are currently employed (or become employed) in such a school in any of the affected areas after those disasters, and commit to continue that employment for at least 3 years, *Provided*, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity, knowledge, and skill of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school-based school principals, assistant principals, principal resident directors, and assistant directors; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided further*, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State Superintendent of Education: *Provided further*, That, in the case of any State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and in collaboration with local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, the State educational agency shall develop a plan for a rating system for performance bonuses, and if no agreement has been reached that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately send a letter notifying Congress and shall, not later than 30 days after such notification, establish and implement a rating system that shall be based on classroom observation and feedback more than once annually, conducted by multiple sources (including, but not limited to, principals and master teachers), and evaluated against research-based rubrics that use planning, instructional, and learning environment standards to measure teacher performance, except that the requirements of this proviso shall not apply to a State that has enacted a State law in 2006 authorizing performance pay for teachers.

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e), for the following costs: (1) recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators for school-based positions in public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness; (2) activities to build the capacity, knowledge, and skills of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (3) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and school-based school principals, assistant principals, principal resident directors, and assistant directors; and (4) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: "With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008.".

SEC. 4702. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading "Social Services Block Grant" in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2009.

SEC. 4703. (a) In the event that Louisiana, Mississippi, Alabama, or Texas fails to meet its match requirement with funds appropriated in fiscal years 2006 or 2007, for fiscal years 2008 and 2009, the Secretary of Health and Human Services may waive the application of section 2617(d)(4) of the Public Health Service Act for Louisiana, Mississippi, Alabama, and Texas.

(b) The Secretary may not exercise the waiver authority available under subsection (a) to allow a grantee to provide less than a 25 percent matching grant.

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $871,022,000, to remain available until expended: *Provided*, That section 125(d)(1) of title 23, United States Code, shall not apply to emergency relief projects that respond to damage caused by the 2005–2006 winter storms in the State of California: *Provided further*, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $871,022,000 are rescinded: *Provided further*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $35,000,000, for the operating and capital costs of transit services, to remain available until expended: *Provided*, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $7,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4801. The third proviso under the heading "Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) is amended by striking "for up to 18 months" and inserting "until December 31, 2007".

SEC. 4802. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: ": *Provided further*, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2007 based on the higher of the amounts the agencies would receive under the previous proviso or the amounts the agencies received in calendar year 2006, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2007 equal to the amounts the agencies received in calendar year 2006, except that public housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the previous proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the United States Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the previous proviso than they would receive under this proviso and that have been placed in receivership or the Secretary has declared to be in breach of an Annual Contributions Contract by June 1, 2007; and (3) public housing agencies that spent more in calendar year 2006 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2006 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2005 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2006".

SEC. 4803. Section 901 of Public Law 109–148 is amended by deleting "calendar year 2006" and inserting "calendar years 2006 and 2007".

CHAPTER 9

DEPARTMENT OF VETERANS AFFAIRS

Departmental Administration

CONSTRUCTION, MINOR PROJECTS

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for Department of Veterans Affairs, "Construction, Minor Projects", $14,484,754, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season.

Of the funds available until September 30, 2007, for the "Construction, Minor Projects" account of the Department of Veterans Affairs, pursuant to section 2702 of Public Law 109–234, $14,484,754 are hereby rescinded.

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 5101. In addition to any other available funds, there is hereby appropriated $40,000,000 to the Secretary of Agriculture, to remain available until expended, for programs and activities of the Department of Agriculture, as determined by the Secretary, to provide recovery assistance in response to damage in conjunction with the Presidential declaration of a major disaster (FEMA–1699–DR) dated May 6, 2007, for needs not met by the Federal Emergency Management Agency or private insurers: *Provided*, That, in addition, the Secretary may use funds provided under this section, consistent with the provisions of this section, to respond to any other Presidential declaration of a major disaster issued under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), declared during fiscal year 2007 for events occurring before the date of the enactment of this Act or a Secretary of Agriculture declaration of a natural disaster, declared during fiscal year 2007 for events occurring before the date of the enactment of this Act.

CHAPTER 2

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $60,400,000, to remain available until September 30, 2008: *Provided*, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

INVESTIGATIONS

For an additional amount for "Investigations" for flood damage reduction studies to address flooding associated with disasters covered by Presidential Disaster Declaration FEMA–1692–DR, $8,165,000, to remain available until expended.

CONSTRUCTION

For an additional amount for "Construction" for flood damage reduction activities associated with disasters covered by Presidential Disaster Declarations FEMA–1692–DR and FEMA–1694–DR, $11,200,000, to remain available until expended.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels related to the consequences of hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law, $153,300,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That of the funds provided under this heading, $7,000,000 shall be available for drought emergency assistance.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $18,000,000, to remain available until expended for drought assistance: *Provided*, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $95,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

National Park Service

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

Forest Service

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for the implementation of a nationwide initiative to increase protection of national forest lands from drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $370,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION—THIS CHAPTER

SEC. 5401. (a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106-393 are amended, effective September 30, 2006, by striking "2006" and "2007" each place they appear and inserting "2007" and "2008", respectively.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: *Provided*, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: *Provided further*, That the amount provided under this heading shall remain available until September 30, 2008.

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109-148), $50,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS)

SEC. 5501. (a). From unexpended balances available for the Training and Employment Services account under the Department of Labor, the following amounts are hereby rescinded—

(1) $3,589,000 transferred pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38);

(2) $834,000 transferred pursuant to the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211); and

(3) $71,000 for the Consortium for Worker Education pursuant to the Emergency Supplemental Act, 2002 (Public Law 107-117).

(b) From unexpended balances available for the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to the Emergency Supplemental Act, 2002 (Public Law 107-117), $4,100,000 are hereby rescinded.

SEC. 5502. (a) For an additional amount under "Department of Education, Safe Schools and Citizenship Education", $8,594,000 shall be available for Safe and Drug-Free Schools National Programs for competitive grants to local educational agencies to address youth violence and related issues.

(b) The competition under subsection (a) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

SEC. 5503. Unobligated balances from funds appropriated in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117) to the Department of Health and Human Services under the heading "Public Health and Social Services Emergency Fund" that are available for bioterrorism preparedness and disaster response activities in the Office of the Secretary shall also be available for the construction, renovation and improvement of facilities on federally-owned land as necessary for continuity of operations activities.

CHAPTER 6

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "Capitol Police, General Expenses", $10,000,000 for a radio modernization program, to remain available until expended: *Provided*, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", $50,000,000, for utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: *Provided*, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

CHAPTER 7

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $466,778,000, to remain available until expended, of which $30,000,000 shall be for the establishment of at least one new Level I comprehensive polytrauma center; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $10,000,000 shall be for additional transition caseworkers; $20,000,000 shall be for substance abuse treatment programs; $20,000,000 shall be for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 shall be for additional polytrauma points of contact; $228,982,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $25,000,000 shall be for prosthetics.

MEDICAL ADMINISTRATION

For an additional amount for "Medical Administration", $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: *Provided*, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan, by project, for non-recurring maintenance prior to obligation: *Provided further*, That semi-annually, on October 1 and April 1, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a report on the status of funding for non-recurring maintenance, including obligations and unobligated balances for each project identified in the expenditure plan.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for "Medical and Prosthetic Research", $32,500,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "General Operating Expenses", $83,200,000, to remain available until expended, of which $1,250,000 shall be for digitization of military records; $60,750,000 shall be for expenses related to hiring and training new claims processing personnel; up to $1,200,000 shall be for an independent study of the organizational structure, management and coordination processes, including seamless transition, utilized by the Department of Veterans Affairs to provide health care and benefits to active duty personnel and veterans, including those returning Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $20,000,000 shall be for disability examinations: *Provided*, That not to exceed $1,250,000 of the amount appropriated under this heading may be transferred to the Department of Defense for the digitization of military records used to verify stressors for benefits claims.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $35,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of Operation Enduring Freedom and Operation Iraqi Freedom veterans benefits claims, including making electronic Department of Defense medical records available for claims processing and enabling electronic benefits applications by veterans; and $15,100,000 shall be for electronic data breach remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $326,000,000, to remain available until expended, of which up to

$36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5701. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

SEC. 5702. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 5703. (a)(1) The Secretary of Veterans Affairs (referred to in this section as the "Secretary") may convey to the State of Texas, without consideration, all rights, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary shall conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

(c) Nothing in this section may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SEC. 5704. (a) Funds provided in this Act for the following accounts shall be made available for programs under the conditions contained in the language of the joint explanatory statement of managers accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107):

"Medical Services".
"Medical Administration".
"Medical Facilities".
"Medical and Prosthetic Research".
"General Operating Expenses".
"Information Technology Systems".
"Construction, Minor Projects".

(b) The Secretary of Veterans Affairs shall submit all reports requested in House Report 110–60 and Senate Report 110–37, to the Committees on Appropriations of both Houses of Congress.

SEC. 5705. Subsection (d) of section 2023 of title 38, United States Code, is amended by striking "shall cease" and all that follows through "program" and inserting "shall cease on September 30, 2007".

TITLE VI—OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Farm Service Agency, $37,500,000, to remain available until September 30, 2008: *Provided*, That this amount shall only be available for network and database/application stabilization.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6101. Of the funds made available through appropriations to the Food and Drug Administration for fiscal year 2007, not less than $4,000,000 shall be for the Office of Women's Health of such Administration.

SEC. 6102. None of the funds made available to the Department of Agriculture for fiscal year 2007 may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6201. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 6202. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6301. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking "January 1, 2006" and inserting "March 1, 2008".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

SEC. 6302. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 6303. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 6304. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 6305. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs, the House Committee on Financial Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee a written report, which may include a classified annex, containing the names of companies which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, are known to conduct significant business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction as required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress, which may include a classified annex, regarding the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

SEC. 6306. (a) Of the funds provided for the General Services Administration, "Office of Inspector General" in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $4,500,000 are rescinded.

(b) For an additional amount for the General Services Administration, "Office of Inspector General", $4,500,000, to remain available until September 30, 2008.

(c) With the additional amount of $9,336,000 appropriated in Public Law 110–5 and in this Act, above the amount appropriated in Public Law 109–115, of which $4,500,000 remains available for obligation in fiscal year 2008, the Office of Inspector General shall hire additional staff for internal audits and investigations, and the remaining funds shall be for one-time associated needs such as information technology and other such administrative support.

SEC. 6307. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law

110-5) is amended by adding a new subsection (j) as follows:

"(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this Act for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.".

SEC. 6308. It is the sense of Congress that the Small Business Administration will provide, through funds available within amounts already appropriated for Small Business Administration disaster assistance, physical and economic injury disaster loans to Kansas businesses and homeowners devastated by the severe tornadoes, storms, and flooding that occurred beginning on May 4, 2007.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6401. Not to exceed $30,000,000 from unobligated balances remaining from prior appropriations for United States Coast Guard, "Retired Pay", shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose: *Provided*, That within 45 days after the date of enactment of this Act, the United States Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following: (1) a report on steps being taken to improve the accuracy of its estimates for the "Retired Pay" appropriation, and (2) quarterly reports on the use of unobligated balances made available by this Act to address the projected shortfall in the "Retired Pay" appropriation, as well as updated estimates for fiscal year 2008.

SEC. 6402. (a) IN GENERAL.—Any contract, subcontract, task or delivery order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement that no procurement subject to subsection (b) for lead asset production or the implementation of a major design change shall be entered into unless an independent third party with no financial interest in the development, construction, or modification of any component of the asset, selected by the Commandant, determines that such action is advisable.

(4) A requirement for independent lifecycle cost estimates of lead assets and major design and engineering changes.

(5) A requirement for the measurement of contractor and subcontractor performance based on the status of all work performed. For contracts under the Integrated Deepwater Systems program, such requirement shall include a provision that links award fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as chair of each integrated product team and higher-level team assigned to the oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity for the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) CONTRACTS, SUBCONTRACTS, TASK AND DELIVERY ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract; and

(3) any task or delivery order issued pursuant to such a contract or subcontract.

(c) EXPENDITURE OF DEEPWATER FUNDS.—Of the funds available for the Integrated Deepwater Systems program, $650,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset;

(2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(6) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(7) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A–11, part 7;

(8) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements, and that any conflicts of interest have been sufficiently addressed;

(9) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(10) includes a certification that the Assistant Commandant of the Coast Guard for Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater Systems program; and

(11) identifies progress in complying with the requirements of subsection (a).

(d) REPORTS.—(1) Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: (i) a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater Systems program; and (ii) a report on how the Coast Guard will utilize full and open competition for any contract that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater Systems program, entered into after the date of enactment of this Act.

(2) Within 30 days following the submission of the expenditure plan required under subsection (c), the Government Accountability Office shall review the plan and brief the Committees on Appropriations of the Senate and the House of Representatives on its findings.

SEC. 6403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, and the Coast Guard Academy, except as specifically authorized by a statute enacted after the date of enactment of this Act.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 6404. (a) RESCISSIONS.—The following unobligated balances made available pursuant to section 505 of Public Law 109–90 are rescinded: $1,200,962 from the "Office of the Secretary and Executive Management"; $512,855 from the "Office of the Under Secretary for Management"; $461,874 from the "Office of the Chief Information Officer"; $45,080 from the "Office of the Chief Financial Officer"; $968,211 from Preparedness "Management and Administration"; $1,215,486 from Science and Technology "Management and Administration"; $450,000 from United States Secret Service "Salaries and Expenses"; $450,000 from Federal Emergency Management Agency "Administrative and Regional Operations"; and $25,595,532 from United States Coast Guard "Operating Expenses".

(b) ADDITIONAL APPROPRIATIONS.—

(1) For an additional amount for United States Coast Guard "Acquisition, Construction, and Improvements", $30,000,000, to remain available until September 30, 2009, to mitigate the Service's patrol boat operational gap.

(2) For an additional amount for the "Office of the Under Secretary for Management", $900,000 for an independent study to compare the Department of Homeland Security senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies as detailed in House Report 110–107: *Provided*, That the Department of Homeland Security shall provide to the Committees on Appropriations of the Senate and the House of Representatives by July 20, 2007, a report on senior staffing, as detailed in Senate Report 110–37, and the Government Accountability Office shall report on the strengths and weakness of this report within 90 days after its submission.

SEC. 6405. (a) IN GENERAL.—With respect to contracts entered into after July 1, 2007, and except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

(b) EXCEPTION.—An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

(1) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Commerce, Science and Transportation of the Senate that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(d) REGULATIONS UPDATE.—Not later than July 1, 2007, the Secretary of Homeland Security shall update the acquisition regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be: (1) a precise and comprehensive definition of the term "lead system integrator", modeled after that used by the Department of Defense; and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: "; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54".

SEC. 6502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: ", of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required".

SEC. 6503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after "$55,663,000" the following: "of which $13,000,000 shall be for Save America's Treasures".

SEC. 6504. Funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading "Land Acquisition" may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "National Institute of Allergy and Infectious Diseases", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "Office of the Director", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $300,000, to remain available until expended, for necessary expenses related to the requirements of the Post-Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RESCISSIONS)

SEC. 6601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after "$5,000,000": "(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost), to remain available through September 30, 2008,".

SEC. 6602. (a) None of the funds available to the Mine Safety and Health Administration under the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) shall be used to enter into or carry out a contract for the performance by a contractor of any operations or services pursuant to the public-private competitions conducted under Office of Management and Budget Circular A–76.

(b) Hereafter, Federal employees at the Mine Safety and Health Administration shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 6603. Section 20607 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting "of which $9,666,000 shall be for the Women's Bureau," after "for child labor activities,".

SEC. 6604. Of the amount provided for "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" in the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $23,000,000 shall be for Poison Control Centers.

SEC. 6605. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $500,000 are rescinded.

SEC. 6606. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking "$7,172,994,000" and inserting "$7,176,431,000";

(2) amending subparagraph (A) to read as follows: "(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;"; and

(3) amending subparagraph (C) to read as follows: "(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;".

SEC. 6607. The provision in the first proviso under the heading "Rehabilitation Services and Disability Research" in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

SEC. 6608. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for administrative expenses of the Department of Education, $500,000 are rescinded: *Provided*, That such reduction shall not apply to funds available to the Office for Civil Rights and the Office of the Inspector General.

SEC. 6609. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading "National and Community Service Programs, Operating Expenses" under the heading "Corporation for National and Community Service", to the account under the heading "Salaries and Expenses" under the heading "Corporation for National and Community Service".

SEC. 6610. (a) Section 1310.12(a) of title 45, Code of Federal Regulations, shall take effect 30 days after the date of enactment of this Act.

(b)(1) Not later than 60 days after the National Highway Traffic Safety Administration of the Department of Transportation submits its study on occupant protection on Head Start transit vehicles (related to Government Accountability Office report GAO–06–767R), the Secretary of Health and Human Services shall review and shall revise as necessary the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) relating to allowable alternate vehicles used to transport children for a Head Start program. In making any such revision, the Secretary shall revise the standards to be consistent with the findings contained in such study, including making a determination on the exemption of such a vehicle from Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, if such vehicle meets all other applicable Federal motor vehicle safety standards, including standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling).

(2) Notwithstanding subsection (a), until such date as the Secretary of Health and Human Services completes the review and any necessary revision specified in paragraph (1), the provisions of section 1310.12(a) relating to Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, for allowable alternate vehicles used to transport children for a Head Start program, shall not apply to such a vehicle if such vehicle meets all other applicable Federal motor vehicle safety standards, as described in paragraph (1).

SEC. 6611. (a)(1) Section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)(G)) (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended—

(A) in clause (i)(II)(aa), by striking "for each of the 3 plan years immediately before the date of the enactment of the Pension Protection Act of 2006," and inserting "for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan,";

(B) in clause (ii), by striking "starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006" and inserting "starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under clause (i)(II)"; and

(C) by adding at the end the following new clause:

"(vii) For purposes of this Act and the Internal Revenue Code of 1986, a plan making an election under this subparagraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.".

(2) Paragraph (6) of section 414(f) of the Internal Revenue Code of 1986 (relating to election with regard to multiemployer status) (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended—

(A) in subparagraph (A)(ii)(I), by striking "for each of the 3 plan years immediately before the date of enactment of the Pension Protection Act of 2006," and inserting "for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan,";

(B) in subparagraph (B), by striking "starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006" and inserting "starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under subparagraph (A)(ii)"; and

(C) by adding at the end the following new subparagraph:

"(F) MAINTENANCE UNDER COLLECTIVE BARGAINING AGREEMENT.—For purposes of this title and the Employee Retirement Income Security Act of 1974, a plan making an election under this paragraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.".

(b)(1) Clause (vi) of section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended by striking "if it is a plan—" and all that follows and inserting the following: "if it is a plan sponsored by an organization which is described in section 501(c)(5) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which was established in Chicago, Illinois, on August 12, 1881.".

(2) Subparagraph (E) of section 414(f)(6) of the Internal Revenue Code of 1986 (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended by striking "if it is a plan—" and all that follows and inserting the following: "if it is a plan sponsored by an organization which is described in section 501(c)(5) and exempt from tax under section 501(a) and which was established in Chicago, Illinois, on August 12, 1881.".

(c) The amendments made by this section shall take effect as if included in section 1106 of the Pension Protection Act of 2006.

SEC. 6612. (a) Subclause (III) of section 420(f)(2)(E)(i) of the Internal Revenue Code of 1986 is amended by striking "subsection (c)(2)(E)(ii)(II)" and inserting "subsection (c)(3)(E)(ii)(II)".

(b) Section 420(e)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "funding shortfall" and inserting "funding target".

(c) The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 6613. (a) Subparagraph (A) of section 420(c)(3) of the Internal Revenue Code of 1986 is amended by striking "transfer." and inserting "transfer or, in the case of a transfer which involves a plan maintained by an employer described in subsection (f)(2)(E)(i)(III), if the plan meets the requirements of subsection (f)(2)(D)(i)(II).".

(b) The amendment made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

SEC. 6614. (a) Section 402(i)(1) of the Pension Protection Act of 2006 is amended by striking "December 28, 2007" and inserting "January 1, 2008".

(b) The amendment made by subsection (a) shall take effect as if included in section 402 of the Pension Protection Act of 2006.

SEC. 6615. (a) Section 402(a)(2) of the Pension Protection Act of 2006 is amended by inserting "and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)" after "such plan year".

(b) The amendment made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Gloria W. Norwood, widow of Charles W. Norwood, Jr., late a Representative from the State of Georgia, $165,200.

For payment to James McDonald, Jr., widower of Juanita Millender-McDonald, late a Representative from the State of California, $165,200.

GENERAL PROVISION—THIS CHAPTER

SEC. 6701. (a) There is established in the Office of the Architect of the Capitol the position of Chief Executive Officer for Visitor Services (in this section referred to as the "Chief Executive Officer"), who shall be appointed by the Architect of the Capitol.

(b) The Chief Executive Officer shall be responsible for the operation and management of the Capitol Visitor Center, subject to the direction of the Architect of the Capitol. In carrying out these responsibilities, the Chief Executive Officer shall report directly to the Architect of the Capitol and shall be subject to policy review and oversight by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(c) The Chief Executive Officer shall be paid at an annual rate equal to the annual rate of pay for the Chief Operating Officer of the Office of the Architect of the Capitol.

(d) This section shall apply with respect to fiscal year 2007 and each succeeding fiscal year.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

TECHNICAL AMENDMENT

SEC. 6801. (a) Notwithstanding any other provision of law, subsection (c) under the heading "Assistance for the Independent States of the Former Soviet Union" in Public Law 109-102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109-289, division B) as amended by Public Laws 109-369, 109-383, and 110-5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102) is amended, in the second proviso, by inserting after "subsection (b) of that section" the following: "and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section".

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Law 110-5), the amount of funds appropriated for "Foreign Military Financing Program" pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

SEC. 6802. Notwithstanding any provision of title I of division B of the Continuing Appropriations Resolution, 2007 (division B of

Public Law 109-289, as amended by Public Laws 109-369, 109-383, and 110-5), the dollar amount limitation of the first proviso under the heading, "Administration of Foreign Affairs, Diplomatic and Consular Programs", in title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2319) shall not apply to funds appropriated under such heading for fiscal year 2007.

CHAPTER 9

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $6,150,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109-115: *Provided*, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6901. (a) Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexico-domiciled motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107-87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

(b) Prior to the initiation of the pilot program described in subsection (a) in any fiscal year—

(1) the Inspector General of the Department of Transportation shall transmit to Congress and the Secretary of Transportation a report verifying compliance with each of the requirements of subsection (a) of section 350 of Public Law 107-87, including whether the Secretary of Transportation has established sufficient mechanisms to apply Federal motor carrier safety laws and regulations to motor carriers domiciled in Mexico that are granted authority to operate beyond the United States municipalities and commercial zones on the United States-Mexico border and to ensure compliance with such laws and regulations; and

(2) the Secretary of Transportation shall—

(A) take such action as may be necessary to address any issues raised in the report of the Inspector General under subsection (b)(1) and submit a report to Congress detailing such actions; and

(B) publish in the Federal Register, and provide sufficient opportunity for public notice and comment—

(i) comprehensive data and information on the pre-authorization safety audits conducted before and after the date of enactment of this Act of motor carriers domiciled in Mexico that are granted authority to operate beyond the United States municipalities and commercial zones on the United States-Mexico border;

(ii) specific measures to be required to protect the health and safety of the public, including enforcement measures and penalties for noncompliance;

(iii) specific measures to be required to ensure compliance with section 391.11(b)(2) and section 365.501(b) of title 49, Code of Federal Regulations;

(iv) specific standards to be used to evaluate the pilot program and compare any change in the level of motor carrier safety as a result of the pilot program; and

(v) a list of Federal motor carrier safety laws and regulations, including the commercial drivers license requirements, for which the Secretary of Transportation will accept compliance with a corresponding Mexican law or regulation as the equivalent to compliance with the United States law or regulation, including for each law or regulation an analysis as to how the corresponding United States and Mexican laws and regulations differ.

(c) During and following the pilot program described in subsection (a), the Inspector General of the Department of Transportation shall monitor and review the conduct of the pilot program and submit to Congress and the Secretary of Transportation an interim report, 6 months after the commencement of the pilot program, and a final report, within 60 days after the conclusion of the pilot program. Such reports shall address whether—

(1) the Secretary of Transportation has established sufficient mechanisms to determine whether the pilot program is having any adverse effects on motor carrier safety;

(2) Federal and State monitoring and enforcement activities are sufficient to ensure that participants in the pilot program are in compliance with all applicable laws and regulations; and

(3) the pilot program consists of a representative and adequate sample of Mexico-domiciled carriers likely to engage in cross-border operations beyond United States municipalities and commercial zones on the United States-Mexico border.

(d) In the event that the Secretary of Transportation in any fiscal year seeks to grant operating authority for the purpose of initiating cross-border operations beyond United States municipalities and commercial zones on the United States-Mexico border either with Mexico-domiciled motor coaches or Mexico-domiciled commercial motor vehicles carrying placardable quantities of hazardous materials, such activities shall be initiated only after the conclusion of a separate pilot program limited to vehicles of the pertinent type. Each such separate pilot program shall follow the same requirements and processes stipulated under subsections (a) through (c) of this section and shall be planned, conducted and evaluated in concert with the Department of Homeland Security or its Inspector General, as appropriate, so as to address any and all security concerns associated with such cross-border operations.

SEC. 6902. Funds provided for the "National Transportation Safety Board, Salaries and Expenses" in section 21031 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Law 110-5) include amounts necessary to make lease payments due in fiscal year 2007 only, on an obligation incurred in 2001 under a capital lease.

SEC. 6903. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Law 110-5) is amended by adding after the second proviso: ": *Provided further*, That paragraph (2) under such heading in Public Law 109-115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading 'Annual Contributions for Assisted Housing', the heading 'Housing Certificate Fund', and the heading 'Project-Based Rental Assistance' for fiscal year 2006 and prior fiscal years: *Provided further*, That paragraph (3) under such heading in Public Law 109-115 (119 Stat. 2441) shall be funded at $47,500,000: *Provided further*, That paragraph (4) under such heading in Public Law 109-115 (119 Stat. 2441) shall be funded at $5,900,000: *Provided further*, That paragraph (5) under such heading in Public Law 109-115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance".

SEC. 6904. Section 232(b) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106-377) is amended to read as follows:

"(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) as in effect before such enactment, or under section 8(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)) as in effect before the enactment of the Quality Housing and Work Responsibility Act of 1998 (title V of Public Law 105-276), assistance may be renewed or extended under such section 8(o)(13), as amended by subsection (a), provided that the initial contract term and rent of such renewed or extended assistance shall be determined pursuant to subparagraphs (F) and (H), and subparagraphs (C) and (D) of such section shall not apply to such extensions or renewals.".

TITLE VII—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES STATE CHILDREN'S HEALTH INSURANCE FUND

For an additional amount to provide additional allotments to remaining shortfall States under section 2104(h)(4) of the Social Security Act, as inserted by section 6001, such sums as may be necessary, but not to exceed $650,000,000 for fiscal year 2007, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 7001. (a) ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking "REMAINDER OF REDUCTION" and inserting "PART"; and

(2) by striking paragraph (4) and inserting the following:

"(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

"(A) IN GENERAL.—From the amounts provided in advance in appropriations Acts, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

"(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected Federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and

"(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).".

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking "subject to paragraph (4)(B) and";

(2) in paragraph (2)(B), by striking "subject to paragraph (4)(B) and";

(3) in paragraph (5)(A), by striking "and (3)" and inserting "(3), and (4)"; and

(4) in paragraph (6)—

(A) in the first sentence—

(i) by inserting "or allotted" after "redistributed"; and

(ii) by inserting "or allotments" after "redistributions"; and

(B) by striking "and (3)" and inserting "(3), and (4)".

SEC. 7002. (a) PROHIBITION.—

(1) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to—

(A) finalize or otherwise implement provisions contained in the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations);

(B) promulgate or implement any rule or provisions similar to the provisions described in subparagraph (A) pertaining to the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act; or

(C) promulgate or implement any rule or provisions restricting payments for graduate medical education under the Medicaid program.

(2) CONTINUATION OF OTHER SECRETARIAL AUTHORITY.—The Secretary of Health and Human Service shall not be prohibited during the period described in paragraph (1) from taking any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to enforce a provision of law in effect as of the date of enactment of this Act with respect to the Medicaid program or the State Children's Health Insurance Program, or to promulgate or implement a new rule or provision during such period with respect to such programs, other than a rule or provision described in paragraph (1) and subject to the prohibition set forth in that paragraph.

(b) REQUIREMENT FOR USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER THE MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking "or" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; or"; and

(C) by inserting after paragraph (22) the following new paragraph:

"(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions executed after September 30, 2007.

(c) EXTENSION OF CERTAIN PHARMACY PLUS WAIVERS.—

(1) AUTHORITY TO CONTINUE TO OPERATE WAIVERS.—Notwithstanding any other provision of law, any State that is operating a Pharmacy Plus waiver described in paragraph (2) which would otherwise expire on June 30, 2007, may elect to continue to operate the waiver through December 31, 2009 and if a State elects to continue to operate such a waiver, the Secretary of Health and Human Services shall approve the continuation of the waiver through December 31, 2009.

(2) PHARMACY PLUS WAIVER DESCRIBED.—For purposes of paragraph (1), a Pharmacy Plus waiver described in this paragraph is a waiver approved by the Secretary of Health and Human Services under the authority of section 1115 of the Social Security Act (42 U.S.C. 1315) that provides coverage for prescription drugs for individuals who have attained age 65 and whose family income does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of such Act (42 U.S.C. 1397jj(c)(5)).

TITLE VIII—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 8101. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 8102. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 8103. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a)—

(1) the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this paragraph is equal to the minimum wage set forth in such section; and

(2) the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) the applicable wage rate in effect for each industry and classification under section 697 of title 29, Code of Federal Regulations, on the date of enactment of this Act;

(B) increased by $0.50 an hour, beginning on the 60th day after the date of enactment of this Act; and

(C) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended—

(A) by striking sections 5 and 8; and

(B) in section 6(a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 60 days after the date of enactment of this Act.

SEC. 8104. STUDY ON PROJECTED IMPACT.

(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

(1) assess the impact of the wage increases required by this Act through such date; and

(2) project the impact of any further wage increase,

on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) REPORT.—Not later than the date that is 8 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).

Subtitle B—Small Business Tax Incentives

SEC. 8201. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Small Business and Work Opportunity Tax Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Sec. 8201. Short title; amendment of Code; table of contents.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

SUBPART A—GENERAL PROVISIONS

Sec. 8211. Extension and modification of work opportunity tax credit.
Sec. 8212. Extension and increase of expensing for small business.
Sec. 8213. Determination of credit for certain taxes paid with respect to employee cash tips.
Sec. 8214. Waiver of individual and corporate alternative minimum tax limits on work opportunity credit and credit for taxes paid with respect to employee cash tips.
Sec. 8215. Family business tax simplification.

SUBPART B—GULF OPPORTUNITY ZONE TAX INCENTIVES

Sec. 8221. Extension of increased expensing for qualified section 179 Gulf Opportunity Zone property.
Sec. 8222. Extension and expansion of low-income housing credit rules for buildings in the GO Zones.
Sec. 8223. Special tax-exempt bond financing rule for repairs and reconstructions of residences in the GO Zones.
Sec. 8224. GAO study of practices employed by State and local governments in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005.

SUBPART C—SUBCHAPTER S PROVISIONS

Sec. 8231. Capital gain of S corporation not treated as passive investment income.
Sec. 8232. Treatment of bank director shares.
Sec. 8233. Special rule for bank required to change from the reserve method of accounting on becoming S corporation.
Sec. 8234. Treatment of the sale of interest in a qualified subchapter S subsidiary.
Sec. 8235. Elimination of all earnings and profits attributable to pre-1983 years for certain corporations.
Sec. 8236. Deductibility of interest expense on indebtedness incurred by an electing small business trust to acquire S corporation stock.

PART 2—REVENUE PROVISIONS

Sec. 8241. Increase in age of children whose unearned income is taxed as if parent's income.
Sec. 8242. Suspension of certain penalties and interest.
Sec. 8243. Modification of collection due process procedures for employment tax liabilities.
Sec. 8244. Permanent extension of IRS user fees.
Sec. 8245. Increase in penalty for bad checks and money orders.
Sec. 8246. Understatement of taxpayer liability by return preparers.
Sec. 8247. Penalty for filing erroneous refund claims.
Sec. 8248. Time for payment of corporate estimated taxes.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 8211. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking "December 31, 2007" and inserting "August 31, 2011".

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) DESIGNATED COMMUNITY RESIDENTS.—

"(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability, and—

"(I) having a hiring date which is not more that 1 year after having been discharged or released from active duty in the Armed Forces of the United States, or

"(II) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.".

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "ONLY FIRST $6,000 OF" in the heading and inserting "LIMITATION ON".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 8212. EXTENSION AND INCREASE OF EXPENSING FOR SMALL BUSINESS.

(a) EXTENSION.—Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179 (relating to election to expense certain depreciable business assets) are each amended by striking "2010" and inserting "2011".

(b) INCREASE IN LIMITATIONS.—Subsection (b) of section 179 is amended—

(1) by striking "$100,000 in the case of taxable years beginning after 2002" in paragraph (1) and inserting "$125,000 in the case of taxable years beginning after 2006", and

(2) by striking "$400,000 in the case of taxable years beginning after 2002" in paragraph (2) and inserting "$500,000 in the case of taxable years beginning after 2006".

(c) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(5) is amended—

(1) by striking "2003" and inserting "2007",

(2) by striking "$100,000 and $400,000" and inserting "$125,000 and $500,000", and

(3) by striking "2002" in clause (ii) and inserting "2006".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8213. DETERMINATION OF CREDIT FOR CERTAIN TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) IN GENERAL.—Subparagraph (B) of section 45B(b)(1) is amended by inserting "as in effect on January 1, 2007, and" before "determined without regard to".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to tips received for services performed after December 31, 2006.

SEC. 8214. WAIVER OF INDIVIDUAL AND CORPORATE ALTERNATIVE MINIMUM TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking "and" at the end of clause (i), by inserting a comma at the end of clause (ii), and by adding at the end the following new clauses:

"(iii) the credit determined under section 45B, and

"(iv) the credit determined under section 51.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined under sections 45B and 51 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2006, and to carrybacks of such credits.

SEC. 8215. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) In General.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Qualified Joint Venture.—

"(1) In general.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

"(A) such joint venture shall not be treated as a partnership,

"(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

"(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

"(2) Qualified joint venture.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

"(A) the only members of such joint venture are a husband and wife,

"(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

"(C) both spouses elect the application of this subsection.".

(b) Net Earnings From Self-Employment.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking ", and" at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of paragraph (16) and inserting "; and", and by inserting after paragraph (16) the following new paragraph:

"(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.".

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subpart B—Gulf Opportunity Zone Tax Incentives

SEC. 8221. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking "this subsection, the term" and inserting:

"this subsection—

"(A) In general.—The term", and

(2) by adding at the end the following new subparagraph:

"(B) Extension for certain property.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

"(i) without regard to subsection (d)(6), and

"(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.".

SEC. 8222. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) Time for Making Low-Income Housing Credit Allocations.—Subsection (c) of section 1400N (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) Time for making low-income housing credit allocations.—Section 42(h)(1)(B) shall not apply to an allocation of housing credit dollar amount to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone, if such allocation is made in 2006, 2007, or 2008, and such building is placed in service before January 1, 2011.".

(b) Extension of Period for Treating GO Zones as Difficult Development Areas.—

(1) In general.—Subparagraph (A) of section 1400N(c)(3) is amended by striking "2006, 2007, or 2008" and inserting "the period beginning on January 1, 2006, and ending on December 31, 2010".

(2) Conforming amendment.—Clause (ii) of section 1400N(c)(3)(B) is amended by striking "such period" and inserting "the period described in subparagraph (A)".

(c) Community Development Block Grants Not Taken Into Account in Determining if Buildings Are Federally Subsidized.—Subsection (c) of section 1400N (relating to low-income housing credit), as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) Community development block grants not taken into account in determining if buildings are federally subsidized.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.".

SEC. 8223. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Subsection (a) of section 1400N (relating to tax-exempt bond financing) is amended by adding at the end the following new paragraph:

"(7) Special rule for repairs and reconstructions.—

"(A) In general.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

"(B) Qualified GO zone repair or reconstruction.—For purposes of subparagraph (A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

"(C) Termination.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.".

SEC. 8224. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) In General.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) Submission of Report.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) Congressional Hearings.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

Subpart C—Subchapter S Provisions

SEC. 8231. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) In General.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraphs:

"(B) Gross receipts from the sales of certain assets.—For purposes of this paragraph—

"(i) in the case of dispositions of capital assets (other than stock and securities), gross receipts from such dispositions shall be taken into account only to the extent of the capital gain net income therefrom, and

"(ii) in the case of sales or exchanges of stock or securities, gross receipts shall be taken into account only to the extent of the gains therefrom.

"(C) Passive investment income defined.—

"(i) In general.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) Exception for interest on notes from sales of inventory.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 8232. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f).".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 8233. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8234. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) IN GENERAL.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8235. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 8236. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

"(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART 2—REVENUE PROVISIONS

SEC. 8241. INCREASE IN AGE OF CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

"(A) such child—

"(i) has not attained age 18 before the close of the taxable year, or

"(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

"(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof)) for such taxable year,".

(b) CONFORMING AMENDMENT.—Subsection (g) of section 1 is amended by striking "MINOR" in the heading thereof.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 8242. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking "18-month period" and inserting "36-month period".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of this Act.

SEC. 8243. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a disqualified employment tax levy,".

(b) DISQUALIFIED EMPLOYMENT TAX LEVY.—Section 6330 of such Code (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(h) DISQUALIFIED EMPLOYMENT TAX LEVY.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies served on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 8244. PERMANENT EXTENSION OF IRS USER FEES.

Section 7528 (relating to Internal Revenue Service user fees) is amended by striking subsection (c).

SEC. 8245. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 8246. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking "income" each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking "subtitle A" each place it appears and inserting "this title".

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(ii) Section 6060(a) is amended—

(I) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(II) by striking "each income tax return preparer" and inserting "each tax return preparer", and

(III) by striking "another income tax return preparer" and inserting "another tax return preparer".

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(B) Section 6103(k)(5) is amended—

(i) by striking "income tax return preparer" each place it appears and inserting "tax return preparer", and

(ii) by striking "income tax return preparers" each place it appears and inserting "tax return preparers".

(C)(i) Section 6107 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears in subsections (a) and (b) and inserting "a tax return preparer",

(III) by striking "INCOME TAX RETURN PREPARER" in the heading for subsection (b) and inserting "TAX RETURN PREPARER", and

(IV) in subsection (c), by striking "income tax return preparers" and inserting "tax return preparers".

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking "Income tax return preparer" and inserting "Tax return preparer".

(D) Section 6109(a)(4) is amended—

(i) by striking "an income tax return preparer" and inserting "a tax return preparer", and

(ii) by striking "INCOME RETURN PREPARER" in the heading and inserting "TAX RETURN PREPARER".

(E) Section 6503(k)(4) is amended by striking "Income tax return preparers" and inserting "Tax return preparers".

(F)(i) Section 6694 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) in subsection (c)(2), by striking "the income tax return preparer" and inserting "the tax return preparer",

(IV) in subsection (e), by striking "subtitle A" and inserting "this title", and

(V) in subsection (f), by striking "income tax return preparer" and inserting "tax return preparer".

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers."

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

"(A) the tax return preparer knew (or reasonably should have known) of the position,

"(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

"(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

"(ii) there was no reasonable basis for the position.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $5,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

"(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

"(B) a reckless or intentional disregard of rules or regulations.

"(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 8247. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) Excessive Amount.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) Coordination With Other Penalties.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit which is subject to a penalty imposed under part II of subchapter A of chapter 68.".

(b) Conforming Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(c) Effective Date.—The amendments made by this section shall apply to any claim filed or submitted after the date of the enactment of this Act.

SEC. 8248. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "106.25 percent" and inserting "114.25 percent".

Subtitle C—Small Business Incentives

SEC. 8301. SHORT TITLE.

This subtitle may be cited as the "Small Business and Work Opportunity Act of 2007".

SEC. 8302. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) In General.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) Compliance Guide.—

"(1) In general.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) Publication of guides.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) Publication date.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) Compliance actions.—

"(A) In general.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) Explanation.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) Procedures.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) Agency preparation of guides.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) Reporting.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) Technical and Conforming Amendment.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SEC. 8303. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) Establishment.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) Application.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) Amount and Period of Grant.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) Use of Funds.—

(1) In general.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) Application.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) Preference.—

(A) In general.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) Consortium.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) Limitations.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) Matching Requirement.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) Requirements of Providers.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) State-Level Activities.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 8304. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 8305. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) RENEWAL.—

"(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SEC. 8306. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

TITLE IX—AGRICULTURAL ASSISTANCE

SEC. 9001. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005, 2006, or 2007 crop, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before February 28, 2007, or, in the case of prevented planting or other total loss, would have been planted before February 28, 2007, in the absence of the damaging weather or any related condition.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 42 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 42 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to

obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 9002. LIVESTOCK ASSISTANCE.

(a) Livestock Compensation Program.—

(1) Availability of assistance.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 61 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) Eligible applicants.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) Election of losses.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) Mitigation.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) Definitions.—In this subsection:

(A) Disaster county.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) Natural disaster declaration.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(b) Livestock Indemnity Payments.—

(1) Availability of assistance.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for assistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) Election of losses.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) Payment rates.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 26 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) Livestock defined.—In this subsection, the term "livestock" means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) Definitions.—In this subsection:

(A) Disaster county.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) Natural disaster declaration.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

SEC. 9003. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $16,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

SEC. 9004. PAYMENT LIMITATIONS.

(a) Reduction in Payments to Reflect Payments for Same or Similar Losses.—The amount of any payment for which a producer is eligible under sections 9001 and 9002 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006 or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

(b) Adjusted Gross Income Limitation.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) shall apply with respect to assistance provided under sections 9001, 9002, and 9003.

SEC. 9005. ADMINISTRATION.

(a) Regulations.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 9001 and 9002.

(b) Procedure.—The promulgation of the implementing regulations and the administration of sections 9001 and 9002 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) Use of Commodity Credit Corporation; Limitation.—In implementing sections 9001 and 9002, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 9001 and 9002 unless funds have been specifically appropriated for such purpose.

SEC. 9006. MILK INCOME LOSS CONTRACT PROGRAM.

(a) Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) in subparagraph (B), by striking "August" and all that follows through the end and inserting "September 30, 2007, 34 percent."; and

(3) by striking subparagraph (C).

(b) Section 10002 of this Act shall not apply to this section except with respect to fiscal years 2007 and 2008.

SEC. 9007. DAIRY ASSISTANCE.

There is hereby appropriated $16,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 9002 of this title, to remain available until expended.

SEC. 9008. NONINSURED CROP ASSISTANCE PROGRAM.

For states in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 9009. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

There is hereby appropriated $16,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

SEC. 9010. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking "section 726" and inserting in lieu thereof "section 726; section 741".

SEC. 9011. ADMINISTRATIVE EXPENSES.

There is hereby appropriated $22,000,000 for the "Farm Service Agency, Salaries and Expenses", to remain available until September 30, 2008.

SEC. 9012. CONTRACT WAIVER.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

TITLE X—GENERAL PROVISIONS

SEC. 10001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 10002. Amounts in this Act (other than in titles VI and VIII) are designated as emergency requirements and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AMENDMENT 2 TO THE SENATE AMENDMENT TO H.R. 2206

In lieu of titles I and II of House amendment 1 (or, if such amendment has not been agreed to, in lieu of the matter proposed to be inserted by the Senate amendment), insert the following:

TITLE I—SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED NEEDS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,450,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $118,260,000, to remain available until September 30, 2008.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,468,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until September 30, 2008.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1201. Funds provided in this Act for the "Department of Justice, United States Marshals Service, Salaries and Expenses" shall be made available according to the language relating to such account in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107).

SEC. 1202. Funds provided in this Act for the "Department of Justice, Legal Activities, Salaries and Expenses, General Legal Activities", shall be made available according to the language relating to such account in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107).

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $8,510,270,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $692,127,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,386,871,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,079,287,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $147,244,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $77,800,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $5,500,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $436,025,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $24,500,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $20,373,379,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $4,652,670,000, of which up to $120,293,000 shall be transferred to Coast Guard, "Operating Expenses", for reimbursement for activities which support activities requested by the Navy.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,146,594,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $6,650,881,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,714,487,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $74,049,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $111,066,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $13,591,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $10,160,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $83,569,000.

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $38,429,000.

Afghanistan Security Forces Fund

For an additional amount for "Afghanistan Security Forces Fund", $5,906,400,000, to remain available until September 30, 2008.

Iraq Security Forces Fund

For an additional amount for "Iraq Security Forces Fund", $3,842,300,000, to remain available until September 30, 2008.

Iraq Freedom Fund

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $355,600,000, to remain available for transfer until September 30, 2008: *Provided*, That up to $50,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

Joint Improvised Explosive Device Defeat Fund

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,432,800,000, to remain available until September 30, 2009.

PROCUREMENT

Aircraft Procurement, Army

For an additional amount for "Aircraft Procurement, Army", $619,750,000, to remain available until September 30, 2009.

Missile Procurement, Army

For an additional amount for "Missile Procurement, Army", $111,473,000, to remain available until September 30, 2009.

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $3,404,315,000, to remain available until September 30, 2009.

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $681,500,000, to remain available until September 30, 2009.

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $9,859,137,000, to remain available until September 30, 2009.

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $1,090,287,000, to remain available until September 30, 2009.

Weapons Procurement, Navy

For an additional amount for "Weapons Procurement, Navy", $163,813,000, to remain available until September 30, 2009.

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $159,833,000, to remain available until September 30, 2009.

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $618,709,000, to remain available until September 30, 2009.

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $989,389,000, to remain available until September 30, 2009.

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $2,106,468,000, to remain available until September 30, 2009.

Missile Procurement, Air Force

For an additional amount for "Missile Procurement, Air Force", $94,900,000, to remain available until September 30, 2009.

Procurement of Ammunition, Air Force

For an additional amount for "Procurement of Ammunition, Air Force", $6,000,000, to remain available until September 30, 2009.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $1,957,160,000, to remain available until September 30, 2009.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $721,190,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For an additional amount for "Research, Development, Test and Evaluation, Army", $100,006,000, to remain available until September 30, 2008.

Research, Development, Test and Evaluation, Navy

For an additional amount for "Research, Development, Test and Evaluation, Navy", $298,722,000, to remain available until September 30, 2008.

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $187,176,000, to remain available until September 30, 2008.

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $512,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $1,115,526,000.

National Defense Sealift Fund

For an additional amount for "National Defense Sealift Fund", $5,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $1,123,147,000.

Drug Interdiction and Counter-Drug Activities, Defense

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $254,665,000, to remain available until expended.

RELATED AGENCIES

Intelligence Community Management Account

For an additional amount for "Intelligence Community Management Account", $71,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this Act are available for obligation until September 30, 2007, unless otherwise provided herein.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense (except for military construction) in this Act: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: *Provided further*, That funds previously transferred to the "Joint Improvised Explosive Device Defeat Fund" and the "Iraq Security Forces Fund" under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this Act may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense (except for military construction) or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operation and maintenance in this Act to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. Section 9010 of division A of Public Law 109–289 is amended by striking "2007" each place it appears and inserting "2008".

SEC. 1309. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this Act may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1310. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking "$310,277,000" and inserting "$376,446,000".

SEC. 1311. Section 9007 of Public Law 109–289 is amended by striking "20" and inserting "287".

SEC. 1312. From funds made available for the "Iraq Security Forces Fund" for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

(TRANSFER OF FUNDS)

SEC. 1313. Notwithstanding any other provision of law, not to exceed $110,000,000 may be transferred to the "Economic Support Fund", Department of State, for use in programs in Pakistan from amounts appropriated by this Act as follows:

"Military Personnel, Army", $70,000,000.

"National Guard Personnel, Army", $13,183,000.

"Defense Health Program", $26,817,000.

SEC. 1314. (a) FINDINGS REGARDING PROGRESS IN IRAQ, THE ESTABLISHMENT OF BENCHMARKS TO MEASURE THAT PROGRESS, AND REPORTS TO CONGRESS.—Congress makes the following findings:

(1) Over 145,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States Armed Forces, and are deserving of the strong support of all Americans.

(2) Many American service personnel have lost their lives, and many more have been wounded in Iraq; the American people will always honor their sacrifice and honor their families.

(3) The United States Army and Marine Corps, including their Reserve components and National Guard organizations, together with components of the other branches of the military, are performing their missions while under enormous strain from multiple, extended deployments to Iraq and Afghanistan. These deployments, and those that will follow, will have a lasting impact on future recruiting, retention, and readiness of our Nation's all volunteer force.

(4) Iraq is experiencing a deteriorating problem of sectarian and intrasectarian violence based upon political distrust and cultural differences among factions of the Sunni and Shia populations.

(5) Iraqis must reach political and economic settlements in order to achieve reconciliation, for there is no military solution. The failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq.

(6) The responsibility for Iraq's internal security and halting sectarian violence rests with the sovereign Government of Iraq.

(7) In December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq, that will enable the United States to begin to move its combat forces out of Iraq responsibly.

(8) The President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists.

(9) It is essential that the sovereign Government of Iraq set out measurable and achievable benchmarks and President Bush said, on January 10, 2007, that "America will change our approach to help the Iraqi government as it works to meet these benchmarks".

(10) As reported by Secretary of State Rice, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006 that were (A) reaffirmed by Iraq's Presidency Council on October 6, 2006; (B) referenced by the Iraq Study Group; and (C) posted on the President of Iraq's Web site.

(11) On April 21, 2007, Secretary of Defense Robert Gates stated that "our [American] commitment to Iraq is long-term, but it is not a commitment to have our young men and women patrolling Iraq's streets open-endedly" and that "progress in reconciliation will be an important element of our evaluation".

(12) The President's January 10, 2007 address had three components: political, military, and economic. Given that significant time has passed since his statement, and recognizing the overall situation is ever changing, Congress must have timely reports to evaluate and execute its constitutional oversight responsibilities.

(b) CONDITIONING OF FUTURE UNITED STATES STRATEGY IN IRAQ ON THE IRAQI GOVERNMENT'S RECORD OF PERFORMANCE ON ITS BENCHMARKS.—

(1) IN GENERAL.—

(A) The United States strategy in Iraq, hereafter, shall be conditioned on the Iraqi government meeting benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including:

(i) Forming a Constitutional Review Committee and then completing the constitutional review.

(ii) Enacting and implementing legislation on de-Baathification.

(iii) Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner.

(iv) Enacting and implementing legislation on procedures to form semi-autonomous regions.

(v) Enacting and implementing legislation establishing an Independent High Electoral Commission, provincial elections law, provincial council authorities, and a date for provincial elections.

(vi) Enacting and implementing legislation addressing amnesty.

(vii) Enacting and implementing legislation establishing a strong militia disarmament program to ensure that such security forces are accountable only to the central government and loyal to the Constitution of Iraq.

(viii) Establishing supporting political, media, economic, and services committees in support of the Baghdad Security Plan.

(ix) Providing three trained and ready Iraqi brigades to support Baghdad operations.

(x) Providing Iraqi commanders with all authorities to execute this plan and to make tactical and operational decisions, in consultation with U.S. commanders, without political intervention, to include the authority to pursue all extremists, including Sunni insurgents and Shiite militias.

(xi) Ensuring that the Iraqi Security Forces are providing even handed enforcement of the law.

(xii) Ensuring that, according to President Bush, Prime Minister Maliki said "the Baghdad security plan will not provide a safe haven for any outlaws, regardless of [their] sectarian or political affiliation".

(xiii) Reducing the level of sectarian violence in Iraq and eliminating militia control of local security.

(xiv) Establishing all of the planned joint security stations in neighborhoods across Baghdad.

(xv) Increasing the number of Iraqi security forces units capable of operating independently.

(xvi) Ensuring that the rights of minority political parties in the Iraqi legislature are protected.

(xvii) Allocating and spending $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(xviii) Ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces.

(B) The President shall submit reports to Congress on how the sovereign Government of Iraq is, or is not, achieving progress towards accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires, or does not require, changes to the strategy announced on January 10, 2007.

(2) REPORTS REQUIRED.—

(A) The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

(B) The President, having consulted with the Secretary of State, the Secretary of Defense, the Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress.

(C) If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate.

(D) The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria outlined above.

(E) The reporting requirement detailed in section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived from the date of the enactment of this Act through the period ending September 15, 2007.

(3) TESTIMONY BEFORE CONGRESS.—Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress.

(c) LIMITATIONS ON AVAILABILITY OF FUNDS.—

(1) LIMITATION.—No funds appropriated or otherwise made available for the "Economic Support Fund" and available for Iraq may be obligated or expended unless and until the President of the United States certifies in the report outlined in subsection (b)(2)(A) and makes a further certification in the report outlined in subsection (b)(2)(D) that Iraq is making progress on each of the benchmarks set forth in subsection (b)(1)(A).

(2) WAIVER AUTHORITY.—The President may waive the requirements of this section if he submits to Congress a written certification setting forth a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring the Iraqi government into compliance with the benchmarks set forth in subsection (b)(1)(A). The certification shall be submitted in unclassified form, but may include a classified annex.

(d) REDEPLOYMENT OF U.S. FORCES FROM IRAQ.—The President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces.

(e) INDEPENDENT ASSESSMENTS.—

(1) ASSESSMENT BY THE COMPTROLLER GENERAL.—

(A) Not later than September 1, 2007, the Comptroller General of the United States shall submit to Congress an independent report setting forth—

(i) the status of the achievement of the benchmarks specified in subsection (b)(1)(A); and

(ii) the Comptroller General's assessment of whether or not each such benchmark has been met.

(2) ASSESSMENT OF THE CAPABILITIES OF IRAQI SECURITY FORCES.—

(A) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense, $750,000, that the Department, in turn, will commission an independent, private sector entity, which operates as a 501(c)(3), with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(i) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12 to 18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(ii) The training, equipping, command, control and intelligence capabilities, and logistics capacity of the ISF.

(iii) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in clause (i).

(B) REPORT.—Not later than 120 days after the enactment of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations/International Relations, and Intelligence.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $63,000,000, to remain available until expended.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,255,890,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $173,700,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $369,690,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: *Provided further*, That of the funds made available under this heading, $401,700,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That of the funds provided under this heading, $274,800,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $370,990,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $49,600,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $324,270,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Marine Corps end-strength growth to the Committees on Appropriations of the House of Representatives and the Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $43,300,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $3,000,000 shall be available for study, planning, design, and architect and engineer services.

GENERAL PROVISION—THIS CHAPTER

SEC. 1501. (a) Funds provided in this Act for the following accounts shall be made available for programs under the conditions contained in the language of the joint explanatory statement of managers accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107):

"Military Construction, Army".

"Military Construction, Navy and Marine Corps".

"Military Construction, Air Force".

(b) The Secretary of Defense shall submit all reports requested in House Report 110-60 and Senate Report 110–37 to the Committees on Appropriations of both Houses of Congress.

CHAPTER 6

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $836,555,000, to remain available until September 30, 2008, of which $64,655,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: *Provided further*, That 20 percent of the amount available for Iraq operations shall not be obligated until the Committees on Appropriations receive and approve a detailed plan for expenditure, prepared by the Secretary of State, and submitted within 60 days after the date of enactment of this Act: *Provided further*, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for terrorism rewards.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $35,000,000, to remain available until December 31, 2008: *Provided*, That such amount shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $20,000,000, to remain available until expended.

International Organizations

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $283,000,000, to remain available until September 30, 2008.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Child Survival and Health Programs Fund", $161,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, if the President determines and reports to the Committees on Appropriations that the human-to-human transmission of the avian influenza virus is efficient and sustained, and is spreading internationally, funds made available under the heading "Millennium Challenge Corporation" and "Global HIV/AIDS Initiative" in prior Acts making appropriations for foreign operations, export financing, and related programs may be transferred to, and merged with, funds made available under this heading to combat avian influenza: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $105,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $5,700,000, to remain available until September 30, 2008.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,502,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, $57,400,000 shall be made available to nongovernmental organizations in Iraq for economic and social development programs and activities in areas of conflict: *Provided further*, That the responsibility for policy decisions and justifications for the use of funds appropriated by the previous proviso shall be the responsibility of the United States Chief of Mission in Iraq: *Provided further*, That none of the funds appropriated under this heading in this Act or in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available for the Political Participation Fund and the National Institutions Fund: *Provided further*, That of the funds made available under the heading "Economic Support Fund" in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $214,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

Department of State

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $255,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $190,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and not less than $60,000,000 shall be made available for the United States Agency for International Development, for democracy, human rights and rule of law programs in Iraq: *Provided further*, That not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $210,000,000, to remain available until September 30, 2008.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $71,500,000, to remain available until September 30, 2008, of which not less than $5,000,000 shall be made available to rescue Iraqi scholars.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $30,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $27,500,000, to remain available until September 30, 2008.

Department of the Treasury

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

Funds Appropriated to the President

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $220,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $190,000,000, to remain available until September 30, 2008: *Provided*, That not later than 30 days after enactment of this Act and every 30 days thereafter until September 30, 2008, the Secretary of State shall submit a report to the Committees on Appropriations detailing the obligation and expenditure of funds made available under this heading in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs.

GENERAL PROVISION—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 1601. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

TITLE II—HURRICANE KATRINA RECOVERY

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

DISASTER RELIEF

For an additional amount for "Disaster Relief", $3,400,000,000, to remain available until expended.

If House amendment 1 has not been agreed to, insert after title II of the provisions inserted by this amendment the following:

TITLE III—GENERAL PROVISIONS

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. Amounts in this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

If House amendment 1 has not been agreed to, insert before title I of the provisions inserted by this amendment the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supplemental Appropriations Act for Defense, International Affairs, Other Security-Related Needs, and Hurricane Katrina Recovery, 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED NEEDS
TITLE II—HURRICANE KATRINA RECOVERY
TITLE III—GENERAL PROVISIONS

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

If House amendment 1 has been agreed to, conform the table of contents in section 2 to reflect the titles inserted by the provisions of this amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 438, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending legislation and that I be permitted to include tables, charts and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are two sets of issues before us, the President's request for almost $100 billion to finance the cost of the war in Iraq for the remainder of this fiscal year, which ends October 1.

There is a second set of issues which relate to urgent needs for this year, additional funding for State Children's Health Insurance Program to prevent many thousands of poor children and some of their parents from losing health coverage; gulf coast recovery after Katrina; drought relief for farmers and the 70 percent of the U.S. counties that the President named as disaster areas; and other areas where we believe we must do more than the President wants to do; defense health, such as efforts to provide more help to veterans with traumatic rain injury; veterans' health, to help veterans overcome ridiculous backlogs; homeland security, to strengthen our ports, our borders and our cargo inspection systems; full funding for BRAC, the base realignment requirements; additional funding for military housing needs; and greater resources to wage the effort to root out al Qaeda in Afghanistan.

Dealing with these issues is complicated by the fact that this country and this Congress are deeply divided on our involvement in the Iraqi civil war, which has dragged on now for more than 4 years.

Several weeks ago, House Democrats tried to use the President's funding request to establish a process to responsibly end our involvement in that Iraqi civil war. To that end, we passed and sent to the President a plan that spent almost $4 billion more than the President wanted on the health and safety of our troops. It established limits on how much sacrifice could be asked of U.S. military units when no one else, except for military families, are appreciably sacrificing anything in this so-called war effort. It also sets standards for judging the success or failure of the administration's policy.

Now, why did we do that? Because we agree with virtually every general who has said that this civil war will not be resolved militarily. It will be resolved only politically and diplomatically by Iraqi factions making the compromises necessary to bring that civil war to a conclusion.

The President vetoed that proposal. To override the veto, we needed two-thirds of the House and the Senate to concur. We didn't get it for a simple reason, that Democrats did not have two-thirds of the seats in Congress.

Next we tried to send another proposition to the President and gave the President a limited amount of money and tried to set another more flexible set of standards for proceeding with this war. That failed in the Senate.

At that point, like it or not, we ran out of options for using this fiscal year 2007 supplemental to force a change in administration policy.

On Friday we met with the administration and offered to drop all domestic items if the administration would accept meaningful benchmarks and timelines for ending our involvement in that civil war. They flatly refused. That leaves us with the Senate-passed plan, which sets a much weaker set of benchmarks than those passed by the House.

It is clear we do not have the 60 votes necessary to end debate in the Senate and force a policy change on the administration by using the fiscal year 2007 supplemental. Because there are only months left in the fiscal year, no serious person can expect that it is possible to redeploy our troops during that time.

So the question becomes, how do we continue to press for an end to our involvement in that war on a reasonable time frame? The proposition now before us shifts the debate to the President's budget request for the next fiscal year, which begins on October 1.

Weak as it is, the Senate-adopted Warner amendment, with its 18 new benchmarks, at least does end the totally blank check that previous Congresses have provided. Weak as it is, it does at least give Members of Congress whose feet are not firmly planted in the status quo another opportunity to review the futile administration policy by establishing a requirement for two reports to the Congress, one in July and one in September.

The proposal before us will mean that, in September, using the required reports, the Congress will have an opportunity to decide what course of action to take on this war. That decision will be just 4 months away.

Meanwhile, we also insist that the President accept the fact that there are other pressing needs, to which we have an obligation to respond.

This proposal contains a long overdue increase in the minimum wage for America's lowest-paid workers, a wage which may not bother many people in this Chamber but a wage which unconscionably has been frozen for a decade. It will contain $17 billion that the President did not want for added defense and veterans' health care, for BRAC, for military housing, for Homeland Security, for Katrina, drought relief and State Children's Health Insurance Program. Some items it should contain, it does not.

For example, low-income heating, home energy assistance and funding for the pandemic flu.

□ 1715

This proposition falls far short of containing everything that it should on both the Iraqi war and on our own domestic needs. But I take some comfort in the knowledge that even Babe Ruth struck out more than 1,300 times. But weak as it is, this proposition does provide a structure and a process to continue the fight, and it recognizes reality.

I intend to vote against the first proposition that contains the President's military request and the Warner benchmarks because I believe they are far too weak, and I believe it is important to maximize the pressure on Iraqi politicians to compromise by having as many votes as possible for a stronger proposition. I expect to vote for the second proposition, which contains the minimum wage increase, and $17 billion of the $21 billion that we sought to respond to crucial national needs.

This proposition will transfer the Iraqi fight to September on the President's fiscal 2008 defense supplemental request, and it will require a vote on a proposition that would require the funds appropriated to be used to redeploy troops on a responsible time schedule. I am sure we will also address the issue on Mr. MURTHA's defense appropriation bill, on the regular bill that will come at us as we return from the Memorial Day recess.

This proposition is apparently the best that we can achieve given the votes that we have. It is my hope that, when these votes occur in September, a firm majority in both Houses will see through the smokescreens being produced by the administration and send an unequivocal message to both the administration and Iraqi political leaders that our patience is over.

Now, some news stories have said that Democrats have "given up on the time line." That is patent nonsense. There has never been a chance of a snowball in Hades that Congress would cut off funding for troops in the field.

Now, some people say to us, why don't you do what you did in Vietnam and simply cut off the funds even while the troops are in the field? Well, I've got news for you, that is not what the Congress did in Vietnam. I know; I was here. When Congress passed the Addabbo amendment, there were less than 500

American troops left in Vietnam. What the Addabbo amendment did was to cut off American aid to the South Vietnamese Government.

Even if the Congress were to cut off aid to troops in the field, the President undoubtedly would not abide by that. He would simply assert his Commander in Chief authority to manage the troops any way he wanted, and we would be tied up challenging that in the court for months, long past the time period covered by the fiscal year 2007 supplemental which this legislation addresses.

The last proposal we sent to the Senate attempted to limit the amount of money available to the President to 2 months' operating expenses, fencing the rest to try to force a policy change.

All we are doing by this arrangement is to slip the timetable an additional 2 months from that proposal, shifting the debate from the 2007 supplemental to the 2008 supplemental. That means our Republican friends who continue to support the President on this misbegotten war will have to face votes in July and in September on the same issue.

We are not giving up. We are simply recognizing that no one believes that it is possible, given the Senate's inability to produce 60 votes to shut down debate, to change course during the remainder of this fiscal year. That may not be a pleasant fact, but it is a reality. Opponents of the war need to face this fact just as the President and his allies need to face the fact that they are following a dead-end policy which we will continue to make every possible effort to change.

Mr. OBEY. Following are additional explanatory materials regarding the appropriations for the Department of Defense made by the House amendments to the Senate amendment to H.R. 2206.

DEPARTMENT OF DEFENSE—MILITARY

PROGRAM EXECUTION

The Department of Defense shall execute the appropriations provided in this Act consistent with the allocation of funds contained in the joint explanatory statement of the committee of conference accompanying H.R. 1591 when such appropriations (by account) are equal to those appropriations (by account) provided in this Act. The Department is further directed to adhere to the reporting requirements in Senate Report 110-37 and House Report 110-60 except as otherwise contravened by the joint explanatory statement of the committee of conference accompanying H.R. 1591 or the following statement.

REPORTING REQUIREMENTS

The Secretary of Defense shall provide a report to the congressional defense committees within 30 days after the date of enactment of this legislation on the allocation of the funds within the accounts listed in this Act. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this Act are no longer available for obligation. These reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this Act by program and subactivity group for the continuation of the war in Iraq and Afghanistan; and a listing of equipment procured using funds provided in this Act. In order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified. The Department of Defense shall follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this Act.

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex.

OPERATION AND MAINTENANCE

SOAR VIRTUAL SCHOOL DISTRICT

The Deputy Undersecretary of Defense for Military Community and Family Policy is directed to comply with the guidance contained in the joint explanatory statement of the committee of conference accompanying H.R. 1591 regarding the Student Online Achievement Resources (SOAR Virtual School District) program.

IRAQ SECURITY FORCES FUND

The Department is directed to report to the House and Senate Committees on Appropriations within 90 days of enactment of this Act the accountability requirements DoD has applied to the train-and-equip program for Iraq and the plans underway to formulate property accountability rules and regulations that distinguish between war and peace.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The Joint Improvised Explosive Device Defeat Organization (JIEDDO) shall report on JIEDDO staffing levels no later than June 29, 2007.

PROCUREMENT

SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM (SINCGARS) FAMILY

The Department of the Army is directed to comply with the guidance contained in the joint explanatory statement of the committee of conference accompanying H.R. 1591 regarding funding limitations and reporting requirements for the Single Channel Ground and Airborne Radio Systems.

DEFENSE HEALTH PROGRAM

TRAUMATIC BRAIN INJURY (TBI) AND POST-TRAUMATIC STRESS DISORDER (PTSD) TREATMENT AND RESEARCH

If a service member is correctly diagnosed with TBI or PTSD, the better chance he or she has of a full recovery. It is critical that health care providers are given the resources necessary to make accurate, timely referrals for appropriate treatment and that service members have high priority access to such services. Therefore, $900,000,000 is provided for access, treatment and research for Traumatic Brain Injury (TBI) and Post-Traumatic Stress Disorder (PTSD). Of the amount provided, $600,000,000 is for operation and maintenance and $300,000,000 is for research, development, test and evaluation to conduct peer reviewed research.

By increasing funding for TBI and PTSD, the Defense Department will now have significant resources to dramatically improve screening for risk factors, diagnosis, treatment, counseling, research, facilities and equipment to prevent or treat these illnesses.

To ensure that patients receive the best care available, the Department shall develop plans for the allocation of funds for TBI and PTSD by reviewing the possibility of conducting research on: therapeutic drugs and medications that "harden" the brain; and, testing and treatment for tinnitus which impacts 49 percent of blast victims. The Department also should consider in its planning the establishment of brain functioning base lines prior to deployment and the continued measurement of concussive injuries in theater.

If the Secretary of Defense determines that funds made available within the operation and maintenance account for the treatment of Traumatic Brain Injury and Post-Traumatic Stress Disorder are excess to the requirements of the Department of Defense, the Secretary may transfer excess amounts to the Department of Veterans Affairs to be available for the same purpose.

The Secretary of Defense shall notify the congressional defense committees no later than 15 days following any transfer of funds to the VA for PTSD/TBI treatment.

SUSTAINING THE MILITARY HEALTH CARE BENEFIT

Provided herein is $410,750,000 to fully fund the Defense Health Program for fiscal year 2007. The Department is expected to examine other ways to sustain the benefit without relying on Congress to enact legislation that would increase the out-of-pocket costs to the beneficiaries.

HEALTH CARE IN SUPPORT OF ARMY MODULAR FORCE CONVERSION AND GLOBAL POSITIONING

The Assistant Secretary of Defense for Health Affairs and the Surgeon General of the Army shall coordinate an effort and report back to the congressional defense committees within 120 days after enactment of this Act on how these anticipated costs will be funded to ensure soldiers and their families affected by AMF and global positioning will have access to the health care they deserve.

MEDICAL SUPPORT FOR TACTICAL UNITS

The Department of the Army is directed to address medical requirements for those tactical units currently deployed to or returning from the Iraq or Afghanistan theaters. The Department of the Army shall focus funding on the replenishment of medical supply and equipment needs within the combat theaters, to include bandages and the provision of medical care for soldiers who have returned home in a medical holdover status.

MEB/PEB IMPROVEMENTS

The system for evaluating soldiers' eligibility for disability benefits has diminished, causing the soldiers' needs to go unmet. In particular, the thousands of soldiers wounded in the wars in Iraq and Afghanistan have overwhelmed the system leading to failure to complete reviews in a timely manner. In some cases, lack of management, caseworkers, specialists to help identify depression and post-traumatic stress disorder, medical hold facilities and even wheelchair access has meant that wounded soldiers have had to overcome many obstacles during their medical care.

Therefore, within the funds provided, $30,000,000 is to be used for strengthening the process, programs, formalized training for personnel, and for the hiring of administrators and caseworkers. The resources provided are to be used at Walter Reed, Brooke, Madigan, and Womack Army Medical Centers and National Naval Medical Center, San Diego.

SUMMARY AND TABULAR MATERIALS

The following tables provide details of the supplemental appropriations for the Department of Defense–Military.

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
DEPARTMENT OF DEFENSE - MILITARY	
Military Personnel	
Military Personnel, Army (emergency)	8,853,350
Military Personnel, Navy (emergency)	1,100,410
Military Personnel, Marine Corps (emergency)	1,495,827
Military Personnel, Air Force (emergency)	1,218,587
Reserve Personnel, Army (emergency)	147,244
Reserve Personnel, Navy (emergency)	86,023
Reserve Personnel, Marine Corps (emergency)	5,660
Reserve Personnel, Air Force (emergency)	11,573
National Guard Personnel, Army (emergency)	545,286
National Guard Personnel, Air Force (emergency)	44,033
Subtotal	13,507,993
Operation and Maintenance	
Operation and Maintenance, Army (emergency)	20,373,379
Operation and Maintenance, Navy (emergency)	4,676,670
(Transfer to Coast Guard) (emergency)	(-120,293)
Operation and Maintenance, Marine Corps (emergency)	1,146,594
Operation and Maintenance, Air Force (emergency)	6,650,881
Operation and Maintenance, Defense-Wide (emergency)	2,714,487
Operation and Maintenance, Army Reserve (emergency)	74,049
Operation and Maintenance, Navy Reserve (emergency)	111,066
Operation and Maintenance, Marine Corps Reserve (emergency)	13,591
Operation and Maintenance, Air Force Reserve (emergency)	10,160
Operation and Maintenance, Army National Guard (emergency)	83,569
Operation and Maintenance, Air National Guard (emergency)	38,429
Afghanistan Security Forces Fund (emergency)	5,906,400
Iraq Security Forces Fund (emergency)	3,842,300
Iraq Freedom Fund (emergency)	355,600
Joint Improvised Explosive Device Defeat Fund (emergency)	2,432,800
Strategic Reserve Readiness Fund (emergency)	1,615,000
Subtotal	50,044,975
Procurement	
Aircraft Procurement, Army (emergency)	619,750
Missile Procurement, Army (emergency)	111,473
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	3,404,315
Procurement of Ammunition, Army (emergency)	681,500
Other Procurement, Army (emergency)	11,076,137
Aircraft Procurement, Navy (emergency)	1,090,287
Weapons Procurement, Navy (emergency)	163,813
Procurement of Ammunition, Navy and Marine Corps (emergency)	159,833
Other Procurement, Navy (emergency)	748,749
Procurement, Marine Corps (emergency)	2,252,749
Aircraft Procurement, Air Force (emergency)	2,106,468
Missile Procurement, Air Force (emergency)	94,900
Procurement of Ammunition, Air Force (emergency)	6,000
Other Procurement, Air Force (emergency)	2,096,200
Procurement, Defense-Wide (emergency)	980,050
Subtotal	25,592,224

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
Research, Development, Test and Evaluation	
Research, Development, Test and Evaluation, Army (emergency)	100,006
Research, Development, Test and Evaluation, Navy (emergency)	298,722
Research, Development, Test and Evaluation, Air Force (emergency)	187,176
Research, Development, Test and Evaluation, Defense-wide (emergency)	512,804
Subtotal	1,098,708
Revolving And Management Funds	
Defense Working Capital Funds (emergency)	1,115,526
National Defense Sealift Fund (emergency)	5,000
Subtotal	1,120,526
Other Department of Defense Programs	
Defense Health Program (emergency)	3,001,853
Operation and maintenance (emergency)	(2,552,153)
Procurement (emergency)	(118,000)
Research, development, test and evaluation (emergency)	(331,700)
Medical support fund (emergency)	---
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	254,665
Subtotal	3,256,518
Related Agencies	
Intelligence Community Management Account (emergency)	71,726
General Provisions	
Sec. 1302. New transfer authority (emergency)	(3,500,000)
Sec. 1305. Defense Cooperative Account transfer authority (emergency)	1,000
Sec. 1322. Military Construction, Army (by transfer) (emergency)	(-6,250)
Sec. 1313. Economic Support Fund (Department of State) (by transfer) (emergency)	(-110,000)
Total, Department of Defense	94,693,670

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
RECAPITULATION	
MILITARY PERSONNEL, ARMY	8,853,350
MILITARY PERSONNEL, NAVY	1,100,410
MILITARY PERSONNEL, MARINE CORPS	1,495,827
MILITARY PERSONNEL, AIR FORCE	1,218,587
RESERVE PERSONNEL, ARMY	147,244
RESERVE PERSONNEL, NAVY	86,023
RESERVE PERSONNEL, MARINE CORPS	5,660
RESERVE PERSONNEL, AIR FORCE	11,573
NATIONAL GUARD PERSONNEL, ARMY	545,286
NATIONAL GUARD PERSONNEL, AIR FORCE	44,033
GRAND TOTAL, MILITARY PERSONNEL	13,507,993

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
50	MILITARY PERSONNEL, ARMY	
100	ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
150	BASIC PAY	493,534
200	RETIRED PAY ACCRUAL	169,837
250	BASIC ALLOWANCE FOR HOUSING	411,479
300	BASIC ALLOWANCE FOR SUBSISTENCE	16,060
350	SPECIAL PAYS	415,457
400	SOCIAL SECURITY TAX	36,012
450	TOTAL, BUDGET ACTIVITY 1	1,542,379
500	ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
550	BASIC PAY	1,323,548
600	RETIRED PAY ACCRUAL	466,287
650	BASIC ALLOWANCE FOR HOUSING	1,409,965
700	SPECIAL PAYS	1,896,707
750	SOCIAL SECURITY TAX	101,057
800	TOTAL, BUDGET ACTIVITY 2	5,197,564
850	ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
900	BASIC ALLOWANCE FOR SUBSISTENCE	155,782
950	SUBSISTENCE-IN-KIND	1,216,195
1000	TOTAL, BUDGET ACTIVITY 4	1,371,977
1050	ACTIVITY 5: PERMANENT CHANGE OF STATION	
1100	ACCESSION TRAVEL	19,679
1150	OPERATIONAL TRAVEL	182,113
1200	ROTATIONAL TRAVEL	218,906
1250	TOTAL, BUDGET ACTIVITY 5	420,698
1300	ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS	
1350	INTEREST ON SOLDIERS DEPOSITS	21,779
1400	RESERVE INCOME REPLACEMENT PROGRAM	8,208
1450	UNEMPLOYMENT BENEFITS	144,489
1500	DEATH GRATUITIES	95,056
1550	SGLI/TSGLI INSURANCE PREMIUM	51,200
1700	TOTAL, BUDGET ACTIVITY 6	320,732
1750	TOTAL, MILITARY PERSONNEL, ARMY	8,853,350

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

MILITARY PERSONNEL, ARMY	
BA-1: PAY AND ALLOWANCES OF OFFICERS	
Basic Allowance for Housing	411,479
BA-2: PAY AND ALLOWANCES OF ENLISTED	
Basic Allowance for Housing	1,409,965

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
1800	MILITARY PERSONNEL, NAVY	
1850	ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
1900	BASIC PAY	78,148
1950	RETIRED PAY ACCRUAL	20,681
2000	BASIC ALLOWANCE FOR HOUSING	20,374
2050	BASIC ALLOWANCE FOR SUBSISTENCE	2,233
2100	SPECIAL PAYS	43,929
2150	SOCIAL SECURITY TAX	5,966
2200	TOTAL, BUDGET ACTIVITY 1	171,331
2250	ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
2300	BASIC PAY	145,279
2350	RETIRED PAY ACCRUAL	38,494
2400	BASIC ALLOWANCE FOR HOUSING	471,174
2450	SPECIAL PAYS	152,440
2500	SOCIAL SECURITY TAX	11,110
2550	TOTAL, BUDGET ACTIVITY 2	818,497
2600	ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
2650	BASIC ALLOWANCE FOR SUBSISTENCE	14,103
2700	SUBSISTENCE-IN-KIND	13,149
2750	TOTAL, BUDGET ACTIVITY 4	27,252
2800	ACTIVITY 5: PERMANENT CHANGE OF STATION	
2850	ACCESSION TRAVEL	7,911
2950	OPERATIONAL TRAVEL	15,936
3000	ROTATIONAL TRAVEL	4,437
3050	SEPARATION TRAVEL	6,216
3150	TOTAL, BUDGET ACTIVITY 5	34,500
3200	ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS	
3300	RESERVE INCOME REPLACEMENT PROGRAM	3,000
3350	UNEMPLOYMENT BENEFITS	28,200
3400	DEATH GRATUITIES	11,001
3450	SGLI/TSGLI INSURANCE PREMIUM	6,629
3600	TOTAL, BUDGET ACTIVITY 6	48,830
3650	TOTAL, MILITARY PERSONNEL, NAVY	1,100,410

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

MILITARY PERSONNEL, NAVY:	
BA-2: PAY AND ALLOWANCES OF ENLISTED	
Basic Allowance for Housing	471,174

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
3700	MILITARY PERSONNEL, MARINE CORPS	
3750	ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
3800	BASIC PAY	185,119
3850	RETIRED PAY ACCRUAL	49,056
3900	BASIC ALLOWANCE FOR HOUSING	63,537
3950	BASIC ALLOWANCE FOR SUBSISTENCE	5,839
4000	SPECIAL PAYS	27,331
4050	SOCIAL SECURITY TAX	14,162
4100	TOTAL, BUDGET ACTIVITY 1	345,044
4150	ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
4200	BASIC PAY	241,654
4250	RETIRED PAY ACCRUAL	64,039
4300	BASIC ALLOWANCE FOR HOUSING	241,915
4350	SPECIAL PAYS	438,168
4400	SOCIAL SECURITY TAX	18,487
4450	TOTAL, BUDGET ACTIVITY 2	1,004,263
4500	ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
4550	BASIC ALLOWANCE FOR SUBSISTENCE	38,624
4650	TOTAL, BUDGET ACTIVITY 4	38,624
4700	ACTIVITY 5: PERMANENT CHANGE OF STATION	
4750	ACCESSION TRAVEL	4,131
4850	OPERATIONAL TRAVEL	43,038
5050	TOTAL, BUDGET ACTIVITY 5	47,169
5100	ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS	
5250	UNEMPLOYMENT BENEFITS	20,500
5300	DEATH GRATUITIES	31,121
5350	SGLI/TSGLI INSURANCE PREMIUM	9,106
5500	TOTAL, BUDGET ACTIVITY 6	60,727
5550	TOTAL, MILITARY PERSONNEL, MARINE CORPS	1,495,827

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

MILITARY PERSONNEL, MARINE CORPS:	
BA-1: PAY AND ALLOWANCES OF OFFICERS	
Basic Allowance for Housing	63,537
BA-2: PAY AND ALLOWANCES OF ENLISTED	
Basic Allowance for Housing	241,915

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
5600	MILITARY PERSONNEL, AIR FORCE	
5650	ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
5700	BASIC PAY	143,092
5750	RETIRED PAY ACCRUAL	40,182
5800	BASIC ALLOWANCE FOR HOUSING	91,989
5850	BASIC ALLOWANCE FOR SUBSISTENCE	5,156
5900	SPECIAL PAYS	6,721
5950	ALLOWANCES	4,650
6000	SOCIAL SECURITY TAX	11,599
6050	TOTAL, BUDGET ACTIVITY 1	303,389
6100	ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
6150	BASIC PAY	348,642
6200	RETIRED PAY ACCRUAL	99,309
6250	BASIC ALLOWANCE FOR HOUSING	259,124
6300	SPECIAL PAYS	44,859
6350	ALLOWANCES	16,623
6400	SOCIAL SECURITY TAX	28,668
6450	TOTAL, BUDGET ACTIVITY 2	797,225
6500	ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
6550	BASIC ALLOWANCE FOR SUBSISTENCE	34,424
6600	SUBSISTENCE-IN-KIND	66,848
6650	TOTAL, BUDGET ACTIVITY 4	101,272
6700	ACTIVITY 5: PERMANENT CHANGE OF STATION	
6850	OPERATIONAL TRAVEL	5,500
7050	TOTAL, BUDGET ACTIVITY 5	5,500
7100	ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS	
7250	UNEMPLOYMENT BENEFITS	16,200
7300	DEATH GRATUITIES	8,453
7350	SGLI/TSGLI INSURANCE PREMIUM	8,548
7500	TOTAL, BUDGET ACTIVITY 6	33,201
7510	ADJUSTMENT TO PAY AND ALLOWANCES	-22,000
7550	TOTAL, MILITARY PERSONNEL, AIR FORCE	1,218,587

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

MILITARY PERSONNEL, AIR FORCE:	
BA-1: PAY AND ALLOWANCES OF OFFICERS	
Basic Allowance for Housing	91,989
BA-2: PAY AND ALLOWANCES OF ENLISTED	
Basic Allowance for Housing	259,124
Adjustment to Pay and Allowances - Transfer to National Guard Personnel, Air Force	-22,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
7600 RESERVE PERSONNEL, ARMY	
7650 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
7660 SPECIAL TRAINING (PRE/POST MOB TRAINING).............	1,103
7700 SPECIAL TRAINING (PRE/POST MOB TRAINING)(BAH).........	6,397
7750 RECRUITING AND RETENTION	139,744
	============
7900 TOTAL RESERVE PERSONNEL, ARMY.......................	147,244

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
7950 RESERVE PERSONNEL, NAVY	
8000 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
8050 UNIT TRAINING	35,000
8060 SPECIAL TRAINING (PRE/POST MOB TRAINING)	22,689
8100 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)	10,334
8110 SCHOOL TRAINING (PRE/POST MOB TRAINING)	11,960
8150 SCHOOL TRAINING (PRE/POST MOB TRAINING)(BAH)	1,040
8160 RECRUITING AND RETENTION	5,000
8200 TOTAL, RESERVE PERSONNEL, NAVY	86,023

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

RESERVE PERSONNEL, NAVY:	
BA-1: RESERVE COMPONENT TRAINING & SUPPORT	
Special Training (PRE/POST MOB Training) (BAH)	10,334
Recruitment and Retention	5,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
8250 RESERVE PERSONNEL, MARINE CORPS	
8300 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
8340 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	5,660
	============
8400 TOTAL, RESERVE PERSONNEL, MARINE CORPS.............	5,660

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

RESERVE PERSONNEL, MARINE CORPS:	
BA-1: RESERVE COMPONENT TRAINING & SUPPORT	
Special Training (PRE/POST MOB Training) (BAH)	5,660

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
8450 RESERVE PERSONNEL, AIR FORCE	
8500 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
8550 SPECIAL TRAINING (PRE/POST MOB TRAINING)	3,000
8555 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	6,073
8560 RECRUITING AND RETENTION	2,500
	============
8600 TOTAL, RESERVE PERSONNEL, AIR FORCE.................	11,573

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

RESERVE PERSONNEL, AIR FORCE:	
BA-1: RESERVE COMPONENT TRAINING & SUPPORT	
Special Training (PRE/POST MOB Training) (BAH)	6,073
Recruitment and Retention	2,500

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
8650	NATIONAL GUARD PERSONNEL, ARMY	
8700	ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
8800	SPECIAL TRAINING (PRE/POST MOB TRAINING)	24,666
8810	SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	112,593
8850	SCHOOL TRAINING (PRE/POST MOB TRAINING)..............	15,475
8860	SCHOOL TRAINING (PRE/POST MOB TRAINING) (BAH).........	7,766
8900	RECRUITING AND RETENTION	339,600
8910	RECRUITING AND RETENTION (BAH)........................	40,786
8950	DISABILITY AND DEATH GRATUITY.........................	4,400
		============
9000	TOTAL, NATIONAL GUARD PERSONNEL, ARMY..............	545,286

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

NATIONAL GUARD PERSONNEL, ARMY:	
BA-1: RESERVE COMPONENT TRAINING & SUPPORT	
Special Training (PRE/POST MOB Training) (BAH)	112,593

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
9010 NATIONAL GUARD PERSONNEL, AIR FORCE	
9015 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
9020 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	19,533
9035 RECRUITING AND RETENTION	2,500
9037 ADJUSTMENT TO PAY AND ALLOWANCES......................	22,000
	============
9040 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE..........	44,033

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

NATIONAL GUARD PERSONNEL, AIR FORCE:	
BA-1: RESERVE COMPONENT TRAINING & SUPPORT	
Special Training (PRE/POST MOB Training) (BAH)	19,533
Recruitment and Retention	2,500
Adjustments to Pay and Allowances - Transfer from Military Personnel, Air Force	22,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

RECAPITULATION	
OPERATION AND MAINTENANCE, ARMY	20,373,379
OPERATION AND MAINTENANCE, NAVY	4,676,670
OPERATION AND MAINTENANCE, MARINE CORPS	1,146,594
OPERATION AND MAINTENANCE, AIR FORCE	6,650,881
OPERATION AND MAINTENANCE, DEFENSE-WIDE	2,714,487
OPERATION AND MAINTENANCE, ARMY RESERVE	74,049
OPERATION AND MAINTENANCE, NAVY RESERVE	111,066
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	13,591
OPERATION AND MAINTENANCE, AIR FORCE RESERVE	10,160
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	83,569
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	38,429
GRAND TOTAL, OPERATION AND MAINTENANCE	35,892,875
AFGHANISTAN SECURITY FORCES FUND	5,906,400
IRAQ SECURITY FORCES FUND	3,842,300
IRAQ FREEDOM FUND	355,600
JOINT IED DEFEAT FUND	2,432,800
STRATEGIC RESERVE READINESS FUND	1,615,000
GRAND TOTAL	50,044,975

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
50	OPERATION AND MAINTENANCE, ARMY	
70	BUDGET ACTIVITY 1: OPERATING FORCES	
90	ADDITIONAL ACTIVITIES	17,606,616
110	COMMANDER'S EMERGENCY RESPONSE PROGRAM	456,400
150	TOTAL, BUDGET ACTIVITY 1	18,063,016
165	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	
170	SECURITY PROGRAMS	597,614
190	SERVICE-WIDE TRANSPORTATION	1,712,749
195	TOTAL, BUDGET ACTIVITY 4	2,310,363
211	TOTAL, O&M, ARMY	20,373,379

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1	
OPERATION AND MAINTENANCE, ARMY	
BA-1: OPERATING FORCES	
Additional Activities	**17,606,616**
Unjustified request	-50,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
270	OPERATION AND MAINTENANCE, NAVY	
290	BUDGET ACTIVITY 1: OPERATING FORCES	
310	MISSION & OTHER FLIGHT OPERATIONS	1,121,040
330	FLEET AIR TRAINING	41,661
350	INTERMEDIATE MAINTENANCE	1,420
370	AIR OPERATIONS AND SAFETY SUPPORT	6,614
390	AIR SYSTEMS SUPPORT	6,005
410	AIRCRAFT DEPOT MAINTENANCE	56,104
430	MISSION & OTHER SHIP OPERATIONS	767,758
450	SHIP OPERATIONAL SUPPORT/TRAINING	15,417
470	SHIP DEPOT MAINTENANCE	109,235
490	SHIP DEPOT OPERATIONS SUPPORT	11,463
510	COMBAT COMMUNICATIONS	10,656
530	ELECTRONIC WARFARE	9,088
550	SPACE SYSTEMS & SURVEILLANCE	3,190
570	WARFARE TACTICS	11,861
590	OP METEOROLOGY AND OCEANOGRAPHY	4,919
610	COMBAT SUPPORT FORCES	1,074,667
630	EQUIPMENT MAINTENANCE	8,991
650	IN-SERVICE WEAPONS SYSTEMS SUPPORT	23,316
670	WEAPONS MAINTENANCE	6,671
690	OTHER WEAPONS SYSTEMS SUPPORT	463
710	FACILITIES SUSTAINMENT, RESTORATION & MOD (FSRM)	27,665
730	BASE OPERATING SUPPORT (BOS)	491,069
760	OPERATION ENDURING FREEDOM OPTEMPO	100,000
770	TOTAL, BUDGET ACTIVITY 1	3,909,273
790	BUDGET ACTIVITY 2: MOBILIZATION	
810	SHIP PREPOSITIONING & SURGE	162,761
850	FLEET HOSPITAL PROGRAM	7,903
870	TOTAL, BUDGET ACTIVITY 2	170,664

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
890	BUDGET ACTIVITY 3: TRAINING AND RECRUITING	
910	OFFICER ACQUISITION	71
950	SPECIALIZED SKILL TRAINING	67,849
970	FLIGHT TRAINING	8,656
990	RECRUITING & ADVERTISING	1,152

1050	TOTAL, BUDGET ACTIVITY 3	77,728
1070	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	
1090	ADMINISTRATION	6,027
1110	EXTERNAL RELATIONS	98
1130	MILITARY MANPOWER/PERSONNEL MANAGEMENT	1,188
1150	OTHER PERSONNEL SUPPORT	2,392
1170	SERVICE-WIDE COMMUNICATIONS	71,489
1190	SERVICE-WIDE TRANSPORTATION	194,011
1210	PLANNING, ENGINEER & DESIGN	3
1230	ACQUISITION AND PROGRAM MANAGEMENT	54,212
1250	COMBAT/WEAPONS SYSTEM	436
1270	SPACE & ELECTRONIC WARFARE SYSTEM	55
1290	SECURITY PROGRAMS	65,147
1310	NAVAL INVESTIGATIVE SERVICE	3,654
1350	TRANSFER TO COAST GUARD	120,293

1390	TOTAL, BUDGET ACTIVITY 4	519,005
		============
1410	TOTAL, O&M, NAVY	4,676,670

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1	
OPERATION AND MAINTENANCE, NAVY	
BA-1: OPERATING FORCES	
OEF OPTEMPO	100,000
Aircraft Depot Maintenance	**56,104**
Funds not executable in FY 2007	-137,000
Aircraft survivability equipment (Marine Corps)	2,800
Ship Depot Maintenance	**109,235**
Funds not executable in FY 2007	-169,000
Combat Support Forces Maintenance	**1,074,667**
Funds not executable in FY 2007	-160,612

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
1430	OPERATION AND MAINTENANCE, MARINE CORPS	
1450	BUDGET ACTIVITY 1: OPERATING FORCES	
1490	OPERATIONAL FORCES	514,633
1510	FIELD LOGISTICS	381,632
1570	SUSTAINMENT, RESTORATION, AND MODERNIZATION	19,186
1590	BASE SUPPORT	33,474
1592	OPERATION ENDURING FREEDOM OPTEMPO	45,000
1595	TOTAL, BUDGET ACTIVITY 1	993,925
1605	BUDGET ACTIVITY 3: TRAINING AND RECRUITING	
1650	TRAINING SUPPORT	62,936
1670	RECRUITING AND ADVERTISING	24,000
1675	TOTAL, BUDGET ACTIVITY 3	86,936
1685	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	
1730	SERVICE-WIDE TRANSPORTATION	65,733
1735	TOTAL, BUDGET ACTIVITY 4	65,733
1750	TOTAL, O&M, MARINE CORPS	1,146,594

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1	
OPERATION AND MAINTENANCE, MARINE CORPS	
BA-1: OPERATING FORCES	
OEF OPTEMPO	**45,000**
Operational Forces	**514,633**
Unexecutable Funding	-150,000
Field Logistics	**381,632**
Unexecutable Funding	-150,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
1770	OPERATION AND MAINTENANCE, AIR FORCE	
1790	BUDGET ACTIVITY 1: OPERATING FORCES	
1810	PRIMARY COMBAT FORCES	1,252,192
1830	PRIMARY COMBAT WEAPONS	2,427
1850	COMBAT ENHANCEMENT FORCES	91,586
1890	COMBAT COMMUNICATIONS	339,480
1910	DEPOT MAINTENANCE	85,400
1930	FSRM	184,505
1950	BASE OPERATING SUPPORT	1,711,157
1970	GLOBAL C3I AND EARLY WARNING	20,872
1990	NAVIGATION AND WEATHER SUPPORT	6,344
2010	OTHER COMBAT OPS SUPPORT	257,732
2030	MANAGEMENT AND OPERATIONAL	95,139
2050	TACTICAL INTEL & OTHER SUPPORT	930
2070	LAUNCH FACILITIES	1,103
2090	LAUNCH VEHICLES	20
2110	SPACE CONTROL SYSTEMS	572
2130	SATELLITE SYSTEMS	73
2150	OTHER SPACE OPERATIONS	7,949
2170	FSRM	157
2190	BASE OPERATING SUPPORT	9,058
2195	OPERATION ENDURING FREEDOM OPTEMPO	65,000
2210	TOTAL, BUDGET ACTIVITY 1	4,131,696
2225	BUDGET ACTIVITY 2: MOBILIZATION	
2230	AIRLIFT OPERATIONS	1,551,583
2270	AIRLIFT OPERATIONS C3I	12,284
2290	MOBILIZATION PREPAREDNESS	19,988
2310	DEPOT MAINTENANCE	209,000
2330	FSRM	1,464
2350	BASE OPERATING SUPPORT	95,302
2370	TOTAL, BUDGET ACTIVITY 2	1,889,621

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
2385	BUDGET ACTIVITY 3: TRAINING AND RECRUITING	
2390	RECRUIT TRAINING	54
2430	BASE OPERATING SUPPORT	1,510
2450	SPECIALIZED SKILL TRAINING	65,036
2470	FLIGHT TRAINING	25
2490	PROFESSIONAL DEVELOPMENT TRAINING	692
2510	TRAINING SUPPORT	1,241
2530	FSRM	2,406
2550	BASE OPERATING SUPPORT	15,000
2570	RECRUITING AND ADVERTISING	72
2590	TOTAL, BUDGET ACTIVITY 3	86,036
2605	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	
2610	LOGISTICS OPERATIONS	191,550
2650	TECHNICAL SUPPORT ACTIVITIES	1,101
2670	SERVICE-WIDE TRANSPORTATION	113,776
2690	FSRM	145
2710	BASE OPERATING SUPPORT	15,124
2730	ADMINISTRATION	1,421
2750	SERVICE-WIDE COMMUNICATION	40,765
2770	PERSONNEL PROGRAMS	222
2790	OTHER SERVICE-WIDE ACTIVITIES	47,486
2810	OTHER PERSONNEL SUPPORT	2,603
2830	BASE OPERATING SUPPORT	2,862
2850	SECURITY PROGRAMS	102,842
2870	INTERNATIONAL SUPPORT	23,631
2890	TOTAL, BUDGET ACTIVITY 4	543,528
2910	TOTAL, O&M, AIR FORCE	6,650,881

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

O-1	
OPERATION AND MAINTENANCE, AIR FORCE	
BA-1: OPERATING FORCES	
OEF OPTEMPO	**65,000**
Base Operating Support	**1,711,157**
Unjustified Growth	-300,000
BA-2: MOBILIZATION	
Airlift Operations	**1,551,583**
Unjustified Growth	-150,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
2930	OPERATION AND MAINTENANCE, DEFENSE-WIDE	
2950	BUDGET ACTIVITY 1: OPERATING FORCES	
2970	THE JOINT STAFF (TJS)	60,200
2990	US SPECIAL OPERATIONS COMMAND (US SOCOM)	653,147
3010	TOTAL, BUDGET ACTIVITY 1	713,347
3025	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	
3030	AMERICAN FORCES INFORMATION SERVICE (AFIS)	18,785
3050	DEFENSE CONTRACT AUDIT AGENCY (DCAA)	16,372
3070	DEFENSE CONTRACT MANAGEMENT AGENCY (DCMA)	6,169
3090	DEFENSE HUMAN RESOURCES ACTIVITY (DHRA)	6,551
3110	DEFENSE INFORMATION SYSTEMS AGENCY (DISA)	76,347
3170	DOD EDUCATION ACTIVITY (DODEA)	129,922
3190	DEFENSE SECURITY COOPERATION AGENCY (DSCA)	500,000
3210	DEFENSE THREAT REDUCTION AGENCY (DTRA)	1,200
3230	OFFICE OF THE SECRETARY OF DEFENSE	45,180
3250	WASHINGTON HEADQUARTERS SERVICES (WHS)	4,800
3270	CLASSIFIED	1,180,814
3275	OPERATION ENDURING FREEDOM OPTEMPO	15,000
3300	TOTAL, BUDGET ACTIVITY 4	2,001,140
3310	TOTAL, O&M, DEFENSE-WIDE	2,714,487

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Conference
The Joint Staff (TJS)	**60,200**
Contingency planning database (CPD) and effects-based assessment system (EBASS)	-1,704
US Special Operations Command (US SOCOM)	**653,147**
Program reduction	-14,050
Defense Contract Audit Agency (DCAA)	**16,372**
Iraq reconstruction efforts: civilian personnel	1,263
Iraq reconstruction efforts: temporary/additional duty	13
Iraq reconstruction efforts: miscellaneous contracts	96
Defense Contract Management Agency (DCMA)	**6,169**
Contract oversight of Iraq and Afghanistan mission requirements: pay	287
Defense Human Resources Activity (DHRA)	**6,551**
Homeland Security Presidential Directive No. 12	-15,130
Defense Information Systems Agency (DISA)	**76,347**
Expeditionary virtual network (EVNO)	-86,000
Defense Logistics Agency (DLA)	**0**
Lithium battery program adjustment	-24,600
DoD Education Activity (DoDEA)	**129,922**
Family assistance for Guard and Reserve	4,000
Child care for Guard and Reserve	6,000
Defense Security Cooperation Agency (DSCA)	**500,000**
Support to coalition partners: global lift and sustain	-50,000
Support to coalition partners: global train and equip	-300,000
Coalition support reduction	-100,000
Office of the Secretary of Defense	**45,180**
Transfer from Procurement of Ammunition, Air Force only for Handgun Replacement Study	5,000
Classified	**1,180,814**
OEF OPTEMPO	**15,000**

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
3330 OPERATION AND MAINTENANCE, ARMY RESERVE	
3351 ADDITIONAL ACTIVITIES	74,049
3370 TOTAL, O&M, ARMY RESERVE.............................	74,049

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
3410 OPERATION AND MAINTENANCE, NAVY RESERVE	
3430 MISSION & OTHER FLIGHT OPERATIONS....................	43,601
3450 INTERMEDIATE MAINTENANCE.............................	9,110
3470 MISSION & OTHER SHIP OPERATIONS......................	22,151
3490 COMBAT COMMUNICATIONS................................	1,170
3510 COMBAT SUPPORT FORCES................................	29,000
3530 BASE OPERATING SUPPORT (BOS).........................	6,034

3550 TOTAL, O&M, NAVY RESERVE.............................	111,066

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
3570	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	
3590	OPERATIONAL FORCES	13,591
3650	TOTAL, O&M, MARINE CORPS RESERVE	13,591

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
3670 OPERATION AND MAINTENANCE, AIR FORCE RESERVE	
3710 PRIMARY COMBAT FORCES	7,100
3730 BASE SUPPORT	3,060
3750 TOTAL, O&M, AIR FORCE RESERVE	10,160

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
3770	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	
3850	ADDITIONAL ACTIVITIES	83,569
3870	TOTAL, O&M, ARMY NATIONAL GUARD	83,569

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
3890 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	
3910 AIRCRAFT OPERATIONS	27,200
3930 MISSION SUPPORT OPERATIONS	11,229
3951 TOTAL, O&M, AIR NATIONAL GUARD	38,429

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
4010	AFGHANISTAN SECURITY FORCES FUND	
4030	MINISTRY OF DEFENSE FORCES:	
4050	INFRASTRUCTURE	209,900
4070	EQUIPMENT AND TRANSPORTATION	3,214,500
4090	TRAINING	185,900
4110	SUSTAINMENT	255,200
4130	MINISTRY OF INTERIOR FORCES:	
4150	INFRASTRUCTURE	594,200
4170	EQUIPMENT AND TRANSPORTATION	624,200
4190	TRAINING	414,800
4210	SUSTAINMENT	399,500
4230	RELATED ACTIVITIES	8,200
4250	TOTAL, AFGHANISTAN SECURITY FORCES FUND	5,906,400

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
4270	IRAQ SECURITY FORCES FUND	
4290	MINISTRY OF DEFENSE FORCES:	
4310	INFRASTRUCTURE	264,800
4330	EQUIPMENT AND TRANSPORTATION	1,584,300
4350	TRAINING	51,700
4370	SUSTAINMENT	1,079,600
4390	MINISTRY OF INTERIOR FORCES:	
4410	INFRASTRUCTURE	205,000
4430	EQUIPMENT AND TRANSPORTATION	373,600
4450	TRAINING	52,900
4470	SUSTAINMENT	72,900
4490	RELATED ACTIVITIES	157,500
4530	TOTAL, IRAQ SECURITY FORCES FUND	3,842,300

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
4550 IRAQ FREEDOM FUND	
4570 JOINT RAPID ACQUISITION FOR GLOBAL WAR ON TERROR......	100,000
4590 REMAINS, TRANSPORTATION..............................	105,600
4595 STATE OWNED FACTORY RESTART, IRAQ....................	50,000
4600 PROVINCIAL RECONSTRUCTION TEAMS, IRAQ................	100,000
4610 TOTAL, IRAQ FREEDOM FUND...........................	355,600

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
4630 JOINT IMPROVISED EXPLOSIVE DEVICE (IED) DEFEAT FUND	
4650 ATTACK THE NETWORK	834,500
4670 DEFEAT THE DEVICE	1,485,700
4690 TRAIN THE FORCE	112,600
4730 TOTAL, JOINT IED DEFEAT FUND	2,432,800

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
SUMMARY	
ARMY	
AIRCRAFT	619,750
MISSILES	111,473
WEAPONS, TRACKED COMBAT VEHICLES	3,404,315
AMMUNITION	681,500
OTHER	11,076,137
TOTAL, ARMY	15,893,175
NAVY	
AIRCRAFT	1,090,287
WEAPONS	163,813
AMMUNITION	159,833
OTHER	748,749
MARINE CORPS	2,252,749
TOTAL, NAVY	4,415,431
AIR FORCE	
AIRCRAFT	2,106,468
MISSILES	94,900
AMMUNITION	6,000
OTHER	2,096,200
TOTAL, AIR FORCE	4,303,568
DEFENSE-WIDE	
DEFENSE-WIDE	980,050
TOTAL PROCUREMENT	25,592,224

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

50		AIRCRAFT PROCUREMENT, ARMY	
100	3	ARMED RECONNAISSANCE HELICOPTER	---
150	5	UH-60M BLACKHAWK (MYP)	136,303
250	8	GUARDRAIL MODS (TIARA)	33,000
300	9	ARL MODS (TIARA)	15,000
350	10	AH-64 MODS	64,200
400	12	CH-47 CARGO HELICOPTER MODS	120,000
450	23	ASE INFRARED CM	231,555
500	26	COMMON GROUND EQUIPMENT	1,811
550	27	AIRCREW INTEGRATED SYSTEMS	10,200
600	28	AIR TRAFFIC CONTROL	7,681
650		TOTAL, AIRCRAFT PROCUREMENT, ARMY	619,750

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Conference
3	**Armed Reconnaissance Helicopter**	**0**
	Baseline budget requirement	-38,000
5	**UH-60M Blackhawk Multiyear**	**136,303**
	War Replacement Aircraft	30,000
12	**CH-47 Cargo Helicopter Mods**	**120,000**
	(Note: The conference agreement includes one SOCOM CH-47 battle loss and three CH-47s for the Army National Guard)	

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
700	MISSILE PROCUREMENT, ARMY	
750 5	JAVELIN	74,673
800 8	GUIDED MLRS ROCKET	---
850 15	ITAS/TOW MODIFICATIONS	36,800
900	TOTAL, MISSILE PROCUREMENT, ARMY	111,473

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Conference
5	**Javelin**	**74,673**
	Unexecutable Request	-29,000
8	**GMLRS**	**0**
	Unit Cost Efficiencies	-19,700

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

950		PROCUREMENT OF W&TCV, ARMY	
1000	2	BRADLEY BASE SUSTAINMENT (G80718)....................	520,800
1150	5	STRYKER VEHICLE (G85100)............................	767,685
1200	6	CARRIER, MOD (GB1930)...............................	36,191
1250	7	FIST VEHICLE (MOD) (GZ2300).........................	16,257
1300	9	BFVS SERIES (MOD) (GZ2400)..........................	115,190
1350	10	HOWITZER, MED SP FT 155MM M109A6 (MOD) (GA0400).......	15,785
1400	12	IMPROVED RECOVERY VEHICLE (M88 MOD) (GA0570)..........	61,635
1500	14	M1 ABRAMS TANK (MOD) (GA0700)........................	75,259
1550	15	SYSTEM ENHANCEMENT PGM: (SEP M1A2) (GA0730)...........	325,000
1600	18	HOWITZER, LIGHT, TOWED, 105MM, M119 (G01300)..........	17,696
1650	20	M240 MEDIUM MACHINE GUN (7.62MM) (G13000)............	72,277
1700	21	M249 SAW MACHINE GUN, 5.56MM (G12900)................	3,314
1750	22	MK-19 GRENADE MACHINE GUN (40MM) (G13400)............	41,871
1800	23	MORTAR SYSTEMS (G02200)..............................	35,212
1850	25	M107, CAL 50, SNIPER RIFLE (G01500)..................	719
1900	26	XM110 SEMI -AUTOMATIC SNIPER SYSTEM (SASS) (G01505)...	317
1950	27	M4 CARBINE (G14904)..................................	98,412
2000	28	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) (G18300).....	---
2050	29	COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) (G047	220,000
2100	32	M4 CARBINE MODS (GB3007).............................	129,752
2150	33	M2 50 CAL MACHINE GUN MODS (GB4000)..................	4,000
2200	34	M249 SAW MACHINE GUN MODS (GZ1290)...................	13,556
2250	35	M240 SAW MACHINE GUN MODS (GZ1300)...................	3,591
2300	36	PHALANX MODS (GL1000)................................	150,000
2350	39	M16 RIFLE MODS (GZ2800)..............................	1,947
2400	40	MODS LESS THAN $5.0M (WOCV-WTCV) (GC0925)............	21,900
2450	41	ITEMS LESS THAN $5.0M (WOCV-WTCV) (GL3200)...........	4,996
2500	44	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) (GC0076)......	8,202
2550	45	REF SMALL ARMS (G15400)..............................	560
2600	48	MACHINE GUN, CAL .50 M2 ROLL (GB2000)................	41,369
2650	49	XM320 GRENADE LAUNCHER MODULE (GLM) (G01501)..........	4,471
2700	50	ABRAMS UPGRADE PROGRAM (M1A2 SEP) (GA0750)............	596,351

2750		TOTAL, PROCUREMENT OF W&TCV, ARMY..................	3,404,315

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Conference
5	**Stryker Vehicle (G85100)**	**767,685**
	Premature Funding Request, Mobile Gun System	-90,000
12	**Improved Recovery Vehicle (M88 MOD) (GA0570)**	**61,635**
	Pricing Adjustment	-4,000
28	**Shotgun, Modular Accessory System (G18300)**	**0**
	Premature Funding	-4,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

2800		PROCUREMENT OF AMMUNITION, ARMY	
2900	2	7.62MM ALL TYPES	25,000
2950	4	CTG, .50 CAL, ALL TYPES	39,300
3000	5	20MM ALL TYPES	38,100
3050	6	25MM ALL TYPES	15,000
3100	7	30MM ALL TYPES	40,000
3150	8	40MM ALLTYPES	165,200
3200	14	CTG, TANK, 120MM TACTICAL, ALL TYPES	8,000
3250	19	MACS	20,000
3300	23	MINE CLEARING CHARGE ALL TYPES	6,000
3350	25	SHOULDER FIRED ROCKETS ALL TYPES	30,000
3400	26	ROCKET, HYDRA 70, ALL TYPES	28,000
3450	27	DEMOLITION MUNITIONS ALL TYPES	23,500
3500	28	GRENADES ALL TYPES	2,000
3550	29	SIGNALS ALL TYPES	163,900
3600	30	SIMULATORS ALL TYPES	12,000
3650	32	NON-LETHAL AMMUNITION ALL TYPES	55,500
3700	34	ITEMS LESS THAN $5M	10,000
3750		TOTAL, PROCUREMENT OF AMMUNITION, ARMY	681,500

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

3800		OTHER PROCUREMENT, ARMY	
3850	1	TACTICAL TRAILERS/DOLLY SETS (DA0100)................	11,417
3900	2	SEMITRAILERS, FLATBED: (D01001)......................	27,544
3950	3	SEMITRAILERS, TANKERS (D02001).......................	6,173
4000	4	HI MOB MULTI-PURP WLHD (HMMWV) (D15400)..............	953,548
4300	5	FAMILY OF MEDIUM TACTICAL VEH (FMTV) (D15500).........	1,541,661
4350	7	FAMILY OF HEAVY TACTICAL VEH (FTHV) (DA0500).........	574,432
4450	8	ARMORED SECURITY VEHICLES (ASV) (D02800)............	301,498
4500	10	TRUCK, TRACTOR, LIN HAUL, M915/M915 (DA0600)..........	181,873
4650	13	MODIFICATION OF IN SVC EQUIP (DA0924)................	1,159,889
4700	17	PASSENGER CARRYING VEHICLES (D23000)..................	---
4750	18	NON TACTICAL VEHICLES, OTHER (D3000).................	193,721
4760		ADD-ON ARMOR FOR COMMERCIAL VEHICLES..................	7,400
4800	22	DEFENSE ENTERPRISE WIDEBAND SATCOM SYS (SPACE) (BB8500	19,200
4850	24	SAT TERM, EMUT (SPACE) (K77200)......................	17,600
4950	25	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) (K47800)....	34,398
5000	26	SMART-T (SPACE) (BC4002).............................	8,960
5050	28	GLOBAL BRDCST SVC - GBS (BC4120).....................	1,800
5100	29	MOD OF IN-SVC EQUIP (TAC SAT) (BB8417)...............	12
5150	31	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) (BU1400)...	58,127
5200	34	SINCGARS FAMILY (BW0006).............................	458,709
5250	37	BRIDGE TO FUTURE NETWORKS (BB1500)...................	390,723
5300	41	COMBAT SURVIVOR EVADER LOCATOR (CSEL) (B03200)........	49,360
5350	42	RADIO, IMPROVED HF (COTS) FAMILY (BU8100)............	509,260
5450	43	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) (MA8046).....	56,997
5500	45	TSEC - ARMY KEY MGT SYS (AKMS) (BA1201)...............	1,517
5550	46	INFORMATION SYSTEM SECURITY PROGRAM-ISSP (TA0600).....	55,201
5600	52	INFORMATION SYSTEMS (BB8650).........................	1,000
5650	59	ALL SOURCE ANALYSIS SYS (ASAS) (MIP) (KA4400).........	40,858
5700	60	JTT/CIBS-M (MIP) (V29600)............................	840
5750	61	PROPHET GROUND (MIP) (BZ7326)........................	23,000
5800	62	TACTICAL UNMANNED AERIAL SYS (TUAS)MIP (B00301).......	197,479
5950	63	SMALL UNMANNED AERIAL SYSTEM (SUAS) (B00303).........	5,372

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

6000	64	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP) (KA2550)	17,000
6050	66	TACTICAL EXPLOITATION SYSTEM (MIP) (BZ7317)	19,500
6100	67	DCGS-A (MIP) (BZ7316)	89,705
6150	71	CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS) (MIP) (BK5275	1,928
6200	72	ITEMS LESS THAN $5.0M (MIP) (BK5278)	33,827
6250	73	LIGHTWEIGHT COUNTER MORTAR RADAR (B05201)	10,470
6300	74	WARLOCK (VA8000)	---
6350	75	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES (BL5283)	206,233
6400	77	NIGHT VISION DEVICES (KA3500)	144,696
6450	78	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM (K38300)	14,073
6500	80	NIGHT VISION, THERMAL WPN SIGHT (K22900)	109,547
6550	83	ARTILLERY ACCURACY EQUIP (AD3200)	3,500
6600	87	PROFILER (K27900)	16,195
6650	88	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (BZ7325)	64,556
6700	89	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) (W61900)	347,295
6750	90	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLDR) (K3110	91,200
6800	91	COMPUTER BALLISTICS: LHMBC XM32 (K99200)	11,446
6850	92	MORTAR FIRE CONTROL SYSTEM (K99300)	---
6900	95	TACTICAL OPERATIONS CENTERS (BZ9865)	162,472
6950	96	AFATDS	3,378
7000	98	LWTFDS	23
7050	99	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BCS3) (W346	1,249
7100	100	FAAD C2 (AD5050)	21,500
7150	101	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD PCS)	65,248
7200	102	FED	8,514
7250	103	KNIGHT FAMILY (B78504)	3,488
7300	104	LIFE CYCLE SOFTWARE SUPPORT (LCSS) (BD3955)	3,316
7350	105	LOGTECH	24,000
7400	106	TC AIMS II (BZ8900)	12,403
7450	108	TACTICAL INTERNET MANAGER (B93900)	12,472
7500	109	MANEUVER CONTROL SYSTEM (MCS) (BA9320)	58,654
7600	114	AUTOMATED DATA PROCESSING EQUIP (BD3000)	12,100
7650	115	CSS COMMUNICATIONS (BD3501)	37,423
7750	123	CBRN SOLDIER PROTECTION (M01001)	134,830
7800	124	SMOKE & OBSCURANT FAMILY: SOF (NONAAO ITEM) (MX0600)	107

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
7850	125	TACTICAL BRIDGE (MX0100)...............................	26,000
7900	126	TACTICAL BRIDGE, FLOAT-RIBBON (MA8890)................	13,000
7950	127	HANDHELD STANDOFF MINE DETECTION SYSTEM (R68200)......	5,551
8000	129	GRND STANDOFF MINE DETECTION SYSTEMS (R68200).........	1,386,640
8050	131	EXPLOSIVE ORDNANCE DISPOSAL EQUIP (MA9200)............	6,600
8100	133	HEATERS AND ECU'S (MF9000)............................	12,772
8150	134	LAUNDRIES, SHOWERS, AND LATRINES (M82700).............	12,300
8250	135	SOLDIER ENHANCEMENT (MA6800)..........................	9,662
8300	139	FIELD FEEDING EQUIPMENT (M65800)......................	7,032
8350	141	ITEMS LESS THAN $5M (ENG SPT) (ML5301)................	611
8400	143	QUALITY SURVEILLANCE EQUIPMENT (MB6400)...............	42,220
8450	144	DISTRIBUTION SYSTEMS, PETROLEUM & WATER (MA6000)......	3,283
8500	145	WATER PURIFICATION SYSTEMS (R05600)...................	9,401
8550	146	COMBAT SUPPORT MEDICAL (MN1000).......................	24,579
8600	147	SHOP EQ CONTACT MAINTENANCE TRK MTD (M61500)..........	52,474
8650	148	WELDING SHOP, TRAILER MTD (M62700)....................	7,171
8700	149	ITEMS LESS THAN $5.0M (MAINT EQ) (ML5345).............	67,912
8800	153	LOADERS (R04500)......................................	145
8850	154	HYDRAULIC EXCAVATOR (X01500)..........................	10
8900	155	TRACTOR FULL TRACKED (M05800).........................	1,435
8950	156	CRANES (M06700).......................................	25
9000	157	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS (R05901)..	7,740
9050	159	ITEMS LESS THAN $5.0M (CONST. EQUIP)..................	1,487
9150	165	GENERATORS AND ASSOCIATED EQUIP (MA9800)..............	50,792
9200	166	ROUGH TERRAIN CONTAINER HANDLER (M41200)..............	---
9250	167	ALL TERRAIN LIFTING ARMY SYSTEM (M41800)..............	5,548
9300	168	COMBAT TRAINING CENTERS (CTC) SUPPORT (MA6601)........	309
9350	169	TRAINING DEVICES, NONSYSTEM (NA0100)..................	15,819
9400	172	CALIBRATION SETS EQUIPMENT (N1000)....................	17,100
9450	173	INTEGRATED FAMILY OF TEST EQUIPMENT (MB4000)..........	96,303
9500	174	TEST EQUIPMENT MODERNIZATION (TEMOD) (N11000).........	10,920
9550	175	RAPID EQUIPPING SOLDIER SUPPORT EQUIP (M80101)........	20,036
9600	177	PHYSICAL SECURITY SYSTEMS (OPA3) (MA0780).............	152,678
9650	179	MODIFICATION OF IN-SVC EQUIP (OPA3) (MA4500)..........	4,917
9700	181	BUILDING PRE-FAB RELOCATABLE (MA9160).................	93,603

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
9750	185	INITIAL SPARES FOR LARGE AREA SMOKE OBSCURANT SYS. (M5	948
9800	187	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM (B88605).	12,813
9850	188	COUNTER-ROCKET ARTILLERY & MORTAR (CRAM).............	245,000
9900	189	FIRE SUPPORT C2 FAMILY (B28501).......................	987
9950	999	CLASSIFIED PROGRAMS..................................	527
10000		AMC CRITICAL ITEMS..................................	37,870
10150		TOTAL, OTHER PROCUREMENT, ARMY.....................	11,076,137

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Conference
2	**Semitrailers, Flatbed: (D01001)**	**27,544**
	Premature Funding Request	-4,000
3	**Semitrailers, Tankers (D02001)**	**6,173**
	Premature Funding Request	-17,992
5	**Family of Medium Tactical Vehicles (FMTV) (D15500)**	**1,541,661**
	Stabilize Production Rate	-75,000
17	**Passenger Carrying Vehicles (D23000)**	**0**
	Funded in IFF	-6,149
18	**Non Tactical Vehicles, Other (D3000)**	**193,721**
	Funded in IFF	-9,851
34	**SINCGARS Family (BW0006)**	**458,709**
	Unexecutable Request	-75,000
46	**Information System Security Program (TA0600)**	**55,201**
	Transfer to RDT&E, A, line 174 for Execution	-23,300
52	**Information Systems**	**1,000**
	Information Systems Equipment Adjustment	-12,200
74	**Warlock**	**0**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund	-13,250
92	**Mortar Fire Control System (K99300)**	**0**
	Slow Execution	-3,474
96	**AFATDS**	**3,378**
	Baseline Budget Requirement	-3,500
106	**TC AIMS II**	**12,403**
	Defer non-emergency TC AIMS II procurement	-20,000
115	**CSS Communications (BD3501)**	**37,423**
	Defer non-emergency upgrades in CSS Communications	-37,434
129	**Ground Standoff Mine Detection Systems (R68200)**	**1,386,640**
	Mine Resistant Ambush Protected (MRAP) Vehicles	447,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1	Conference
146 Combat Support Medical (MN1000)	**24,579**
Medical Equipment Modernization and Replacement	4,000
166 Rough Terrain Container Handler (M41200)	**0**
Premature Funding Request	-15,400
179 Modification of In-Service Equipment (MA4500)	**4,917**
Baseline Budget Requirement	-5,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

10200		AIRCRAFT PROCUREMENT, NAVY	
11350	2	EA-18G	75,000
11400	4	F/A-18E/F (FIGHTER) HORNET (MYP)	208,000
11450	9	UH-1Y/AH-1Z	50,000
11460	16A	C-12	21,000
11500	25	EA-6 SERIES	178,495
11550	26	AV-8 SERIES	9,850
11600	28	F-18 SERIES	90,014
11650	29	H-46 SERIES	70,505
11700	30	AH-1W SERIES	21,100
11750	31	H-53 SERIES	181,848
11800	32	SH-60 SERIES	15,956
11850	33	H-1 SERIES	18,007
11900	35	P-3 SERIES	18,800
11950	37	E-2 SERIES	7,000
12000	40	C-130 SERIES	29,815
12050	42	CARGO/TRANSPORT ACFT SERIES	4,259
12100	45	SPECIAL PROJECT ACFT	5,120
12150	49	AVIATION LIFE SUPPORT MODS	486
12200	50	COMMON ECM EQUIPMENT	71,900
12250	54	V-22 (TILT/ROTOR ACFT) OSPREY SERIES	---
12300	55	SPARES AND REPAIR PARTS	10,332
12350	56	COMMON GROUND EQUIPMENT	2,800
12400		TOTAL, AIRCRAFT PROCUREMENT, NAVY	1,090,287

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
4	**F/A-18E/F (Fighter) Hornet (MYP)**	**208,000**
	3 F/A-18's combat loss replacements	192,000
16A	**C-12**	**21,000**
	2 C-12 Aircraft for USMC (ASE for USMC)	21,000
28	**F-18 Series**	**90,014**
	JHMCS modification - requires R&D funding	-3,400
	Station 4 integration - incomplete effort	-3,400
29	**H-46 Series**	**70,505**
	CH-46E IR Engine Suppression (ASE for USMC)	22,700
	CH-46E Wire Strike (ASE for USMC)	9,100
	CH-46E Countermeasures (ALE-47) (ASE for USMC)	7,200
	CH-46E Ramp Mounted Weapon System (ASE)	2,700
30	**AH-1W Series**	**21,100**
	Fund installations through FY 2009 only	-21,100
31	**H-53 Series**	**161,848**
	DIRCM protection upgrades (ASE for USMC)	135,000
35	**P-3 Series**	**18,800**
	Non-emergency obsolesence upgrades	-5,500
50	**Common ECM Equipment**	**71,900**
	Non-emergency obsolesence and testing upgrades	-21,000
	AAR-47B(V) (Rotary Wing Common ECM) (ASE)	58,000
54	**V-22 (Tilt/Rotor Acft) Osprey Series**	**0**
	Change to program plan	-3,510
55	**Spares and Repair Parts**	**10,332**
	Support facilities	-11,216
	SHARP Spares - buying ahead of need	-19,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
12450		WEAPONS PROCUREMENT, NAVY	
12600	7	JT STANDOFF WEAPON (JSOW)	---
12650	10	HELLFIRE	400
12700	26	SMALL ARMS AND WEAPONS	72,113
12750	29	GUN MOUNT MODS	72,000
12800		MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM	19,300
12850		TOTAL, WEAPONS PROCUREMENT, NAVY	163,813

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
7	**JT Standoff Weapon (JSOW)**	0
	JSOW unjustified request	-8,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

12900	PROCUREMENT OF AMMO, NAVY & MARINE CORPS	
12950 3	AIRBORNE ROCKETS, ALL TYPES	15,553
13000 8	AIR EXPENDABLE COUNTERMEASURES	7,966
13050 10	5 INCH/54 GUN AMMUNITION	11,000
13100 12	INTERMEDIATE CALIBER GUN AMMO	27
13150 13	OTHER SHIP GUN AMMUNITION	18,412
13200 14	SMALL ARMS & LNDG PARTY AMMO	21,862
13250 15	PYROTECHNIC AND DEMOLITION	274
13300 17	5.56 MM, ALL TYPES	4,658
13350 18	7.62 MM, ALL TYPES	2,132
13400 19	LINEAR CHARGES, ALL TYPES	2,412
13450 20	.50 CALIBER	2,420
13500 21	40 MM, ALL TYPES	4,093
13550 22	60 MM, ALL TYPES	9,864
13600 23	81 MM, ALL TYPES	10,088
13650 24	120 MM, ALL TYPES	7,779
13700 25	CTG 25 MM, ALL TYPES	80
13750 26	9 MM ALL TYPES	155
13800 27	GRENADES, ALL TYPES	1,138
13850 28	ROCKETS, ALL TYPES	5,125
13900 29	ARTILLERY, ALL TYPES	13,045
13950 31	DEMOLITION MUNITIONS, ALL TYPES	705
14000 32	FUZE, ALL TYPES	661
14050 33	NON LETHALS	4,891
14100 34	AMMO MODERNIZATION	15,394
14150 35	ITEMS LESS THAN $5 MILLION	99
14200	TOTAL, PROCUREMENT AMMUNITION, NAVY	159,833

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

14250		OTHER PROCUREMENT, NAVY	
14500	19	CHEMICAL WARFARE DETECTORS	436
14550	24	STANDARD BOATS	35,614
14600	40	TACTICAL SUPPORT CENTER	5,850
14650	43	SHIPBOARD IW EXPLOIT	45,750
14700	47	GCCS-M EQUIPMENT	6,966
14750	56	MATCALS	10,890
14800	73	PORTABLE RADIOS	25,850
14850	74	SHIP COMMUNICATIONS AUTOMATION	5,784
14900	75	COMMUNICATIONS ITEMS UNDER $5M	10,777
14950	83	NAVAL SHORE COMMUNICATIONS	1,077
15000	93	METEOROLOGICAL EQUIPMENT	---
15050	95	AVIATION LIFE SUPPORT	3,300
15150	122	CONSTRUCTION & MAINTENANCE EQUIPMENT	199,561
15200	123	FIRE FIGHTING EQUIPMENT	700
15250	124	TACTICAL VEHICLES	215,330
15300	127	ITEMS UNDER $5 MILLION	28,446
15350	129	MATERIALS HANDLING EQUIPMENT	46,810
15400	132	SPECIAL PURPOSE SUPPLY SYSTEMS	5,900
15450	134	COMMAND SUPPORT EQUIPMENT	28,720
15500	137	INTELLIGENCE SUPPORT EQUIPMENT	8,400
15550	138	OPERATING FORCES SUPT EQUIP	25,500
15600	141	PHYSICAL SECURITY EQUIPMENT	8,166
15650	147	SPARES AND REPAIR PARTS	28,922
15750		TOTAL, OTHER PROCUREMENT, NAVY	748,749

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
73	**Portable Radios**	**25,850**
	ELMR - Baseline Budget requirement	-15,000
93	**Meteorological Equipment**	**0**
	Non-emergency NITES upgrades	-7,497
122	**Construction & Maint Equip**	**199,561**
	Seabee equipment	25,700
124	**Tactical Vehicles**	**215,330**
	Mine Resistant Ambush Protected (MRAP) Vehicles	8,040
134	**Command Support Equipment**	**28,720**
	NMCMPS	-7,919

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

15800		PROCUREMENT, MARINE CORPS	
15850	1	AAV7A1 PIP	48,352
16050	8	M1A1 FIREPOWER ENHANCEMENTS	4,470
16100	13	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	20,571
16150	14	WPNS & CMBT VEHS UNDER $5 MILLION	16,162
16200	15	MODULAR WEAPON SYSTEM	2,589
16250	17	WEAPONS ENHANCEMENT PROGRAM	21,170
16300	20	JAVELIN	1,200
16400	23	MODIFICATION KITS	34,623
16650	24	UNIT OPERATIONS CENTER	57,100
16700	25	REPAIR AND TEST EQUIPMENT	5,214
16750	29	COMBAT SUPPORT SYSTEM	85
16800	30	MODIFICATION KITS	16,571
16850	33	AIR OPERATIONS C2 SYSTEMS	---
16900	37	RADAR SYSTEMS	20,900
16950	41	FIRE SUPPORT SYSTEM	21,282
17000	43	INTELLIGENCE SUPPORT EQUIPMENT	32,073
17050	47	NIGHT VISION EQUIPMENT	73,431
17100	48	COMMON COMPUTER RESOURCES	27,631
17150	49	COMMAND POST SYSTEMS	18,083
17200	50	RADIO SYSTEMS	111,084
17250	51	COMM SWITCHING & CONTROL SYSTEMS	7,273
17300	52	COMM & ELEC INFRASTRUCTURE SUPT	1,606
17350	56	5/4T TRUCK HMMWV (MYP)	69,985
17400	57	MOTOR TRANSPORT MODIFICATIONS	52,000
17450	58	MEDIUM TACTICAL VEH REPL	26,215
17500	60	LOGISTICS VEHICLE SYSTEM REP	16,800
17550	61	FAMILY OF TACTICAL TRAILERS	2,818
17600	62	ITEMS LESS THAN $5 MILLION	2,370
17650	63	ENV CNTRL EQUIP ASSORTED	143
17700	65	BULK LIQUID EQUIPMENT	28
17750	66	TACTICAL FUEL SYSTEMS	168
17800	68	POWER EQUIPMENT ASSORTED	364
17850	70	EOD SYSTEMS	1,316,024
17950	72	PHYSICAL SECURITY EQUIPMENT	---

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
18000	74	MATERIAL HANDLING EQUIP	40,000
18050	77	FIELD MEDICAL EQUIPMENT	692
18100	79	TRAINING DEVICES	110,043
18150	80	CONTAINER FAMILY	2,172
18200	81	FAMILY OF CONSTRUCTION EQUIPMENT	45,000
18300	82	FAMILY OF INTERNALLY TRANS VEH (ITV)	7,875
18350	84	RAPID DEPLOYABLE KITCHEN	391
18500	86	ITEMS LESS THAN $5 MILLION	18,191
18700		TOTAL, PROCUREMENT, MARINE CORPS	2,252,749

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
33	**Air Operations C2 Systems**	**0**
	Premature Request	-56,800
50	**Radio Systems**	**111,084**
	E-Land Mobile Radios - Baseline budget requirement	-152,194
	Communications Installs on US Navy Ships Program Delay	-36,000
70	**EOD Systems**	**1,316,024**
	Mine Resistant Ambush Protected (MRAP) Vehicles	585,360
72	**Physical Security Equipment**	**0**
	Rapid Aerostat Initial Deployment (RAID)/Ground-Based Operational Surveillance System (G-BOSS)	-143,332

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
18750		AIRCRAFT PROCUREMENT, AIR FORCE	
18850	7	C -17	---
18900	11	C-130J	388,000
18950	18	CV-22 OSPREY	99,252
19000	25	PREDATOR UAV	443,700
19100	27	B-1	6,880
19150	30	A-10	163,886
19200	31	F-15	112,762
19250	35	C-5	35,600
19300	38	C-17	122,000
19350	41	C-37	112,400
19400	52	C-40	90,500
19450	53	C-130	252,663
19500	56	COMPASS CALL	23,700
19550	58	DARP	15,000
19600	61	E-8C	---
19650	65	OTHER AIRCRAFT	23,950
19700	69	INITIAL SPARES/REPAIR PARTS	2,480
19750	73	B-2A ICS	4,000
19800	80	OTHER PRODUCTION CHARGES	209,695
19850		TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	2,106,468

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		
7	**C-17**	**0**
	Premature funding request	-111,100
11	**C-130J**	**388,000**
	Five Aircraft	388,000
18	**CV-22 Osprey**	**99,252**
	One Aircraft	146,300
	Transfer to Procurement, Defense-Wide, Line 42, for CV-22 SOF Modifications	-47,048
25	**Predator UAV**	**443,700**
	Predator UAV	10,000
	Reaper UAV	35,000
30	**A-10**	**163,886**
	Unjustified request	-32,400
	Premature funding request for missile rails and EIRCM	-53,500
31	**F-15**	**112,762**
	AESA	-9,200
	JHMCS	-70,000
35	**C-5**	**35,600**
	LAIRCM for C-5B Aircraft only	30,000
38	**C-17**	**122,000**
	LAIRCM	30,000
53	**C-130**	**252,663**
	LAIRCM	30,000
61	**E-8C**	**0**
	Premature funding request	-17,500
65	**Other Aircraft**	**23,950**
	TARS Block 40/50 Modification	-4,320
	TARS Initial Spares	-5,300
80	**Other Production Charges**	**209,695**
	Classified Requirement	65,000
	Baseline budget requirement	-3,800

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
19900	MISSILE PROCUREMENT, AIR FORCE	
19950 6	PREDATOR HELLFIRE MISSILE	78,900
20000 7	SMALL DIAMETER BOMB	16,000
20050	TOTAL, MISSILE PROCUREMENT, AIR FORCE	94,900

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
6	**Hellfire**	**78,900**
	Unexecutable request	-25,400
7	**Small Diameter Bomb**	**16,000**
	Unjustified request	-20,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

		(In thousands of dollars)
20100	PROCUREMENT OF AMMUNITION, AIR FORCE	
20150 2	CARTRIDGES	---
20200 9	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	3,000
20250 16	SMALL ARMS	3,000
20300	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	6,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
2	**Cartridges**	**0**
	Handgun Replacement Program - Baseline budget requirement	-19,100
16	**Small Arms**	**3,000**
	Handgun Replacement Program - Baseline budget requirement	-65,700
	Transfer to Operation & Maintenance, Defense-Wide, only for the Handgun Replacement Study	-5,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

20350		OTHER PROCUREMENT, AIR FORCE	
20500	2	PASSENGER CARRYING VEHICLES	360
20550	8	MEDIUM TACTICAL VEHICLE	154,140
20600	22	FIRE FIGHTING/CRASH RESCUE VEHICLES	18,888
20650	26	HALVORSEN LOADER	620
20700	31	RUNWAY SNOW REMOVAL AND CLEANING EQUIPMENT	400
20750	34	ITEMS LESS THAN $5 MILLION (VEHICLES)	4,440
20800	39	INTELLIGENCE COMM EQUIPMENT	16,600
20850	40	TRAFFIC CONTROL/LANDING	3,300
20900	41	NATIONAL AIRSPACE SYSTEM	9,000
20950	42	THEATER AIR CONTROL SYSTEM IMPROVEMENT	14,800
21000	43	WEATHER OBSERVATION FORECAST	2,433
21050	51	AIR FORCE PHYSICAL SECURITY SYSTEM	10,680
21100	57	AIR OPERATIONS CENTER (AOC)	1,250
21150	66	MILSATCOM SPACE	---
21200	69	TACTICAL CE EQUIPMENT	34,750
21250	70	COMBAT SURVIVOR EVADER LOCATER	44,010
21300	71	RADIO EQUIPMENT	5,400
21350	74	BASE COMM INFRASTRUCTURE	19,020
21400	76	COMM ELECT MODS	16,000
21450	80	NIGHT VISION GOGGLES	9,317
21500	86	BASE PROCURED EQUIPMENT	10,530
21550	88	AIR BASE OPERABILITY	7,200
21600	93	ITEMS LESS THAN $5 MILLION (BASE SUPPORT)	18,000
21650	97	DARP, MRIGS	21,607
21700	999	CLASSIFIED PROGRAMS	1,658,455
21710		OPERATION ENDURING FREEDOM OPTEMPO	15,000
21750		TOTAL, OTHER PROCUREMENT, AIR FORCE	2,096,200

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
8	**Medium Tactical Vehicles**	**154,140**
	Mine Resistant Ambush Protected Vehicles	123,840
22	**Fire Fighting / Crash Rescue Vehicles**	**18,888**
	HAZMAT Vehicles - Baseline Budget Request	-4,325
40	**Traffic Control/Landing**	**3,300**
	USAFE Instrument Landing System	-4,200
66	**MILSATCOM Space**	**0**
	GBS-RPRS Premature funding request	-35,000
999	**Classified Programs**	**1,658,455**
	Program Adjustment	-91,869
	Operation Enduring Freedom OPTEMPO	**15,000**

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

21800	PROCUREMENT, DEFENSE-WIDE	
22400 11	GLOBAL COMMAND AND CONTROL SYSTEM	3,142
22450 13	TELEPORT	3,670
22500 16	NET-CENTRIC ENTERPRISE SERVICES (NCES)	975
22550 17	DEFENSE INFORMATION SYSTEMS NETWORK (DISN)	5,324
22600 23	MAJOR EQUIPMENT, DLA	1,600
22650 25	MAJOR EQUIPMENT, TJS	32,700
22660 38	MH-47 SLEP	22,000
22670 42	CV-22 MODIFICATIONS	47,048
22700 44	C-130 MODS	49,833
22750 48	SOF ORDNANCE REPLENISHMENT	45,788
22800 49	SOF ORDNANCE ACQUISITION	53,176
22850 50	COMM EQPT & ELECTRONICS	78,342
22900 51	SOF INTELLIGENCE SYSTEMS	5,120
22950 52	SMALL ARMS AND WEAPONS	57,805
23000 56	SOF COMBATANT CRAFT SYSTEMS	16,900
23050 59	TACTICAL VEHICLES	165,100
23100 60	MISSION TRAINING AND PREPARATION SYS	5,300
23150 61	COMBAT MISSION REQUIREMENTS	150,000
23200 63	UNMANNED VEHICLES	107,731
23250 67	MISC EQUIPMENT	1,000
23300 69	SOF OPERATIONAL ENHANCEMENTS	65,678
23350 999	CLASSIFIED PROGRAMS	60,662
23400 999	CLASSIFIED PROGRAMS	1,156
23450	TOTAL, PROCUREMENT, DEFENSE-WIDE	980,050

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		
25	**Major Equipment, TJS**	**32,700**
	Request in excess of validated requirement	-26,750
38	**MH-47 SLEP**	**22,000**
	MH-47 Mods for Battle-loss MH-47	22,000
42	**CV-22 SOF Modifications**	**47,048**
	CV-22 SOF Modifications (Transferred from AP,AF Line 18 for execution)	47,048
49	**SOF Ordnance Acquisition**	**53,176**
	SOPGM - Unexecutable request	-1,800
50	**Comm Eqpt & Electronics**	**78,342**
	TACLAN - E - Unexecutable Request	-300
	Forward Deployed Equipment - Transfer from Line 67	20,610
51	**SOF Intelligence Systems**	**5,120**
	MERLIN - Unjustified request	-29,983
	Forward Deployed Equipment - Transfer from line 67	1,220
52	**Small Arms and Weapons**	**57,805**
	Forward Deployed Equipment - Transfer from Line 67	8,030
56	**SOF Combatant Craft Systems**	**16,900**
	IBS Upgrade - Unexecutable request	-13,600
59	**Tactical Vehicles**	**165,100**
	Lightweight ATV - Unexecutable Request	-750
	Forward Deployed Equipment - Transfer from Line 67	21,540
	Mine Resistant Ambush Protected (MRAP) Vehicles	35,760
67	**Misc Equipment**	**1,000**
	Forward Deployed Equipment - Transfer to Lines 50,51,52,59 for execution	-51,410
	MK 5 Clamshell - Unexecutable request	-470
69	**SOF Operational Enhancements**	**65,678**
	Program Adjustments	-20,975
999	**Classified Programs**	**60,662**

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

RECAPITULATION	(In thousands of dollars)
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY......	100,006
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY......	298,722
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE.	187,176
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE......................................	512,804
GRAND TOTAL...	1,098,708

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
50		RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY	
100	34	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.....	---
150	63	SOLDIER SUPPORT AND SURVIVABILITY.....................	7,625
200	82	ALL SOURCE ANALYSIS SYSTEM (ASAS).....................	3,400
250	85	INFANTRY SUPPORT WEAPONS..............................	8,158
300	100	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE.........	38,900
350	102	AUTOMATIC TEST EQUIPMENT DEVELOPMENT..................	---
400	141	MATERIEL SYSTEMS ANALYSIS.............................	---
450	174	INFORMATION SYSTEMS SECURITY PROGRAM..................	31,600
500	177	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM..............	---
550		TACTICAL WHEELED VEHICLE (TWV) PRODUCT................	10,323
600		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.....	100,006

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Conference
34	**Combat Vehicle and Automotive Advanced Technology**	**0**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund	-3,560
63	**Soldier Support and Survivability**	**7,625**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund	-20,000
102	**Automatic Test Equipment Development**	**0**
	Defer non-emergency development of aviation test equipment	-6,500
141	**Materiel Systems Analysis**	**0**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund	-5,410
174	**Information Systems Security Program**	**31,600**
	Transfer from OPA, Line 46 for Execution	23,300
177	**WWMCCS/Global Command and Control System**	**0**
	Database interoperability applications for situational awareness	-3,800

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

650		RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY	
1000	58	MARINE CORPS GRND CMBT/SUPT SYS	5,000
1050	140	TACTICAL CRYPTOLOGIC SYSTEMS	5,000
1060	84	OTHER HELO DEVELOPMENT	13,000
1070	93	H-1 UPGRADES	18,000
1100	95	V-22A	---
1150	98	ELECTRONIC WARFARE (EW) DEV	1,245
1200	158	MARINE CORPS PROGRAM WIDE SUPT	2,000
1250	179	HARM IMPROVEMENT	---
1300	183	AVIATION IMPROVEMENTS	500
1350	186	MARINE CORPS COMMS SYSTEMS	41,540
1400	187	MC GROUND CMBT SPT ARMS SYS	2,000
1450	188	MARINE CORPS CMBT SERVICES SUPT	14,851
1500		CLASSIFIED PROGRAMS	130,500
1550	205	MANNED RECONNAISSANCE SYS	65,086
1600		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	298,722

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		
58	**Marine Corps Ground Combat/Support System**	**5,000**
	Joint Light Tactical Vehicle (JLTV)	-31,800
84	**Other Helo Development**	**13,000**
	DIRCM Integration (ASE for USMC)	1,000
	NRE for LW/DIRCM (ASE for USMC)	12,000
93	**H-1 Upgrades**	**18,000**
	Aircraft survivability (DIRCM) for H-1(ASE for USMC)	18,000
95	**V-22A**	**0**
	Excess to need	-3,800
158	**Marine Corps Program Wide Supt**	**2,000**
	Program Wide Support	-8,100
179	**Harm Improvement**	**0**
	Defer Thermobaric Modification	-2,230
186	**Marine Corps Communications Systems**	**41,540**
	Funds near-term deliverables	-123,808
187	**Marine Corps Ground Combat Support Arms System**	**2,000**
	Ground Weaponry PIP	-2,000
188	**Marine Corps Cmbt Services Supt**	**14,851**
	Funds near-term deliverables	-715
xx	**Classified Programs**	**130,500**
	Classified Program Adjustment	-20,000

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
1650		RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE	
1700	50	INTEGRATED BROADCAST SERVICE	4,000
1750	67	B-1B	17,030
1800	79	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	2,000
1850	121	B-52 SQUADRONS	24,500
1900	129	A-10 SQUADRONS	10,000
1950	162	MISSION PLANNING SYSTEMS	13,300
2000	199	DRAGON U-2 (JMIP)	---
2050	200	AIRBORNE RECONNAISSANCE SYSTEMS	---
2100	201	MANNED RECONNAISSANCE SYSTEMS	20,540
2150	203	PREDATOR UAV (JMIP)	20,000
2200	204	GLOBAL HAWK UAV	---
2250	999	CLASSIFIED PROGRAMS	75,806
2300		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE	187,176

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		
50	**Integrated Broadcast Service**	**4,000**
	CO-GINS Funding ahead of need	-5,000
199	**Dragon U-2 (JMIP)**	**0**
	SYERS-2 Qualification and Certification Testing	-660
200	**Airborne Reconnaissance Systems**	**0**
	TARS Integration on Block 40/50 F-16 Aircraft	-6,000
204	**Global Hawk UAV**	**0**
	MASINT and SIGINT Capability Development	-19,033
999	**Classified Programs**	**75,806**
	Program Adjustment	-2,852

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

			(In thousands of dollars)
2350		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	
2400	186	CRITICAL INFRASTRUCTURE PROGRAM (CIP)	15,700
2450	999	CLASSIFIED PROGRAMS	497,104
2500		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW	512,804

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1	
999 Classified Programs	**497,104**
Classified Program Adjustment	-138,060

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
Defense Working Capital Funds (emergency).............	1,115,526

FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

	(In thousands of dollars)
Defense Health Program (emergency)	3,001,853
Operation and maintenance (emergency)	(2,552,153)
Procurement (emergency)	(118,000)
Research, development, test and evaluation (emergency)	(331,700)
Medical support fund (emergency)	---

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

OPERATION AND MAINTENANCE	**2,552,153**
Amputee Care	61,950
Bethesda Emergency Preparedness Plan	5,000
Blast Injury Prevention, Mitigation & Treatment	14,800
Improved Identification and Access to Mental Health/PTSD Treatment	300,000
Improved Identification and Access to Traumatic Brain Injury Treatment	300,000
Care Givers Support Program	12,000
Burn Care	14,800
Comprehensive Combat Casualty Care (C5)	6,500
BAMC Infrastructure (Elevators)	1,500
WRAMC Infrastructure (Building 18 & other infrastructure)	20,000
Efficiency Wedge	382,000
Restores Funding for Legislative Proposal not adopted	410,750
PROCUREMENT	**118,000**
Efficiency Wedge	118,000
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION	**331,700**
Peer Reviewed Post Traumatic Stress Disorder Research	150,000
Peer Reviewed Traumatic Brain Injury Research	150,000
Peer Reviewed Burn, Orthopedic, and Trauma Research	31,700
MEDICAL SUPPORT FUND	**0**

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

It was on February 5 that the President sent his emergency supplemental request to the Hill for our consideration. Today, Congress is poised to finally send the President a package that he can sign.

The days, weeks, and months that have passed since the supplemental request first arrived on the Hill have been long on politics and short on substance. The Speaker and the majority leadership have spent valuable time at our troops' expense taking symbolic votes for the purpose of placating the Out of Iraq Caucus.

No political party has a corner on virtue, but the Democrat majority's reluctance to act swiftly on funding our troops clearly calls into question its commitment to our men and women in uniform.

As a longtime Member of the Appropriations Committee, I cannot recall a time that legislation has come to the floor under the committee chairman's name that the committee chairman apparently plans to oppose, and yet that is exactly what is occurring today.

My colleague, Chairman OBEY, has indicated that he, like most of his caucus, is going to oppose the piece of this emergency supplemental that supports our troops, and he is going to support the piece of this emergency supplemental that funds political pork. Perhaps my friend from Wisconsin would be more comfortable in replacing his name with mine as the chief sponsor of the troop-funding bill.

The funding package before us today contains $17 billion in unrequested Federal spending. While a small piece of this funding addresses legitimate needs, its designation as emergency spending serves only one purpose: to make headroom for even more Federal spending in the fiscal year 2008 appropriations process.

I urge my colleagues to consider this: In the last week, four appropriations subcommittees have marked up bills for the coming fiscal year. Already, these four bills are $9.1 billion above the President's budget request and provide $21.8 billion above the 2007 enacted level. The committee has yet to mark up another eight bills. By the time the committee completes its work, it will propose over $20 billion in new spending beyond the President's request for next year. Between the emergency supplemental and the fiscal year 2008 bills, the Democrat majority has proposed spending an additional $37 billion.

I am deeply dismayed that this legislation was written without any consultation whatsoever with the minority. The Speaker's public pronouncement of a desire to work across the party lines, to say the least, runs hollow once again. What makes this more astounding is that Speaker PELOSI, Majority HOYER and Mr. CLYBURN, the distinguished majority whip, have been longtime members of the Appropriations Committee. They know that our committee process has historically been a bipartisan, or even, in its ideal form, a nonpartisan process. The majority party clearly made a decision early on not only to abandon our troops, but to abandon any semblance of bipartisanship in this process. That does not bode well for our remaining work this year.

Mr. Speaker, I strongly urge a "yes" vote on the Obey amendment, providing critical funding to our troops, which I gather Mr. OBEY is going to vote against, and strongly urge a "no" vote on the Obey amendment providing $17 billion in spending unrequested and unrelated, I would describe as pork, to hurricane relief or the global war on terror. I gather Mr. OBEY is going to vote against supporting our troops in the first instance and for pork in the second.

Mr. Speaker, I reserve the balance of the time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I rise to speak and to urge our colleagues to please vote and pass this passage.

Now, the most important part, and, of course, all of it is very important, but there is one part that I want to emphasize that is so important on the second part; and I take quite a distaste at how the gentleman referred to that as pork, because the children's health program is not pork.

In my State of Georgia, there are 273,000 children who will go without their insurance or health care if we do not pass this measure.

Now, yes, we must get the funding to the troops; they are in need, and we certainly want to get the funding there. But let me just urge those in the minority on the other side of the aisle that many of these 273,000 children who are in Georgia without health insurance belong to the soldiers who are serving in Iraq, and we have been working feverishly in each step of the way to make sure we had the SCHIP program included. And I want to make sure we include this all the way, and urge the President to sign it when we get there.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I thank the chairman of the committee for yielding.

No matter how the Members vote on the two amendments before the House on this measure, I know that every one of us is absolutely committed to our men and women in harm's way and prays for their safe return home.

I also know that the Members on our side of the aisle, regardless of how we vote on these amendments, are united in our collective judgment that the President's policy is failing; and that after 4 years of repeated misjudgments in Iraq by this administration, it is long past time to insist that the administration and the Iraqi Government be held accountable for making progress; and, that we must change direction in Iraq.

In fact, the American public strongly support the Democratic position on the war. Just today, the latest New York Times/CBS poll found that 76 percent of Americans, including a majority of Republicans, say that the troop surge has either had no impact or made the situation worse. Meanwhile, 63 percent said the United States should set a date for withdrawing troops sometime in 2008. That, of course, is what the bill that we passed and sent to the President did. He vetoed it. That position was adopted by the majority of this House and the majority of the Senate in the last supplemental bill.

And 69 percent say Congress should appropriate money for the war on the condition that we set benchmarks for progress. I am pleased, of course, that the Warner language is in there, but it is not enough.

Mr. Speaker, it is deeply disappointing that the President continues to defy the will of the American people. But today, with this amendment which includes 18 strong new benchmarks on political, security, and economic progress, and other reporting requirements, I believe this Congress has moved the ball forward and begun to hold the administration accountable.

Is it as far as we are going to go? It is not. Should we go further? We must. Make no mistake, this amendment does not provide everything that we had hoped for, but I do not believe that it provides a blank check or that this Congress is rubber-stamping the President's request. The President did not want the Warner amendment attached. He doesn't want any constraints.

In addition to benchmarks, this requires the President to report on progress in July and September, and ties all economic support for Iraq to progress on the benchmarks, although a waiver is required. Why? Because the President said he would veto the bill if it was not.

The fact is, this is simply the best bill we could put together and that would be signed. It is a political reality. It is not what we want to pass.

It imposes truly for the first time ever a level of accountability that did not exist, however, previously. For the first time ever, we are also calling for the Iraqi Security Forces to step up and do the job assigned to them so our soldiers can step down by providing funding for an outside review of the Iraq Security Forces' current capacity and their reliance on our Armed Forces.

We have moved the ball forward. Far enough? No. Do we need to move further? Yes. But we have advanced toward a new direction and a new policy in Iraq. And in the months ahead, we will continue to fight for a new direction in Iraq in the fiscal year 2008 defense appropriations bill and other measures to be considered.

Finally, Mr. Speaker, let me say that I am very pleased that the second amendment being considered will provide for the first time in a decade a long overdue increase in the Federal minimum wage, as well as additional funding for defense and veterans health care, and homeland security, drought relief, the State Children's Health Insurance Program, and gulf coast recovery. The Katrina provision is a critical one.

Mr. Speaker, I will vote for both of these amendments, and I urge my colleagues to do so as well.

☐ 1730

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague from Florida, the ranking member of the Defense Subcommittee, BILL YOUNG.

Mr. YOUNG of Florida. Mr. Speaker, I thank Mr. LEWIS for yielding the time. And I rise in very strong support of the warfighting supplemental. Mr. MURTHA and I have worked together very closely to make sure that the numbers were what our soldiers and sailors and airmen and Marines and Coast Guardsmen were what they needed as they continue this battle in Iraq and Afghanistan.

The suggestions that I have seen today in the media that this political group lost or this political group won, I don't believe either one, any of those. The victory goes to the members of our military who are going to have the funding that they need to make sure that they have the equipment that they need and whatever else that they need.

Something else that it does, it proves that the Constitution is good. It proves that, by legislators working together along with the executive branch of government, that we can come to a solution.

Mr. MURTHA and I strongly support the dollars. We did disagree, and there was no secret about that, on the language that he had originally inserted. But we all worked that out. And during our many conversations, we both agreed, and we both knew that we had to come to an agreement, not only here in the House and in the Senate, but with the White House. And that's what we've done.

And I think this is a good package, and I hope that for those who might be wavering and thinking that they're not going to vote for this warfighting supplemental, think about that, because it is a good package, and it's one that I strongly support.

And I commend leadership on both sides for having been able to come to this agreement and this compromise on a very good piece of legislation.

I'm not sure if that's going to be amendment No. 1 or amendment No. 2, but whichever amendment it is, I hope that all of us will vote for it and support it sincerely and aggressively.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman for yielding, and for your leadership.

In 2003, Congress approved a $78 billion supplemental. In 2004, it was $87 billion. In 2005, it was $82 billion. In 2006, it was $72 billion, and now the administration wants almost $100 billion more.

Over 3,400 of our brave troops and countless Iraqis have died in this occupation. The President has dug us deep in a hole in Iraq, and it boggles my mind, boggles my mind that Congress wants to give him another blank check to buy more shovels.

This occupation and civil war cannot be won militarily. Mr. Speaker, how many will have to die before this House stops writing blank checks?

The American people are looking to Congress to end this failed policy and to bring our troops home.

Two months ago, we went to the Rules Committee to try to get an amendment to fully fund the safe and timely withdrawal of the United States forces from Iraq. That is what we should be voting on today, not to give the President another blank check. So I urge my colleagues to vote against this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Speaker, first I rise in support of this bill, and I am pleased that our troops are being supported with the funding necessary.

But I also rise in my capacity as ranking member of the Emerging Threats Subcommittee of the Homeland Security Committee to make an important observation about this supplemental appropriations bill.

The funding included in the prior supplemental that would have provided $800 million for advancing the national strategy for pandemic influenza are not in this supplemental. I'm perplexed as to how the strategic threat to this Nation of a pandemic influenza outbreak declined in the past 2 weeks. We all voted to include it then, and now it is gone.

I bring this up to remind all of us that emerging threats are best addressed with preparation before the outbreak. Once an outbreak occurs, it is too late. I cannot tell you the day or week when the pandemic influenza will occur, but all the experts agree that it will. Our only strategy, therefore, is to prepare now so we will be ready when it does happen.

We run catastrophic risks in delaying this pandemic influenza preparation, and I strongly encourage the House to include this funding in the next appropriations vehicle. The risks here are simply too great to postpone our preparations.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Let me simply note that it was the administration that refused to provide support for including funds for the pandemic flu challenge facing the country. We have tried on this side of the aisle for more than a month to include that funding.

I've even noted that it was the administration itself who originally asked for that money, as an emergency, 2 years ago. And yet they declined to support it and, in fact, insisted that it come out in this negotiation, just as they insisted that funding for low-income heating assistance come out.

So I certainly agree with the gentleman's suggestion that that money ought to be in here. I said that in my own remarks. I also want it very clear why it isn't.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, the Democrats owe our majority to the American public who voted us into power for one simple reason; they trusted us. They trusted us to act boldly to hold this administration accountable and to bring our troops home. So far, we're failing the very trust that they've placed in us.

But, more importantly, every day that we allow this occupation to continue, we are failing our brave young men and women, those who are serving honorably and professionally in Iraq, and we are failing their families here at home who are struggling to keep their lives and families together, who are forced to worry whether their loved ones will come home alive or actually in one piece.

Today is not an opportunity to claim victory or to give bellicose speeches for partisan debate. Today is an opportunity to grieve for the soldiers who have sacrificed their lives for this President who has failed Iraq in his policies.

Today is a day to stand by our Nation's sons and daughters who suffer through irreparable physical and mental wounds.

Vote "no."

Mr. LEWIS of California. Mr. Speaker, if I can get Mr. OBEY's attention, it is my understanding that, by considering the supplemental in this highly unorthodox way, that the majority's new rule related to earmarks does not apply to the two amendments that are under consideration today.

I'm happy to yield to my friend, Chairman OBEY, if he'd like to respond.

Mr. OBEY. What's the gentleman's question?

Mr. LEWIS of California. It's my understanding that by considering the supplemental in this way, under this rather unorthodox way, the majority's new rule that's related to earmarks does not apply to the two amendments we're considering today.

Mr. OBEY. Well, let me make two points. First of all, this is not all that unusual. It was not done during the time that the Republicans ran the House, but it was done often prior to that. All we have to do is to take a look at the history of the Hyde amendment and take a look at several other conference reports that were adopted, one in 1996, for instance.

With respect to the two questions, or the question about the two amendments, technically, it's my understanding that they do not apply to amendments, or that the rules do not apply to amendments.

Mr. LEWIS of California. Well, just out of curiosity, Mr. Speaker, or Mr. OBEY, I wonder if there are any earmarks in this massive package that went unidentified in the true spirit of that earmark disclosure rule.

Mr. OBEY. To my knowledge, there are none.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the chairman of the Defense Appropriations Subcommittee.

Mr. MURTHA. Mr. Speaker, I rise in support of this bill that BILL YOUNG and I worked out.

Let me say this to the Members: We did everything we could to work this out. We worked diligently. We sent a bill to the White House. They vetoed it. We've done everything we could do to change it.

I feel a direction change in the air. I see the Iraqis are starting to talk about redeployment. I see the administration starting to talk about other countries being involved. I see them asking the U.N. to get involved, something that should have happened a long time ago. But the point is, I see a new political diplomatic effort which is beginning to take effect here that's going to make a big difference.

But, in the meantime, we have to fund the troops. They'll run out in the next few weeks. They'll run out of money. There's no question about that. We send our staff continually to find out exactly how long it'll go. There'll be tremendous problems if we weren't to fund the troops.

And let me say what's in this bill. There's $94 billion for the Department of Defense military, and $24 billion of that is for reset and re-equipment; $7.7 billion for four critical initiatives; $1.1 billion for family housing allowances; $1.6 billion for strategic reserve readiness. We're trying to change. We're trying to stabilize the military.

We've already found with some of the work that we've done a couple of billion dollars in contracting that we can use and divert, and BILL YOUNG and I were talking about this earlier today; $1.6 billion for strategic reserve; $34 billion for MRAP. That's the new vehicle that resists the IED attacks. Almost $2 billion in additional funding for health care; we have funded the health care that was not funded last year. We put extra money in for Walter Reed. We put extra money in for care giving. We put extra money in for all kind of things.

But let me just say this: I saw the other day, to show you the kind of problem we have, I saw the other day a young fellow who got 20 percent disability when he got out of the military. And then he went to the VA, and he got 100 percent disability. But the point is, he gets no health care for his family, and he has four children. So even though he gets 100 percent disability and he's taking care of himself, and he'll probably be paralyzed at some point because he's getting worse instead of better, and these are the kinds of things we're trying to fix.

So we have several problems. First of all, we have the short-term problem; we have to take care of the funding for the military for the next 4 months. As Chairman OBEY says, we need to take care for an extra 2 months from the original bill we passed.

Then we need to start to work on a nurse shortage. We're looking at paying the nurses $25.000 more. We're looking at doctor shortages. We are looking at an administrative shortage in the hospital. We, finally, BILL YOUNG and I worked, and we got General Casey going to all the hospitals finding out what the shortages are. We've got a lot of work to do here, and this bill starts us in that direction.

But let me just end this by saying, we're now in a position where I see that, by September, we'll be able to judge. When we pass our bill, and the 2008 bill will come up as a basic defense bill, then we're going to hold the supplemental until September. By that time, we will know that the surge is working or not working. And I predict, and I've been right in every one of my predictions, that incidents are going to continue to increase; oil production will not be above pre-war level; and that electricity will not be above pre-war level. And incidents will continue to increase, and more and more people will be killed by IEDs.

So I do not wish for a bad result, but I see the administration finally changing and finally recognizing this can't be won militarily. I think we're moving in the right direction.

It's very painful because people are frustrated. They'd like to see this thing over overnight. All of us are frustrated. But we have to take what we can get, and I think here we have a good bill, as good a bill as we could put together.

The two bills put together are good bills. I hope that everybody will vote for both bills because one takes care of the troops and the funding that's necessary, and the other takes care of all the other, the change in direction that we're trying to get in the military.

□ 1745

I would request that all the Members vote for both amendments to the bill.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of this supplemental package. Obviously, we need to get the money to the troops in the field, and, also, my State of Louisiana needs these additional funds as well.

But I want to point something out that has not been discussed in the debate. The President called for 10 new provincial reconstruction teams for Baghdad. Upon arrival in Baghdad, General Petraeus has asked for 14, four additional PRTs. State and USAID cannot really adequately plan to put this into effect. Particularly, they are phase 3, where they get the personnel in position. So the much-needed money for the State Department is in this supplemental. And for those of us who are interested in seeing the political and economic side of our plan enacted and successful in Iraq, it greatly depends on getting this funding to the State Department.

So I urge our colleagues to support this supplemental package, particularly those of you who are interested in the economic and political side of this, because if we are going to push for reconciliation, it is clearly critical to have these State Department personnel on the ground providing that on-the-ground pressure to move toward reconciliation in Iraq.

Mr. LEWIS of California. Mr. Speaker, I think now I can probably be much more generous than I ever would have been and am happy to yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

We went into Iraq on a bipartisan basis, two-thirds of the House and three-quarters of the Senate, and we need to leave on a bipartisan basis enabling the Iraqis to stand on their own.

And what I feel in these two resolutions and legislation that we are passing is, it is still Democrats basically saying this is the way we are going to structure the debate. This is the way we are going to do it. Take it or leave it. So we end up with this bifurcated piece of legislation that, frankly, I don't think does justice to the process. And I want to be on record on that.

I also want to say to my colleague on the other side of the aisle you say, "I predicted and I have been right 100 percent of the time," you know what? That is debatable. Frankly, it is very debatable. And when you talk about there are incidences here, and there will be incidences there, if that is how we are going to judge this war, then we might as well leave now. But why don't we judge it on economic, political, and military efforts, not on incidences? Why not judge it on the fact that in December we gave up on Anbar Province and now we are winning Anbar? And it is clearly one of the most important provinces. It is totally Sunni. It connects Syria to Baghdad.

This is the route to which insurgents have been coming from Syria. They follow the river, and now we have tribes all along the way, Sunni tribes, not Shia tribes. Sunni tribes that are saying, hey, who are you? What are you doing here? And they are calling a stop to it. And they are saying to us every time we meet with them "Do not leave us. You came here unwelcomed, but now do not leave us until you help us stand on our own."

And I fear, Mr. MURTHA, that what we are going to do if your predictions are right, and it is almost like you want to be right instead of want to be wrong, if your predictions are right, and we will leave too soon because of incidences, then we will have only ourselves to be shameful of, not that we went in there, but because we deserted them before we gave them a chance.

The political process, it is moving forward. Is it doing as well as I would like? Some have described it to me this way: It is like a sixth-grade dance. You had Sunnis, Shias, and Kurds, and they were all there, but nobody danced. And now they are starting to interact with each other. Now Sunnis and Shias and Kurds are saying to us collectively, Please give us more time to work out our differences. It is not Shias saying the Sunnis are doing this or the Sunnis saying the Shias are doing this. Collectively they are saying, give us more time.

I think, they are at a point where if we give them time, you will see, Mr. MURTHA, that your predictions will be wrong. But if you don't give them enough time, it is a self-fulfilling prophecy. Your predictions will be right because you didn't give them a chance.

Let me conclude by saying we attacked them; they didn't attack us. And I believe we have an absolute moral obligation to replace their army, to replace their police, to replace their border patrol. I think we have a moral obligation to give this political process a chance.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, let me say that the Iraqi Legislature is going on a 2-month vacation. A 2-month vacation they are taking. We have been there 4½ years. And the people that give us the report is not JACK MURTHA. The people that give us the report is the Joint Staff. And if you read with real glasses, you see what is happening in Iraq. You see incidents erupt. You see people getting killed. You see that nine people were killed just yesterday. You see that the IEDs are killing more people. More people were killed in the last 4 months than at any other time during the war.

We are trying to help you. We are trying to change the direction. We are trying to win it politically. We are trying to win this war. That is what we are trying to do. You can't win it if you don't look at it objectively. The gentleman is looking at it with rosy glasses instead of looking at it realistically. He is not looking at it objectively.

Mr. LEWIS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Connecticut.

Mr. SHAYS. Mr. MURTHA, they are not going to take 2 months off. They will probably take less time off than this Congress has taken.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), our minority whip.

Mr. BLUNT. Mr. Speaker, I thank Mr. LEWIS for yielding.

All I can say, Mr. Speaker, is that it is about time that we got this job done. Three and a half months to respond to our troops and to their families is too long.

Frankly, I think if we had been interested in getting this job done, most of us could have taken out a yellow legal pad and written 30 or 60 or maybe even as much as 90 days ago what the House would finally vote on that would solve this impasse in supporting our troops.

While we have let this process drag on, the military has had to cancel noncritical contracts, defer home station unit training activities, defer any nonabsolutely critical orders for spare parts, defer maintenance, put off summer programs that have affected spouses and families while military personnel were assigned to Iraq, and that is unfortunate.

What is fortunate is that we have come up with a bill that funds the needs of the troops and sets benchmarks for the Iraqis. House Republicans have been saying since January this bill needs to include benchmarks for the Iraqis. I have been saying almost since that time those benchmarks need to have consequences. We have done that in this bill, and that is a good thing. We are requiring the Iraqis to step up and do their part of the job.

Equitable distribution of oil resources is something that needs to happen if this country is going to achieve stability. Establishing a High Electoral Commission and establishing a deadline for regional elections is something that we have been talking about since January that tonight we are going to say the Iraqis have to do or there are consequences. Militia disarmament is important here, as it is also important, as you deal with the military, not to undermine the military or change military leadership if they are doing the job that needs to be done in ending sectarian violence. Protecting minority political parties in Iraq is something that we are going to be monitoring. The Iraqis have to come up with the brigades that they need to be part of the operation that General Petraeus is leading. The President has to certify these items. All these are things that many in this House have been talking about for most of the 109 days this debate has been dragging on.

It is time to bring this debate to an end. It is time to support the troops. It is time to support their families and do the job that the Congress needs to do rather than trying to figure out the job that the commanders in the field need to do. They need to do what is necessary to be successful. This is a step in giving them the tools to do that and giving the Iraqi Government the incentive to be who they are supposed to be.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

The previous speaker just complained about the fact that this has taken 110 days to finish. If I am not mistaken, he was the majority party whip when his party controlled this Chamber last year, and it took 110 days before the Republican-controlled Congress could get a supplemental to the President. So I think it comes with considerable ill grace for the gentleman to be calling the kettle black.

Let me also suggest that if there has been any delay whatsoever associated with this process, it is due to two things: Number one, it is a little thing called democracy. You know what? We don't have a rubber-stamp Congress anymore. If we did have a rubber-stamp Congress, we could have finished this in 1 day. But that is not what our obligation is.

And, secondly, and even more fundamentally, any delay in the process was not caused by the Congress. We had this job done 3 weeks ago. The delay was caused by fact that the President blocked the funds going to the troops when he vetoed the bill. So I would suggest that the gentleman recognize where the true responsibility lies.

We have a right and an obligation to spell out what we think is in the national interest of this country. Pardon me if it takes a few days.

Mr. LEWIS of California. Mr. Speaker, I think it is appropriate that the Republican whip respond to what would only be described as a so far do-nothing Congress in connection with helping the troops; so I yield him 30 seconds.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for the 30 seconds.

And I would say in response to those questions, first of all, by definition the last Congress must not have been a rubber stamp, or it wouldn't have taken the time that you suggest this Congress sees as so important to do the job.

And what the last Congress was doing was, one, trying to get a bill the President would sign in circumstances that the Defense Department said was dramatically different than this; and, two, eliminating $14.5 billion of spending that we didn't want and the President didn't want. We didn't do that part of this job.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

I intend to yield the remainder of my time to close debate to the Speaker.

Before I do that, and before the gentleman closes with his last speaker, let me simply thank the committee staff. Let me thank the CBO staff, the legislative counsel staff, even the White House staff, who worked with us to fashion together this package.

Regardless of how Members feel about it, it took a tremendous amount of work by people whose names never get in the papers, whose pictures never get in the papers, but who do their darnedest to see to it that the will of this House is carried out with as much clarity as possible. I appreciate their work. I appreciate their dedication to this institution and this country.

Mr. Speaker, I reserve the balance of my time.

□ 1800

Mr. LEWIS OF California. Mr. Speaker, I yield the balance of our time to the Republican leader, Mr. JOHN BOEHNER.

Mr. BOEHNER. Let me thank my colleague for yielding and say, thank goodness that we're finally here.

Mr. Speaker, over 100 days trying to come to an agreement on how to do the right thing for our men and women in the military fighting for our freedom and our safety and our security right here at home. I ask myself, why? What have we done over the last 100-plus days, and why has it taken this long? And there is one image that keeps coming back to me, and it's from my friend, the chairman of the committee, and it is his favorite saying: There are a lot of Members who have been posing for holy pictures over the last 100-plus days. The gentleman knows exactly what I'm talking about.

Put yourself in the shoes of our men and women fighting in Iraq, fighting in Afghanistan and elsewhere around the world. And think about the message that we have sent them over the last 100-plus days. We sent them there to do a job. We sent them there on a mission. And yet, for the last three and a half months we had a debate going on here that has undermined their efforts, lowered their morale and clearly sent the wrong message to our allies and to our enemies. But thank goodness that we're finally here.

We have no artificial deadlines. We have no surrender dates. We have no shackles on the generals and our troops on the ground. We are going to give our generals and our troops what they need to win in Iraq. And winning in Iraq is important for our country. I don't believe that there is a Member in this Chamber who doesn't understand that winning in Iraq is important to our country. It has been difficult; mistakes have been made. But think about why we went to Iraq. We went to Iraq to get rid of a brutal dictator who was a threat to his own population and to all of his neighbors. We succeeded.

We went to Iraq to eliminate weapons of mass destruction. Of course they were shipped somewhere else. But we know that they were used against their own Iraqi people. But they are not there. We went there to help install a government to build a basic democracy in a part of the world that has never known it. We are in the midst of it, and we are succeeding.

It is al Qaeda, the sworn enemy of the United States, who wants to kill us, who made Iraq the central front in their war with us. If we don't take on al Qaeda in Iraq and defeat them, where will we draw the line? Will we draw the line when they go into Saudi Arabia? Will we draw the line when they try to decimate Israel? Or are we going to wait and draw the line when we are fighting the terrorists here in America?

Think once again about those young men and women in our military out there doing their duty for us. We, the Congress of the United States, authorized the President to go to Iraq and to do what I've just outlined. We sent them there. And this last 100 days, we've questioned whether in fact we really should have done it. I think it is far too late. They are there. They are on the ground. They deserve our support. And, finally, tonight they are going to get the resources they need to try to win the battle in Iraq.

Now let me just say something about the rest of this bill, the second part of this bill that has some $20 billion worth of additional spending, probably some $8 or $9 billion of nonmilitary, nonveteran spending that does not belong in this bill. It may be well-meaning. It may be well-intentioned, but it doesn't deserve to be put on the backs of our men and women in the military serving our country. It deserves to be done in a regular order.

When it comes to that part of the bill, I am going to have to vote "no." To load this bill up with not only all the additional spending, but we've got a half a dozen pension issues. We've got a minimum wage issue. We've got a whole host of other issues that don't deserve to be put on the backs of our men and women in the military. It is a sneaky way to do business. I wish it was not in there. And on that portion of the bill, I will vote "no" tonight.

But I am glad that we're here. I know that there are differences in this Chamber, Members on both sides of the aisle who feel differently about our mission in Iraq and our chances of success there. I know when I came here and every 2 years since I've been here, on the opening day, we all stand here; we raise our right hands and swear to uphold and defend the Constitution of the United States. There are a lot of my colleagues that have heard me make the statement that I didn't come here to be a Congressman. I came here to do something. And I think at the top of our list is providing for the safety and security of the American people. That's at the top of our list. After 3,000 of our fellow citizens died at the hands of these terrorists, when are we going to stand up and take them on? When are we going to defeat them?

Ladies and gentlemen, let me tell you, if we don't do it now, and if we don't have the courage to defeat this enemy, we will long, long regret it. So, thank you for the commitment to get the job done today.

Mr. OBEY. Mr. Speaker, I yield the remainder of our time to the distinguished Speaker.

Ms. PELOSI. I thank the gentleman for yielding, the distinguished chairman of the Appropriations Committee.

Thank you, Mr. OBEY, for your brilliance in bringing the legislation to the floor that we have today so we can express ourselves on the direction of this war, and at the same time, we have the opportunity to meet the emergency needs of the people of America, the Hurricane Katrina survivors, our farmers suffering from natural disasters, children without health insurance, our veterans. Thank you for the strong commitment you and Mr. MURTHA and others have made to military health, to veterans health and to BRAC. After 10 years of indifference, we are raising the minimum wage for millions of our hardest-working Americans. And with the passage of the provisions in the first piece of this bill, the first amendment, we strengthen our country and address the health and well-being of millions of Americans who have been ignored again for too long. The new direction of Congress is keeping its promise to them.

Mr. Speaker, we have two amendments before us, and I just spoke about one of them. The other resolution, the other amendment about the war, the President's request plus the Warner resolution, is really an inkblot. We are all familiar with the Rorschach test; you look at it and you see what you see. Some will see one thing; some will see others. Some will see an opportunity, for the first time, for the Republicans to say that accountability is needed on the part of the President of the United States and on the part of the government of Iraq. And so there are these benchmarks. But these benchmarks by no means meet the obligation that we have to our men and women in uniform if they can be as easily waived as they can be in this resolution.

The resolution that the Republicans put forth, I am really glad that they finally admitted that there is a need for accountability. But what they haven't done is met that need with something appropriate. This is like a fig leaf. This is a token. This is a small step forward. Instead, we should have a giant step forward into a new direction. So when I look at this inkblot, I see something that does not have adequate guidelines and timetables; something that does not have adequate consequences; and something that does not have my support. Democrats are proposing something much better.

Instead of a missed opportunity, we had hoped that the President would have accepted our proposals, which we sent to him over and over again, over and over again, meeting his request, and even doing more for our troops, for our veterans, and for strengthening our military in ways beyond the President's request.

We now have our troops engaged in a civil war. There are reports that the Department of Defense has declared what is happening in Iraq to be a civil war. The American people do not think that it is necessary for us to be refereeing a civil war in Iraq. They want our focus to be on fighting terrorism, retraining the Iraqis, protecting our diplomats and our forces there, and that is exactly what Democrats have proposed. Instead, we have a situation where, in refereeing and engaging in combat in the civil war in Iraq, as the President has us doing there, we have lost thousands of Americans. The number is hard to measure, but everyone agrees, easily over 100,000 Iraqis. The cost to our reputation and our military readiness is incalculable, but it is huge.

We think there should be a new direction. We think what we should be talking about here today is a different vision for stability in the Middle East and how our role in Iraq contributes to that. The generals, including General Odierno, recently stated that any strategy for success in Iraq must begin with the redeployment of our troops out of Iraq. That is a general, a retired general, and his voice is echoed by other generals as well. That, again, is what we are proposing, a change of mission, a redeployment for a different purpose, fighting terrorism, which is the threat to our national security.

The focus on Afghanistan must be reemphasized as that situation becomes more tenuous.

If we went down the path that General Odierno suggests and which Democrats have proposed over and over again, we would have a drastically reduced need for American troops in Iraq. Our troops have performed their duties excellently, excellently. Every opportunity we get, we must honor them for their patriotism, their courage and the sacrifices they and their families are willing to make. Time and again, we do this. And as we go into Memorial Day Weekend, we do it again. And we convey our condolences to those who have lost a family member in Iraq, in Afghanistan or any of the other wars we have been engaged in.

And we have honored our veterans not just with words but with actions. In the last couple of weeks, under the leadership of Chairman IKE SKELTON, Democrats put forth our Department of Defense Authorization bill. And in that bill, it was dedicated to troop readiness, with training and equipping our troops so that we don't send them into harm's way at a disadvantage.

Mr. SKELTON's bill also calls for a 3.5 percent raise in military pay and a $40 survivor benefit to survivors of those who were lost in battle. Do you know what the President said about that in his statement of administrative policy? That that increase was unnecessary.

While yesterday, we had representatives of the veterans' organizations, especially the survivors, telling us that a $40 increase doesn't nearly go far enough to be commensurate with the sacrifice. We could never match the sacrifice, but we should at least make a respectable attempt at it. And for the White House to say a $40-per-month increase for survivors of those who gave their life in battle is unnecessary, unnecessary to whom? So if you want to talk about supporting the troops, how about supporting the troops, our veterans and their families?

Around the same time, Chairman SPRATT brought to the floor the Democratic budget. This budget has a $6.7 billion increase for our veterans; $6.7 billion more than the previous budget; historic in its increase, making veterans a priority, an investment in those who sacrifice so much for us, an investment in honoring our commitment to our veterans. And just this week, Chairman CHET EDWARDS of the Appropriations Subcommittee on Military Construction and Veterans Affairs put forth the largest increase in the VA in the history of the Veterans' Administration, 77 years. This is to make up for some promises not kept, but it is also to say, in our spending priorities, even within the context of PAYGO, no new deficit spending, no increases in the deficit; we put veterans at the top of the list and our military at the top of our list.

This isn't about whether we support our troops. Of course, we support our troops. We all demonstrated that over and over again.

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But it is about opposing this war.

This is not the end of the debate. We have to be here to bring this bill to the floor so we can go forward. But this debate will go on. There will be legislation on the floor in the next several months to change the mission once again from combat to fighting terrorism, training and diplomatic and force protection. Again, that would require a greatly reduced U.S. force in Iraq, and coalition force as well.

We will have legislation to repeal the President's authority for the war in Iraq, to repeal the authority that the President has for the war in Iraq. We will have that vote.

We will have votes on Mr. MURTHA's defense appropriations bills: one of them the regular order defense appropriation bill; another one, the supplemental that has been requested by the administration.

Mr. Speaker, I come to the floor today sad that the opportunity we have has been missed. There is a recognition that we need accountability, because the American people are demanding it. At least 70 percent of the American people say we have to have accountability. So instead of putting accountability into the bill, we make a gesture at it. We could have taken a giant step in a new direction. Instead, we are taking a baby step. But, as I said, this is not the end of the debate.

As we think about all of this, I would like to recall the words of a philosopher. Hannah Arendt once observed that nations are driven by the endless flywheel of violence, believing that one last, one final gesture will bring peace. But each time they sow the seeds for more violence.

That is what President Bush is doing in Iraq. That has been the deeply flawed policy of President Bush.

Again, Democrats are proposing a new direction. I urge my colleagues as we go forward, however you see the inkblot, however you decide your vote, to join in listening to the American people in the coming days, weeks and months, and bring this war to an end.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have never supported the war in Iraq. From the very outset of the conflict, I have stood as an ardent opponent of the war, and voted against the War Resolution, House Joint Resolution 114, which "authorized the use of United States Armed Forces against Iraq," when it came before the House of Representatives on October 8, 2002. I have argued from the beginning of this conflict that the President intentionally misled the American public by supplying them with spurious grounds for going to war.

I cannot, in good conscience, return to my district over the Memorial Day recess having cast a vote to continue funding, and henceforth, provide financial support for the continuation of this horrible war. Moreover, the bill's lack of a timetable for troop withdrawal is not acceptable. This is a war without any end in sight, without any sort of deadlines or oversight, and the administration will continue to throw away billions and billions of dollars in this conflict if we cannot pass a bill with timelines or restrictions.

Clearly, the November midterm elections demonstrated that the majority of the American public is bitterly opposed to the war in Iraq. Just today in fact, a New York Times/CBS poll showed that "over 61 percent of Americans say that the United States should have stayed out of Iraq, while over 75 percent say that things [in Iraq] are going badly" (New York Times, May 24, 2007). I stand with the American people today, and although I wholeheartedly support our troops, I cannot support a bill to continue funding a terrible war while the White House refuses to accede to readiness standards or any other measures that restrict their oil war in Iraq.

It is estimated that we have already spent over a trillion dollars of taxpayer money in Iraq. This is funding which we could be using for social services for our own citizens. Indeed, important items like education, prescription drugs, health care and homeland security goes underfunded while a disastrous war, unwillingly being paid for by U.S. taxpayers, wages on.

And yet the administration continues to request blank checks to be used at their discretion. A perfect example of this is the money sent over there in the period, between May 2003 and June 2004, when our military was carrying huge, wrapped stacks of $100 bills over to Iraq—$12 billion total—in cash. This money was sent over there without oversight, without any sort of accountability, and many are now worried that the same insurgent groups that are battling against our troops may have bought their weapons with this money. And the argument put forward by the Bush administration for sending money over in this way was that Iraq was without a functioning banking system. This utterly ludicrous reasoning is nearly as preposterous as their lies and poor reasons for going to war in the first place, like scaring the American people into believing that Iraq had weapons of mass destruction, which, to this day, have not been discovered.

President Bush has asked for a blank check and the American people have stamped his account "insufficient funds."

Mr. LEVIN. Mr. Speaker, voting "no" today will not bring home the troops during the next four months. The President is determined that the troops remain during this period. The danger is that cutting the funds could leave our troops in Iraq without the necessary equipment, including equipment vital for their safety. It is so difficult to watch the deaths of so many brave American soldiers. Until we can force the President to bring them home, we must give them the equipment they need to keep them safe.

So de-funding this supplemental will not shorten the war but could endanger the safety of our men and women in uniform. This is the issue confronting those of us, like myself, who actively opposed going to war in the first place 4 years ago, and who have voted time and again since then to press the White House and the Iraqi government to achieve a number of key benchmarks so our troops can come home. The Iraqi government has to finally step up and make some difficult political decisions and end the sectarian violence that is tearing their country apart.

The benchmarks contained in this bill are important, but they would be much more effective if they were backed up by a realistic timetable for the redeployment of our troops if the benchmarks are not met. The House and Senate approved just such a bill last month, but the President vetoed it and there were not enough votes in either the House or the Senate to override the President. Everyone should understand that it was not for lack of Democratic votes that we were unable to force the President to change direction on Iraq. The problem is that it takes a two-thirds vote of the House and Senate to override a Presidential veto and only a handful of Republicans were willing to vote with us.

This bill contains funds to provide our troops with body armor, vehicles designed to withstand improvised explosive devices, countermeasures to roadside bombs and mines, and medical care to treat their injuries. Again, voting no on the bill today won't force the President to withdraw our troops from Iraq; it just means our troops in Iraq and Afghanistan won't get the resources they need to protect themselves. Voting no would also cut off funding needed to sustain our military and political efforts in Afghanistan. This is an area that many of us feel deserves more attention and resources, not less.

It is critical that today's vote is not the end of this debate. The funds provided for Iraq in this bill run only through September. In the weeks ahead, there will be other opportunities for Congress to change the direction of this war, to hold the Iraqi government and President Bush accountable, and bring our troops home. The legislation we need to debate and pass is one that essentially deauthorizes our current military involvement in Iraq and provide a responsible timeline for the orderly redeployment of our forces. I regret that this is not the bill before us today, but we will have this debate in September. At that time, I hope that more of our Republican colleagues will join us in voting to change the President's policy on Iraq.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this supplemental appropriations bill today, but like many Americans who want to see an end to the war in Iraq, I am not happy about it.

In fact, I am deeply frustrated and saddened by the prospect, but I also am compelled by my conscience to this vote.

On Monday, Memorial Day ceremonies throughout Colorado and across the country will honor the men and women in uniform who have paid the full measure of devotion to duty in all of America's wars.

But as long as the war in Iraq goes on, every day will be Memorial Day.

Already, more than 3,400 of our servicemen and servicewomen have died in Iraq, and more will die before we withdraw our troops. Just last Friday, for example, 33-year old SFC Scott Brown of Windsor, Colorado, and 27-year old SGT Ryan Baum of Aurora, Colorado, were among them.

A friend of Ryan's family told reporters, "Ryan never wanted to be known as a hero, he just did his job." In fact, he did his job—and he is a hero.

This is not a heroic day in Congress, but as his comrades are faithful to their responsibilities, we must be faithful to ours.

And one of those responsibilities—even for those of us who have opposed this war—is to support those brave comrades as they continue to do what the President has ordered them to do.

And now, today, all of us in the Congress face a dilemma that I foresaw 4 years ago—when President Bush first sent our forces into Iraq: having to choose either to take the guns out of the hands of our soldiers in the field or to let the President move forward with a misguided and reckless policy.

Cutting off funds for supplies and equipment for our troops is one way, of course, to bring this war to an end, and I understand why many Americans believe Congress should do so. But the more responsible way to end this war, in my opinion, is to change our policy, and to avoid making an already bad situation worse.

I opposed the Bush administration's decision to launch a pre-emptive war in Iraq because I believed it would be a diversion from our larger post 9–11 strategic objectives and I was not convinced that the President had an adequate plan and enough international support to secure and stabilize Iraq after overthrowing its regime.

I said at the time that getting into this war would be far easier than getting out. I wrote in March, 2003 that "success in Iraq is not just about eliminating Saddam Hussein. . . . Success in Iraq also means managing the ensuing social chaos, keeping a lid on the Middle East powder keg, thwarting terrorist attacks at home, and occupying and rebuilding Iraq—and doing all of this when our own economy is faltering, energy prices are rising and domestic priorities like health care and education are crying out for attention."

So, I offered my own resolution to slow the rush to war in 2003 and argued for a program of coercive inspections that would have uncovered the truth about weapons of mass destruction before shedding American blood.

When that was rejected, I voted against authorizing the President to send our forces into Iraq—and today, more than ever, I am convinced that my vote against the war was the right vote.

Congress, nevertheless, voted to give the President the authority to go to war, and he has used that authority, to disastrous effect.

I have worked to extricate us from the ongoing disaster. I was among the first in Congress to call for an exit strategy from Iraq. I have introduced legislation, cosponsored legislation, spoken out with my colleagues, published articles, traveled to Iraq to better understand the challenges we face, and asked tough questions of our military leaders during Armed

Services Committee hearings. And I continue—every day—to pressure this administration in every way I can.

I firmly believe that our challenge is to withdraw from Iraq rapidly—but responsibly. For me, the debate today should be about how to carry out a responsible withdrawal. And that is the point on which I find myself disagreeing with many whose passion to end this war I respect.

They argue that the best way to get out is to vote today to cut off funding for our men and women in uniform, and in harm's way. I respectfully disagree, because that would sacrifice a responsible exit in favor of a rapid one—and in good conscience, I cannot support that anymore than I could support the reckless way we were led into this war in the first place.

I think responsibility demands that we provide the funding necessary to keep the many thousands of brave Americans now in service in Iraq supplied. With our troops stretched thin, forced to perform longer tours of duty and short of equipment and supplies, funding for the immediate needs of these men and women in uniform cannot be held hostage to disagreements about the folly of Bush administration policies.

Make no mistake—I have no doubt that the President's policies have brought our country to the brink of a national security crisis. I am angry that the President still refuses to accept a supplemental funding proposal for Iraq and Afghanistan that provides real accountability measures for ending the Iraq war. I voted to force him to adopt a different course, and when he vetoed that legislation, I voted to override that shortsighted and stubborn exercise of Presidential power. Unfortunately, and primarily because of the misguided loyalty of members of the President's party, that override effort failed, which is why we are considering the legislation now before us.

I did not choose the wording of the bill that we are considering today. It is not the bill that I would have written. But it will provide the essential funding to support and protect America's sons and daughters who are in Iraq right now doing everything we have asked of them and putting their lives on the line every day.

But another part is to bring pressure to bear on this administration to end this war because I don't want any more young dedicated Americans to lose their lives in this war. I want to bring them home.

So far, that pressure has not been enough, as was shown by the President's veto of a bill that fully funded our troops, held the Iraqi government accountable, and demanded that the President change course and bring the war in Iraq to a responsible end. It is abundantly clear that he is not prepared to adopt a better course—and as long as we lack a sufficient majority to override his veto, we Democrats can't force him to do so without Republican support.

But I will persist, because I think it is up to those of us who opposed this war in the first place to show the way forward.

That is why, after the Memorial Day recess I will introduce legislation that implements the recommendations of the Iraq Study Group and provides a foundation for the phased withdrawal of American troops out of Iraq beginning in March of next year. So far over 40 Members of Congress—both Democrats and Republicans—have agreed to cosponsor this legislation.

I am hopeful that this bipartisan effort will lead to more such efforts. Republicans and Democrats alike believe that this fall is key to the future of U.S. military involvement in Iraq. By then, another funding package will be up for a vote, General Petraeus will be reporting back on the progress of the "surge," and we will have other indications of progress on benchmarks based on reports that the administration will be forced to produce as part of this supplemental funding bill.

I commit to continuing to do what I can every day to bring this war to an end. Today, I believe the responsible thing to do is to provide needed funds for our men and women in uniform with this bill, which also includes benchmarks for the Iraqi government—an indispensable step toward having Iraqis begin to take responsibility for their own country's future.

Mr. CONYERS. Mr. Speaker, I rise in strong support of the first amendment before us, and in strong opposition to the second.

It is unfortunate that we have come to this point today. This House has already passed two supplemental war funding bills that would set in motion the change of course in Iraq that the American people have demanded of us. The first was vetoed by the President; the second failed in the Senate. Last week, Democratic leaders met with the President and offered to drop all domestic items in the supplemental if the administration would accept meaningful benchmarks and timelines for ending our involvement in that civil war. He refused.

We are now left with the Senate-passed plan, which gives the President the funds he requested, accompanied by a much weaker set of benchmarks than those passed by the House. Some have cited the inclusion of these benchmarks as a step toward ending 6 years of Congressional blank checks for the President's war. While these benchmarks may be a step in the right direction, they are too small of a step. I will vote against the second amendment we are considering today.

However, I will support amendment No. 1 to the Senate amendment to H.R. 2206. This measure will provide emergency funding to address critical needs here at home. It includes additional funding for the State Children's Health Insurance Program to prevent many thousands of poor children and some of their parents from losing health coverage, as well as increased spending for Gulf Coast hurricane recovery. It also provides more funding for our veterans' health needs, with additional funding set aside specifically to address traumatic brain injury, one of the most common and devastating injuries our soldiers are suffering in Iraq. The amendment also codifies the raise in the minimum wage that the House originally passed during the First 100 Hours of the 110th Congress. The value of the minimum wage is at its lowest level in more than 30 years, and raising it will provide much-needed help to many of America's financially-strapped working families.

I find it unconscionable that the President and some Congressional Republicans have derided these provisions as "pork." Each of these issues is an emergency in its own right and rises to the level of inclusion in this emergency spending bill. I am proud to support them.

In September, as these funds expire, the Congress will once again have to decide what course of action to take on this war. The rule we passed for consideration of this bill requires that before we vote on another supplemental bill in the fall, we must vote on whether the funds appropriated therein be limited to the safe redeployment of our troops on a responsible timetable. It is my hope that when these votes occur in September, many more of my colleagues on the other side of the aisle will have come to their senses and realized that the civil war in Iraq cannot be ended by further American military involvement. I am confident that if the American people continue to voice their strong opposition to the President's failed policy in Iraq, enough Republicans will join with us to override future vetoes and end this misbegotten war.

Mr. HALL of New York. Mr. Speaker, I oppose the war in Iraq and I have always said that I would vote for additional war funding only if the bill contained a firm, responsible timeline to redeploy U.S. troops out of Iraq. On those grounds, and in accordance with the overwhelming sentiment I have heard from the people in my district, I could not in good conscience vote for the funding bill brought before the House this evening.

Mr. VAN HOLLEN. Mr. Speaker, today I voted against the 2007 Supplemental War Funding Bill. I opposed the bill not for what it contained—but for what it lacked. The bill lacked strong accountability measures for the Iraqi government and omitted readiness standards to ensure that deployed troops are fully prepared and equipped for duty. While this bill represents an important step forward from where we were before the election, it does not go far enough. In the last election, the American public made clear that they wanted a change of direction in this war. This is not change enough.

On May 1, 2003, the day the President declared an end of hostilities in Iraq and Afghanistan, there were 142,000 American soldiers in Iraq. Today there are 155,000. On that day there had been 138 American casualties and 542 wounded in Iraq. Today the number of casualties is 3,476 and the number of wounded is 25,225. The Iraqi people have also suffered. The estimated number of Iraqi civilians killed by violence since May 2003 is between 53,000 and 63,000. The bill voted on today does little to reverse this course.

The Congress sent the President a bill that would have begun the process of changing worsening conditions in this war by holding the Iraqis accountable for taking the steps necessary to achieve political reconciliation and greater stability. The bill also provided additional funding to go after Osama bin Laden, the Taliban and al Qaeda. By vetoing that bill, the President missed an opportunity to change direction in Iraq and complete the job in Afghanistan.

By vetoing that bill, the President said "no" to ensuring that our troops had the training and equipment they need. By vetoing that bill he said "no" to ensuring that we hold the Iraqi

Government accountable to the benchmarks which the Bush administration and the Iraqi Government have said are absolutely necessary to achieve political stability in Iraq.

We voted to give our troops every penny the President asked for and more. We also insisted on accountability to protect our troops. The President wanted the money without adequate accountability. Our troops deserve better and so do the American people.

Mr. KENNEDY. Mr. Speaker, I have and will always support our troops.

I have grieved with their families when they have fallen in battle. I have visited them in the hospitals and watched as they recover from some of the most devastating injuries any human could endure. As a member of the Military Construction-Veterans Affairs Appropriations Subcommittee, I joined my colleagues earlier this week in passing the largest increase in veterans' health care funding in 77 years. I want our soldiers and marines in Iraq and Afghanistan to never doubt that their country values their sacrifices and will always be there for them and their families, whether in battle or when they come home.

This bill, however, does not honor nor protect our troops. Without accountability and a clear change in policy, this bill simply becomes another blank check for President Bush to continue waging this war without regard to reality or the demands of the American people. The Congress has an obligation to provide our troops with the funding they need to succeed, but it is under no obligation to support a policy that leaves our troops trapped in the cross fire of a civil war.

This Administration's disregard for the reality in Iraq, for what a clear majority of Americans now demand, and what is in the best interest of our long-term national security has gone on for too long. This is a vote to make clear that the Congress will not sit idly by as more American soldiers and marines are sucked into the quagmire of Iraq. It is long since past time to begin bringing our troops home. American blood cannot be a substitute for Iraqi political will.

The Administration's mishandling of the war in Iraq has brought us to this point, and the Administration's determination to save face at all costs has again denied our troops a policy that takes full measure of the sacrifices they have made.

I cast this vote with a heavy heart. The White House has been playing a reckless game of "chicken" when it comes to our troops, but neither the Congress nor the White House will ever bear the true burden. Our troops and their families shoulder the true grief and pain of suffering.

The Administration has been served notice. It's my hope that this is only the beginning of Congressional efforts to force the Administration to face reality.

Mr. HOLT. Mr. Speaker, I rise today in opposition to this bill. We cannot provide a blank check to this President regarding our involvement in Iraq.

I've heard a lot of talk about September—that it will be clear by September whether or not the "surge" is working. I've heard these comments even as this week the press has reported that another, little publicized "surge" is already underway—one that when completed will result in some 200,000 American troops being on the ground in Iraq before the year is out. We know now the "surge" is not working.

I cannot vote to provide this President with more money to send more troops to try to quell Iraq's civil war. I remind my colleagues that in less than a month's time, Iraq's parliament is going to adjourn for most of the summer, taking a two month vacation while American kids are left to dodge sniper fire and IEDs. Where are the Iraqi security forces? What happened to "As they stand up, we'll stand down?"

This month, the Defense Department reported a total of 337,000 Iraqi police and soldiers had been trained and equipped. They now outnumber our troops by two to one. Yet the administration has repeatedly refused to give the House Armed Services Committee information on the training program for Iraqi security forces and how their unit readiness is assessed. I suspect Secretary Gates is holding back those answers because he knows we're going to ask what we have bought with the money we have spent on Iraq's security forces—more than $15 billion. But I think most of us know what that $15 billion has bought us: an Iraqi security force that is corrupt, sectarian, infiltrated by insurgents, and hopelessly ineffective.

We can't keep ratifying a failed policy; that's not what the American people expect or need from us. I urge my colleagues to oppose the resolution.

Mr. KAGEN. Mr. Speaker, as your Congressman, I'd like to share with you the difficult reality our Nation faces in the religious civil war in Iraq. The truth is things are bad in Iraq and getting worse—with no end in sight.

After 4 years of conflict, with more than 3,400 courageous American soldiers dead—and counting—with more than 650,000 civilians killed, and after spending billions and billions of our hard-earned tax dollars on private no-bid contractors, the Iraqi government is still not standing up to help themselves.

I was shocked to learn that ⅓ of the elected Iraqi government does not even live in Iraq—they live in London, England—even as our own children are being killed in their centuries-old religious civil war. And their parliament, well, in the middle of a war—they're about to take a 2-month vacation—even as our children continue to make the ultimate sacrifice.

Unfortunately, today's vote cannot, and will not, end this war, because we do not have enough democratic votes to overcome the president's veto. And make no mistake—Iraq is President Bush's war—and he is the only one, today, who can stop it.

The current commander of our forces in Iraq told Congress the civil war in Iraq cannot be won militarily—it can only end with a political solution, not a military one.

I have been working hard to find a way home for our troops, and I have supported every effort to improve the safety and readiness of our soldiers, to guarantee they receive expert medical care when they come home, to increase their pay, and to deploy our forces away from Iraq—and back after al Qaeda. But, the President vetoed, or threatened to veto, all of our attempts to support our troops. In my opinion, the President is unable to see and hear the realities on the ground in Iraq. Plainly put, Congress cannot follow a President with poor judgement—period. Enough is enough.

I have been listening to many Wisconsin veterans at the American Legion, the veterans of foreign wars, and to parents and grandparents of fallen soldiers. Military veterans from Appleton to Green Bay, from Ashwaubenon to Pulaski, and from Waupaca, Clintonville, Shawano and Marinette have shared their feelings with me.

Please, just for a moment, listen to their heartfelt thoughts:

"We need to get our boys home."

"We went in with not enough troops."

"It is just like Vietnam."

"This war can never be won—we don't belong there."

"We all back our troops—but not this dumb policy."

"Our President has a complete disregard for humanity."

"We need a President who really believes in diplomacy."

"The President will not listen to ordinary people, and he does not understand when he is wrong."

Today, I voted to support our troops by protecting them from a President who cannot understand reality. I support our troops, but not this failed policy.

Finally, allow me to share with you the pain of a grandmother whose grandson perished in Iraq: "Oh, Steve. It is so hard to talk about. He was such a bright young man. He wanted a college education and was going to use the money he was being paid to go to school.

Where is this war getting us? We got Saddam. Let's bring our military home.

I have another grandson ready to go over to Iraq. Let the higher-ups send their kids to Iraq. I don't want to see it happen to anyone else. Enough is enough."

And remember this: The vote today was not about ending the Iraqi civil war. it was about supporting our troops by protecting them from a President who cannot understand reality. Congress cannot continue to give a loaded gun to a President with poor judgement. I will always support our troops, but not this failed policy. I believe there is a better way to do things in America. By working together, we will find it as we build a better and more secure nation for all of us.

Thank you for listening, and God Bless America.

Mrs. MALONEY of New York. Mr. Speaker, today we are considering funding legislation for the war in Iraq which unfortunately does not include the timelines for bringing the troops home that I and many of my colleagues have supported previously. While I strongly believe that we must provide the troops with the resources that they need to do their jobs, I cannot support an amendment that would leave them in Iraq indefinitely.

The intent of the benchmarks included in this amendment seems to be to send an important signal to the Iraqi government that it must make progress on the political, economic, and security fronts. I know that we all want to see that happen, but it is up to those of us in Congress who are committed to ending this war to ensure that the administration and the Iraqi government realize that we, and the American people, will not accept any more blank checks or false promises.

I do intend to support the amendment that will be offered to provide more than $20 billion for several key domestic items that have been part of the Democratic Majority's agenda. This amendment includes $1.8 billion for veterans' health care as well as funding for military health care, children's health care, and Hurricane Katrina recovery efforts. I am very pleased that this amendment includes the minimum wage increase that millions of hard-working Americans have been waiting on for a decade. I also want to commend Chairman OBEY and the Appropriations Committee for including $50 million for Ground Zero workers and responders who risked their lives and are now suffering devastating health effects because of their brave service following the 9/11 terrorist attacks. I urge my colleagues to support this amendment so that we will provide long overdue relief to those Americans who need it.

I am pleased to note that the rule, which I supported, that provided for consideration of these amendments ensures that before any further supplemental appropriations bills to fund the war can be considered, a vote must occur on legislation to redeploy U.S. troops from Iraq.

I am disappointed that the bill that will be sent to the President does not set out a clear path to end the war in Iraq. However, I and my colleagues who agree on this issue will continue to work for what the American people overwhelmingly voted for in November: a new direction, both in Iraq and at home.

Mr. PRICE of North Carolina. Mr. Speaker, today we are asked to vote for a fourth time in 2 months on legislation to provide funding for the ongoing military mission in Iraq.

The tally of this vote will reflect the dilemma facing this Congress as well as the American people. We are torn by two deeply held sentiments: on the one hand, we support our troops and want to make sure they are protected and supported in the field of battle; on the other hand, we are frustrated by a failed war policy and a President too stubborn to change course.

I voted against giving the President the authority to wage war in Iraq. I have introduced legislation to place a termination date on that authorization and to require the President to formulate and execute an exit strategy. But I have consistently voted for bills to fund the war effort because that funding is essential to our troops in the field. Over the last 2 months alone, I have voted three times for funding for the troops in different versions of a supplemental appropriations bill. But I will not vote yes today.

In addition to funding troop needs, the previous versions of the bill—despite differences among them and the compromises they contained—would have made substantial progress toward bringing this war to an end. The legislation before us today takes some modest steps forward by including benchmarks for progress for the first time and requiring the administration to report on whether its strategy is achieving them. Unfortunately, however, it does not advance us nearly far enough toward ending this war and putting Iraqis in charge of their own governance and defense.

The progress the bill does make has been the result of the pressure brought to bear by the prior supplemental votes. I will be voting against this bill as a way of helping maintain and increase that pressure.

Let no one mistake the significance of the vote we take today. This fourth vote is not primarily about material support for the troops—every Member of this body supports our troops. This vote is fundamentally about the future of our policy in Iraq.

Even if this bill were to fail today, the result would not be a cut-off of funding for the troops. The result would be to force the administration to give ground it should have given long ago, and that, sooner or later, I believe it will be forced to give by this Congress.

There is nothing about our military strategy that can solve what are fundamentally political and sectarian conflicts among Iraqis. Military and intelligence leaders have consistently declared that the solution in Iraq will be political and diplomatic in nature, not military. We have increasingly asked the military to work toward goals that military force cannot achieve: political agreements between intransigent Iraqi leaders, equitable sharing of power and resources, and an end to sectarian-based civil war. In the meantime, our presence has become a provocation for insurgency and a magnet for international terrorism.

We have, in short, left our troops in an impossible situation. I am not willing to vote to fund their operations without at the same time compelling a change in policy that will bring them home.

The struggle to change the U.S. course in Iraq is not over. The American people are speaking loudly and clearly. Our efforts over the last 2 months have moved the debate in the right direction, and we will continue exerting pressure on the administration to alter its course in the days and weeks to come as we consider other legislation related to the war. In fact, it should not escape notice that we also passed today a resolution requiring consideration of legislation in September that would require an end to the occupation of Iraq.

Our goal in considering the President's supplemental appropriations request was to confront the President over his failed policy and to force a change in course. Even as this supplemental legislation likely passes into law, we can be confident that we have taken important steps toward this goal. We have demonstrated to the administration that it can no longer proceed with its failed policy unaccountably. While many in the House and the other body, where the power of filibuster can be used to obstruct progress, have resisted efforts to craft a more effective Iraq policy, the President and his allies in Congress have been put on notice that the tide is turning.

I regret that this bill will not immediately bring the change to our Iraq policy that we so desperately need. But it does represent one more turn of the screw. The President should recognize that a growing number of Members of this Congress, and a clear majority of the American people, will continue boring deeper toward the heart of his failed policy. And we will not stop pressing until our troops begin to come home.

Mr. STARK. Mr. Speaker, today is a sad day.

Decades ago, I ran for Congress because I opposed the War in Vietnam. After arriving in Washington, I carried out the will of my constituents, repeatedly voting to stop funding the death of American troops and Vietnamese civilians.

More than 4 years ago, I voted against the original resolution authorizing the President to take unprecedented preemptive military action against Iraq. In the years since, I have consistently opposed the President at every turn, always voting to deny him the funding he requested to continue his failed War in Iraq.

Last November, the American people delivered a loud and clear message to their representatives in Washington. In electing a Democratic House and Senate, the public demanded a new direction in Iraq.

Today, however, we're staying the course.

The supplemental before us includes no deadlines for troop withdrawal and no enforceable benchmarks for holding President Bush accountable.

In other words, there is no way I—or the overwhelming majority of my constituents—would ever support it.

We can't go on like this, killing our troops and Iraqi civilians—and wasting tens of billions of dollars that would be better spent on vital domestic priorities like education and health care.

You know who supports this bill? President Bush and Republicans in Congress who refuse to acknowledge either the Shiite-Sunni civil war or our lack of progress in Iraq.

I strongly urge my colleagues to remember who sent them to Washington. It wasn't President Bush; it was America's voters. They've made their opposition to this war clear. It's time for Congress to do the same.

Mr. LANGEVIN. Mr. Speaker, I rise in reluctant opposition to the supplemental spending measure before us. Though I originally voted against giving the President authority to invade Iraq in October 2002, I supported every supplemental appropriations bill since then because I believed that, irrespective of how we might feel about our operations in Iraq, we must stand together in support of our troops in the field. Those spending bills provided much-needed body armor, up-armored Humvees and IED jammers and helped our men and women and uniform as they undertook challenging and often unconventional missions.

However, in the last 4 years, the situation on the ground in Iraq has changed, and we must adapt our strategy accordingly. We can no longer allow our military to referee what has become a civil war. The underlying causes of violence are now primarily sectarian in nature and can only be resolved by the Iraqis—a conclusion that nearly all foreign security experts accept. Consequently, we need a new approach that will support the Iraqi political process to end sectarian divisions in Iraq, help rebuild the economy and infrastructure, and promote maximum diplomatic efforts to bring an end to the violence. We can meet these goals by redeploying our troops out of Iraq—allowing a limited U.S. military presence solely for training Iraqi Security Forces, protecting our citizens and interests and hunting down al Qaeda and combating terrorism.

Earlier this year, the Democratic-led Congress passed a supplemental spending bill that would have demanded accountability of the Bush Administration and set the groundwork for bringing our troops home. Despite Americans' strong dissatisfaction with his handling of the war, President Bush vetoed that measure. I am deeply disappointed with that decision and with his subsequent unwillingness to work with congressional leadership on a true compromise that funds the needs of our troops while pursuing a new strategy for success in Iraq. The bill before us today does require that the President certify that Iraq is making progress in attaining certain benchmarks—a provision that will help Congress conduct greater oversight. However, it falls short of the accountability requirements in the earlier House-passed measure and gives the President far too much authority to continue prosecuting a war that has been mismanaged from the start by the civilian leadership. Despite my past support of supplemental spending bills, I simply cannot vote for the measure before us today. If we do not shift our mission in Iraq from a military approach to a comprehensive diplomatic and economic one, we run the serious risk of damaging the readiness of our military, doing long-term harm to our armed forces and endangering our national security. I will vote today to support our troops, and the best way we can do that is by getting them out of a civil war and bringing them home.

Ms. DEGETTE. Mr. Speaker, I rise in opposition to the amendment to be voted on today which will provide supplemental funds for the war in Iraq.

As I have said before on the floor of the House, it is time we ended our military involvement in Iraq. We are not making progress, despite losing thousands of lives, expending years of effort, and spending hundreds of billions of dollars. This is a viewpoint shared by the vast majority of the American people.

I strongly support our troops and understand we must provide resources for them in the field. However, today's amendment continues the President's failed policy in Iraq by not holding him accountable to his own benchmarks for success and failing to set a timetable for the redeployment of our troops. Although the amendment ties non-military aid to the Iraqi Government's progress in meeting certain benchmarks, the President can waive the requirement.

Spending billions on the war in Iraq without providing a prescription for withdrawal or benchmarks with meaningful consequences for the Iraqi Government, as the amendment before us would do, does our troops and our entire Nation a disservice. It suggests that we will continue this war without end or without putting meaningful pressure on the Iraqi Government to do its fair share.

Unfortunately, President Bush and most Republicans in Congress believe that this is exactly what we should do. President Bush vetoed H.R. 1591, which imposed benchmarks with real consequences on the Iraqi Government and mandated that our military forces would have left Iraq by August 2008. So far he has refused to accept any major changes in his Iraq policy,

If President Bush continues to be intransigent, Congress has the responsibility to use its spending power to truly make a meaningful change in the direction of the war in Iraq. The amendment under consideration does not do that and I ask my colleagues to vote against it.

Mr. MARKEY. Madam Speaker, it is with a heavy heart that I come to the floor today to debate funding for President Bush's war in Iraq, yet again, as more innocent Americans and Iraqis fall victim to a horrible and debilitating violence that has not only torn Iraq apart, but threatens the stability of the entire Middle East.

We should not be having this debate at all, because the President should have changed course long ago. The President has had so many opportunities to reevaluate his policies in Iraq that his failure to do so can only be explained by an absolute unwillingness to admit that he has made a grave mistake. He continues to act as if nothing is wrong, even as Baghdad burns and the body count of dead Iraqi civilians and dead American troops continues to rise. He continues to send more troops to Iraq even as the Army, Marines, and National Guard are all straining to the breaking point. He continues to ignore the will of the American people who want an end to this war, even as public opinion turns ever more decisively against his failed war policy

Madam Speaker, it is far past time for a new direction in Iraq. The American people do not want to be there, and the Iraqis do not want to have us there. Only the President and his dwindling cadre of head-in-the-sand advisors believe that the United States is on the right course in Iraq.

I am tremendously disappointed that the President, in the face of the utter collapse of his policies in Iraq, refuses to change course. I supported the first supplemental bill we passed this year for a simple reason: It contained language to force an end to this disastrous war. But in his legendary stubbornness and his inability to see reason, the President vetoed that bill. I also supported the House version of the second supplemental appropriations bill, because that bill established strict benchmarks for progress by the Iraqi Government and military and required the President to certify that progress to the Congress, or else face a cutoff of funds to pursue the war.

But the supplemental that we will vote on today does not require the troops to come home, and does not establish strict benchmarks to ensure accountability, and for these reasons I will oppose it. But today's vote does not end the effort in Congress to end the war. There will be future votes, and I believe that as the public continues to make its opposition to this war clear, there will be continued pressure on the White House and on congressional Republicans to change course. We will end this war eventually, but today I must oppose this appropriations bill because it fails to take the steps needed to advance the goal of bringing our valiant troops home.

Mr. UDALL of New Mexico. Mr. Speaker, this legislation, the third supplemental bill we have considered this year, has many merits. However, I am extremely disappointed that it does not include a plan for phased redeployment of our troops. It is past time that we chart a new path in Iraq.

I have supported the previous versions of this legislation because they required that the White House demonstrate milestones of success and progress in Iraq with an explicit timeline for troop removal. But to now give the President a blank check would be unacceptable. We have spent hundreds of billions of dollars on this war and have yet to see even the beginning of the dividends of democracy promised to us by the President. Additional funding must include sufficient requirements for evidence of success. We also need an understanding of how much longer we will be in Iraq.

It is significant that the new Democratic leadership in Congress has ensured that appropriations funding bills are now focused on the soldiers and I am pleased to see that this bill includes funding for the armor and equipment needed. Nevertheless, this bill, with its absence of a plan for phased regional redeployment of American troops, will only further ensure that we stay in Iraq with no end in sight. The best way to support our troops is to give them the tools to do their job, and to change our policy to bring them home as safely and quickly as possible.

I believe this President must be held accountable for the deteriorating situation in Iraq and for lacking a plan to succeed. I believe it is the role—and the right—of Congress to be substantially involved in the direction of our foreign policy. And I believe that our men and women in uniform deserve better leadership. For these reasons, I cannot, and will not, support continuing to fund this war without a distinct time line for redeployment, and I will be voting "no."

Mr. GEORGE MILLER of California. Mr. Speaker, this is a great day for America's workers.

Today the House once again passes the minimum wage increase—and this time we expect this bill to be signed by the President.

America's minimum wage workers have been waiting a long time for a raise. The last time they saw an increase was nearly 10 years ago. Since that last increase, in 1997, the value of the minimum wage has dropped to its lowest level in over half a century.

Last summer, I had the honor to meet a woman named Sheryl Wade in Louisville, Kentucky. Sheryl told me at a forum about life at the minimum wage. She couldn't afford housing for herself and 3 sons. She had to move in and out with relatives and friends. Her boys had to constantly change schools and change friends. She could not afford health care. Sheryl is a hardworking American, sick and tired of barely living paycheck to paycheck, not making enough to get by.

Mr. Speaker, her day has come.

When we increase the minimum wage with this bill, from $5.15 per hour to $7.25 per hour over 2 years, the poorest working families in this country will see a $4,400 increase in their annual income—enough to pay for 15 months of groceries for a family of three.

Thanks to this increase, in 2009, a family of four will move from 11 percent below the poverty line to 5 percent above the poverty line.

Thanks to this increase, 13 million workers will see their pay go up, directly or indirectly. That includes 7.7 million women and 3.4 million parents. Over 6.3 million children will see their parents' income rise.

This raise in wages is long overdue. Thanks to the hard work of religious, civil rights, labor, and community organizations—and American voters and working families—it is finally coming to pass.

I'm proud of the work this Democratic Congress has done. This House, under new leadership, is putting working families and America's middle class first. What a change that is—and we've only just begun.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2206, the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Act of 2007." I concur in House Amendment No.1 to the Senate Amendment because I believe in doing all we can to support our troops. But I cannot concur in House Amendment No. 2 to the Senate Amendment because there is a limit to the patience of the American people. They have been waiting for more than four years for the Bush Administration to develop a successful policy in Iraq and for the Iraqi Government to take responsibility for the security of the Iraqi people.

Mr. Speaker, the legislation before us makes emergency supplemental appropriations for the Iraq War and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007.

This emergency supplemental provides $120 billion primarily for the wars in Iraq and Afghanistan and for improving the health care for returning soldiers and veterans. It also provides for the continued recovery of the Gulf Coast from the devastation wrought by Hurricane Katrina and fills major gaps in homeland security.

Specifically, the agreement provides $99.5 billion for the Defense Department for continued military operations in Iraq and Afghanistan. The legislation includes a $1 billion increase for the National Guard and Reserve equipment and $1.1 billion for military housing. The supplemental legislation provides $3 billion ($1.2 billion more than the President's request) for the purchase of Mine Resistant Ambush Protected Vehicles (MRAP)—vehicles designed to withstand roadside bombs.

Mr. Speaker, included in the bill is $4.8 billion to ensure that troops and veterans receive the health care that they have earned with their service and another $6.4 billion to rebuild the Gulf Coast and help the victims of Hurricanes Katrina and Rita. There is also emergency funding for the State Children's Health Insurance Program (SCHIP) totals more than $650 million. Finally, Homeland security investments total more than $1 billion, including funds for port security and mass transit security, for explosives detection equipment at airports, and for several initiatives in the 9/11 bill that recently passed the Senate.

Most important, Mr. Speaker, this legislation includes the benchmarks and reporting requirements that were contained in the Warner Amendment in the Senate, which specifies 18 benchmarks for measuring progress by the Iraqi government, including the benchmarks that President Bush laid out on January 10. But they do not include the timelines included in prior versions of the supplemental that Americans approve, support, and demand.

The Warner Amendment requires the President to submit *two reports* to Congress on the progress of the Iraqi government on meeting the 18 benchmarks—one by July 15, 2005 and the second by September 15, 2007. If the President fails to certify progress on each of the 18 benchmarks in the September report, the Iraqi government would lose the economic aid being provided by the United States unless the President exercises his authority to waive the certification requirement in accordance with the procedures set forth in the bill. The amendment also requires *an independent report* from the General Accounting Office by September 1, 2007 on the progress of the Iraqi government in meeting the 18 benchmarks.

Mr. Speaker, in vetoing the previous emergency supplemental, the President claimed it will "undermine our troops and threaten the safety of the American people here at home." Coming from an Administration that has been wrong on every important question relating to the decision to launch the Iraq War as well the conduct of it, this claim is laughable. It is nearly as ridiculous as the President's often stated claim of "progress" in Iraq. The facts, of course, are otherwise.

The U.S. death toll in Iraq reached 83 in just the first 7 days of May—making it the deadliest month of the year and one of the deadliest of the entire war. It is therefore little wonder that nearly 70% of Americans disapprove of the way the President is handling the war. But more important, the President's claim that the Iraq Accountability Act undermines our troops and threatens the safety of the American people here at home is simply not true.

Mr. Speaker, to date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history. But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

As a result of the colossal miscalculation in deciding to invade Iraq, the loss of public trust resulting from the misrepresentation of the reasons for launching that invasion, and the breath taking incompetence in mismanaging the occupation of Iraq, the Armed Forces and the people of the United States have suffered incalculable damage.

The war in Iraq has claimed the lives of 3,431 brave servicemen and women. More than 25,378 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

By vetoing the bipartisan Iraq Accountability Act last week, the President vetoed the will of the American people. The President vetoed a responsible funding bill for the troops that would have provided more funding for our troops and military readiness than even the President requested.

By vetoing the Iraq Accountability Act, the President rejected a bill that reflects the will of the American people to wind down this war. By vetoing the Iraq Accountability Act, the President turned a deaf ear to the loud message sent by the American people last November.

That is why I will proudly vote for H.R. 2206. This legislation places the responsibility for bringing peace and security where it clearly belongs and that is squarely on the shoulders of the Iraqi government. The legislation crafted by the Chairman of the Appropriations Committee in consultation with the leadership and the members of the Democratic Caucus moves us closer to the day when we end the misguided invasion, war, and occupation of Iraq. It puts us on the glide path to the day when our troops come home in honor and triumph and where we can "care for him who has borne the battle, and for his widow and orphan."

Mr. Speaker, in passing H.R. 2206, this House will be doing the business and expressing the will of the American people. In the latest CBS News/New York Times poll, 64 percent of Americans favor a timetable that provides for the withdrawal of U.S. troops from Iraq in 2008. In the same poll, 57 percent of Americans believe that Congress, not the President, should have the last say when it comes to setting troop levels in Iraq.

Mr. Speaker, in passing H.R. 2206, Congress is fulfilling its constitutional responsibilities and exercising the first check on the President's power in six years. As Iraq Study Group Co-Chairman Lee Hamilton has pointed out, "The founders of our nation never envisioned an unfettered president making unilateral decisions about American lives and military power. They did indeed make the president the commander in chief, but they gave to Congress the responsibility for declaring war, for making rules governing our land and naval forces, for overseeing policy, and of course the ability to fund war or to cease funding it."

Mr. Speaker, the President demands a blank check to escalate the war in Iraq against the will of the Congress and the American people. The Constitution does not require it, he certainly has not earned it, and I am not prepared to give it to him. That is why I cannot concur in House Amendment No. 2 to the Senate Amendment. I do concur in House Amendment No. 1 and I urge all members to join me.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this final legislation to provide emergency supplemental appropriations for Fiscal Year 2007. While this final compromise is not perfect, I will vote for it to provide necessary funds for our troops in the field as well as meet other important priorities.

This bill contains more funding than the President requested for military health care and veterans health care. It expresses the support of the U.S. Congress for a new direction in Iraq by tying economic aid to 18 specific benchmarks on political, security and economic progress, although it provides the President the waiver authority he negotiated before agreeing to sign the bill. This bill also includes the first raise in the minimum wage in a decade as well as critical funding for domestic needs like hurricane recovery efforts.

I will continue to work with my colleagues in Congress from both political parties as well as the President and the Administration to provide a new direction in Iraq and to meet the critical needs of the people of North Carolina's Second Congressional District.

Mr. CUMMINGS. Mr. Speaker, despite my opposition to the war in Iraq, I supported the passage of the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act of 2007, H.R. 1591, when it came before the House in March. It was a difficult decision but I had to vote my conscience.

For the first time we were requiring accountability standards by establishing benchmarks and a timeframe for redeployment. Another persuasive factor in supporting H.R. 1591 was the funding for body armor, Mine Resistant Ambush Protection vehicles, MRAP, traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD, and veterans health care. Finally, I was encouraged by the fact that we were taking proper care of our soldiers by ensuring that they were properly rested, trained, and equipped. Unfortunately, President Bush vetoed this bill that could not be overturned by the House.

A few weeks ago on May 10, Congress considered and passed version two of the Iraq Supplemental, H.R. 2206. This bill would have provided $42.8 billion for the Iraq War. Funding would have supported the immediate needs of the U.S. military through July. However, shortly before the August recess Congress would have to decide whether to release an additional $52.8 billion of war spending that would last until September.

This measure would have placed needed limitations on access to funding based upon the progress reports provided to Congress by the President thereby, bringing the President and his administration back to reality by enforcing accountability standards. However, in an effort to avoid another veto by President Bush, H.R. 2206 has been butchered into a bill hallow and reintroduced without needed provisions that would safeguard this country from continuing a seemingly endless military operations in Iraq. Therefore, I voted in favor of Amendment 1 to H.R. 2206 and voted against Amendment 2.

One of my primary concerns has been to ensure that the troops receive the equipment, rest and training they require and surely deserve. In keeping in line with these key concerns, I voted in support of Amendment 1 to H.R. 2206, which provides support for defense and the global war on terror totaling over $14.489 billion in funding namely, $617 million in state and foreign operations, $3.137 billion for BRAC (fully-funded), $1.789 billion in Veterans Medical Care (including funding for Walter Reed Medical Center), and $1.050 billion for Homeland Security.

Moreover, Amendment 1 supports our troops by appropriating $343 million for our military personnel in the U.S. Army, $408 million for our service members in the U.S. Navy, about $108.9 million for our troops in the Marine Corps, $139.3 million for those in the U.S. Air Force and marked increases in funding for our reserve personnel. Furthermore, it protects our troops on the ground in Iraq and Afghanistan by supplying over $258 million for defense-wide MRAP vehicles as well as over $2.6 billion in funding for the armed forces to purchase this same equipment.

Amendment 1 also resolves many of the shortcomings of our military medical healthcare facilities and defense health programs inability to treat and care for our men and women in uniform returning from combat with injuries. In doing so, it allots $1.878 billion for our Defense Health Programs specifically, $6 million for treatment of TBI and those suffering from PTSD, the signature injuries of our troops returning from Iraq and Afghanistan. It also provides needed oversight of our military medical treatment facilities, military housing, medical hold personnel and housing provided to them by requiring a series of inspections be conducted by the Secretary of Defense thereby, ensuring that our service members never again return to military facilities at home that are substandard.

Amendment 1 also provides $393 million in funding to the State Children's Health Insurance Programs, SCHIP, a vital program to the Nation and to the State of Maryland.

Currently, over 137,000 children in Maryland are without health insurance. Fully funding this program will be a great step toward providing universal health care to our neediest children. I should also note that Amendment 1 also provides needed agricultural, FEMA and general Gulf Coast recovery support for those still suffering from the widespread damage caused by Hurricane Katrina by appropriating over $2.87 billion in financial support.

President Bush can no longer expect a blank check without any accountability given the current circumstances in Iraq. Over 3,400 soldiers have died and the number increases each day. We have been working diligently to negotiate with the President but he has constantly failed to meet us halfway, despite the clear need for a new direction and policy in Iraq. His mandate to have a bill with no strings attached as to time lines for redeployment or one absent of key benchmarks measuring our progress with accountability and needed oversight measures included is unreasonable and irresponsible. This is exactly why I firmly disapprove of Amendment 2.

The President has outlined the need for benchmarks himself particularly, in a January 13, 2007 radio address stating that "America will hold the Iraqi Government to benchmarks it has announced. These include taking responsibility for security in all of Iraq's provinces by November, passing legislation to share oil revenues among all Iraqis, and spending $10 billion of its own money on reconstruction projects that will create new jobs." These are strong commitments. And the Iraqi Government knows that it must meet them, or lose the support of the Iraqi and the American people.

The President must be held accountable. No more blank checks. It is our duty to protect our brave men and women in uniform. Therefore, I call on my colleagues listen to the American people and vote against Amendment 2.

Mr. TIAHRT. Mr. Speaker, February 5th, the Department of Defense made a request for the resources and flexibility required to successfully prosecute the Global War on Terror. For 3½ months Congress has failed in this fundamental, constitutional responsibility. Today, I am pleased to finally support H.R. 2206, the FY 2007 Iraq and Afghanistan War Supplemental Appropriations bill. I believe this legislation strikes the right balance of unfettered access to resources by our military and the establishment of guiding benchmarks for the new Iraqi government. In addition, I applaud the inclusion of disaster relief funding for Greensburg, Kansas, and an increase in the Federal minimum wage.

I want to thank Chairman OBEY and Ranking Member LEWIS for their hard work on this legislation. Putting aside political grandstanding and maneuvering, we have finally come together to produce legislation that provides our soldiers with the funding they need, while providing the flexibility our commanders in Iraq require—showing the commitment of this Congress to success in Iraq and the broader War on Terror.

Our Soldiers and Marines are in desperate need of funding for essential procurement items, operations and maintenance, and military paychecks and benefits. Among other things, this legislation will fuel our trucks, feed our soldiers, provide imminent danger pay, and arm them against our nation's enemies. This funding comes without unrealistic and dangerous strings that could have placed lives of our servicemen and women in jeopardy.

This Congress is finally showing its commitment to success in the Global War on Terror. We must never forget that this war was started by Muslim extremists and has been waged against the United States and its citizens since the 1970s. However, almost every skirmish and battle prior to the invasion of Afghanistan in 2001 found the United States on the defensive and on the losing side. Does this House remember the killing of 241 Marines in Beirut in 1983? The U.S. Embassy bombing in Lisbon in 1986? The first World Trade Center bombing in 1993? The Khobar Towers bombing in 1996? The bombing of our U.S. Embassies in Africa in 1998? Or the bombing of the USS *Cole* in 2000? Our ignorance of these events culminated in the attacks on September 11th, 2001. Each one of these was a battle in this war we now face. I hope this House finally understands we cannot win this war on the defensive.

The terrorists took the fight to us for decades; now we must take the fight to the terrorists. I do not want this war. But rest assured—this war will happen regardless of our presence in Iraq or Afghanistan. The question is, "Does this fight happen on the streets of Bagdad or the streets of New York City or Wichita, Kansas?" We must take the fight to the enemy. We must stay on the offense. Fortunately, this legislation now allows the United States to stay on the offensive in this global struggle.

In addition to providing critical funding for our military, this legislation provides $40 million of disaster relief funding for Greensburg, Kansas, which was completely destroyed during a recent tornado. The most devastating natural disaster to strike Kansas in years, Greensburg is a city without schools, businesses, or houses. However, the people of Greensburg have a passion and vision to rebuild their town, and I am pleased that this Congress is committing the resources required to begin that process.

Mr. Speaker, I want to personally thank Chairman OBEY and Ranking Member LEWIS for working with me and the Kansas delegation to include this funding for Greensburg. The tornado took away so much from this community, but it did not take away the Kansan spirit of big dreams and hard work. Greensburg will be rebuilt, and the funding provided here today will help make that happen.

Not only do the people of Greensburg receive support in this legislation, but the workers in Wichita and around the country will receive a well-deserved pay raise. I stand in support of raising the Federal minimum wage to $7.25 per hour in conjunction with providing associated tax relief for small businesses.

However, when dealing with the minimum wage, it is imperative that small businesses be provided with associated tax relief. When small and family-owned businesses are forced to shoulder increased costs, they have no choice but to hire fewer workers, reduce current worker benefits, and pass along the costs to consumers in the form of higher prices. Therefore, providing associated tax relief will allow the workers we intend to help keep their jobs. I applaud this bill for providing the minimum wage increase with the associated tax relief

Mr. Speaker, our Nation is facing great challenges from fighting the Global War on Terror to rebuilding communities devastated by natural disasters. By working together in a bipartisan approach, Congress can do the right thing. This Iraq and Afghanistan Supplemental Appropriations bill provides our troops the resources they need, helps rebuild Greensburg, and gives a well-deserved raise to $5.6 million people. For that, I am pleased to offer my support.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 438, the previous question is ordered.

The Chair will divide the question of adoption of the motion between the two House amendments.

The question is: Will the House concur in the amendment of the Senate with House amendment No. 1 printed in House Report 110–168?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on the first portion of the divided question will be followed by a 5-minute vote, if ordered, on the second portion of the divided question.

The vote was taken by electronic device, and there were—yeas 348, nays 73, not voting 12, as follows:

[Roll No. 424]

YEAS—348

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Gallegly
Gerlach
Giffords
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—73

Bachus
Barrett (SC)
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Brown-Waite,
Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Chabot
Coble
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Hastert
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kucinich
LaHood
Lamborn
Lewis (CA)
Linder
Lungren, Daniel
E.
Mack
McCarthy (CA)
McHenry
McKeon
Mica
Miller, Gary
Myrick
Nunes
Paul
Pence
Pitts
Price (GA)
Putnam
Radanovich
Rogers (AL)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—12

Berman
Campbell (CA)
Davis, Jo Ann
DeGette
Emerson
Engel
Gilchrest
Jones (NC)
Jones (OH)
Lewis (GA)
McMorris
Rodgers
Oberstar

☐ 1839

Messrs. PENCE, BURTON of Indiana and BACHUS changed their vote from "yea" to "nay."

Messrs. McDERMOTT, EHLERS, DAVIS of Kentucky, HUNTER, SOUDER, KELLER of Florida, Mrs. DRAKE and Ms. SCHAKOWSKY changed their vote from "nay" to "yea."

So the first portion of the divided question was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GILCHREST. Mr. Speaker, on rollcall No. 424 I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. JONES of North Carolina. Mr. Speaker, on rollcall No. 424 I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The Chair will now put the question on the second portion of the divided question.

The question is: Will the House concur in the amendment of the Senate with House amendment No. 2 printed in House Report 110–168?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 280, noes 142, not voting 11, as follows:

[Roll No. 425]

AYES—280

Aderholt
Akin
Alexander
Altmire
Andrews
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—142

Abercrombie
Ackerman
Allen
Arcuri
Baldwin
Becerra
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Doggett
Doyle
Duncan
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kaptur
Kennedy
Kilpatrick
Klein (FL)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Price (NC)
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Stark
Sutton
Tauscher
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Berman
Campbell (CA)
Davis, Jo Ann
DeGette
Emerson
Engel
Jones (OH)
Lewis (GA)
McMorris Rodgers
Oberstar
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1845

So the second portion of the divided question was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WELLER of Illinois. Mr. Speaker, on rollcall No. 425, I was inadvertently detained. Had I been present, I would have voted "aye."

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL MIDNIGHT, MAY 31, 2007, TO FILE REPORT ON H.R. 2446, AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight on May 31, 2007, to file its report to accompany H.R. 2446.

The SPEAKER pro tempore (Mr. COURTNEY). Is there objection to the request of the gentleman from New York?

There was no objection.

CONDITIONAL ADJOURNMENT TO MONDAY, MAY 28, 2007

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 9:30 a.m. on Monday, May 28, 2007, unless it sooner has received a message from the Senate transmitting its concurrence on House Concurrent Resolution 158, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 6, 2007

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 6, 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 5, 2007

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 24, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 5, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

VOTE ON THE WAR SUPPLEMENTAL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I'm very proud that the actions on the House floor today reflect the attitude of a caring Nation, and so I'm very proud that we have had the opportunity now to pass out of this House for the President's signature an increase in the minimum wage; relief for small businesses; a fix for the Walter Reed debacle, and the health care for the many families and soldiers, soldiers that are returning home from Iraq and Afghanistan; and the crisis in the gulf region has been responded to by hopefully providing dollars for education and a construction of homes.

As we enter upon this weekend to memorialize the dead, I could not continue a disastrous war, and so I proudly stand as a caring American to have voted against the continuation of this war. But I say to those who are fallen and to their families, we mourn you, we respect you, and we admire your service. Together we will continue to press forward so that this war, this misdirected mission, will end.

But to our soldiers that we will honor, as we return home to our districts, we say to their families, they were victorious, they were successful, they were honorable, they are patriots, they are loved by America. May I salute you, and God bless the United States of America.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DAD—AMERICAN GI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, born in the 1920s, he grew up in the Depression of the 1930s, and like most rural American children, he grew up poor. Fresh vegetables were grown in the family garden behind the small frame house. His mother made sandwiches for school out of homemade bread. Store-bought bread, as he called it, was for the rich. He grew up belonging to the Boy Scouts, playing the trumpet in the high school band, and he went to church almost every Sunday.

In 1944, this 18-year-old country boy who had never been more than 50 miles from home finally found himself going through basic training for the United States Army at Camp Walters in Camp Walters, Texas. After that he rode the train with hundreds of other young teenage American males to New York City for the ocean trip on a cramped Liberty ship to fight in the great World War II.

As a soldier in the 7th Army, he went from France on to survive the Battle of the Bulge and through the cities of Aachen, Stuttgart, Cologne, Bonn and others. He thought General Patton was the greatest soldier that ever lived, and as a teenager, this young soldier saw the concentration camps and the victims of the Nazis. He saw incredible numbers of other teenage Americans buried in graves throughout France. One monument to those soldiers is on the cliffs at a place called Normandy.

After Germany surrendered, he went back to Ft. Hood, Texas, expecting to be reequipped for the land invasion of Japan. It was there he met his wife at a Wednesday-night prayer meeting service at church.

Until a few years ago, this GI would never talk about World War II, and he still will not say much except he does say that heroes are the ones that are buried in Europe today.

After the war, he opened a DX service station where he pumped gas, sold tires, fixed cars and began a family. Deciding he needed to go to college, he moved to west Texas and enrolled in a small Christian college called Abilene Christian College. He and his wife and his two small children lived in an old converted Army barracks with other such families. He supported his family by working nights at KRBC radio and climbing telephone poles for Ma Bell, later called Southwestern Bell.

He finished college, became an engineer and worked 40-plus years for Southwestern Bell Telephone Company in Houston, Texas. He turned down a promotion and a transfer to New York City because it was not Texas, and he said it was no place to raise a family.

This GI, my dad, instilled in my sister and me the values of being a neighbor to all, loving our country, loving our heritage and always just doing the right thing by all people.

He still gets mad at the Northeastern media. He flies the flag on holidays. He goes to church on Sunday, and he takes Mom out to eat every Friday night. He stands in the front yard, and he talks to his neighbors. He can fix anything. He knows more about world events than most politicians. He still mows his own grass, even though he's over 80 years of age, and he has a strong opinion on politics and world issues. He gives plenty of advice to all people, including me. He has two computers in his home office. He sends e-mails to hundreds of his buddies throughout the world.

Dad and Mom still live in Houston not far from where I grew up. My dad is a charter member of the Greatest Generation. He was proud to be in the United States Army, but he, like many Americans of that generation, get emotional about the ones who died for this Nation.

Mr. Speaker, not far from this Capitol is the World War II memorial that honors those who never returned from Europe, Africa, the South Pacific in the great World War II. This memorial lists the battles, the names, and the States and the territories where those warriors called home. In the back of this memorial is a massive bronze-looking plate, but on closer inspection, Mr. Speaker, it's not a bronze plate at all. It's actually 1,000 bronze stars. Each star represents 400 Americans killed for our country in World War II, 400,000 Americans, mostly kids in their teens and in their early twenties who gave their youth for our future. Further down the Mall are the memorials for Vietnam and Korea, and in the brush is the World War I memorial that is hidden among the trees.

So today, Mr. Speaker, as we approach Memorial Day to honor those who have fought in the great World War II, and all American wars, we honor not only my dad and those who returned in victory, but also, we honor all those American heroes who never returned and for whom the bugles have played Taps for the last time.

And that's just the way it is.

□ 1900

VOTE ON IRAQ SUPPLEMENTAL FUNDING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the American people want U.S. soldiers out of Iraq. A majority of Iraq's elected Parliament want U.S. soldiers out of Iraq. And I want soldiers out of Iraq, out of harm's way and out of the middle of a civil war.

This is what the American people elected us to do in November, knowing the best way to support our troops is to protect our soldiers and get them out of Iraq.

Since January, 431 U.S. soldiers have died in Iraq; 83 American soldiers died in January, 80 died in February, 81 died in March, 104 died in April, and 83 Americans have died in Iraq so far in May.

Since January, 2,496 U.S. soldiers have been wounded in Iraq. In fewer than 5 months, the U.S. casualties in Iraq is already exceeding the number of soldiers who died or were wounded in Iraq in 2003. But the President insists we're winning. The reality is his stubbornness and intransigence has lost the war and the peace.

Outside my office, we honor the fallen heroes of the State of Washington by showing the photographs of 78 men and women killed in Iraq. Adding more pictures will not sustain their memory. We honor these fallen heroes only by protecting the living.

The way forward is not more casualties, as the President freely admits will occur.

The way forward in Iraq is not claiming phony ties to 9/11, fake intelligence, or outright fabrication, although these are the trademarks of this administration.

Demanding a timetable to get our soldiers out of Iraq, as I have done repeatedly, is the strongest support anyone in this Congress or country can do to support our soldiers.

I voted today to support U.S. soldiers by voting against a bill that approves an endless war and provides the President with a box of preapproved blank checks. A Nation does not support its soldiers by accepting more Americans killed and wounded in Iraq while carrying out the flawed mission of a failed presidency. The Congress does not support our soldiers by passing flawed legislation that supports a President who is totally out of touch with reality.

Spending more money in Iraq without a timetable to get out of Iraq only buys more casualties in a needless military disaster ordered by a President who can mislead, but not lead, America in war or peace.

The invasion of Iraq was and is all about oil. The one and only benchmark that matters to the President is for Iraq to pass an American-engineered oil law that delivers the oil wealth of Iraq into the hands of Western oil companies.

The President would not listen when a majority of Iraq's parliament signed a petition last week demanding a timetable for the withdrawal of U.S. forces. That's because it doesn't matter what they think; only what the President and his neocon friends want. And they want oil. They want it so much that the President will keep the U.S. soldiers in Iraq until he can strong arm the passage of a law that provides cover for Western oil companies to control Iraq's vast oil wealth. That is the President's definition of mission accomplished.

The American people elected us to stand up to a President who is out of touch and out of control. Over 3,000 U.S. casualties ago, we were handed the gavel to lead against the President who had taken his Republican majority in Congress to suspend the coequal branch of government.

The President issued orders, and the Republicans bowed their heads and complied. We must lead, not capitulate.

American soldiers will never be safe as long as the President can order a military escalation in one breath and, in the next, predict growing casualties. The Iraq people will never be free so long as the President has the freedom to occupy their Nation. The American people will never be served as long as the President can go it alone in Iraq and in the halls of Congress.

The American people gave us a mission, but on this day, we have failed in that mission.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP of Utah addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 128th day since two U.S. Border Patrol agents entered Federal prison. Agents Ramos and Compean were convicted in Federal courts for shooting a convicted drug smuggler who brought 743 pounds of marijuana across our border into Texas.

These two law enforcement officers, who have each given years of their life in service to this Nation, never should have been sent to prison. By attempting to apprehend an illegal alien drug smuggler, these agents were simply doing their job to protect the American people.

Although it is clear that the agents fired in self-defense, the U.S. Attorney's Office prosecuted the agents and granted fully immunity to the drug smuggler, who claimed he was unarmed.

This case is a black mark on the American judicial system. Despite countless pleas from the American people and Members of Congress, the President has refused to pardon these men. Every day and every hour that these agents spend behind bars is a travesty of justice. Instead of crafting deals to grant mass amnesty to illegal aliens who have broken the law, our government needs to get serious about border security and get on the right side of the law.

The prosecutor of this case gave an illegal alien drug smuggler immunity for his crime, free medical care and issued him a border crossing card to enter the United States of America. The two agents received sentences of 11 and 12 years in prison and now spend 23 hours a day in isolated prison cells. These men are not criminals.

Our government needs to wake up and stop sending the wrong message to our Border Patrol agents and law enforcement officers who face bullets in the line of duty and risk their lives to protect the American people.

Many of us in Congress are concerned about the Federal prosecutor in this case and his decision to bring criminal charges against these border agents. There are legitimate legal questions about how this prosecution was initiated and how the U.S. Attorney's Office proceeded in this case.

I am hopeful that this Congress will soon hold hearings to investigate the prosecution of these agents, because it is time for justice to prevail over injustice.

FUNDING WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, since Democrats took over Congress, we have tried to establish a process to responsibly end our involvement in Iraq. We, like all Americans, have watched in sadness as 3,422 of our brave soldiers have lost their lives, including 57 of those who came from the State of New Jersey.

That is why Congressman PASCRELL and Congressman PALLONE, Congressman HOLT, Congressman ROTHMAN and Congressman SIRES and myself voted against this resolution.

As we said, we have asked the President to have a responsible end to our involvement, but 3,422 deaths later, the lives of 57 Americans from New Jersey have been lost. Already we have passed and sent to the President a plan that would include a timeline for troop withdrawal.

Our best efforts, however, have been consistently met with a veto. Indeed, President Bush continues to stubbornly, recklessly insist that his failed Iraqi policy continues without any reasonable compromise. We, along with the great majority of Americans, strongly disagree with the President. He has been wrong every step of the way, and it is long past time to bring U.S. involvement in Iraq to a conclusion.

The Democratic leadership has tried repeatedly to bring finality to the war. But because of a lack of a veto-proof majority, today they have relented on key requirements to help bring about the end.

While we understand why the proposal before us was crafted in such a way, that we believe we must continue to forcibly stand up to the President.

We voted against spending even more money in Iraq because there were no timelines or real accountability on an administration that has proven to be utterly incompetent on the most important issue of our time.

As late as yesterday at a major address, the President continues to try to directly implicate Iraq in 9/11. It was Osama bin Laden, al Qaeda, who made it very clear on that dastardly, cowardly act on September 11 to our World Trade Center that it was done by al Qaeda, done by the Saudi who led this and still continues to lead this terrorist organization.

So why do we continue to try to stretch the reason for going in and having an attack on Iraq that it was because of 9/11. We know that there is the continued attempt to connect the two when they are not connected. Now we hear al Qaeda is strong and doing well in Iraq. However, before 9/11, there were no al Qaeda operatives in Iraq.

So we have now a country that is no better off, really. More people die there. We have a world that is really not any safer. Yet, and still, we have a President who refuses to see the light, continues to go down a path of destruction. So, for that reason, I am proud of my colleagues, PASCRELL, PALLONE, HOLT, ROTHMAN, SIRES and myself who stood up and said, enough is enough, the time is now.

ECUMENICAL PATRIARCHATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to express my profound concern with the continued violations of religious and human rights that the Republic of Turkey has perpetrated against the Ecumenical Patriarchate, the Holy See for over 300 million Orthodox faithful.

While I understand and appreciate the role Turkey must fulfill as a strategic ally in our global war on terror, I am immensely disappointed in the demonstrated lack of progress Turkey has made in support of religious tolerance.

As cochair of the Congressional Caucus on Hellenic Affairs and as a member of the House committees on Foreign Affairs and Homeland Security, I am extremely sensitive to nurturing the growing relationship between the United States and Turkey. The key factors in this relationship are ensuring Turkey's growth as a secular, constitutional democracy.

Americans know the conditions that characterize secular democracies must, by necessity, include provisions for freedom of religion. While Turkey has made strides in other areas of modernization, it still fails to meet the standards of a civilized world in granting its citizens religious freedom.

We seek no extraordinary demands on Turkey, simply to allow its citizens and institutions to be free of harassment based on religion. It's as simple as that.

Like his predecessors before him, Ecumenical Patriarch Bartholomew, worldwide leader of Orthodox Christians, has made extraordinary efforts to bridge the gap between Christianity and Islam. The Patriarch, whom the Orthodox Church considers the first among equals, has been an ambassador of goodwill for the Ecumenical Patriarchate.

In fact, the Ecumenical Patriarch has been proactive in assisting Turkey's cause on the world stage. His excellency, Bartholomew, has stated that Turkey's admission into the European Union would " . . . provide a concrete example and a powerful symbol of mutually beneficial cooperation between the Western and Islamic worlds and put an end to the talk of the death of civilizations.

"This in turn would be a true strengthening of Europe and the European ideals that converge with the values of the 'pilgrims of the book' spoken by the current Prime Minister of Turkey."

The Ecumenical Patriarchate has a record of reaching out and working for peace and reconciliation amongst all faiths and has fostered dialogue among Christians, Jews and Muslims. What the Greek Orthodox community and all watchdogs of religious freedom throughout the world are asking for in return is simply that Turkey abides by the tenets of its constitution, which secures religious rights for all of its citizens.

In accordance with the administration's ambitious agenda over the next 2 years to further develop a U.S.-Turkey strategic relationship, I urge my fellow Members to support House Resolution 373, of which I am an original cosponsor, so that we may impress upon Turkey the need to grant the Ecumenical Patriarchate ecclesiastic succession; the right to train clergy of all nationalities; and respect for human rights and property rights of the Ecumenical Patriarchate.

By encouraging Turkey to continue the achievements that democratization has yielded thus far for its society, we will be working to promote and safeguard religious human rights for the Ecumenical Patriarchate. For this, we and nearly 300 million Orthodox Christians would be eternally grateful.

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IMMIGRATION REFORM AND OTHER ISSUES OF THE WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, as always, I profoundly appreciate the privilege to address you on the floor here of the United States House of Representatives.

We have had quite a momentous week here, and it gives one a sense who has been in the middle of this environment that there are times when this Congress can work urgently and times when our priorities finally rise to the top. And as I watched the committee action and have been involved in it across on this Hill for these last 4½ years, but especially this last week, with the intensity we had at hearings and the intensity we had at markups, and transferring those markups here to the floor for consideration by the full body and debate and occasionally amendments offered, it has been an intense week, and it has been momentous.

Before I get into the meat of the discussion that I hope to take up this evening, Mr. Speaker, I have to reflect upon what has transpired here just today on the floor of the House of Representatives, and that is passing legislation that improves our lobbying reform and puts more sunlight on the donations that come from lobbying. And I believe that, yet all of us are bound by our own ethical standards, putting sunlight on those activities allows for the public to make that judgment as well as the individual Member of Congress.

I very much support that philosophy, and I am particularly pleased that the motion to recommit spread that responsibility not just across private sector lobbyists, but also the public sector lobbyists as well. That is something that I believe should have been part of the bill, Mr. Speaker. It was something that I brought language to the Judiciary Committee to correct.

We had a significant and intense discussion on that in the Judiciary Committee, but yet the amendment wasn't quite ready for prime time, as they say. It has had a couple of technical flaws in it, so we withheld that amendment in the Judiciary Committee and brought it here as a motion to recommit tonight where it had significant support from Democrats and Republicans. So I am pleased that we have taken that step.

I am hopeful that we will be able to take up some other steps to provide more sunlight on this Congress. And particularly, the language that I offered in the lobby reform bill that passed the floor today and was eventually included in the bill was the requirement that the information be posted on the Internet in a searchable, sortable, downloadable format that would allow the bloggers across the country to be able to go on the Internet and see what is going on with campaign donations and those activities between the lobby and the Members of Congress.

Sunlight is the best disinfectant, and real-time reporting in searchable, sortable, downloadable format so that we are not putting people through the difficulty of having to reenter from a PDF or an Adobe file, or we are not putting them through the difficulty of trying to come up with some summarized information when easily it can go out there in a spreadsheet fashion and make it available in a format that says, we want you to know this; we want you to see this. In fact, we want that kind of oversight from the public, because this is the people's House, and the people are sovereign in America. And this legislation that passed the floor today helps with that.

But I would like to see that same level of scrutiny on the individual campaign contributions of our Members and in real-time reporting in searchable, sortable, downloadable format, Mr. Speaker. And if we can do that, if we can do our financial reportings so that they are to an exact dollar amount or within a narrow dollar figure within that dollar amount, and then file our own personal finances as well as our campaign contributions in real-time, searchable, sortable, downloadable format, hand it over to the American people with easy access on the Internet, and let them download, let them sort, let them draw their conclusions, let them write their op eds, let them fire up their base and run their Web pages, and let's let that dialogue be added to the mainstream media, the talk radio dialogue, the across-the-backyard-fence dialogue, all of the things that go together in this national conversation that we have that is an amalgamation of all of the opinions in America that helps shape and, in fact, does shape the consensus that America needs in order to move forward.

Then I would also, Mr. Speaker, suggest a fairly simple thing, and that is that when we are on the floor of this Chamber, and we are debating a bill and an amendment, the number and the name of the bill and the number and the name of the subject of the bill and the amendment are only available to a Member when they walk in here on the floor by going over there and asking staff or asking a clerk. That means then if Members of Congress can be watching this operation on C–SPAN, and walk from their Cannon or Rayburn or Longworth Office Building over here in about a 4½-minute span of time, and from the time of knowing what's going on by watching the television of the floor action and spending that 4 to 5 minutes to walk over here, the subject can change, the bill can change, the amendment can change. Two or three amendments can be passed by a voice vote in that period of time, and you will have no idea what kind of action is taking place on the floor when you walk in here without asking someone that is managing the bill or managing the opposition to the bill.

Yet I look up here, Mr. Speaker, into the gallery, and I see visitors on a daily basis, sometimes in significant numbers, and they can't know what is being debated here on the floor. They can't understand the debate or the actions that are here because we don't make it easily available to them. We don't want to make that a secret. We want people to know what is being debated here. In fact, that is one of the reasons why Members come here to the microphones is because they are able to speak, not just you, Mr. Speaker, but simultaneously to a national television audience.

Members want the public to know what we are doing, but the most obvious thing we could do we don't do, and the cheapest and simplest thing, and that would be just simply to project up here on the wall where we project our votes when we are voting the number and the title of the bill, and the number and the title and the author of the amendment. Post those things up there so that when the public comes in and sits down, they can look and see precisely what the subject matter of the debate is.

That happens in a majority of the State legislatures of the United States, of the 50 States, and here we are stuck in time back in the 19th century or earlier, and we can't quite make that change, not because we don't agree with it, just because, well, it is a change, and change comes with difficulty here. So we don't have a crisis to cause us to step forward and make that change, and we are stuck with this reality that has gone on for a couple hundred years here.

So I would submit those changes. I hope we can move forward with those kind of changes, and I am looking forward to the opportunity to do that.

And then I take up the issue that just passed the floor of this House by a vote of 280–142. Mr. Speaker, that is finally the funding for our troops in the Middle East and Iraq and in Afghanistan. This is the emergency and urgent supplemental spending bill that the President asked for at the onset of this 110th Congress in January. This is something that we all knew needed to be done. Everyone here out of the 435 understood that you cannot put troops in harm's way and not fund those troops, and yet those who are opposed to the operations in Iraq, and I assume there are some there that are opposed to operations in Afghanistan as well, they wanted to tie conditions on the appropriations to the funding for our military, and so this debate began. And as this debate unfolded, by my count it is 108 days that this Congress has deliberated over a long Easter break while the Speaker went over to the Middle East and conferred with the Israelis and the Syrians, and a couple of other stops over there, those being the most significant.

That engagement in foreign policy is another subject perhaps for another day, Mr. Speaker. And I believe that we are all constrained by this Constitution. I don't believe any of us should be involved in negotiations with a foreign government, to engage in those acts that the Logan Act is specifically designed to prohibit. Yet, I think most of us are convinced that that is what happened. Negotiations were taking place over in the Middle East while our troops needed funding that needed to happen back here.

When General Petraeus came back here to brief Congress on the stage of the surge and the new plan and the new direction in Iraq, when he was here, he briefed a classified briefing to every Member of Congress; we were all invited. A reasonable turnout, Mr. Speaker, but the Speaker of the House was not there. The Speaker of the House couldn't work it into her schedule, at least by news accounts. She was able to go to the Middle East to negotiate over there in relations between Israel and Syria, the results of which I think both countries have some question about the message that was carried, but not when General Petraeus was here in the United States Capitol, in these office buildings around this Capitol.

We had the opportunity to hear from him, and he let us know that funding was urgent, that daily our military were making decisions that had to be done because the funding stream wasn't coming. So different weapons programs that were going on, the development of weapons programs, the procurement process, many of those things, including the training of the Iraqi military, had to all be slowed down, adjusted, in some cases stopped because the funds that were in the pipeline needed to be redirected so that our troops weren't in further danger.

But troop readiness is essential. And that is obvious from the conditions that were attached to the appropriations bill, by the majority side I will add, and those conditions that require troop readiness were being undermined and diminished by the reluctance and the delay in the appropriations that we just did today, finally, for our military, 108 days later.

I have mentioned Israel. And I can't help but reflect that Israel has found themselves, from the inception of their Nation in 1948, in one of the most violent regions in the world surrounded by enemies, enemies that have lined up against them and attacked them on a number of occasions. They have fought off their enemies courageously and valiantly. And you see the American spirit also within the Israelis, their love of freedom, their tenacity to hang onto it, the difficulty that they had in carving it out and achieving it. And yet, I still look back upon their history, about 58 years old, and in that period of time, aside from their war for independence and a protracted lengthy war in Lebanon that was more a period of taking military positions there than a period of constant fighting, aside from that, Israel has never had a war that took as long to fight and achieve a victory or a settlement in all of their existence as it took for this Congress just to fund our military.

Mr. Speaker, think about what that means. If we can't turn around funding for our military and it takes 108 days, and they are waiting to be able to make their decisions, and they are doing intradepartmental transfers of resources that are already in the pipeline, suspending the development of weapons programs, stopping and/or suspending, at least to some extent, the training of Iraqi troops, putting our troops in jeopardy, all of that going on because it takes 108 days to do what everybody in this Congress knew had to happen anyway.

Well, it finally happened today. People were able to make their political points and score their political scores over the last 108 days. And the American people are tired of it, and the White House is plenty tired of it. So, finally, we come to this resolution, and finally our troops are going to be funded.

But if that bill had hit the floor of this Congress 108 days ago, it would have passed, and the funding would have been in their hands, and we would have been in a significantly better position for military readiness across all branches of the Armed Forces and a better position within the Middle East.

But what this has done is encouraged our enemies, it has undermined our troops, it has put them at risk, and it threatens also to rear its ugly head again sometime in September and start us all through this same process. Well, that encourages our enemy. They are sitting there watching what is going on, and they would like to influence the political process here in the United States. Thankfully, our military knows what their duty is, and they are sworn to uphold their duty and obey their commanding officers and ultimately their Commander in Chief. Because of their loyalty, because of their sense of duty, we have a solid tactical position in Iraq and in the Middle East.

☐ 1930

If they acted like some of the people here in this Congress acted, Mr. Speaker, that operation over there would have fallen apart a long time ago. So I thank our military men and women.

We're moving forward towards the Memorial Day where this Nation not just pauses, stops, stops to reflect upon the ultimate sacrifice that's given by our military men and women, the sacrifice of their lives for our freedom. And they ask us, did we adhere to this Constitution and did we exercise the freedoms that they've defended and fought for us in a fashion that's respectful and worthy of their sacrifice?

So I will say that today, finally, passing this appropriations off this floor, even though I'd like to go through there and amend a lot of that language, was closer to anything we've done this year to show that we're worthy of their sacrifice.

But the message is still the wrong message. The message I want them to hear is, it was worth it. It was worth you laying down your life for the freedom of 300 million people, and we're going to move this Nation forward into the future so that we can reach our destiny. And this destiny is a brighter destiny and a brighter future than many of the critics of this appropriations, this funding for our military.

And so, Mr. Speaker, that wraps up the portion of this presentation that deals with the current events of this week and today. But I have to roll this thing back to the current events of last week, that being that last week, on Thursday afternoon, here in this city, about 12:30, if I remember correctly, there was a press conference that took place over on the Senate side. And a group of senators got together and announced that they had finally untied the Gordian Knot of immigration and put together the best immigration bill that could be put together. They called it comprehensive immigration reform. And they stipulated that they had been negotiating and working on this with Senator KENNEDY of Massachusetts, who was one of the presenters, with the White House, President Bush, his representatives there, and that this delicately balanced comprehensive immigration bill could be and would be the vehicle that should pass through the Senate without amendment and come over here to the House, where we should certainly be respectful and just adopt the wisdom of the Senate, send the bill on to the President, who we know is waiting there with pen in hand, eager to sign the, what they would describe to be a comprehensive immigration bill.

And now, Mr. Speaker, I'd take you back, and the Members back to about January 6 of 2004. That would be the moment in time when President Bush gave his first major immigration reform speech. And I recall the speech that he gave. In fact, I pleaded that he not give it because it would split the Republican party. And it called for amnesty.

Now, we've had many debates on what amnesty is in that period of time, in that subsequent three, not quite 3½ years. And I will lay out the definition that I think emerges as the most consistent and the most accurate definition of amnesty.

Now, we know that amnesty is a pardon, plain and simple, a pardon for a violation of a crime, generally to a group or class of people. Black's Law Dictionary defines it pretty close to that. It also recognizes that the 1986 bill that was the Immigration Reform Act, Immigration Reform and Control Act, IRCA, was an amnesty bill. And that's identified in Black's Law Dictionary.

But I'll define amnesty as a way that I think it works a little bit better for the American people, Mr. Speaker, and that is, to grant amnesty is to pardon immigration law breakers and reward them with the objective of their crime; a pardon and a reward.

So what I'm talking about that's going on with this comprehensive immigration reform isn't just amnesty, but it's amnesty plus a reward. And the reward is the objective of their crime.

Now, some will say it's amnesty if they get to keep a job because that's what they want. Well, some want to work. Some don't. In fact, 7 out of 12 are working; 5 out of 12 are not. So it doesn't work to define that they're getting amnesty because they get to have or keep a job here in the United States.

Some come here to be homemakers. Some come here because they are attracted by a relation. Some come here too young to work. Some come here too old to work. Not that many of those, I might add.

But they have a whole different variety of motives for coming into the United States illegally or overstaying their visas.

But the objective of their crime, and it is a crime to enter the United States illegally, and those people who do so are criminals by any definition. It doesn't do to march in the streets and say, you're not; if you committed a crime to come here, you're a criminal.

So to pardon immigration law breakers and reward them with the objective of their crime, pardon and reward. The objective is whatever is on their list, whatever their motivation is, we grant them. And that's what the Senate proposes to do with the legislation that they have before them in debate there this week, is that they propose to not only pardon those who enter the United States illegally, but to grant them the objective of their crime. And that means we're going to let you stay here and work, but we'd like to have you working, but you don't have to work. You can follow your own path. After all, this is America.

And so to argue that it's not amnesty, first I would back up just a little bit, Mr. Speaker, and point out that the language that is comprehensive immigration reform, that phrase encompasses amnesty. And the administration has argued, and the Open Borders Lobby has consistently argued that they are not for amnesty; they're opposed to amnesty. And yet, they're proposing that everybody be forgiven, and all of those who are not convicted of a felony or three serious misdemeanors, if you haven't had your fingerprints taken in America, they want to give you amnesty. They want you to be able to stay here. And they want to give you an automatic provisional permit to stay in the United States.

They keep talking about 12 million. Well, first I want to submit that comprehensive immigration reform now means to the American people amnesty. The administration and the Open Borders Lobby has not been successful in redefining the term amnesty. They can't convince you or me or the American people that it's not amnesty if you grant someone a pass or a pardon to stay here, because it might be coupled with paying a fine, and the fine somehow is supposed to be a substitute for 6 months in jail and/or deportation.

But whatever the current penalty is for violating, the law is what it is. If you reduce that penalty and if you change the law, that means you've provided a pardon, and that's amnesty; and especially when the fine that they're proposing is a fine that's generally significantly less than it would cost to hire a coyote to bring you, smuggle you into the United States.

Yes, I know. There's a fee of $4,000, and coyotes are $1,500 to $2,500, what the going rate is. But that can be paid over increments, and it's stretched out over a period of time.

The talk is, well, what else are you going to do with the 12 million people? Well, first of all, it's not 12 million people; 12 million people is not the ceiling; it's the floor. It's the beginning. It's a minimum of 12 million people, Mr. Speaker, and that number goes up.

If you go back to the Immigration Reform and Control Act of 1986, it was predicted that that was going to provide amnesty to a million people.

President Reagan, Lord bless his memory, told the truth. He said, I'm going to sign an amnesty bill because I believe it's the best alternative. And so he signed the bill. It was for a million people, and it became 3 million people because the quickly growing cottage industry of document fraud provided for the kind of phony documents that allowed three times as many people to apply and be approved. And there was a significant percentage of those applications that were later, upon Congressional oversight, proven to be fraudulent documents that granted people a green card and a path to citizenship here in the United States, even though it wasn't consistent even with the amnesty law that was signed by President Reagan.

Now, here we are. What else are you going to do with 12 million people? We're going to give them a provisional legal status here in the United States. In 18 months, they submit that they will sign everybody up, and now we'll have everbody's fingerprints, and we'll be able to do a background check on everybody. And some of those background checks have to get done within 24 hours. You aren't going to have a private company do that. Background checks have to be done by government. Private companies do not have access to those databases of fingerprints, NCIC files, the kind of violations that are there. And government doesn't move so quickly that they can swallow up, in a matter of 18 months, the 12 million applications that are envisioned by the Senate that would be processed; 12 million applications. We have backlogs there now. We have delays there now. And the 12 million is not the ceiling; it's the floor. It begins at 12 million.

Then the document fraud, then the miscalculations, then the erroneous census and erroneous estimations on how many people are here in the United States start to show up, and those that have a clean record or have some means to present a clean record are going to come forward.

But I would ask the Members of the Senate, Mr. Speaker, even if this all happens the way you envision it, even if the good people come forward and they put their fingerprints down and that goes through the NCIC database and comes back, and even though they may be clean and they don't have felonies against them, or three serious misdemeanors, maybe all of that could happen, I guess maybe in another world it would happen that way.

But if it all happened, what are you going to do about the people that don't come out of the shadows? What can be done about the people that are here under false identification, about the people that have a criminal record in their home country and they're afraid we are going to find that out with a background check, difficult to do. What are we going to do about the people that stay in the shadows? What are we going to do about the people that came here to live in the shadows and decided already they want to stay in the shadows and live there, that they don't have an interest in becoming part of the records of the United States?

How does that get resolved?

What do you do to provide an incentive for felons, criminals, people who have committed three or more serious misdemeanors? What do you do to get them to come forward?

And the answer to that is, if you want to deport them, they're not coming forward. If it's your goal to deport felons and triple violators of serious misdemeanors so that you can send them back to their home country, they are not going to come forward. They're going to stay in the shadows.

Some of the estimates say that 10 percent of the illegal population are criminals in one fashion or another beyond just violating immigration law. I don't know what that number is. I know that 28 percent of the populations within our Federal and State penitentiaries are criminal aliens. And so I would suspect that that percentage of population is greater.

But they're not coming forward. You'll not get felons to come out of the shadows. And so the very object of this grand idea from the administration and the Open Borders Lobby is, we can't enforce the border unless somehow we take these millions of people that are pouring across our border, legalize them so they don't clutter up our law enforcement, they don't get in the way of our law enforcement; and then, if we do that, now we can concentrate on the criminals, the felons, the triple serious misdemeanor violators, and that'll let us take our 18,000 Border Patrol officers and our extra 10,000-plus our existing ICE officers, and we will enforce the law, and we'll have more prison beds, and this is all going to work out in this grand scheme into a grand dream that will become reality.

But this grand scheme, grand dream is never going to become reality because there's such a thing as human nature. And human nature will resist if it's not in their interest. So we'll still have the negative elements out of this population that I will concede is predominantly good people, on balance. And yet the negative elements that exist there in significant proportions are not going to be brought forward by anybody's promise that, if you do so, we're going to grant you a legal status in the United States because we've already promised we're going to send you home.

So I ask this question of the Senators, Mr. Speaker, and that is, we're not willing to deport the people today that violated our immigration laws. We're not willing to pick up the 500,000 or more that poured out into the streets to demonstrate for what, benefits from the United States taxpayer that they want to go to people who are unlawfully in the United States. And I'll speak more specifically of those demonstrations a year ago last May and in the previous march than I do for the ones I saw here because they were far weaker. But that's the people that are putting demands on the taxpayers.

And to presume that they're going to come forward is a flawed notion. They will not. And we're not willing to send people home today who are just in violation of our immigration laws. So why would I, why would anyone who would contemplate voting for this Senate bill, why would we believe that the people that promote it, the Teddy Kennedys, and the other personalities over there, including the White House, if they won't enforce the law today, why do we think they'd enforce the law as this proposal matures in 4 years, 8 years or add the 18 months, the sign-up period to it, 9½ years, when they would deport the first person who was just unlawfully present from the United States?

□ 1945

The proponents of this bill won't do it today. They resist that, and they say you can't deport 12 million people; so that is your only other alternative except ours. Well, no. Truthfully, Mr. Speaker, I would say, yes, we could deport 12 million people. No, I am not in favor of attempting that, but if we had the will, we could put together the ability. We had the Manhattan Project. How long did that take us, 3½ years, or was it 34 months, right in that area, to decide that we were going to develop an A-bomb and detonate it? And if we did that, if the United States makes up its mind we are going to act, we can act, and we can get things done.

No. We don't have the will. We don't have the will to enforce the law because our heartstrings are tugged upon by our neighbors who we know are here illegally, but they are good workers and good family people. That is a constraint.

But what we need to do is we need to step up and take a look at this thing and fall back in love with the rule of law. It is one thing to have affection for your neighbors, but it is another to pay that price off and at the expense of it to be the rule of law. And that is what is presented here. It is a plain, straight-up amnesty policy. It is the destruction of the rule of law in America. And the rule of law is the most essential pillar of American exceptionalism.

If you pull the rule of law out of our Nation's history, and you decide whom you are going to enforce against and whom you are not, and let people pick and choose, and if you can get a large enough constituency group out there, like 12 million or 20 million, then you can ignore the rule of law, or you can amend the law to accommodate the constituency group that is out there.

No matter what your interests are, if you don't adhere to this Constitution, and if you don't adhere to this rule of law, and if you take the rule of law out of our history, and then you replay history forward again, back it up to July 4, 1776, pull the rule of law out of the equation, and then march forward and see what you get, Mr. Speaker, and I will submit this: You don't really have a reason to have a Revolutionary War. You don't have a reason to throw the yoke of tyranny off of our back. You don't have a reason to bring patriots forward to put their lives on the line to fight for freedom that was shaped by our Founders, and the legacy of the Founders would be out then and taken out of the continuum of American history. And if you pull the legacy of the Founders, the Declaration, the God-given rights that come from Him through the Declaration and are established in our Constitution, if you pull that all out of the equation, try to march forward towards freedom without the rule of law. Try to march towards prosperity without the rule of law. Try to march forward towards a free Nation that is conceived in liberty and dedicated to proposition that all men are created equal, and do that without the rule.

I think, Mr. Speaker, we are starting to see what kind of Nation we would have had if the people in this Congress who preceded us would have had such cavalier disregard for the rule of law, as there appears to be over in the United States Senate, as I fear there may be here in the House of Representatives. The most essential pillar of American exceptionalism is the rule of law, and it would be sacrificed on the altar of cheap labor.

The rule of law is the first thing to go, and the second thing is the middle class. It is another pillar of American exceptionalism, Mr. Speaker, the middle class. And here in the United States, because of our prosperity, what we have done is we have expanded this middle class. We have provided an opportunity for everyone to get a free public education, and that education has put them forth so that when they got out of the public education process, they went to work. And people who decided they didn't want to go on to college, every generation up until this generation had an opportunity to put on a blue collar and punch a time clock and live with a level of moderate prosperity that allowed them to aspire to buy and own a home and raise their family and live their lives in a productive fashion if that was what they wished, because we ever broadened and raised the opportunities for the middle class. But the middle class, Mr. Speaker, will be destroyed by the Senate proposal because the costs of this proposal are astronomical.

We have never done anything that had this kind of economic impact. And the economic impact, as laid out by Robert Rector of the Heritage Foundation in the study, shows that if we go forward with the language that is in the Senate or with some of this that is contemplated here in the House, the Social Security burden comes crashing into the Social Security Trust Fund at almost precisely the time that that trust fund goes into the red. And when that happens, it puts a $2.5 trillion burden on the American taxpayers. That burden and the painful march up to that period of time in the future puts such a burden on our producers in this country and the welfare benefits and the public services that will be used up by those who can't produce enough to carry their load in this society. And it is not their fault. They just can't, by their educational background and their lack of skills. Then forever this middle class is diminished. It is narrowed, and it is lowered.

So you have an ever-expanding nouveau riche at the top. You have a new aristocracy that has emerged that believes that they have a birthright to cheap labor, not just to work in their factories, but to clean their mansions. That is the cheap-labor people that are part of this. And you have the cheap votes side of this of people who know that they will get a powerful new constituency base. Those are the two ends of this, the sacrifice of the rule of law, the sacrifice of the great middle class that has been a principal pillar of American exceptionalism.

The third thing, and the least important of the three, is what happens to the Republican Party? That is where we are going if we adopt the philosophy that is presented over in the Senate. That is where we must not go if we love the destiny of this country. We must have a national debate. We need to have a CBO score, an OMB score on the Senate bill. When it changes, the Senators need to know the fiscal impact of what happens not just in the next 10 years, but what happens in the next generation or two.

This Nation has plenty of labor. The argument that this economy would collapse if everyone woke up legally in their home country tomorrow morning is false. And it is flawed on its face.

Mr. Speaker, I will take that up perhaps a little later. But what I see on the floor at this moment is the gentleman from Tennessee. And when I see that look in the face of the gentleman from Tennessee, I know I want to hear what he has to say, and I would be so happy to yield to Mr. ZACH WAMP.

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding.

And I did not know he was coming to the floor tonight on this topic, but when I heard that he was here, I wanted to come and join him. I thank him very much once again for bringing this important issue to the American people. And I just want to touch on a couple of points tonight, as the gentleman from Iowa yields to me, about this bill.

Many people out there may say how is the Congress responding in this kind of a way to this problem? And I just want to say, having served over 12 years in this body, that I compare the U.S. House of Representatives especially to a very large church-building committee, well-intended people who have the ability to get together and make colossal mistakes, because everyone here wants to try to do a better job of fixing the problem than the person beside them. And it is almost a proliferation of do-gooders that get together and make colossal mistakes even though their intentions are good. And as physicians have to swear an oath that, above all else, do no harm, we need to remember that as lawmakers, when we look at the problems that our country faces, that we need to ensure that the solutions that we propose do not cause more problems than the current challenges that we face. And that is exactly the devil in the details of this so-called comprehensive immigration reform proposal that the Senate is moving this week.

The most problematic element of this whole bill to me is Title VI. It is the Z visa path to citizenship. It is amnesty. No matter how they package it, how they spin it, how they explain it, it is amnesty. It is something that, at 4 years at a time, can be extended all the way through that illegal alien's life. They can stay here. It's just that simple, and that is amnesty.

Z-1 is the illegal alien themselves. Z-2 is their spouse or their parents. Z-3 visa is their children, which basically means all of these people are given permanent residency, a path to citizenship in this country. And as the gentleman pointed out so well, it flies in the face of the rule of law. And how much can you water down the rule of law than not having the rule of law in this country?

And I want to point out two things that I see are very problematic in this kind of a solution where the Congress gets together trying to solve a problem, and the Senate product actually creates a whole lot more problems.

The provisions in this bill are not practical or workable, and you almost have to be, sometimes in our position, handling casework for people in your district that come to your office and say, we have someone working in our company that are trying to become United States citizens, or they have a family member that right now is going through the process of being cleared or checked through a background check or an FBI investigation. I have got one in my district. I can't disclose the names or the details, but it has been pending for over 2 years. Yet in this bill they somehow think that magically we are going to be able to, this government, approve these people quickly and do background checks.

That will not happen. The backlog will be enormous, given what we have seen with the rise of immigration into this country in recent years. And 20 years ago was Simpson-Mazzoli with 2½ million illegals. They came up with a solution that was very similar at that time to what the Senate is proposing today, and it was a catastrophic failure in the sense that we did not enforce the provisions in that law, and 2½ million illegals became 12 million illegals over 20 years. Why would we think that doing the same thing again will produce different results?

I will guarantee you this legislation will not be enforceable. It will be a colossal mess. If you thought at the Medicare prescription drug bill that this Congress passed without my voting for it, I voted against it, but if you thought it was problematic in its implementation, wait until this bill becomes law and they try to implement all of these details associated with this legislation. It will be ridiculous and absurd, their trying to actually bring this about.

And then I want to close with this: These individuals are not like traditional immigrants. My family has German roots. Those relatives on my father's side of the family, they wanted to come to this country and be American citizens. They came here throwing it all into this country. The people we are talking about here are here for one reason and one reason only, and that is money, so that they can make money. Because of cell phones and Western Union, this money and this support goes back to where they are from, and they are here simply to make money. They are not here to assimilate. As a matter of fact, a lot of them proudly carry the flag of their country of origin around with them, not wanting to be Americans and carry our flag, but actually carry the flag of the country they came from. They are even protesting in the streets that they should be able to stay here illegally and, frankly, defy the rule of law. So these people are not trying to assimilate to become citizens, or, as what former Senator Phil Gramm used to say, they don't want to pull the wagon; they want to ride in the wagon.

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And we have all the documentation showing that they are a huge drain on the U.S. taxpayer. Respectfully, most of them do not have a high school equivalency, and therefore they will actually draw three times as much out of the Treasury as they will contribute to the Treasury. So just do the math, and we are talking a multi trillion dollar burden on the U.S. taxpayer over time by opening up the country to more and more immigration at this level. We are not talking about an H1B Visa increase for high-skilled technical workers who actually contribute more to the U.S. economy than they take from it. We're talking about the people that come in and take more from the government than they contribute. That's not the American way. They don't want to assimilate. They don't want to dedicate themselves to our country's principles. They're here for money.

So many people in the Immigration Reform Caucus might disagree with me, but a limited Guest Worker Program that says, on a temporary basis, you can work here is fine with me; we can do that. But let me tell you, this solution goes so far beyond trying to regulate the workers that we need here that it should be rejected wholesale. They should go back and start over.

The border security is necessary. In the last 2 years, we have made great strides to secure the southern border. Actually, Secretary Chertoff hasn't received the credit that he is due, or this administration, on the steps that we have taken to secure the southern border. We no longer have Catch and Release, which was a policy that evolved, or devolved, from the 1986 legislation, where for years, if you were caught coming across our southern border, you were released into our country on your own recognizance pending your court date. And we all know they didn't show up for court, and 2.5 million illegals became 12 million illegals. We no longer do Catch and Release. It's Catch and Return; 99 percent of the people coming across the southern border that are apprehended today are returned to their country of origin, and we detain them. We consolidated the prison space. We have detained them; all of this has happened in the last 24 months. So great strides are being made.

But job one here is, secure the southern border. For national security reasons, to restrict this illegal immigration problem, the enforcement of our existing laws, the workplace enforcement, these things need to be done. But to go into this title 6Z Visa Path to Citizenship, my goodness, that's going to cause more problems than we have today. It's going to cause more immigration than we have today. It's going to cause more stress on the Federal budget than we have today. And the thought that these individuals would draw from our Social Security system and our Medicare system, or walk in our fee-for-service hospitals that guarantee emergency room care. And they're there; you go to any one of the 100 safety net hospitals in this country on a Friday and Saturday night and you will see these people getting health care at the most expensive point of service, which is the emergency room, because it is guaranteed to people in this country.

We can't afford this legislation. We can't afford this response to this problem. This is a large church building committee gone amuck; well-intended people who are getting together and making a bad situation even worse. So we need to reject it and start over. And if ever there was a time for restraint in the United States Congress, it is on this immigration bill. Because they call it "comprehensive," and it goes so far beyond the cure that is necessary that it should be rejected. Go back, get to the bare bones minimum of enforce the law in the workplace, internally in this country, with law enforcement, secure the southern border, restrict illegal immigration, and then manage the people that are here.

You're right. You're right. It's possible to round up 12 million illegals and deport them, but it is not practical at all. Let's manage the ones we have, but let's stop 12 million illegals at 12 million illegals. And let's give them a way, with a counter-proof card, you can't counter-proof the card, for a Guest Worker Program. They've got to rotate in and out of this country. That is the only solution we need; not comprehensive, no Path to Citizenship, no amnesty. Reject it.

And as the Democratic leadership sent word to the President of the United States it was going to take 70 Republicans in the House of Representatives to send this legislation to the President so that he can sign it, I hope and pray that there is at least 70 of us that will stand against this legislation so that they will be forced to go back and just do what is necessary, not all of this extra stuff, like a Path to Citizenship, which is bad for the rule of law and bad for this country.

Mr. KING of Iowa. I thank the gentleman from Tennessee, who brings his typical insight and vigor to the floor of the House of Representatives.

And I pick up where we left off, and that is, the colossal mistakes that are often made by large bodies. And I reflect upon one way that I analyze it when I find myself in the minority of the vote, and that is, the people's judgment is what is at place here. That's what goes up on the board in this Chamber, Mr. Speaker. And the response to that, when a colossal mistake is made is, "Nor is the people's judgment always true. The most can err as grossly as the few." And I would submit that there are potentially people poised to err grossly and take us down a path for which there is no return. There are no do-overs. There is no putting the toothpaste back in the tube. If we do this, it would be a colossal mistake. And something that is a basic tenet in the Senate for their negotiations, and I believe a basic tenet here in the House for theirs, is that the bottom line for Democrats is, those who are here illegally get to stay. That is their standard. They don't want to send anybody back. They won't ask anybody to go home. They won't ask them to comply with the law and self-deport. And if you're not willing to send people home, you can't have an immigration policy. So I ask the question, when would you, under the Senate proposal of the bill, deport the first person that was just unlawfully present in the United States and hadn't broken any laws? And the answer to that is, they don't know the answer. And the answer you get from the other side over here, Mr. Speaker, is they don't know the answer either, at least they can't confess to the answer, which is, not today, not next month, not next year, not in the 18 months of voluntary sign up for provisional legal status, not in the 4 years subsequent to that, which you could sign up with for a Z Visa, not in the next 4 years which you could extend it for, and not in the next 8 to 9½ years at least, and in fact, we know that not now, that not ever would they be willing to deport someone who was just illegally in the United States. And if the proponents of this plan aren't willing to deport people, then they can't have an enforcement law at all. All they can have is, we're going to sign everybody up, and we're going to hope that the felons and the criminals will sign up, too. And if they do, we will hope they don't walk back out the door, and we can maybe identify them and send them home someday. I don't know if they've examined the idea that they aren't going to show up to sign up if they think they might be deported. And if you ask them to go back to their own country and do a touchback, they aren't going to go back unless you guarantee they can come back into this country. And in fact, that's one of the other promises that they made in the Senate; well, you can go back to your home country. You have to do that if you're the head of a household, and I believe it's if you want a Path to Citizenship, unless there are exceptions of course. And so the list goes on and on.

The argument that comes is, well, it's not amnesty because it's not an automatic Path to Citizenship. So I asked the question, when have we given an automatic Path to Citizenship to anyone? And the answer to that is, we have done that five times in our history. The last time was a few years ago to the Marquis Lafayette, the brave Frenchman who fought so well to help preserve, protect and promote our liberty here, posthumously by a couple of hundred years, but we gave him automatic citizenship. The one prior to that was Mother Teresa, another one very, very well deserving, a saint. We granted her automatic citizenship posthumously. There are three others whose names I don't have uploaded into my memory, but five people in the history of America have received automatic citizenship.

So one of the best talking points that the Senate has and the White House has is, well, it's not amnesty because they don't get automatic citizenship? I mean, that is a speechless argument designed to throw you off the track.

And so I looked through a few more of these pieces, and there is language that comes out that is part of their commercial that is designed to convince us that we should be for this bill. And one of the languages is also, here we go, this is from the proponents of the bill. They say rest easy because "no illegal alien should be able to gain employment in the United States." Well, oops, I left out one word. "No illegal alien should be able to gain legitimate employment in the United States" once this proposal is adopted. Now, think about that, Mr. Speaker, wouldn't that be the case today, that no illegal alien can gain legitimate employment in the United States today? Because if they gain employment, it's illegitimate employment, isn't it? And so this is their commercial, no illegal alien should be able to gain legitimate employment in the United States. Well, none can now.

So, you have a series of benchmarks and a series of triggers. And when you look at what that means, it's quite interesting. The triggers are not based upon performance, they are not based upon getting operational control of the border or security, they're just based upon spending money. So if we spend enough money and we build some fence on the border, up to 370 miles of that fence, that releases one trigger, and it legalizes this. Well, the trigger is the Path to Citizenship, by my view. Those who get provisional status here are everybody that walks forward that we don't have their fingerprints and that have not committed a felony or a serious misdemeanor.

So one of the triggers, to build some fence; that doesn't mean that you can't build it in such a fashion that we are building. They will go around the end. But it is not the 854 miles of fence that this Congress has mandated, that passed the floor of this House, that passed the Senate by a vote of 80-19, that went to the President where he signed it, without ceremony, I might add; without significant ceremony. No, the American people are being docked 484 miles of double wall and fence because the trigger is 370 of it built. Now they say they are going to go ahead and build the rest, but it's not appropriated, and you know how that goes. We have appropriated money to some fence, and that is $1.187 billion to that.

Then another trigger is that, let's see, that we hire up to 18,000 Border Patrol officers. That is a trigger. Well, we've got a turnover there that the new hires only have an average turnover of 24 months. So you've got to hire a lot more to keep them in place. That's two of the triggers.

But it's today in law, Mr. Speaker, that the Secretary of Homeland Security certify "operational control of the border." And the definition of "operational control of the border" is a real operational control of the border, and that means to effectively and definitionally eliminate illegal border crossings, to force all crossings through the ports of entry, to have sufficient conditions there so that we can interdict contraband and illegal border crossers. That's one that could be a trigger that is already in law. It's not the trigger. The trigger is, cut back the fence and wall by 484 miles and build 370 of it only.

What's not in the trigger? The U.S. VISIT exit system. After September 11, we required that we establish a U.S. VISIT system that would, by computer, you could swipe your card, and it would tell you when you came into the United States; you went up on a tally sheet as in the United States. When you left, the exit portion of U.S. VISIT tallied that you left. And you have a list of the sum total of the people that are here in the United States, but the administration said we can't build U.S. VISIT. We can't make it work in the exit system, and we're not going to try. That was a few months ago. Well, this can't work without an exit system for U.S. VISIT. That's not the trigger. They think maybe they are going to go forward and build it, but it's not in the trigger, and it should be because their system can't function without it.

I said operational control of the border. Twenty thousand additional beds to help us be able to process these illegal border crossers, they don't have to be in place, but that is something that has to happen. None of this is funded, by the way.

And so, if I look at the other missing portions of this, the sanctuary cities, the significant number of large cities in America that have an executive order, or their city council has passed an ordinance or other political subdivisions that prohibits their law enforcement officers from cooperating with Federal law enforcement officers with regard to immigration status. So they say you can't even gather information on people whom are in the United States illegally even when you know they are there illegally, even when you know they are gang members. You can't go in there and interdict them and deport them because they want to be a sanctuary city. And yet, when we come across the people that don't sign up, according to the Senate version of the plan, somehow we are going to deport them, without the help and support and cooperation of local law enforcement, who are allowed to draw down billions in Federal dollars, but defy Federal law and prohibit their local law enforcement officers from even cooperating and gathering data so that they can cooperate with the Immigration Customs Enforcement people, with the ICE people.

Sanctuary cities are not addressed. They have a sanctuary in this bill to defy Federal law. We must have them in order to do that and in order to make this work.

And then, an annual hard cap. They say it's 12 million. I say it's a lot more than 12 million. I think it's more than 20 million. But they don't consider that; the 12 million is the floor, not the ceiling. There is no ceiling. And so they will sell this package without a real estimate on how many it will be, Mr. Speaker. And when you ask them, will they support or will this House, and they will get their chance to do it, will they support putting a cap at 12 million? You think it's 12 million? Fine. Put it in law that you're not legalizing or authorizing any more than those you say that you're authorizing right now. And I'll submit that they will resist that hard cap. In fact, I don't think it has been a serious discussion over in the Senate. I saw the looks on their faces when I brought up the issue, and it's like we haven't really thought of that.

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I think there needs to be a hard cap. I believe we have enough labor. I know there are 69 million Americans working age that are not in the workforce. There are about 6.9 million working illegals. You could hire one out of ten of the people not in the workforce today of working age and replace all illegals. That is all it would take.

The illegals that are in the workforce are 4.7 percent of the workforce. They are producing 2.2 percent of the work, for skill reasons, and we know that. If you think that would be cataclysmic on the American economy if we got up tomorrow morning and we didn't have that labor to do that work, some places would make some dramatic adjustments, yes. But if it were your factory and your workers, you found out at 7:30 in the morning when they clocked in at 8 that 2.2 percent weren't going to show up, your alternative would be this: You would simply send out a memo to all of your people and you would say sorry. Today your coffee break in the morning and afternoon gets cut from 15 minutes down to 9½. We are going to pick up the 2.2 percent of the production, and we will still be clocking out of here and you can go home at 5 o'clock.

That is how much labor that is. That is how much production 2.2 percent is. And then you would start to hire the people to fill the gap. Hire the people that are here legally, put the people to work that are here riding already in this cart, as was mentioned by Mr. WAMP.

So we have the solutions to this here in this country. We need to adhere to the rule of law and preserve and protect the most essential pillar of American exceptionalism, that rule of law.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGEL of New Jersey (at the request of Mr. HOYER) for today on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today.

Ms. GRANGER, for 5 minutes, today.

Mr. SALI, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today. (The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAYNE, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building", to the Committee on Oversight and Government Reform.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 988. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office".

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordinly, pursuant to the previous order of the House of today, the House stands adjourned until 9:30 a.m. on Monday, May 28, 2007, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 158, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 8 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, May 28, 2007, at 9:30 a.m., unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 158, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1965. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

1966. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report for the first quarter of fiscal year 2007 as required by the Joint Improvised Explosive Device Defeat Fund provision in Title IX of the Department of Defense Appropriations Act of 2007, Pub. L. 109-289; to the Committee on Armed Services.

1967. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 to March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

1968. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1969. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1970. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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1982. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1983. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1984. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1985. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1986. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1987. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1988. A letter from the Director of Human Resources, National Endowment for the Arts, transmitting the Endowment's FY 2005 and FY 2006 usage of Category Rating Human Resource flexibility report, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

1989. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1990. A letter from the Assistant Secretary for Administration and Mgmt., Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1991. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Corporation's Annual Report for FY 2006; to the Committee on Oversight and Government Reform.

1992. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 964. A bill to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes; with an amendment (Rept. 110–169). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. RAMSTAD, Mr. ETHERIDGE, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BARROW, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BOUCHER, Mrs. BOYDA of Kansas, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPITO, Mrs. CAPPS, Mr. CARDOZA, Ms. CASTOR, Mr. CHANDLER, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DELAURO, Mr. DICKS, Mr. DOYLE, Mr. EDWARDS, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. FARR, Mr. FERGUSON, Mr. FILNER, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HASTINGS of Florida, Ms. HERSETH SANDLIN, Mr. HIGGINS, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LAHOOD, Mr. LAMPSON, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mr. LOEBSACK, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. ORTIZ, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PERLMUTTER, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SAXTON, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SHULER, Mr. SIMPSON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SPRATT, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WELLER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 2470. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. PAUL, Mr. BROWN of South Carolina, Mr. TERRY, Mr. SENSENBRENNER, Mr. BOOZMAN, and Mrs. CAPITO):

H.R. 2471. A bill to provide for streamlining the process of Federal approval for construction or expansion of petroleum refineries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WYNN (for himself, Mr. SIMPSON, Ms. NORTON, and Ms. KILPATRICK):

H.R. 2472. A bill to amend titles V and XIX of the Social Security Act to improve essential oral health care for lower-income individuals under the Maternal and Child Health Program and the Medicaid Program and to amend the Internal Revenue Code of 1986 to provide a tax credit to dentists for dental services provided to low-income individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mr. MORAN of Kansas):

H.R. 2473. A bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments; to the Committee on Agriculture.

By Mr. RUSH:

H.R. 2474. A bill to provide for an increased maximum civil penalty for violations under the Consumer Product Safety Act; to the Committee on Energy and Commerce.

By Mr. MICHAUD (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2475. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to guarantee home equity conversion mortgages for elderly veteran homeowners; to the Committee on Veterans' Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHL of New York:

H.R. 2476. A bill to authorize the United States Department of Energy to remediate the Western New York Nuclear Service Center in the Town of Ashford, New York, and dispose of nuclear waste; to the Committee on Energy and Commerce.

By Mr. FATTAH:

H.R. 2477. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Ms. MOORE of Wisconsin, Mr. MCGOVERN, Mr. GRIJALVA, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. ROTHMAN, Mr. HOLT, Mr. MCDERMOTT, Mr. WEXLER, Mr. BERMAN, Ms. SCHAKOWSKY, and Ms. MCCOLLUM of Minnesota):

H.R. 2478. A bill to direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi:

H.R. 2479. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to emergency child care services, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HILL (for himself and Mrs. BOYDA of Kansas):

H.R. 2480. A bill to amend the Internal Revenue Code of 1986 to suspend the Federal motor fuel excise taxes until the average price of unleaded gasoline is below $3 per gallon for at least 6 months; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL:

H.R. 2481. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the number of new qualified hybrid and advanced lean-burn technology vehicles eligible for the alternative motor vehicle credit and to provide for a credit for manufacturing hybrid vehicles; to the Committee on Ways and Means.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. KIND, Mr. BOSWELL, Ms. BORDALLO, Mr. WALZ of Minnesota, Mr. ELLISON, and Ms. BALDWIN):

H.R. 2482. A bill to require the Secretary of the Interior to conduct a special resource study regarding the proposed Mississippi River Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of Texas (for himself, Mrs. BIGGERT, Mr. MCCAUL of Texas, Mr. SMITH of Texas, Mr. GINGREY, and Mr. INGLIS of South Carolina):

H.R. 2483. A bill to provide for research, development, and demonstration on energy technologies to ensure the Nation's continued supply and efficient use of affordable, reliable, and clean energy, and for other purposes; to the Committee on Science and Technology.

By Mr. FARR (for himself, Mr. ISSA, Ms. ESHOO, Mr. BILBRAY, Mrs. CAPPS, Ms. WOOLSEY, Mr. THOMPSON of California, and Mrs. DAVIS of California):

H.R. 2484. A bill to amend title XVIII of the Social Security Act to establish new separate fee schedule areas for physicians' services in States with multiple fee schedule areas to improve Medicare physician geographic payment accuracy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 2485. A bill to require public employees to perform the inspection of State and local surface transportation projects, and related essential public functions, to ensure public safety, the cost-effective use of transportation funding, and timely project delivery; to the Committee on Transportation and Infrastructure.

By Mr. ACKERMAN:

H.R. 2486. A bill to keep faith with the thousands of Iraqi nationals who have risked everything by assisting and working for the United States Government and United States Armed Forces in Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 2487. A bill to provide for an additional place of holding court in the western district of Washington; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself, Mr. LEWIS of Kentucky, Mr. BERRY, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CARDOZA, Mr. CHANDLER, Mr. CROWLEY, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. DOYLE, Mr. HENSARLING, Mr. HILL, Mr. LARSON of Connecticut, Mr. MEEKS of New York, Mr. MILLER of Florida, Mr. NUNES, Mr. PAUL, Mr. RADANOVICH, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. TERRY, Mr. TOWNS, and Mr. WILSON of South Carolina):

H.R. 2488. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level; to the Committee on Ways and Means.

By Mr. BERMAN (for himself and Mr. PENCE):

H.R. 2489. A bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mr. KING of New York, Mr. SOUDER, and Mr. DAVID DAVIS of Tennessee):

H.R. 2490. A bill to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States; to the Committee on Homeland Security.

By Mr. BLUMENAUER (for himself and Mr. RAMSTAD):

H.R. 2491. A bill to amend the Internal Revenue Code of 1986 to treat charitable remainder pet trusts in a manner similar to charitable remainder annuity trusts; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. BLUNT, Mr. ADERHOLT, Mr. SHIMKUS, Mr. ROSKAM, Mr. CAMP of Michigan, Mr. ENGLISH of Pennsylvania, Mr. PICKERING, Mr. HALL of Texas, Mr. KIRK, Mr. TERRY, and Mr. WALDEN of Oregon):

H.R. 2492. A bill to protect the welfare of consumers by prohibiting price gouging with respect to road transportation fuel or domestic heating fuel during certain abnormal market disruptions; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUNT (for himself, Mr. KIRK, Mr. RYAN of Wisconsin, Mr. CANTOR, Mr. PUTNAM, Mr. HASTERT, Mr. MCCOTTER, Mr. UPTON, Mr. FRANKS of Arizona, Mr. CONAWAY, Mr. PETRI, Mr. HENSARLING, Mr. SHIMKUS, Mr. MCHENRY, Mr. AKIN, Mrs. CUBIN, Mr. SENSENBRENNER, Mr. MCCAUL of Texas, and Mr. PETERSON of Pennsylvania):

H.R. 2493. A bill to amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BOYDA of Kansas:

H.R. 2494. A bill to amend title 18, United States Code, to increase from 1 year to 2 years the post-employment restrictions of Members and elected officers of either House of Congress; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. BOUSTANY, Mr. SOUDER, Ms. FOXX, Mr. CONAWAY, Mr. LINCOLN DAVIS of Tennessee, and Mrs. MCMORRIS RODGERS):

H.R. 2495. A bill to amend title 10, United States Code, to extend military commissary and exchange store privileges to veterans with a compensable service-connected disability and to their dependents; to the Committee on Armed Services.

By Mr. CONAWAY (for himself, Mr. EDWARDS, Mr. UPTON, Mr. SHIMKUS, Mr. BARTON of Texas, and Mr. SESSIONS):

H.R. 2496. A bill to provide for the establishment of a partnership between the Secretary of Energy and appropriate industry groups for the creation of a transportation fuel conservation education campaign, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COOPER (for himself and Mr. THORNBERRY):

H.R. 2497. A bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COSTA (for himself, Mr. NUNES, Mr. CARDOZA, Mr. RADANOVICH, and Mr. MCCARTHY of California):

H.R. 2498. A bill to provide for a study regarding development of a comprehensive integrated regional water management plan that would address four general areas of regional water planning in both the San Joaquin River Hydrologic Region and the Tulare Lake Hydrologic Region, inclusive of Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties, California, and to provide that such plan be the guide by which those counties use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner; to the Committee on Natural Resources.

By Mr. CUELLAR (for himself, Mr. REYES, Mr. GRIJALVA, Mr. GONZALEZ, Ms. CLARKE, Mr. HINOJOSA, Mr. JEFFERSON, Mr. ORTIZ, Mr. FARR, Mr. THOMPSON of California, Mr. RODRIGUEZ, and Mr. BRADY of Texas):

H.R. 2499. A bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Colonias; to the Committee on Small Business.

By Ms. JACKSON-LEE of Texas (for herself and Mr. CULBERSON):

H.R. 2500. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory: to the Committee on Financial Services.

By Ms. DEGETTE (for herself, Mr. UDALL of Colorado, Mr. SALAZAR, and Mr. PERLMUTTER):

H.R. 2501. A bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature & Science in Denver, Colorado; to the Committee on Natural Resources.

By Ms. DELAURO (for herself, Mr. SKELTON, and Mr. RUSH):

H.R. 2502. A bill to amend the Public Health Service Act to deem certain training in geriatric medicine or geriatric psychiatry to be obligated service for purposes of the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Ms. SOLIS, Mr. FARR, Ms. WOOLSEY, Mr. GRIJALVA, Mr. WEXLER, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Ms. SUTTON, and Mr. RUSH):

H.R. 2503. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the Office of Women's Health and the regulation of breast implants, and to provide for a scientific workshop on the use of emergency contraception by women under age 18; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mr. PASCRELL, Mr. PATRICK MURPHY of Pennsylvania, and Mr. STARK):

H.R. 2504. A bill to amend the Immigration and Nationality Act with respect to the admission of L-1 intra-company transferee nonimmigrants; to the Committee on the Judiciary.

By Mr. DONNELLY:

H.R. 2505. A bill to amend the Internal Revenue Code of 1986 to increase and extend the vehicle refueling property credit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 2506. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine the suitability and feasibility of establishing a unit of the National Park System; to the Committee on Natural Resources.

By Mr. FRANKS of Arizona:

H.R. 2507. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. GALLEGLY:

H.R. 2508. A bill to require Federal contractors to participate in the basic pilot program for employment eligibility verification; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. BARRETT of South Carolina, Mr. CONAWAY, Mr. PEARCE, Mr. GARRETT of New Jersey, Mr. WALBERG, Mr. NEUGEBAUER, Mr. KUHL of New York, Ms. FALLIN, Mr. GOODE, Mrs. MYRICK, Mr. AKIN, Mr. SAM JOHNSON of Texas, Ms. FOXX, Mr. WAMP, Mr. KINGSTON, Mr. LAMBORN, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. DAVID DAVIS of Tennessee, Mr. DOOLITTLE, and Mr. FEENEY):

H.R. 2509. A bill to prohibit United States assistance to foreign countries that oppose the position of the United States in the United Nations; to the Committee on Foreign Affairs.

By Mr. GOODE (for himself, Mr. LUCAS, Mr. BAKER, Mr. REHBERG, Mr. FRANKS of Arizona, Mr. ROGERS of Alabama, Mr. MARCHANT, Mr. BURTON of Indiana, Mr. KUHL of New York, Mr. FEENEY, Mr. FLAKE, Mr. GILLMOR, Mr. WAMP, Mr. DAVID DAVIS of Tennessee, Mr. INGLIS of South Carolina, Mr. PITTS, Mr. GARRETT of New Jersey, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. JORDAN, Mr. DOOLITTLE, Mr. GARY G. MILLER of California, Mr. RYAN of Wisconsin, Mrs. BLACKBURN, Mrs. BIGGERT, Mr. DUNCAN, Mr. PENCE, Mr. WESTMORELAND, Mr. SULLIVAN, Mr. CAMPBELL of California, Mr. THORNBERRY, Mr. BILIRAKIS, Mr. SALI, Mr. KLINE of Minnesota, Mr. HAYES, Mr. GOODLATTE, Mr. SAM JOHNSON of Texas, Mr. GRAVES, Mr. EVERETT, Mr. JONES of North Carolina, Mr. GILCHREST, Mr. MCCOTTER, Mr. TIBERI, Mr. SIMPSON, Mr. CULBERSON, Ms. PRYCE of Ohio, Mr. TANCREDO, Mr. LINDER, Mr. PLATTS, Mr. AKIN, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. DAVIS of Kentucky, Mr. LATOURETTE, Mr. SHUSTER, Mr. CANTOR, Mr. NUNES, Mr. HASTINGS of Washington, Mrs. MILLER of Michigan, Mr. FERGUSON, Mr. CHABOT, Mr. HELLER, Ms. GINNY BROWN-WAITE of Florida, Mr. RADANOVICH, Mrs. DRAKE, Mr. PEARCE, Mr. FORBES, Mr. ROHRABACHER, Mr. SMITH of Texas, Mr. LAMBORN, Mr. GERLACH, Mr. CARTER, Mr. CALVERT, Mr. TERRY, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. BONNER, Mrs. SCHMIDT, Mr. BARRETT of South Carolina, Mr. ALEXANDER, Mr. WOLF, Mr. ADERHOLT, Mr. PUTNAM, Mr. BILBRAY, Mr. HOEKSTRA, Mrs. MYRICK, Mr. MCHENRY, and Mrs. MUSGRAVE):

H.R. 2510. A bill to amend title 31, United States Code, to require the inscription "In God We Trust" to appear on a face of the $1 coins honoring each of the Presidents of the United States; to the Committee on Financial Services.

By Mr. GORDON (for himself, Mr. WALDEN of Oregon, and Mr. DAVIS of Illinois):

H.R. 2511. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Energy and Commerce.

By Mr. AL GREEN of Texas (for himself, Mr. ELLISON, Mr. WYNN, Mr. BUTTERFIELD, Mr. DAVIS of Alabama, Mr. TOWNS, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. GENE GREEN of Texas, Mr. THOMPSON of Mississippi, Mr. CLEAVER, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Georgia, Mr. PERLMUTTER, Ms. HIRONO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. SCOTT of Virginia, Mr. PAYNE, Mr. CLAY, Ms. JACKSON-LEE of Texas, and Mr. FATTAH):

H.R. 2512. A bill to amend titles XIX and XXI of the Social Security Act to prohibit States from requiring eligibility determinations for children for benefits under the Medicaid Program and the State Children's Health Insurance Program (SCHIP) more frequently than once every year; to the Committee on Energy and Commerce.

By Mr. HALL of New York (for himself and Mr. WELCH of Vermont):

H.R. 2513. A bill to require advertising for any automobile model to display information regarding the fuel consumption and fuel cost for that model, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HARE (for himself, Mr. Filner, Ms. Kilpatrick, Mr. Larson of Connecticut, Mr. Courtney, Mr. Klein of Florida, Mr. Brady of Pennsylvania, Mr. Grijalva, Mr. Doyle, Mr. Boswell, Mr. Reyes, Mr. Udall of New Mexico, Mr. DeFazio, Mrs. Jones of Ohio, Ms. McCollum of Minnesota, Mr. Peterson of Minnesota, Mr. Gene Green of Texas, Ms. Shea-Porter, Mr. Hinchey, Mr. Ellison, Ms. Berkley, Mr. Holden, Ms. Corrine Brown of Florida, Ms. Herseth Sandlin, Mr. Cohen, Mr. Kagen, Ms. Hooley, Mr. McIntyre, Mr. Cleaver, Mr. Allen, Mr. Tierney, Mr. Engel, Mr. Kucinich, Ms. Woolsey, Mr. Stupak, Ms. Carson, Mr. McDermott, Mr. Wexler, Mr. Neal of Massachusetts, Mr. Pascrell, Mr. Lipinski, Mr. Baca, Mr. McGovern, Mr. Van Hollen, Ms. Clarke, Mr. Delahunt, Mr. Johnson of Georgia, Mr. Doggett, Ms. Baldwin, Mr. Nadler, Mr. Yarmuth, Mr. Pomeroy, Mr. Scott of Virginia, Mr. Conyers, Mr. Tim Murphy of Pennsylvania, Mr. Schiff, Mr. Welch of Vermont, Ms. Linda T. Sánchez of California, Mr. Higgins, Ms. Eddie Bernice Johnson of Texas, Mr. Markey, Mr. Stark, Mr. Braley of Iowa, Mr. Altmire, Mrs. McCarthy of New York, Mr. Murphy of Connecticut, Mr. Loebsack, Ms. Schakowsky, Mr. Carney, Mr. Hall of New York, Mrs. Boyda of Kansas, Mr. Space, Mr. Rodriguez, and Mr. Sarbanes):

H.R. 2514. A bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

By Mr. HELLER (for himself, Mr. Mitchell, Mr. Porter, Ms. Berkley, Mr. Calvert, Mr. Renzi, Mr. Franks of Arizona, and Mr. Radanovich):

H.R. 2515. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. INSLEE (for himself, Mr. Kirk, Mr. Hinchey, Mr. Shays, Mr. Ramstad, Mr. George Miller of California, Mr. Pallone, Ms. Schwartz, Mr. Grijalva, Mr. Moran of Virginia, Mr. Gutierrez, Ms. Lee, Mr. Lantos, Mr. Butterfield, Mrs. McCarthy of New York, Mr. Payne, Mr. Dingell, Mr. Weiner, Mrs. Maloney of New York, Mrs. Tauscher, Mr. Schiff, Mr. Lipinski, Mr. Blumenauer, Mr. Olver, Mr. Farr, Mr. Kind, Mr. Van Hollen, Mr. Honda, Mr. Berman, Mr. Clay, Mr. Stark, Mr. Marshall, Ms. Schakowsky, Mr. Miller of North Carolina, Mr. Price of North Carolina, Mr. Scott of Virginia, Mr. Serrano, Mr. Doggett, Mr. Allen, Ms. Woolsey, Ms. Castor, Mr. Boucher, Mr. Sherman, Mr. Smith of Washington, Mr. Andrews, Mr. Neal of Massachusetts, Mr. Nadler, Ms. Solis, Mr. Tierney, Mr. Larson of Connecticut, Mr. Cleaver, Ms. DeGette, Ms. Matsui, Ms. DeLauro, Mr. Chandler, Mr. Carnahan, Mr. Cooper, Mr. Engel, Ms. Harman, Ms. McCollum of Minnesota, Ms. Berkley, Mrs. Jones of Ohio, Mr. Israel, Mr. Lewis of Georgia, Mr. Wu, Mr. Langevin, Ms. Hirono, Mr. Yarmuth, Mr. Pascrell, Mr. Waxman, Mr. McDermott, Mr. Murphy of Connecticut, Mr. Higgins, Mr. DeFazio, Mr. Conyers, Mr. Ferguson, Mr. Cummings, Mr. Smith of New Jersey, Mr. Rangel, Mr. Rush, Mr. Kennedy, Ms. Moore of Wisconsin, Mr. Kildee, Mr. Moore of Kansas, Mr. Levin, Mr. Markey, Mr. Costello, Ms. Corrine Brown of Florida, Mr. Spratt, Mr. Meehan, Mr. Ackerman, Mr. Gonzalez, Mr. Ellison, Ms. Eshoo, Mr. Hill, Mrs. Capps, Mr. Doyle, Mr. Brady of Pennsylvania, Ms. Eddie Bernice Johnson of Texas, Mr. Pastor, Mr. Hastings of Florida, Ms. Hooley, Mr. Gene Green of Texas, Ms. Jackson-Lee of Texas, Mr. Rothman, Mr. McNerney, Mr. Cohen, Ms. Baldwin, Ms. Norton, Mr. McGovern, Mrs. Lowey, Ms. Waters, Mr. McNulty, Ms. Zoe Lofgren of California, Mr. Frank of Massachusetts, Mr. Crowley, Mr. Snyder, Mr. Holt, Mr. Reyes, Mrs. Napolitano, Mrs. Davis of California, Mr. Lynch, Ms. Loretta Sanchez of California, Mr. Johnson of Illinois, Mr. Watt, Ms. Shea-Porter, Mr. Kucinich, Ms. Linda T. Sánchez of California, Mr. Wynn, Mr. Wexler, Mr. Johnson of Georgia, Ms. Wasserman Schultz, Mr. Sires, Mr. Delahunt, Ms. Carson, Mr. Ryan of Ohio, Mr. Hare, Mr. Scott of Georgia, Ms. Roybal-Allard, Mr. Filner, and Ms. Velázquez):

H.R. 2516. A bill to protect inventoried roadless areas in the National Forest System; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mrs. Biggert, Mr. Chabot, and Mr. Cramer):

H.R. 2517. A bill to amend the Missing Children's Assistance Act to authorize appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. LAMPSON (for himself, Mr. Chabot, Mr. Cramer, Mr. Al Green of Texas, Mr. Jefferson, Mr. Burton of Indiana, Mr. Cardoza, Mr. Braley of Iowa, Ms. Eddie Bernice Johnson of Texas, Mr. Lewis of Georgia, Ms. Jackson-Lee of Texas, Mr. Cuellar, Mr. Mitchell, Mr. Hinojosa, Ms. Loretta Sanchez of California, Mr. Gene Green of Texas, Ms. Zoe Lofgren of California, Mr. Walz of Minnesota, Mr. Hill, Ms. Solis, Ms. Velázquez, Mr. Kind, Mr. Gonzalez, Mr. Pastor, Mr. Loebsack, Mr. Kagen, Mr. Hodes, and Mr. Perlmutter):

H.R. 2518. A bill to implement certain measures to increase the effectiveness of international child abduction remedies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Education and Labor, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself and Mr. Shays):

H.R. 2519. A bill to amend title 5, United States Code, to provide for a corporate responsibility investment option under the Thrift Savings Plan; to the Committee on Oversight and Government Reform.

By Mr. LANGEVIN (for himself, Mr. Ramstad, Mr. Ferguson, Mr. Camp of Michigan, Mrs. Boyda of Kansas, Ms. Shea-Porter, Mr. Nunes, Mr. Issa, Mr. Hinchey, Mr. Jindal, Mr. Cohen, Mr. Farr, Mr. Sarbanes, and Mr. Ellison):

H.R. 2520. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of certain medical mobility devices approved as class III medical devices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself and Mr. King of New York):

H.R. 2521. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia (for himself, Mr. Smith of New Jersey, Mrs. Maloney of New York, Mrs. Drake, Ms. Eddie Bernice Johnson of Texas, Mr. Engel, Ms. Norton, Mr. Pitts, Mr. Grijalva, Mr. McNulty, Mr. Scott of Virginia, Mr. Honda, Ms. Clarke, Ms. Jackson-Lee of Texas, Mr. Cummings, Mr. Cohen, Mrs. Tauscher, Mr. Johnson of Georgia, Mr. Conyers, and Ms. Schakowsky):

H.R. 2522. A bill to establish a congressional Commission on the Abolition of Modern-Day Slavery; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. DeLauro, Mr. Kirk, and Mr. Waxman):

H.R. 2523. A bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid Program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 2524. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 2525. A bill to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; to the Committee on House Administration.

By Mrs. MALONEY of New York (for herself, Mr. BILIRAKIS, Mr. SPACE, Mr. SARBANES, Mr. WEXLER, Ms. BERKLEY, Mr. MCGOVERN, Ms. WATSON, Mr. BROWN of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. PALLONE, Mr. MCCOTTER, Mrs. NAPOLITANO, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. JACKSON of Illinois, Mr. MCNULTY, Mr. BLUMENAUER, Ms. LEE, Mr. JEFFERSON, Mr. KENNEDY, Mr. GARRETT of New Jersey, Mr. CLAY, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, Mr. ANDREWS, Mr. LANGEVIN, Mr. CROWLEY, and Ms. ESHOO):

H.R. 2526. A bill to designate Greece as a program country for purposes of the visa waiver program established under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself and Mr. TOM DAVIS of Virginia):

H.R. 2527. A bill to provide for enhanced protection of the Internal Revenue Service and employees of the Internal Revenue Service; to the Committee on Oversight and Government Reform.

By Mr. MARKEY:

H.R. 2528. A bill to amend the National Energy Conservation Policy Act to promote the use of energy and water efficiency measures in Federal buildings, to promote energy savings performance contracts and utility energy service contracts, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY:

H.R. 2529. A bill to establish efficiency resource standards for retail electricity and natural gas distributors, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCMORRIS RODGERS (for herself, Mr. JONES of North Carolina, Mrs. CUBIN, Mr. NUNES, Mr. HASTINGS of Washington, Mr. GOHMERT, Mr. CALVERT, Mr. BROWN of South Carolina, Mr. WALDEN of Oregon, Mr. REHBERG, Mr. RENZI, Mr. PEARCE, and Mr. SALI):

H.R. 2530. A bill to better inform consumers regarding costs associated with compliance for protecting endangered and threatened species under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. MELANCON (for himself and Mr. KLEIN of Florida):

H.R. 2531. A bill to improve United States hurricane forecasting, monitoring, and warning capabilities, and for other purposes; to the Committee on Science and Technology.

By Ms. MOORE of Wisconsin (for herself and Mr. BARROW):

H.R. 2532. A bill to enhance the section 8(a) program of the Small Business Act; to the Committee on Small Business.

By Mr. MORAN of Virginia (for himself, Mr. WOLF, Mr. WYNN, Ms. NORTON, and Mr. VAN HOLLEN):

H.R. 2533. A bill to amend chapter 84 of title 5, United States Code, to allow individuals who return to Government service after receiving a refund of retirement contributions to recapture credit for the service covered by that refund by repaying the amount that was so received, with interest; to the Committee on Oversight and Government Reform.

By Ms. NORTON:

H.R. 2534. A bill to permit statues honoring citizens of the District of Columbia to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. NUNES (for himself and Mr. COSTA):

H.R. 2535. A bill to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes; to the Committee on Natural Resources.

By Mr. OLVER (for himself, Ms. WATERS, Mr. FRANK of Massachusetts, Mr. HOBSON, Mr. GILCHREST, Mr. BLUMENAUER, Mr. LATOURETTE, Mr. PERLMUTTER, Mr. WALSH of New York, and Mr. WATT):

H.R. 2536. A bill to require all public housing revitalization projects assisted under the HOPE VI program to meet green communities standards; to the Committee on Financial Services.

By Mr. PALLONE (for himself and Mr. BISHOP of New York):

H.R. 2537. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself, Mr. LATOURETTE, Mr. ROHRABACHER, and Ms. DELAURO):

H.R. 2538. A bill to amend the Immigration and Nationality Act to provide greater protections to domestic and foreign workers under the H-1B nonimmigrant worker program; to the Committee on the Judiciary.

By Mr. PERLMUTTER (for himself, Ms. CLARKE, Ms. DEGETTE, Mr. HODES, Mr. MURPHY of Connecticut, and Ms. SUTTON):

H.R. 2539. A bill to recognize the performance of the United States military in Iraq, to begin the redeployment of National Guard units, and to ensure the protection of the States; to the Committee on Armed Services.

By Mr. POMEROY (for himself and Mr. HASTINGS of Washington):

H.R. 2540. A bill to amend title 38, United State Code, to provide for the treatment of period of service in uniformed services as continued employment for purposes of pension and retirement benefits for individuals who die during the period of service; to the Committee on Veterans' Affairs.

By Mr. RENZI:

H.R. 2541. A bill to amend title VI of the Native American Housing and Self-Determination Act of 1996 to authorize Indian tribes to issue notes and other obligations to finance community and economic development activities, and for other purposes; to the Committee on Financial Services.

By Mr. RODRIGUEZ (for himself, Mr. CUELLAR, Mr. CULBERSON, Mr. HINOJOSA, Mrs. DAVIS of California, Mr. FILNER, Mr. GRIJALVA, and Mr. ORTIZ):

H.R. 2542. A bill to authorize the Secretary of Homeland Security to make grants to hire, train, and equip local law enforcement officials on and near the southern border of the United States, as well as to reimburse the costs of paying overtime to such officials, and for other purposes; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California:

H.R. 2543. A bill to amend title 10, United States Code, to revise the definition of unlawful enemy combatant for purposes of laws administered by the Secretary of Defense relating to military commissions, to establish a statutory right of habeas corpus for individuals detained at the detention facility at Naval Station, Guantanamo Bay, Cuba, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 2544. A bill to establish an Independent Ethics Commission within the House of Representatives composed of former Federal judges; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mr. INSLEE, and Mr. PRICE of North Carolina):

H.R. 2545. A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site; to the Committee on House Administration.

By Mr. SHULER (for himself, Mr. MCHENRY, Mr. COBLE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. WATT, Mr. HAYES, Mrs. MYRICK, Ms. FOXX, Mr. BUTTERFIELD, Mr. MILLER of North Carolina, and Mr. MCINTYRE):

H.R. 2546. A bill to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. SIRES (for himself and Mrs. BIGGERT):

H.R. 2547. A bill to amend the Federal Deposit Insurance Act to prevent misrepresentation about deposit insurance coverage, and for other purposes; to the Committee on Financial Services.

By Ms. SOLIS (for herself, Ms. HARMAN, Mrs. CAPPS, and Mr. WAXMAN):

H.R. 2548. A bill to amend the Clean Air Act to reduce air pollution from marine vessels; to the Committee on Energy and Commerce.

By Mr. TANNER (for himself, Mr. ENGLISH of Pennsylvania, Mr. VAN HOLLEN, and Mr. REYNOLDS):

H.R. 2549. A bill to amend section 1862 of the Social Security Act with respect to the application of Medicare secondary payer rules to workers' compensation settlement agreements and Medicare set-asides under such agreements; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR (for himself and Mrs. MILLER of Michigan):

H.R. 2550. A bill to amend the Federal Water Pollution Control Act relating to recreational vessels; to the Committee on Transportation and Infrastructure.

By Mr. TERRY (for himself, Mr. FORTENBERRY, and Mr. SMITH of Nebraska):

H.R. 2551. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery in Sarpy County, Nebraska, to serve veterans in eastern Nebraska and western Iowa; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mrs. WILSON of New Mexico):

H.R. 2552. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection; to the Committee on Energy and Commerce.

By Ms. WATSON (for herself and Ms. ROS-LEHTINEN):

H.R. 2553. A bill to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, and for other purposes; to the Committee on Foreign Affairs.

By Ms. WATSON:

H.R. 2554. A bill to amend title 18 of the United States Code to require HIV testing of Federal prisoners about to be released, to direct the Attorney General of the United States and the Secretary of Health and Human Services to provide HIV/AIDS treatment for recently released Federal prisoners, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico:

H.R. 2555. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources, and for other purposes; to the Committee on Ways and Means.

By Mrs. WILSON of New Mexico:

H.R. 2556. A bill to enhance the energy security of the United States by promoting biofuels, energy efficiency, and carbon capture and storage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Transportation and Infrastructure, Oversight and Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself and Mr. KING of New York):

H.J. Res. 44. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. HOYER:

H. Con. Res. 158. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. BISHOP of New York (for himself and Mr. KILDEE):

H. Con. Res. 159. Concurrent resolution expressing the support of Congress for a National Complex Regional Pain Syndrome and Reflex Sympathetic Dystrophy Awareness Month; to the Committee on Energy and Commerce.

By Mr. LINCOLN DAVIS of Tennessee:

H. Con. Res. 160. Concurrent resolution regarding the endoresement of U.S. citizens' claims for payment by Chinese Government of defaulted Chinese bonds; to the Committee on Financial Services.

By Ms. LEE (for herself, Mr. STARK, Mr. MEEK of Florida, Mr. ELLISON, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. BUTTERFIELD, Mr. HONDA, Ms. KILPATRICK, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. McDERMOTT, Mr. NADLER, Mr. RANGEL, Mr. COHEN, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. BACA, Mr. SCOTT of Virginia, Mr. TOWNS, Ms. WOOLSEY, Mr. HASTINGS of Florida, and Mr. WATT):

H. Con. Res. 161. Concurrent resolution commemorating the 40th Anniversary of Dr. King's Launching of the Poor People's Campaign and Organization of the Poor People's Army; to the Committee on Oversight and Government Reform.

By Mr. PATRICK MURPHY of Pennsylvania (for himself and Mr. JONES of North Carolina):

H. Con. Res. 162. Concurrent resolution expressing the sense of Congress that Congress and the President should increase basic pay for members of the Armed Forces; to the Committee on Armed Services.

By Mrs. WILSON of New Mexico (for herself, Mr. VAN HOLLEN, Mr. ADERHOLT, Mr. BONNER, Mr. BACHUS, and Mr. RYAN of Ohio):

H. Con. Res. 163. Concurrent resolution expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus; to the Committee on Energy and Commerce.

By Mr. KUHL of New York (for himself and Mr. KIRK):

H. Res. 439. A resolution supporting the goals and ideals of the National Kidney Foundation Kidney Walk; to the Committee on Energy and Commerce.

By Mr. GILLMOR:

H. Res. 440. A resolution expressing the sense of the House of Representatives that any comprehensive plan to combat illegal immigration must increase resources for border patrol, establish an instant employment eligibility verification system, renew a limited temporary worker program, prohibit blanket amnesty for illegal aliens who have deliberately broken the law, and give priority to law-abiding, highly-skilled immigrants applying for legal citizenship; to the Committee on the Judiciary.

By Mr. EMANUEL:

H. Res. 441. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. McINTYRE (for himself, Mr. ADERHOLT, Mr. SHIMKUS, Mr. CUMMINGS, Mr. BISHOP of Georgia, Mr. HULSHOF, Mr. BOREN, Mr. CRAMER, Ms. CARSON, Ms. WATERS, Ms. JACKSON-LEE of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CHANDLER, Mr. McGOVERN, Mr. ETHERIDGE, and Mr. DOYLE):

H. Res. 442. A resolution expressing the sense of the House of Representatives that a National Youth Sports Week should be established; to the Committee on Oversight and Government Reform.

By Mr. McGOVERN:

H. Res. 443. A resolution recognizing the service of the 65th Infantry Borinqueneers during the Korean War, honoring the people of Puerto Rico who continue to serve and volunteer for service in the Armed Forces and make sacrifices for the country, and commending all efforts to promote and preserve the history of the 65th Infantry Borinqueneers; to the Committee on Armed Services.

By Mr. FILNER:

H. Res. 444. A resolution supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft; to the Committee on Transportation and Infrastructure.

By Ms. BEAN (for herself and Mr. BURTON of Indiana):

H. Res. 445. A resolution expressing the sense of the House of Representatives that the United States should support a mutually-agreed solution for the future status of Kosovo and reject an imposed solution for the status of Kosovo; to the Committee on Foreign Affairs.

By Mr. BILBRAY (for himself, Mr. CALVERT, Mr. UDALL of Colorado, and Mr. ISSA):

H. Res. 446. A resolution honoring the life and accomplishments of Astronaut Walter Marty Schirra and expressing condolences on his passing; to the Committee on Science and Technology.

By Mr. BLUMENAUER:

H. Res. 447. A resolution condemning the recent convictions and sentencing of Vietnamese pro-democracy activists, expressing concern over the future of the United States-Vietnam relationship, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MATHESON (for himself, Mrs. CAPPS, Mr. HIGGINS, Ms. BORDALLO, Mr. BURTON of Indiana, Mr. EHLERS, and Mr. GALLEGLY):

H. Res. 448. A resolution expressing the sense of the House of Representatives that there should be established a National Cancer Research Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TANCREDO (for himself, Ms. ROS-LEHTINEN, Mr. POE, Mr. McCOTTER, and Mr. WOLF):

H. Res. 449. A resolution encouraging the Federal Government and State and municipal governments, universities, companies, and other institutions in the United States, and all Americans to divest from companies that do business with Sudan; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. ALLEN, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Ms. CARSON, Mr. COURTNEY, Mr. ELLISON, Mr. GRIJALVA, Mr. HONDA, Ms. HOOLEY, Mr. KUCINICH, Mr. LANTOS, Ms. McCOLLUM of Minnesota, Mr. MOORE of Kansas, Ms. SCHWARTZ, Mr. SHAYS, Mr. UDALL of Colorado, and Mr. VAN HOLLEN):

H. Res. 450. A resolution recognizing Rachel Carson, ecologist and author whose courage, selfless spirit, and sense of wonder ushered in the modern environmental movement; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mrs. LOWEY.

H.R. 21: Mr. McNERNEY, Mr. LANTOS, and Ms. WOOLSEY.

H.R. 23: Mr. BARROW, Mrs. BOYDA of Kansas, Mr. CUMMINGS, Mr. HAYES, Mrs. McCARTHY of New York, Mr. RAHALL, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. SOUDER, Mr. GRIJALVA, Mr. LANGEVIN, and Mr. GERLACH.

H.R. 63: Mr. INGLIS of South Carolina.

H.R. 77: Mr. NEUGEBAUER.

H.R. 82: Mr. BUTTERFIELD, Mr. HALL of New York, Mr. PETRI, Mr. THOMPSON of Mississippi, Mr. YOUNG of Alaska, and Mr. KLEIN of Florida.

H.R. 111: Mr. COOPER, Mr. EDWARDS, Ms. CLARKE, Mr. HELLER, Mr. NEAL of Massachusetts, and Mr. CONAWAY.

H.R. 156: Mr. GERLACH.

H.R. 169: Mr. KUCINICH.

H.R. 171: Ms. BERKLEY.

H.R. 174: Mr. KUCINICH.

H.R. 197: Mr. MITCHELL, Mr. LaTOURETTE, and Mrs. BIGGERT.

H.R. 260: Ms. BALDWIN.

H.R. 281: Ms. MATSUI, Mr. WALZ of Minnesota, Mr. HINCHEY, Mr. YARMUTH, Mr. BISHOP of Georgia, Mr. CROWLEY, Mr. COSTA, Mrs. GILLIBRAND, and Mr. WILSON of Ohio.

H.R. 303: Mr. LaTOURETTE and Mr. GERLACH.

H.R. 315: Mr. HERGER.

H.R. 333: Mr. GERLACH and Mr. REYES.

H.R. 358: Mr. HENSARLING and Mr. CARNEY.

H.R. 372: Mrs. McCARTHY of New York.

H.R. 457: Mr. SALI.

H.R. 460: Mr. CUMMINGS and Mr. HASTINGS of Florida.

H.R. 463: Mr. LARSON of Connecticut and Mr. REYES.

H.R. 468: Ms. CARSON.

H.R. 471: Mr. WALDEN of Oregon, Mr. PICKERING, and Mr. LUCAS.

H.R. 502: Mr. FILNER.

H.R. 503: Mr. GOODE, Mr. BECERRA, and Mr. PITTS.

H.R. 507: Mr. LANGEVIN, Mr. KUHL of New York, Mr. FORTUÑO, Mrs. BOYDA of Kansas, Mr. COURTNEY, and Mr. BOSWELL.

H.R. 522: Mr. JACKSON of Illinois.

H.R. 530: Mr. CARNEY, Mr. HILL, and Mr. DAVIS of Kentucky.

H.R. 535: Mr. HIGGINS.

H.R. 538: Mr. RODRIGUEZ.

H.R. 550: Mr. REGULA, Mr. DeFAZIO, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. SAXTON, and Mr. CANTOR.

H.R. 551: Mr. GARY G. MILLER of California.

H.R. 552: Mr. PAUL, Mr. MOORE of Kansas, Mr. CHANDLER, Mr. McINTYRE, Mr. HINOJOSA, Mr. GENE GREEN of Texas, Mr. PASCRELL, and Mr. SHAYS.

H.R. 562: Mr. WALBERG.

H.R. 579: Mr. CARNAHAN, Mr. MITCHELL, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GERLACH.

H.R. 583: Mr. PITTS, Mr. BERRY, Mr. ROTHMAN, Mr. DAVID DAVIS of Tennessee, Mr. PRICE of North Carolina, Mr. WEINER, and Mr. REHBERG.

H.R. 601: Mr. RYAN of Ohio.

H.R. 632: Mr. TIAHRT.

H.R. 636: Mr. NEUGEBAUER.

H.R. 642: Mr. MEEKS of New York.

H.R. 643: Mr. MITCHELL and Mr. MELANCON.

H.R. 654: Mr. TIERNEY, Ms. MATSUI, and Mr. BOSWELL.

H.R. 661: Ms. CLARKE.

H.R. 687: Mr. PASCRELL.

H.R. 690: Mr. LANGEVIN.

H.R. 704: Mr. REYES.

H.R. 718: Mr. McCAUL of Texas, Mr. BOSWELL, and Mr. PASTOR.

H.R. 726: Mr. ABERCROMBIE and Mr. MANZULLO.

H.R. 736: Mr. MARSHALL and Mrs. DRAKE.

H.R. 741: Mr. FRANK of Massachusetts.

H.R. 743: Ms. SCHAKOWSKY, Mr. STEARNS, Mr. MATHESON, and Mr. REHBERG.

H.R. 748: Mr. BRALEY of Iowa, Mr. SAXTON, Mr. WU, Mr. SCOTT of Georgia, Mr. GORDON, Mr. JINDAL, Mr. RUPPERSBERGER, Mr. WAMP, Mrs. JO ANN DAVIS of Virginia, Mr. LaTOURETTE, Mr. RYAN of Ohio, Mr. PORTER, Mr. UPTON, Mr. BISHOP of Utah, Ms. ROS-LEHTINEN, Mr. MICHAUD, Mr. COBLE, Mr. KING of New York, Mr. McHUGH, Mr. KNOLLENBERG, Ms. BERKLEY, and Mr. COHEN.

H.R. 760: Ms. ROYBAL-ALLARD, Mr. GARRETT of New Jersey, and Mr. COSTELLO.

H.R. 782: Mr. TURNER and Mr. FRANKS of Arizona.

H.R. 784: Mr. GERLACH, Mr. MICHAUD, and Mr. KENNEDY.

H.R. 821: Mr. BOUCHER and Mr. LoBIONDO.

H.R. 864: Ms. ROYBAL-ALLARD and Mr. FILNER.

H.R. 871: Mr. WEINER.

H.R. 882: Mrs. CAPITO and Mr. FILNER.

H.R. 885: Ms. ROS-LEHTINEN.

H.R. 891: Ms. ROYBAL-ALLARD.

H.R. 923: Mr. WEXLER.

H.R. 927: Mr. HAYES.

H.R. 962: Mr. TIERNEY.

H.R. 969: Mr. CUMMINGS, Mrs. McCARTHY of New York, Mr. DAVIS of Illinois, Mr. SIRES, Ms. JACKSON-LEE of Texas, Mr. CLAY, and Mr. PAYNE.

H.R. 970: Mr. PICKERING.

H.R. 971: Mr. SALI.

H.R. 980: Mr. MAHONEY of Florida, Ms. NORTON, Mr. WALZ of Minnesota, Ms. CLARKE, Mr. UDALL of Colorado, Mr. UPTON, Mr. KUHL of New York, Mr. PERLMUTTER, Mr. SHUSTER, and Mr. ALEXANDER.

H.R. 989: Mr. SIMPSON.

H.R. 1008: Mr. SPACE.

H.R. 1023: Mr. JACKSON of Illinois, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MURPHY of Connecticut, and Mrs. DRAKE.

H.R. 1028: Mr. LINCOLN DAVIS of Tennessee.

H.R. 1030: Ms. ROYBAL-ALLARD.

H.R. 1032: Ms. ROYBAL-ALLARD.

H.R. 1043: Mr. MORAN of Virginia, Ms. WATSON, and Mr. McHUGH.

H.R. 1073: Mr. REICHERT.

H.R. 1078: Ms. ROYBAL-ALLARD, Mrs. LOWEY, and Mr. McGOVERN.

H.R. 1091: Mr. BILBRAY and Mr. FEENEY.

H.R. 1092: Mr. KIRK.

H.R. 1098: Mr. ALTMIRE.

H.R. 1103: Mr. COHEN and Mr. GEORGE MILLER of California.

H.R. 1108: Mrs. BOYDA of Kansas, Mr. MEEKS of New York, and Mr. HODES.

H.R. 1110: Mr. GERLACH.

H.R. 1113: Mr. PICKERING, Mr. KING of New York, Mrs. CAPITO, Mr. RYAN of Ohio, Mr. RUSH, Mrs. LOWEY, Mr. LaHOOD, Mr. RANGEL, Mr. STARK, and Mr. ENGEL.

H.R. 1115: Mrs. WILSON of New Mexico.

H.R. 1127: Mr. SESSIONS and Mr. GARY G. MILLER of California.

H.R. 1134: Ms. SUTTON, Ms. SOLIS, Mr. WAMP, Mr. PORTER, Mr. LaTOURETTE, Mr. BISHOP of Utah, Mr. UPTON, Mr. WICKER, Mr. MICHAUD, Mr. CAMP of Michigan, Mr. RYAN of Ohio, Mr. LATHAM, Mr. COHEN, Mr. COBLE, Mr. MEEHAN, Ms. BERKLEY, Mr. KNOLLENBERG, and Mr. McHUGH.

H.R. 1142: Mr. CONYERS, Mr. KUCINICH, Mr. SMITH of Washington, and Mr. MICHAUD.

H.R. 1147: Ms. BERKLEY, Mr. TIBERI, and Mrs. JONES of Ohio.

H.R. 1157: Mr. MANZULLO, Mrs. MUSGRAVE, Mr. BARROW, and Mr. GILCHREST.

H.R. 1190: Mr. COHEN, Mr. MATHESON, and Mr. PICKERING.

H.R. 1193: Mr. SAM JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. ZOE LOFGREN of California, Mrs. BLACKBURN, Mr. HONDA, Mr. SHIMKUS, Mr. HINOJOSA, Mr. BLUMENAUER, Mr. GENE GREEN of Texas, Mr. COHEN, Mr. PICKERING, Mr. MURTHA, and Mr. PASCRELL.

H.R. 1194: Mr. COURTNEY.

H.R. 1211: Mr. REYES.

H.R. 1216: Ms. LEE, Mr. LANTOS, Ms. ESHOO, and Mr. INSLEE.

H.R. 1222: Mr. REYES and Mr. KENNEDY.

H.R. 1223: Mr. REYES and Mr. KENNEDY.

H.R. 1228: Mr. KUCINICH.

H.R. 1229: Mr. PETERSON of Pennsylvania, Mr. SPACE, and Mr. BAKER.

H.R. 1232: Mr. CUMMINGS, Mr. TIAHRT, and Mrs. MUSGRAVE.

H.R. 1237: Mr. WYNN, Mr. McGOVERN, and Ms. ROYBAL-ALLARD.

H.R. 1239: Ms. WOOLSEY, Mr. CLEAVER, Mr. DELAHUNT, and Mr. SCOTT of Georgia.

H.R. 1275: Mr. ELLISON, Ms. WOOLSEY, Mr. GEORGE MILLER of California, and Ms. LINDA T. SÁNCHEZ OF CALIFORNIA.

H.R. 1282: Mr. PRICE of North Carolina.

H.R. 1283: Mr. PASTOR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EHLERS, Mr. BOUCHER, and Mr. PASCRELL.

H.R. 1287: Mr. SMITH of Washington.

H.R. 1293: Mr. RYAN of Ohio, Mr. HALL of New York, Mr. KING of New York, Mr. DAVID DAVIS of Tennessee, Mr. FRANK of Massachusetts, Mr. SCHIFF, Mr. WICKER, and Mr. DeFAZIO.

H.R. 1302: Mr. BRALEY of Iowa and Mr. SERRANO.

H.R. 1304: Mr. BARTLETT of Maryland and Mr. ARCURI.

H.R. 1314: Mr. GARRETT of New Jersey.

H.R. 1331: Mr. SIRES and Ms. BALDWIN.

H.R. 1338: Mr. WEINER, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. CARNAHAN, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HOLDEN, Mr. HINOJOSA, Mr. JEFFERSON, Ms. LEE, Mr. MICHAUD, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. PALLONE, Mr. VAN HOLLEN, Mr. THOMPSON of Mississippi, and Ms. WASSERMAN SCHULTZ.

H.R. 1343: Mr. ISRAEL, Mrs. WILSON of New Mexico, Mr. WELLER, Mr. CASTLE, Ms. SHEA-PORTER, Mr. LAMPSON, Mrs. BOYDA of Kansas, Mr. SAXTON, Mr. LYNCH, Mr. WALDEN of Oregon, Mr. BRADY of Pennsylvania, Mr. COURTNEY, Mr. BOUCHER, Ms. HOOLEY, Mr. NEUGEBAUER, Mr. MORAN of Virginia, Mr. SERRANO, Mr. McGOVERN, Mr. ROGERS of Alabama, Mr. TIERNEY, Mr. REICHERT, Mr. PASTOR, Mr. PASCRELL, and Mr. MEEHAN.

H.R. 1354: Mr. REYES.

H.R. 1355: Mr. McCOTTER.

H.R. 1366: Mr. NEUGEBAUER, Mr. TIAHRT, Mr. GILLMOR, and Mr. GARRETT of New Jersey.

H.R. 1381: Ms. WOOLSEY and Mr. KUCINICH.

H.R. 1399: Mr. PEARCE, Mr. MAHONEY of Florida, Mr. BISHOP of Utah, Mr. RADANOVICH, Mr. CHABOT, Mr. GOODLATTE, Mr. EVERETT, Mr. BOUSTANY, Mr. MORAN of Kansas, Mr. TANNER, Mr. HILL, Mr. ORTIZ, Mr. KANJORSKI, Mr. BERRY, Mr. TAYLOR, Mr. CUELLAR, Mr. COOPER, Mrs. GILLIBRAND, Mr. SPACE, Mr. STUPAK, Mr. REYES, Mr. BACA, Mr. CRAMER, Mr. McINTYRE, Mr. SHADEGG, Mr. WELDON of Florida, Mr. KIND, and Mr. ENGLISH of Pennsylvania.

H.R. 1400: Mr. LEVIN, Mr. RODRIGUEZ, Mr. HAYES, Mr. JOHNSON of Illinois, Mr. CARDOZA, Mr. HODES, Mrs. MILLER of Michigan, Mr. BRALEY of Iowa, Mr. SOUDER, Mr. LIPINSKI, Mr. GOHMERT, and Mr. RUPPERSBERGER.

H.R. 1418: Mrs. WILSON of New Mexico and Mr. PAYNE.

H.R. 1419: Mr. CUMMINGS and Ms. ROYBAL-ALLARD.

H.R. 1420: Mr. CAPUANO, Mr. LYNCH, Mr. MCGOVERN, and Mrs. MCCARTHY of New York.

H.R. 1422: Mr. BARTLETT of Maryland.

H.R. 1459: Mr. MEEK of Florida and Mr. LATHAM.

H.R. 1461: Mr. CUMMINGS and Mr. HONDA.

H.R. 1464: Mr. ABERCROMBIE.

H.R. 1474: Mr. ROGERS of Kentucky, Mr. BOREN, Mr. GONZALEZ, Ms. SOLIS, Ms. ROYBAL-ALLARD, Mr. KUCINICH, Mrs. MUSGRAVE, Mrs. CAPITO, and Mr. SALI.

H.R. 1475: Ms. MCCOLLUM of Minnesota and Mr. PASCRELL.

H.R. 1506: Mr. LARSON of Connecticut, Mr. HALL of New York, Ms. CLARKE, Ms. BERKLEY, Mr. PASTOR, and Mrs. MCCARTHY of New York.

H.R. 1507: Mrs. DAVIS of California.

H.R. 1514: Mr. ALLEN and Ms. SCHAKOWSKY.

H.R. 1535: Mr. JACKSON of Illinois.

H.R. 1536: Mr. BOUCHER.

H.R. 1537: Mr. CARNEY.

H.R. 1540: Mr. NADLER.

H.R. 1542: Mr. BERMAN.

H.R. 1551: Mrs. LOWEY.

H.R. 1552: Mr. WAMP, Mr. PORTER, Mr. WU, Mr. RYAN of Ohio, Mr. WICKER, Mr. WALDEN of Oregon, Mrs. JO ANN DAVIS of Virginia, Ms. ROS-LEHTINEN, Mr. COHEN, Mr. KING of New York, and Mr. DENT.

H.R. 1576: Mr. PITTS and Mr. TIAHRT.

H.R. 1584: Mr. KNOLLENBERG, Mr. SNYDER, Mr. PATRICK MURPHY of Pennsylvania, Mr. MCGOVERN, Mr. ROGERS of Michigan, Mr. SHIMKUS, Mr. CARNEY, Mr. LEWIS of Kentucky, Mr. WILSON of South Carolina, and Mr. ALEXANDER.

H.R. 1589: Ms. SCHAKOWSKY, Mr. GERLACH, and Mr. SOUDER.

H.R. 1610: Mr. CARNAHAN, Mr. GERLACH, Mr. BOOZMAN, Mr. PATRICK MURPHY of Pennsylvania, Ms. BALDWIN, Mrs. EMERSON, Mr. MCCOTTER, Mr. BOREN, Mr. WEXLER, and Ms. BERKLEY.

H.R. 1614: Mr. CLAY, Mr. KAGEN, Mr. MCNULTY, and Mr. NADLER.

H.R. 1616: Mr. KUCINICH.

H.R. 1629: Mr. GOODE and Ms. BERKLEY.

H.R. 1644: Mrs. CAPPS, Mr. INSLEE, Mr. BAIRD, and Mr. GONZALEZ.

H.R. 1647: Mr. PASCRELL, Mr. ALLEN, Mr. GRIJALVA, Mr. SALAZAR, Mr. SMITH of New Jersey, Mr. CAPUANO, Mr. OLVER, Mr. ROTHMAN, and Mrs. MCCARTHY of New York.

H.R. 1649: Mr. TIAHRT.

H.R. 1653: Ms. CARSON and Mr. SCOTT of Virginia.

H.R. 1655: Ms. ROYBAL-ALLARD and Mr. PASCRELL.

H.R. 1663: Mr. DOGGETT, Mr. DOYLE, Mr. NADLER, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Mr. MURPHY of Connecticut, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. PASCRELL, and Mr. ABERCROMBIE.

H.R. 1665: Mr. SALI and Mr. ENGLISH of Pennsylvania.

H.R. 1688: Mr. GUTIERREZ, Mr. RYAN of Ohio, Ms. ROYBAL-ALLARD, and Mr. BOUCHER.

H.R. 1705: Mr. CUMMINGS, Mr. ALTMIRE, and Ms. LEE.

H.R. 1709: Mr. DELAHUNT.

H.R. 1719: Mr. GRIJALVA and Ms. BALDWIN.

H.R. 1727: Mr. WYNN, Mr. HONDA, Mr. WALDEN of Oregon, and Mr. LAMPSON.

H.R. 1731: Ms. BALDWIN.

H.R. 1735: Mr. ISSA.

H.R. 1738: Mr. PICKERING and Mr. KING of New York.

H.R. 1745: Ms. SOLIS, Mr. GONZALEZ, Mr. SIRES, Mr. BACA, Mr. CARDOZA, Mr. CUELLAR, Mr. GUTIERREZ, Mrs. NAPOLITANO, and Mr. SALAZAR.

H.R. 1754: Mr. ALTMIRE, Mr. DEFAZIO, and Mr. CROWLEY.

H.R. 1759: Mr. RANGEL.

H.R. 1764: Mr. PAYNE.

H.R. 1772: Mr. WAMP, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARNEY, Ms. LEE, Mr. MORAN of Kansas, Mr. BARTLETT of Maryland, Mr. HARE, Mr. INSLEE, and Mrs. BIGGERT.

H.R. 1776: Ms. SHEA-PORTER and Mr. LARSON of Connecticut.

H.R. 1781: Mr. CHANDLER, Mr. HINOJOSA, Ms. MATSUI, and Mr. PICKERING.

H.R. 1783: Mr. RYAN of Ohio.

H.R. 1797: Mr. BARTLETT of Maryland.

H.R. 1820: Mr. PASCRELL.

H.R. 1821: Mr. MCHUGH.

H.R. 1834: Mr. GILCHREST.

H.R. 1840: Mr. PASTOR, Mr. ENGLISH of Pennsylvania, Mr. WALBERG, Mr. KING of New York, Mr. NADLER, and Mr. MCCOTTER.

H.R. 1845: Mr. HINCHEY.

H.R. 1866: Mr. FARR, Mr. POE, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Mr. PETERSON of Pennsylvania, and Ms. BERKLEY.

H.R. 1871: Ms. GIFFORDS.

H.R. 1876: Mrs. MCCARTHY of New York and Mr. PORTER.

H.R. 1878: Ms. JACKSON-LEE of Texas.

H.R. 1881: Mr. ELLISON, Mr. ALLEN, Mr. TIM MURPHY of Pennsylvania, and Mr. BOUCHER.

H.R. 1884: Mr. WALSH of New York, Mr. ROSS, and Mr. PRICE of North Carolina.

H.R. 1888: Mr. SHADEGG.

H.R. 1892: Mr. TIM MURPHY of Pennsylvania.

H.R. 1893: Ms. LEE.

H.R. 1907: Mrs. JO ANN DAVIS of Virginia and Mr. KENNEDY.

H.R. 1927: Mr. LARSON of Connecticut.

H.R. 1937: Mr. ENGLISH of Pennsylvania, Mr. BUTTERFIELD, Mr. BOREN, Mr. GRAVES, Mr. BISHOP of Georgia, Mr. MARSHALL, and Mr. BERRY.

H.R. 1940: Mr. HENSARLING.

H.R. 1943: Mr. RUSH.

H.R. 1944: Mr. MITCHELL and Ms. LEE.

H.R. 1945: Ms. BALDWIN.

H.R. 1956: Mr. MEEKS of New York.

H.R. 1957: Ms. ZOE LOFGREN of California, Mr. BECERRA, and Mr. MCNERNEY.

H.R. 1965: Mr. SPACE, Mr. JORDAN, and Mr. KAGEN.

H.R. 1967: Mr. BOREN.

H.R. 1971: Mr. CUELLAR, Mr. MCNERNEY, and Mr. SALAZAR.

H.R. 1975: Ms. LEE and Mr. LEWIS of Georgia.

H.R. 1983: Mr. ROGERS of Kentucky and Mr. ROSS.

H.R. 1992: Mr. CARNAHAN, Mrs. JONES of Ohio, Mr. THOMPSON of Mississippi, Mr. DINGELL, Ms. CLARKE, and Ms. BALDWIN.

H.R. 2001: Ms. BALDWIN.

H.R. 2015: Mr. LANTOS.

H.R. 2036: Ms. LEE.

H.R. 2046: Mr. MCDERMOTT and Mr. PERLMUTTER.

H.R. 2049: Mr. PASTOR and Ms. SCHAKOWSKY.

H.R. 2050: Mr. MCNULTY.

H.R. 2053: Mr. GORDON, Mr. GRIJALVA, Mr. POE, Mr. FARR, Mr. CANTOR, Mr. HONDA, Mr. BACA, Mr. DAVID DAVIS of Tennessee, Mr. BOREN, Mr. CAMPBELL of California, Ms. BERKLEY, Mr. PORTER, and Mr. BOUSTANY.

H.R. 2054: Mr. LOEBSACK, Mr. MCHUGH, and Mr. PETERSON of Minnesota.

H.R. 2060: Mr. SMITH of Washington, Ms. DELAURO, and Mr. WYNN.

H.R. 2062: Mr. HASTINGS of Florida, Ms. CLARKE, and Mr. BRADY of Pennsylvania.

H.R. 2102: Mr. UPTON, Mr. FERGUSON, and Mr. WALSH of New York.

H.R. 2103: Mr. TIERNEY, Mr. HINOJOSA, Ms. HIRONO, Mr. WAXMAN, Mr. MCNERNEY, and Mr. PORTER.

H.R. 2104: Mr. POE, Mr. FORBES, and Mr. GARY G. MILLER of California.

H.R. 2108: Mr. DELAHUNT and Mr. TIERNEY.

H.R. 2114: Mrs. MCCARTHY of New York.

H.R. 2122: Mr. GRIJALVA, Mrs. CAPPS, and Mr. CONYERS.

H.R. 2129: Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. DELAHUNT, Ms. MATSUI, Ms. SUTTON, Ms. ZOE LOFGREN of California, Mr. BECERRA, Mr. PRICE of North Carolina, Mr. ELLISON, Mr. KUCINICH, Ms. CLARKE, Mr. MORAN of Virginia, Mr. KENNEDY, Mr. TIERNEY, Mr. WILSON of Ohio, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. LARSON of Connecticut, Mr. COHEN, Mr. HOLT, Mr. DAVIS of Illinois, Ms. HOOLEY, Ms. MCCOLLUM of Minnesota, Mr. MICHAUD, Mr. NADLER, Mrs. CHRISTENSEN, Ms. VELÁZQUEZ, Ms. SOLIS, Mr. WEINER, Mr. OBERSTAR, Ms. BORDALLO, Mr. DAVIS of Alabama, and Ms. DELAURO.

H.R. 2131: Mr. MCINTYRE, Mr. RAHALL, and Mr. HOLDEN.

H.R. 2132: Mr. PRICE of North Carolina and Mr. ROSS.

H.R. 2138: Mr. HONDA, Mr. MURPHY of Connecticut, and Mr. SCHIFF.

H.R. 2139: Ms. CARSON and Mr. HINCHEY.

H.R. 2141: Mr. LUCAS.

H.R. 2144: Mr. FERGUSON.

H.R. 2163: Mr. RYAN of Wisconsin, Mr. REYNOLDS, and Mr. PICKERING.

H.R. 2164: Mr. ROSS.

H.R. 2167: Mrs. MCCARTHY of New York.

H.R. 2192: Mr. MURPHY of Connecticut, Mr. CUMMINGS, and Mr. FILNER.

H.R. 2197: Mr. WILSON of Ohio, Mrs. SCHMIDT, Mr. RYAN of Ohio, and Ms. SUTTON.

H.R. 2208: Mr. DAVID DAVIS of Tennessee.

H.R. 2215: Ms. MATSUI and Ms. SCHAKOWSKY.

H.R. 2221: Mr. SMITH of Washington.

H.R. 2231: Mr. GORDON.

H.R. 2234: Mr. SOUDER, Mr. GRIJALVA, Mr. MCDERMOTT, and Mr. DOGGETT.

H.R. 2238: Mr. BURTON of Indiana.

H.R. 2244: Mr. BOREN.

H.R. 2253: Mr. DOOLITTLE and Mr. HUNTER.

H.R. 2262: Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. GEORGE MILLER of California, Mr. MARKEY, Mr. INSLEE, Mr. GRIJALVA, and Mr. MORAN of Virginia.

H.R. 2265: Ms. MCCOLLUM of Minnesota.

H.R. 2266: Mr. BERMAN, Mr. MORAN of Virginia, and Mr. BOUCHER.

H.R. 2280: Mr. ENGLISH of Pennsylvania, Mrs. MCMORRIS RODGERS, Mr. BURTON of Indiana, Mr. PAUL, Mr. TERRY, and Ms. HERSETH SANDLIN.

H.R. 2287: Mr. TURNER and Mr. POE.

H.R. 2291: Mr. TIAHRT and Mr. SMITH of New Jersey.

H.R. 2295: Mr. ARCURI, Mr. JACKSON of Illinois, Mrs. GILLIBRAND, Mr. TIM MURPHY of Pennsylvania, Mr. WICKER, Mrs. DRAKE, and Mrs. CAPITO.

H.R. 2303: Ms. CLARKE.

H.R. 2313: Mr. HONDA and Mr. DEFAZIO.

H.R. 2315: Mr. MCINTYRE, Mr. OBEY, Mr. TIAHRT, and Mr. SPACE.

H.R. 2327: Mr. HINCHEY, Mr. MCNERNEY, Mr. SIRES, and Mr. SMITH of New JERSEY.

H.R. 2329: Mr. TIM MURPHY of Pennsylvania.

H.R. 2330: Mr. SOUDER, Mr. WOLF, and Mr. TIAHRT.

H.R. 2335: Mrs. BIGGERT.

H.R. 2337: Mr. Grijalva, Mrs. Napolitano, Mrs. Christensen, Mr. Hinchey, Ms. Bordallo, Mr. Inslee, and Mr. Baca.

H.R. 2347: Mr. Marshall.

H.R. 2352: Mr. Blumenauer and Mrs. Lowey.

H.R. 2353: Mr. Abercrombie, Mr. Higgins, Mr. Gordon, Mr. McCotter, Mr. McNulty, Mr. Price of North Carolina, Mr. Doggett, Mr. Porter, Mrs. Jo Ann Davis of Virginia, Mr. Filner, Mr. Pickering, Mr. LaTourette, and Mrs. Lowey.

H.R. 2357: Ms. Kilpatrick.

H.R. 2361: Mr. Michaud, Mr. Wexler, Ms. Linda T. Sánchez of California, and Mr. Rothman.

H.R. 2365: Mr. Chandler, Mr. Abercrombie, Ms. Berkley, Mr. Davis of Alabama, Mr. Burton of Indiana, and Mr. Bishop of Utah.

H.R. 2366: Mr. Braley of Iowa, Mr. Bartlett of Maryland, Mr. Graves, Mr. David Davis of Tennessee, Mr. Jefferson, Mr. Gonzalez, Mr. Cuellar, Mr. Lipinski, Ms. Clarke, Mr. Altmire, Mr. Grijalva, Mr. Johnson of Georgia, and Ms. Ginny Brown-Waite of Florida.

H.R. 2367: Mrs. McCarthy of New York, Mr. Kirk, and Mr. Payne.

H.R. 2371: Mr. Filner and Mr. Pastor.

H.R. 2380: Mr. Jordan, Mrs. Jo Ann Davis of Virginia, Mr. Smith of Texas, Mr. Boren, Mr. Calvert, Mr. Matheson, Mr. Barrett of South Carolina, and Mr. McIntyre.

H.R. 2401: Ms. Corrine Brown of Florida, Mr. Farr, Mr. Thompson of Mississippi, and Ms. Jackson-Lee of Texas.

H.R. 2417: Mr. Kagen.

H.R. 2432: Mr. Buyer, Mr. Garrett of New Jersey, and Mr. Hall of Texas.

H.R. 2434: Mrs. Christensen.

H.R. 2435: Ms. Roybal-Allard and Mr. Berman.

H.R. 2443: Mr. Manzullo, Mr. Lincoln Diaz-Balart of Florida, Mr. Chandler, Mr. Gerlach, and Mrs. Lowey.

H.R. 2446: Mr. Ackerman.

H.R. 2457: Mr. Price of North Carolina.

H.R. 2458: Mr. Gordon.

H.R. 2460: Mr. King of New York.

H.J. Res. 12: Mr. Boswell, Mr. McHugh, Mr. Ramstad, Mr. Coble, and Mr. Michaud.

H. Con. Res. 21: Mr. Gohmert and Mr. LaTourette.

H. Con. Res. 75: Mr. Rangel and Ms. Jackson-Lee of Texas.

H. Con. Res. 85: Mr. Olver and Ms. DeLauro.

H. Con. Res. 87: Mr. Jackson of Illinois and Mr. Honda.

H. Con. Res. 94: Mr. Thompson of California.

H. Con. Res. 102: Mr. McNulty and Mr. Pascrell.

H. Con. Res. 104: Ms. Matsui.

H. Con. Res. 122: Mr. Lipinski, Mr. Olver, and Ms. Baldwin.

H. Con. Res. 125: Mr. Kirk, Mr. Peterson of Pennsylvania, and Mr. Bonner.

H. Con. Res. 131: Mr. Baker, Mr. Gerlach, Mrs. Drake, Mr. Radanovich, Mr. Crenshaw, and Mrs. Bachmann.

H. Con. Res. 142: Ms. Loretta Sanchez of California, and Mr. King of New York.

H. Con. Res. 147: Mr. Costa, Mr. Allen, Mr. Wolf, Mr. Ehlers, Mr. Udall of Colorado, Mr. Gilchrest, Mr. Van Hollen, Mr. Fortuño, and Mr. Saxton.

H. Con. Res. 148: Mr. Waxman, Mr. Lantos, Mr. Kucinich, Mr. Tierney, Mr. Clay, Ms. McCollum of Minnesota, Mr. Rodriguez, and Mr. Ellison.

H. Res. 54: Mr. Lamborn.

H. Res. 106: Mr. Larson of Connecticut.

H. Res. 111: Mr. LoBiondo, Mr. Feeney, Mr. Wexler, and Mr. Aderholt.

H. Res. 118: Mr. Jackson of Illinois and Mr. Hastings of Florida.

H. Res. 123: Mr. Murtha.

H. Res. 127: Mr. Brown of South Carolina and Mr. Pearce.

H. Res. 146: Mr. Rangel, and Mr. Gene Green of Texas.

H. Res. 148: Ms. Eshoo.

H. Res. 154: Mr. Cuellar, Mr. Wamp, Mr. Sali, Mr. Brady of Pennsylvania, and Mr. David Davis of Tennessee.

H. Res. 194: Mr. Larson of Connecticut, Mr. Etheridge, Mr. Cuellar, Ms. Berkley, Mr. Costello, Mr. Weiner, Mr. Farr, Mr. Crowley, and Mr. Delahunt.

H. Res. 231: Mr. Ramstad.

H. Res. 233: Mrs. Drake.

H. Res. 251: Mr. Schiff, Mr. Al Green of Texas, Mr. Clyburn, Mrs. Jones of Ohio, and Mr. Allen.

H. Res. 257: Ms. Roybal-Allard, Mr. Ellison, Mr. Mitchell, and Mr. Bartlett of Maryland.

H. Res. 258: Mr. Souder, Mr. Markey, and Mr. Pascrell.

H. Res. 259: Mrs. Boyda of Kansas.

H. Res. 282: Mr. Poe, Mr. Reyes, Mr. Patrick Murphy of Pennsylvania, Ms. Kaptur, and Mrs. Gillibrand.

H. Res. 287: Mr. McNerney.

H. Res. 294: Mr. Poe, Ms. Woolsey, Ms. Norton, Mr. Royce, and Mr. Boozman.

H. Res. 295: Mr. Moran of Virginia.

H. Res. 303: Mr. McNulty.

H. Res. 341: Mr. Cohen.

H. Res. 345: Mr. Dingell.

H. Res. 351: Mr. Forbes.

H. Res. 361: Mr. Wilson of South Carolina, Ms. Norton, Mr. Calvert, Mr. Rush, Mr. McDermott, Mr. Stark, Mr. Boozman, Mr. Thompson of Mississippi, Ms. Berkley, Mr. Watt, Mr. Cohen, Mr. Meek of Florida, Mr. Moran of Virginia, Mr. Scott of Virginia, Mr. Bartlett of Maryland, Mr. Crowley, Mr. Blumenauer, Mr. Lewis of California, Ms. Ros-Lehtinen, Mr. Abercrombie, Mr. Meehan, Mr. Knollenberg, Mr. Kennedy, Mr. Johnson of Georgia, Ms. Moore of Wisconsin, Ms. Carson, Mr. McNulty, Ms. Royal-Allard, Ms. Velázquez, Mr. Israel, Mr. Hinchey, Mr. Wu, Ms. Schakowsky, Ms. Baldwin, Mr. Taylor, Mr. Scott of Georgia, Mr. Costa, Mr. Cardoza, Mr. Daniel E. Lungren of California, Mr. Jefferson, Mr. Dreier, Mr. Sessions, Mr. English of Pennsylvania, Mr. Hall of New York, Mrs. Myrick, Mr. Rohrabacher, and Mrs. Emerson.

H. Res. 397: Mr. Lipinski.

H. Res. 407: Mr. Fortuño.

H. Res. 416: Mr. McCarthy of California, Mr. Gohmert, Mr. Sali, Mr. Camp of Michigan, and Mr. Gary G. Miller of California.

H. Res. 417: Mr. Berman.

H. Res. 422: Mr. Van Hollen, Mr. Michaud, Mr. Peterson of Minnesota, Mr. Gutierrez, Ms. Bordallo, Ms. Jackson-Lee of Texas, Ms. Matsui, Mr. Fattah, Mr. McNerney, Ms. Norton, Mr. Nadler, Ms. Corrine Brown of Florida, Mr. Butterfield, and Ms. Schakowsky.

H. Res. 423: Mr. Ehlers.

H. Res. 424: Mr. Moran of Virginia, Mr. Wolf, Mr. McNulty, and Mr. Rangel.

H. Res. 425: Mr. McDermott.

H. Res. 426: Mr. Honda, Ms. Bordallo, Mr. Clay, and Mr. Stark.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 417: Mr. Becerra.

SENATE—*Friday, May 25, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, as Memorial Day approaches, we pause to thank You for those who have laid down their lives for our country. Thank You for heroes and the heroines proved in liberating strife, who more than self their country loved and mercy more than life. Use our lawmakers to honor the sacrifices of those who have given the last full measure of devotion.

May our Senators dedicate themselves to the great task of perfecting Your kingdom of peace and righteousness among all nations. Endue the Members of this body with the courage to be faithful in their work that they may not break faith with those who have fallen on distant battlefields.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will immediately resume consideration of the immigration bill. We have the two managers of the bill here. There will be two amendments from each side to be offered today.

Mr. President, in anticipation of coming back the week after our break, which starts this afternoon, we are going to finish the immigration bill. I hope that we will not have to file cloture. There have been enough amendments offered. I hope we can have a final vote on passage. If things are not going well on Tuesday and Wednesday when we get back, I will consider filing cloture. I will certainly discuss this in detail with the Republican leader, Senator MCCONNELL.

We have made a lot of progress on this bill. It is according to whose view you have as to whether it is forward or backward. As far as I am concerned, the bipartisan agreement that was reached by Democrats and Republicans has put us on a path for resolving one of America's big problems, immigration.

MEASURE PLACED ON CALENDAR—S.J. RES. 14

Mr. REID. Mr. President, I understand that S.J. Res. 14 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 14) expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

Mr. REID. Mr. President, I object to further proceeding at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform, and for other purposes.

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

Grassley/DeMint amendment No. 1166 (to amendment No. 1150), to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

Cornyn modified amendment No. 1184 (to amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.

Dodd/Menendez amendment No. 1199 (to amendment No. 1150), to increase the number of green cards for parents of United States citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals.

Menendez amendment No. 1194 (to amendment No. 1150), to modify the deadline for the family backlog reduction.

McConnell amendment No. 1170 (to amendment No. 1150), to amend the Help America Vote Act of 2002 to require individuals voting in person to present photo identification.

Feingold amendment No. 1176 (to amendment No. 1150), to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

Durbin/Grassley amendment No. 1231 (to amendment No. 1150), to ensure that employers make efforts to recruit American workers.

Sessions amendment No. 1234 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Sessions amendment No. 1235 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Lieberman amendment No. 1191 (to amendment No. 1150), to provide safeguards against faulty asylum procedures and to improve conditions of detention.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, as this bill has progressed through the week, there has been, in my view, significant progress made. It has truly been a tribute to the leadership on both sides, and I acknowledge the leadership of the majority leader, HARRY REID, in terms of holding people's feet to the fire to get us moving forward with immigration.

We hope to be able to bring this to a conclusion the week after we get back from the Memorial Day break. I understand that this morning we will have about four amendments, two on the Republican side, and two on the Democratic side.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

AMENDMENT NO. 1189 TO AMENDMENT NO. 1150

Mr. CORNYN. Mr. President, on behalf of the Senator from Colorado, Senator ALLARD, I believe there is an amendment at the desk, No. 1189.

I ask unanimous consent that the pending amendments be set aside and ask for the immediate consideration of that amendment, No. 1189.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN], for Mr. ALLARD, proposes an amendment numbered 1189 to amendment No. 1150.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the preference given to people who entered the United States illegally over people seeking to enter the country legally in the merit-based evaluation system for visas)

In section 203(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(1)(A)), as amended by section 502, in the table in that section, strike the items relating to the Supplemental schedule for Zs.

AMENDMENT NO. 1250 TO AMENDMENT NO. 1150

Mr. CORNYN. Mr. President, at this time, I ask unanimous consent to set aside the pending amendment, No. 1189, and ask for the immediate consideration of my amendment No. 1250, which I believe is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The Senator from Texas (Mr. CORNYN) proposes an amendment numbered 1250 to amendment No. 1150.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address documentation of employment and to make an amendment with respect to mandatory disclosure of information)

In section 601(i)(2)(C) (relating to other documents)—

(1) strike clause (VI) (relating to sworn affidavits);

(2) in clause (V), strike the semicolon at the end and insert a period; and

(3) in clause (IV), add "and" at the end.

Strike section 604 (relating to mandatory disclosure of information) and insert the following:

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section 601 and 602, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section 601 and 602 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, any application to extend such status under section 601(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section 601 or 602 are references to sections 601 and 602 of this Act and the amendments made by those sections.

Mr. CORNYN. Mr. President, we have been on this immigration bill now, by some accounts, for 5 days. I will note that we started with a vote on cloture on the motion to proceed at, I believe, 5:30 Monday afternoon. We had Tuesday on the bill, we had Wednesday on the bill, we had Thursday on the bill; here we are on Friday.

My understanding is that the agreement between the parties is that I will be only allowed to offer one additional amendment, in addition to the one currently pending. I understand that limitation, but I want to make clear that I think it sends a bad signal in terms of where this bill is headed in the long run because, all along, while I applaud the majority leader and the minority leader for their willingness to give us an additional week on this bill after the recess, I am worried that because of the slow progress we are making on these amendments, particularly on getting an opportunity to vote on amendments—for example, the one I laid down early on this week—we are going to find ourselves in for a train wreck the week after the recess, when the amendments that have been filed will need to be considered. I am afraid there will be an effort to try to prevent important amendments from being considered.

Let me give you a little context for my concerns. As we all know, this bill was negotiated largely behind closed doors by a bipartisan group of Senators. I have to say that, in many respects, the product we have before us is better than the bill that passed last year, although I could not support it in the end because I have amendments I think are needed to improve it. To give you some context about the need for a robust debate and the freedom to offer amendments and to consider various points of view other than those reflected behind those closed doors, I went back to look at the Judiciary

Committee last year, which considered the original McCain-Kennedy bill. There were 62 amendments filed in the Judiciary Committee. The present occupant of the chair knows, as a member of that Committee, it is a very hard-working Committee that considers a lot of important and contentious issues. That committee was bypassed through the process by which this bill has come to the floor this year.

Just an observation. Last year, there were 62 amendments filed in the Judiciary Committee alone that went through a process that was not observed this year. So far, by my current count, there have been 107 amendments filed to the present bill. We have had seven—count them—rollcall votes on amendments so far this week. I don't see any way, short of an attempt to try to cut off debate and to cut off the offering of amendments the week we return, we are going to be able to get through 107 filed amendments.

I think it is important, for a variety of reasons, that we continue to have a robust debate and the freedom to offer amendments because, for the reasons I mentioned a moment ago, this product was largely negotiated behind closed doors by a bipartisan group of Senators. Most of the Members of the Senate have not had a chance to study this bill in great detail, until the final legislative text was prepared by legislative counsel a couple of days ago.

This is an enormously complex issue. The bill has a lot of different moving parts. We bypassed the committee process. My hope is—and this is my plea to our leadership—that we continue to see the kind of expansive opportunities that have been provided so far, with 2 weeks set aside for the debate and to have an opportunity to offer amendments and to have votes on those amendments.

I will point out that on the last bill, which ended up being the Hagel-Martinez compromise, there were 30 rollcall votes, according to my notes. We have had seven so far on this bill, and here we find ourselves on Friday and we have one more week scheduled by the majority leader. I am very concerned that we will not be able to get due consideration of all of the various points of view, and an opportunity to freely offer amendments and get rollcall votes on those amendments that I believe are very important. It is even more important, if it is possible, in this particular legislation.

As my colleague from Colorado knows, he and I were both present during many of the negotiations that have led up to this bill, even though ultimately he agreed to the product, but I could not. That this is an enormously emotional and contentious issue. I bet Senators have gotten more phone calls, e-mails, and correspondence about this issue than virtually anything else that has come before the Senate. It is extraordinarily important to the democratic process and the legislative process to allow people to present their points of view.

We are here as 100 people representing 300 million people. We need to make sure that not only the opinions and points of view of the elites and people who can hire high-priced lobbyists are considered; we need to make sure the views of the American people are considered, given an opportunity for airing and, ultimately, we all respect the process by which these matters are put to votes, and then we respect the right of the majority to make the decision and we move forward.

Anything that would even hint of cutting off the opportunity for the American people to have a full airing of their views, and limiting it to a handful of amendments that have been advocated by lobbyists and other people representing the elites in Washington, DC, I think would be a terrible mistake.

Mr. President, I want to advise my colleague from Colorado of this. There has been a previous agreement that we would be allowed to offer two amendments, and that other amendments would not be allowed to be pending.

At this time, I ask unanimous consent to set aside the pending amendment and send amendment No. 1238 to the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SALAZAR. Mr. President, reserving the right to object, and I will object, there was an agreement reached between the Republican leader and the majority leader that there would be two amendments offered on each side today. The Senator from Texas has offered one amendment on behalf of Senator ALLARD, and he has offered a second amendment on his behalf. If I may further comment in responding to some of his suggestions——

Mr. CORNYN. Mr. President, I reclaim my time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. SALAZAR. I want to place this in context. The fact is that there has been a tremendous amount of work that has already been going on in this Chamber during this last week. I inquire, without losing my place at the podium, of the parliamentary situation.

The ACTING PRESIDENT pro tempore. The Senator from Texas has the floor on his unanimous consent request.

Mr. SALAZAR. I yield the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Mr. President, I expected the distinguished Senator from Colorado to lodge an objection to my amendment.

Mr. SALAZAR. Mr. President, I did object to a third amendment that the Senator from Texas wanted to submit.

Mr. CORNYN. Reclaiming my right to the floor, that is my understanding. I wish to make clear that he has objected, and I wish to make clear that I was not a party to any agreement that would limit us to the number of amendments we would offer today, but I respect that. I offer the amendment to make this point: There are at least 107 amendments that remain to be brought forward and considered. Here we are on Friday completing the first week of what has been set aside as 2 weeks for the consideration of perhaps the most important domestic issue confronting our country today. There will be no votes today. Colleagues are returning either home or off on various travels around the world, and we are here with the most important domestic issue confronting our country today and really not proceeding at a pace that would give us any realistic expectation of getting this matter completed in the way I think this matter needs to be treated.

I understand and I respect the Senator from Colorado making an objection to my offering further amendments, but we all can see what is going on here, and I think it portends some very disconcerting things when we are not proceeding at a pace we need to in order to actually get the business of the American people taken care of on this important issue.

I expect if I offer other amendments that there likewise will be an objection, so I will not at this time make further offerings of amendments, but I do have in my hand further amendments—amendment No. 1208, which is an amendment I would offer if possible. I also have another amendment, amendment No. 1247, which deals with State impact assistance fees.

One of the reasons people are so upset about the Federal Government's complete failure to deal with border security and enforce our immigration laws is that most of the consequences fall on local taxpayers. In my State of Texas, the Federal Government has issued a mandate that says no matter who shows up in your schools, your communities, or in your hospitals, you have to treat them, you have to provide services to them, but the Federal Government doesn't pay for it. The Federal Government needs to pay for these unfunded mandates, and this State impact assistance fee amendment will provide that kind of relief to local taxpayers.

I understand where we are, and I respect there has been this agreement between the leaders, and I understand the Senator needs to object, but I reiterate, we need to get moving. We need to have more amendments offered. We need to have more votes and less time off without votes, as we are obviously having today.

I will now return to the amendment that I offered this morning and that was allowed. Let me return now to my amendment No. 1250 and explain what this amendment does provide. My hope is that we can, when we return on Monday—actually, I guess it will be Tuesday, June 5—that we will have an opportunity for an early vote on this amendment as well as the pending amendment I have that will prevent rewarding those who have abused our laws and who have really thumbed their nose at our legal system, who have been ordered deported and who have simply gone on the lam, melted into the American landscape and defied the lawful orders of our courts. These are people who have been ordered deported, have actually been deported, but then they returned to the United States in violation of our immigration laws, both of which constitute felonies. It is my hope that I can get a vote on that amendment, which has been pending now for several days, soon after we return.

It is my understanding our colleagues are working on some side-by-side agreement to provide some cover for those who don't vote for my amendment, but I think we will have to evaluate that when we see it. I regret the fact that we have not been able to get votes on our amendments because of objections primarily on the other side.

There is a major flaw in this legislation, and that flaw is that it will, unless corrected, repeat a fundamental mistake that was made by Congress when Congress last passed massive legalization of undocumented immigrants in 1986. The American people do not expect too much of us, but they do expect that we will not repeat past mistakes.

I remember the definition of "insanity" once offered was that you do the same thing over and over again expecting a different outcome. That is the definition of "insanity." This would be a terrible mistake if we pass this legislation without correcting a major flaw in the 1986 amnesty bill that was passed by Congress, after having learned from experience what the consequences of that flaw are.

Under this bill, anyone in the United States in violation of our immigration laws can come forward and apply for legal status with impunity. Quite simply, the Department of Homeland Security is prohibited from using internally all of the information from the Z applications as well as sharing information with relevant law enforcement authorities. For example, if an applicant comes forward and is denied legalization because of some disqualifying feature, this legislation, as currently written without my amendment, will prevent Immigration and Customs Enforcement, the immigration enforcement authorities, from using the information from that application to apprehend that person.

What we learned from the 1986 amnesty was what the New York Times said—that it created the largest immigration fraud in the history of the United States. That is the mistake my amendment will attempt to correct. As we know from the general counsel of the Immigration and Naturalization Service under President Clinton, the statutory restrictions on sharing information and providing confidentiality of the applications of those who apply for amnesty contributed enormously to that fraud.

The population that will benefit from this legislation should be treated with no more confidentiality than any other classes of immigrants. We don't afford this robust confidentiality protection to other immigrant classes, such as asylees or battered women or those applying for temporary protected status, so I ask: Why the double standard?

When an asylum seeker applies for legal status, that asylum seeker must submit an application and return at a later date for a decision. If that asylum seeker is denied, he or she is taken into custody or provided a notice to appear on the spot based on the information provided by the applicant.

The proponents of this legislation will tell us that without these guarantees of confidentiality, those who are already in the United States in violation of our immigration laws will not come forward and seek legal status. But I must ask: Are we not granting the biggest benefit that can ever be conferred to an immigrant population; that is, legal status after they have violated our immigration laws? And to be clear, we are talking about those who cannot even establish that they meet the minimum requirements to get this valuable benefit and, even worse, have flouted our immigration and criminal laws. Why should we treat individuals who are denied a Z visa with broad privacy protections by the mere filing of an application for that status? Why should they be treated differently from everybody else?

The proponents will say they do exempt from confidentiality those individuals who commit fraud or who are part of some other scheme in connection with their application. Of course, this is the very least we should be doing. But this bill does not go nearly far enough to effectively enforce our immigration laws and protect the American people from criminals and others who might do us harm. For example, at page 311 of this bill, in section 604(b) labeled "Exceptions to Confidentiality," the drafters of the compromise have chosen to protect aliens who are criminal absconders who have not been removed from the United States. You may be asking: What is an absconder? Quite simply, an absconder is someone who has ignored a final court-ordered deportation and can be prosecuted for a separate felony offense which is punishable by up to 4 years in prison. So the drafters of this underlying bill have chosen to protect that class of people who have not been removed from the United States.

We all know that hundreds of thousands of immigrants come across our borders each year, many legally, a lot more illegally. But what most Americans would be shocked to hear is that according to recent estimates, almost 700,000 of those who have been ordered deported have simply failed to comply with that court order. How many Americans think it is OK to ignore the lawful order of one of our courts? How many Americans, after receiving a subpoena from a court, ignore it and simply skip the court date?

As my colleagues know, I have offered a separate amendment that would categorically bar fugitive aliens from receiving amnesty. I believe this is an issue of fundamental fairness and the integrity of the rule of law.

In exchange for the largest legalization program in our Nation's history, we should be able to say without any doubt that for any person who applies for and is denied a Z visa on any grounds, we will authorize Immigration and Customs Enforcement to take that application, arrest that individual, and to deport them as not qualifying under the laws of the land. But the bill the Senate is considering would turn a blind eye to those who would apply for this amnesty and are denied. This bill would allow them to slide back into the shadows—the very problem we are trying to solve by this bill.

Ask a random citizen on the street today to answer this simple question: Someone who has violated our immigration laws comes forward to apply for legal status under this bill. Because the applicant does not satisfy one of the criteria for being awarded legal status, the applicant is denied a Z visa. What happens to that individual under the present bill if my amendment is not adopted? I don't think we could find 1 out of 100 who would say something other than: Well, they should go home. And I suspect the majority would say they should be arrested on the spot and be deported. Yet the so-called confidentiality provisions in this bill will prevent law enforcement officials from using information on the application to locate and remove a significant population of those who cannot qualify for a Z visa because they are simply disqualified by law.

This is, in essence, providing an opportunity to significant categories of individuals whose applications are considered and rejected to slide back into the shadows and to defy our laws. This is the very problem we have been told this legislation was designed to fix. Yet it is designed in reality for failure unless this amendment is accepted.

The whole point of this exercise, we continue to be told, is to enhance U.S. security by bringing people out of the shadows and into the open, to allow people who want to cooperate with the law to do so, while allowing our law enforcement officials to focus their efforts on drug traffickers, on criminals, and others who may come here to do us harm. But this bill would draw those who have entered our country in violation of our immigration laws or who have overstayed in violation of those laws to do so and to slide back into the shadows without allowing the law to be enforced.

I would like to remind my colleagues of our Nation's recent history with a massive legalization program and the consequences of prohibitions of Federal agencies on information sharing. As I have stated, reasonable observers have concluded that the 1986 amnesty was rife with fraud. There was an article written in the New York Times, I believe it was 1989, and it called this one of the most massive frauds in American history.

We know, for example, from the 9/11 Commission staff statements that Mohammed and Abouhalima, conspirators in the 1993 World Trade Center bombing, were granted green cards, or legal permanent resident status, under the special agricultural worker program, which was an amnesty program created by the 1986 bill. Under this special agricultural worker program, a key component of that 1986 amnesty bill, applicants had to provide evidence that they had worked on perishable crops for at least 90 days between May 1, 1985, and May 1, 1986. Their residence did not have to be continuous or unlawful. Nearly 1 million of these individuals who applied received legal permanent resident status under this amnesty, twice the number of foreigners normally employed in agriculture at that time according to the 9/11 Commission and staff.

I would like to make one last significant point about the ill-conceived confidentiality protections contained in this compromise bill. Under this bill we are considering, Congress would even prohibit the use of information from the sworn third-party affidavits that are one of the documents that can prove eligibility. Let me say that again. Under this bill, you can get some third party—there is no requirement of who they might be: a friend, a family member, anybody—to sign an affidavit attesting that you were lawfully present—or that you were present, not lawfully but you were present—in the United States as of a certain date in order to qualify for benefits under this bill.

We already know from well-documented prosecutions of document vendors and other legalization cases that the type of documents submitted, especially these kinds of sworn affidavits, without limitation, were used to further fraud. At the very least, we should not repeat the mistakes of 1986 by allowing the continued use of sworn affidavits by those who have already shown their willingness to violate our laws in order to gain the benefits under this bill.

My amendment takes care of that concern because it will allow those sort of false documents to be investigated and, where necessary, prosecuted. Those who engage in cottage industries of massive fraud on a huge scale can be investigated by our authorities and prosecuted where warranted. My amendment takes care of that concern.

We know one thing, criminals and terrorists have abused and will continue to seek ways to abuse our immigration system in order to enter and remain in our country. I regret to say that the bill we are debating today fails to give law enforcement the commonsense tools that would prevent terrorists and others who seek to do us harm from exploiting the vulnerabilities inherent in any massive legalization program. My colleagues may say there is a confidentiality exception for national security and for fraud, but to rely solely on these narrow exceptions is to engage in wishful thinking and, as far as I am concerned, ignores history and hard experience and the terrorist and criminal threats that we face.

Why would we leave any of this to chance? Why would we turn a blind eye to the type of abuses that we have seen happen in the past and risk it happening again in this bill? I submit that any rejected application not only will provide valuable information to assist in deporting a person that is not entitled under our own laws to the benefits under this bill but may provide law enforcement with a valuable lead that they were previously unaware of, a lead that could—and this is not too much of a stretch—potentially save lives and, at the very least, improve public safety.

Failure to allow law enforcement to connect the dots is a deadly mistake. I have heard many of my colleagues promise never would that happen again. So I urge those who are truly serious about their commitment to make sure the mistakes of the past don't occur again, and that we don't expose the American people to an unnecessary risk and ultimately lose their confidence by enacting a law that cannot be enforced. If we do that, I think we will not have done our job. So I urge all of us who are serious about this commitment to support my amendment to make this crucial improvement to this legislation.

Mr. President, I have to make one correction. Apparently, affidavits are not allowed from relatives but are from nonrelatives. So you can't get your brother-in-law, I guess, to sign an affidavit saying when you were in the United States, but you can get a stranger on the street or someone else to sign an affidavit saying, yes, JOHN CORNYN was present in the United States as of this date. What we want to do is bring a little sunshine to this process to allow our law enforcement officials to do what they have sworn to do, and which they do so nobly and so valiantly day in and day out, and that is investigate crime, bring those who break our laws to justice, to root out fraud, and to make sure our laws do work.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. CORNYN. I will be glad to yield.

Mr. SESSIONS. Mr. President, I thank Senator CORNYN for his tireless effort and his great knowledge of the complexities of the issues involved in any comprehensive immigration reform. I know he has worked hard to try to craft a comprehensive bill but one that will actually work. That is the question.

I know the Senator has developed great concerns about that and has offered a number of amendments, some excellent law enforcement amendments, drawn, I know, from his experience as a former attorney general in Texas and a member of the supreme court in Texas. I believe, as a former Federal prosecutor, those amendments are essential to having a successful immigration program.

I would like to hear why it is that now 3 days into this bill he has not been able to get a vote on those amendments and about other amendments that he has offered this morning, whether he has been successful in even calling them up for consideration.

Mr. CORNYN. Well, Mr. President, I appreciate the question from the distinguished Senator from Alabama, who was a former U.S. attorney, former attorney general of his State, as the occupant of the chair was of his State, as was, as a matter of fact, Senator SALAZAR. It seems as if we have a former attorneys general convention right here on the floor of the Senate, all of us engaged in law enforcement actions most of our professional lives.

To answer the Senator's question, I am simply at a loss to understand why, on the single most important domestic issue facing our country today—our broken borders and our immigration system. This is designed to fail because of these barriers of information sharing that have been erected and because of the confidentiality provisions that have been slapped on affidavits and other evidence of fraud that might help us root out and investigate wrongdoers and bring them to justice. I think this is the main reason people are so profoundly skeptical of what we are doing today.

I don't think any of us should be under any illusion that if we erect this nice, pretty superstructure that we talk about, that the elements of the bill that are meritorious—things such as triggers, things such as enhanced border security, effective worksite verification—if we undermine it, if we simply cut the legs out from under the ability of law enforcement officials to enforce this law in a way that will see it collapse again, like the 1986 amnesty bill did, and we don't learn from that hard experience and improve this bill and eliminate those errors and those flaws, I think we will have failed the essential purpose for which we were sent here—to represent the American people, to see that the laws are respected, to see that law and order are reestablished.

I really do believe the reason people are so upset about this issue is because they see rampant lawlessness and disregard for the law in our immigration system. They recognize that in a post-9/11 world that our broken borders can allow economic migrants to come across.

We all understand why people want to come to America. It is the same reason they always have: they want a better life. We understand that. But we have to know who is coming into our country and the reasons they come here. We have offered generous temporary worker programs under this bill so they could come legally, so they could be screened, so law enforcement could focus on the criminals, potential terrorists, and others who want to do us harm. But why in the world, I would ask my colleagues, would we want to leave these flaws in the bill which prohibit our law enforcement officials from doing their job, from investigating and rooting out fraud and criminality and bringing wrongdoers to justice?

Mr. SESSIONS. Mr. President, will the Senator yield for another question?

Mr. CORNYN. I will.

Mr. SESSIONS. I would just ask this question, through the Chair. Is it similar to the bill last year? Did they not improve the language that basically said if you file a false document for a benefit under this bill, that is really not subject to being examined and investigated and prosecuted?

If an American filed a false claim for hurricane relief or any government benefit, that is a violation of title XVIII, section 1001. I have prosecuted it many times. But persons who are here illegally, noncitizens, can file false statements and then there is a mechanism that blocks that from being actually investigated and perhaps prosecuted?

Mr. CORNYN. I would answer the distinguished Senator by saying there have been some modest steps in improving the flaws in last year's bill. As we have discussed privately and on the Senate floor, I think we ought to give some credit where credit is due to see this bill strengthened over the flawed bill that passed the Senate last year.

But to answer his question, there are still confidentiality provisions in this bill which would allow fraud to go undetected, uninvestigated, and not prosecuted. I don't know why in the world we would possibly stand silently and allow that to happen. I am not going to, and that is the reason I have offered this amendment.

I see on the Senate floor the other distinguished Senator from Colorado, my friend Mr. ALLARD, who has also offered other important legislation to allow information sharing between law enforcement personnel. It was as a result of the Swift meatpacking plant raids that Senator ALLARD held meetings on, which I attended, that we learned the very tool that our Federal Government has given employers to confirm eligibility to work is flawed, and Social Security information cannot be shared with the Department of Homeland Security.

So we find people, such as the Swift meatpacking plant operators, using the Basic Pilot to check whether a person shows up and says: My name is JOHN CORNYN, and here is JOHN CORNYN's Social Security number. They run it through Basic Pilot. It says, yes, that is JOHN CORNYN's Social Security number, but the fact is, it is KEN SALAZAR using JOHN CORNYN's Social Security number, or somebody else, and it doesn't root out that kind of fraud.

What we need to do is make sure all manner of fraud and illegality are capable of being fully investigated, fully prosecuted, where warranted, and that our laws are enforced. That is the flaw that my amendment seeks to correct. And I continue to believe other amendments that have so far not been allowed to be called up, some 107 that have been filed, when we actually had votes on 30 amendments in last year's bill, and we have only had 7 so far, that we are really not going at the kind of pace at which I would hope we would proceed to be able to amend and improve this bill in a way that we could be proud of and that we would know would actually work.

That, to me, is one of the key pillars upon which this legislation ought to be built: Will it work? Can it be enforced? If it can't, we will have failed.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I appreciate the comments from my good friend from Texas. I wish to respond to the notion that this Chamber is not taking sufficient time in order to consider the issue of immigration and immigration reform. We have, indeed, been on a very long journey to try to grapple with this issue which, at the base of it, is the fundamental question of national security.

It was last year, for most of the month of May, where this Senate debated a comprehensive immigration reform package. It was an immigration reform package that had gone through the Senate Judiciary Committee and was amended multiple times on the floor of the Senate. Now, for the last many months, perhaps as many as 4 to 5 months, there have been a group of Senators, Republicans and Democrats, working with Secretary Chertoff and Secretary Gutierrez and President Bush to try to come up with a comprehensive immigration reform package, which is now the package that is before this Chamber.

I submit, in response to my good friend from Texas, that there has been ample opportunity for us to deal with the issue of immigration reform and to come up with a system that is, in fact, workable.

On this specific issue, what we have done during this past week is—there have been 23 amendments that have been offered. There have been 13 of those amendments that have been disposed of—7 of those have been disposed of with rollcall votes, 6 of them with voice votes. There were 10 amendments pending as of yesterday; there will be 4 more amendments pending as of today.

At the request of many Republican colleagues, Senator REID agreed it was important for us to take an additional week to be able to fully debate this very complicated and very difficult and very emotional issue on how we move forward with immigration reform. We did not get to a conclusion of this debate this week because Senator REID thought it important to take another week to fully consider the legislation before us.

Indeed, during the week that Members of the Senate are working back in their districts or doing what they may be doing during this next week, it is going to be another opportunity for Members of the Senate to continue to study the provisions of this legislation. But this legislation was not pulled out of the darkness one day and placed on the floor of the Senate. This legislation was crafted with significant input from both Republican and Democratic Senators and with the guidance of Secretary Chertoff. While it may not be perfect, and while the efforts on the floor of the Senate this week and the week after we return from the Memorial Day break will improve upon the bill, there has been a huge amount of energy that has gone into creating an immigration reform package that will, in fact, work.

At the end of the day, I remind all our colleagues and those who are watching, what is at stake is moving from a system of a broken border and lawlessness that relates to immigration in this country to a system that works. We need to find a solution that will fix those broken borders. We need to find solutions that will, in fact, make sure the laws of the Nation on immigration are enforced.

For 20 years, this country has looked the other way. We are a Nation of laws. We ought to be enforcing the laws as this legislation moves forward, making sure we are going to have the laws and the capacity to enforce those laws in our interior, and we need to have a realistic solution to deal with the 12 million undocumented workers here in America. To those who would be part of the "round them up and deport them" crowd, I remind them that is an unrealistic solution. As the President of the United States said during the last week: To round up 12 million people, to put them on buses and railroads and whatever other way one would want to round up those 12 million people and send them elsewhere is not a realistic solution.

This proposal that is now before the Senate, which was carefully crafted with significant input from the administration and the leadership of the President, is a good way for us to move forward. I hope, as we go on into the week after the Memorial Day work period, at that point in time there will be ample opportunity to have a robust and orderly debate on amendments that my colleagues will bring forth to try to further improve the bill.

AMENDMENT NO. 1183 TO AMENDMENT NO. 1150

Mr. President, I ask unanimous consent the pending amendments be laid aside, that the Senate turn to consideration of an amendment by Senator CLINTON, amendment No. 1183.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for Mrs. CLINTON, for herself, Mr. HAGEL and Mr. MENENDEZ, proposes an amendment numbered 1183 to amendment No. 1150.

Mr. SALAZAR. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reclassify the spouses and minor children of lawful permanent residents as immediate relatives)

On page 238, line 13, strike "567,000" and insert "480,000".

On page 238, line 19, strike "127,000" and insert "40,000".

On page 247, line 1, insert "or the child or spouse of an alien lawfully admitted for permanent residence" after "United States".

On page 247, line 5, insert "or lawful permanent resident" after "citizen".

On page 247, line 6, insert "or lawful permanent resident" after "citizen".

On page 247, line 6, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 7, insert "or lawful permanent resident" after "citizen".

On page 247, line 8, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 9, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 15, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 24, insert "or lawful permanent resident" after "citizen".

On page 248, strike lines 2 through 11.

On page 248, line 13, strike the first "(3)" and insert "(2)".

On page 249, line 1, strike "(4)" and insert "(3)".

On page 250, between lines 42 and 43, insert the following:

(5) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking "paragraphs (2) and (3)," and inserting "paragraph (2),"; and

(ii) by striking "(b)(2)(A)(i)" and inserting "(b)(2)";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking "(b)(2)(A)" and inserting "(b)(2)".

(6) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "subsections (a)(2)(A) and (d)" and inserting "subsection (d)";

(ii) in subparagraph (A), by striking "becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent)", and inserting "became available for the alien's parent,"; and

(iii) in subparagraph (B), by striking "applicable";

(B) in paragraph (2), by striking "The petition" and all that follows through the period and inserting "The petition described in this paragraph is a petition filed under section 204 for classification of the alien parent under subsection (a) or (b)."; and

(C) in paragraph (3), by striking "subsections (a)(2)(A) and (d)" and inserting "subsection (d)".

(8) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting "or legal permanent resident" after "citizen" each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting "or legal permanent resident" after "citizenship";

(II) in clause (iv)—

(aa) by inserting "or legal permanent resident" after "citizen" each place that term appears; and

(bb) by inserting "or legal permanent resident" after "citizenship";

(III) in clause (v)(I), by inserting "or legal permanent resident" after "citizen"; and

(IV) in clause (vi)—

(aa) by inserting "or legal permanent resident status" after "renunciation of citizenship"; and

(bb) by inserting "or legal permanent resident" after "abuser's citizenship";

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking "subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)" and inserting "clause (iii) or (iv) of subparagraph (A)"; and

(v) in subparagraph (I), as so redesignated—

(I) by striking "or clause (ii) or (iii) of subparagraph (B)"; and

(II) by striking "under subparagraphs (C) and (D)" and inserting "under subparagraphs (B) and (C)";

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking "or a petition filed under subsection (a)(1)(B)(ii)"; and

(D) in subsection (j), by striking "subsection (a)(1)(D)" and inserting "subsection (a)(1)(C)".

AMENDMENT NO. 1202 TO AMENDMENT NO. 1150

Mr. SALAZAR. Mr. President, I now ask the pending amendment be set aside and the Senate proceed to the consideration of the amendment of Senator OBAMA, amendment No. 1202.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for Mr. OBAMA, for himself and Mr. MENENDEZ, proposes amendment numbered 1202 to amendment No. 1150.

Mr. SALAZAR. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a date on which the authority of the section relating to the increasing of American competitiveness through a merit-based evaluation system for immigrants shall be terminated)

At the end of title V, insert the following:

SEC. 509. TERMINATION.

(a) IN GENERAL.—The amendments described in subsection (b) shall be effective during the 5-year period ending on September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted.

(b) PROVISIONS.—The amendments described in this subsection are the following:

(1) The amendments made by subsections (a) and (b) of section 501.

(2) The amendments made by subsections (b), (c), and (e) of section 502.

(3) The amendments made by subsections (a), (b), (c), (d), and (g) of section 503.

(4) The amendments made by subsection (a) of section 504.

(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) TEMPORARY SUPPLEMENTAL ALLOCATION.—Section 201(d) (8 U.S.C. 1151(d)) is amended by adding at the end the follows new paragraphs:

"(3) TEMPORARY SUPPLEMENTAL ALLOCATION.—Notwithstanding paragraphs (1) and (2), there shall be a temporary supplemental allocation of visas as follows:

"(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

“(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

“(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

“(4) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in paragraph (3) shall terminate when the number of visas calculated pursuant to paragraph (3)(C) is zero.

“(5) LIMITATION.—The temporary supplemental visas described in paragraph (3) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted.

Mr. SALAZAR. Mr. President, I see my colleague and friend from Colorado, Senator ALLARD, on the floor to speak to his amendment.

I yield the floor to Senator ALLARD.

Mr. CORNYN. Mr. President, I am certainly going to yield to Senator ALLARD, if I may make a brief—about 1-minute—response to my friend, Senator SALAZAR.

I have in my hand the bill that was actually laid down by the majority leader and others. It is 789 pages. This is not actually the bill we are on. As you know, and as my colleagues know, there has been a substitute bill that was not put in final legislative language until Tuesday. Those who did not participate in the closed-door meetings that produced what has been sometimes called the “grand bargain”—while I have been clear to give them credit where credit is due—I think they would appreciate the fact that not everybody has had access to the same information. Certainly not all Members of the Senate and our staffs have had access to the legislative text we are actually voting on and to which we are actually offering amendments.

As the Senator from Colorado acknowledged, we all know how complicated this subject is. It is enormously detailed. We are doing our best to try to keep up. My hope is we can continue to work together to try to work our way through this. I think that is the spirit in which we are all trying to work.

Nobody wants to blow this up. We all want to find a solution. We have some differences on what those solutions might be, but this is where those differences are debated, where the process allows amendments, suggested changes and improvements to be offered, and then in the end we will vote. But I wished to express my concerns that we be given the opportunity to do a good, conscientious job on behalf of our constituents, on behalf of the American people, in what I believe is the single most important domestic issue confronting our country today. That is the sum and substance of my part.

I am glad to yield to the distinguished Senator from Colorado, Senator ALLARD.

The ACTING PRESIDENT pro tempore. The senior Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank my colleagues who have worked on the compromise committee. Senator CORNYN from Texas has done yeoman's work on this issue of immigration. He has a good understanding of the bill. I appreciate it. My colleague from Colorado, Senator SALAZAR, has also worked hard on this particular piece of legislation.

I wish to say before Senator CORNYN leaves the floor, how much I appreciate his efforts and appreciate the fact that he did put forward, this morning, my amendment dealing with the supplemental schedule for Zs, that is the Z visas, because I think this is an important issue to debate. I appreciate him doing it for me on my behalf.

I am very disappointed the leadership has limited us to only two amendments that we can call up today. I have a total of about five that I am working on. I have four ready to be called up. I was not a member of the compromise committee. I know Senator CORNYN is a very honorable Senator. Whenever I inquired of him as to what was going on in the conference committee, the bipartisan committee, he didn't believe he could share that information with me because he believed he was working within the committee.

The vast majority of us are looking at some of these issues for the first time. Some of them are issues that have been coming up before the Senate from the previous debate and they are old hat. But the fact is, this is a new bill. In my office on Saturday morning, I got a rough draft with things penciled in, in the margins. That is what comes out of the committee. Then, as mentioned, on Monday night the substitute amendment was finally filed in the Senate. It wasn't until Tuesday that we got a final print of the bill. I don't know how many pages are in the final bill—I think it would be close to 1,000 pages in standard format. I do not believe I have had an adequate opportunity to have input. I was assured by the leadership that there is going to be plenty of opportunity for amendments—don't worry. But here we are on Friday and we are limited to two that we can call up.

I have four here at the desk that I have filed, but I think the people need to understand, because you file them doesn't mean you get to bring them up and have a vote on them. They have to be made pending. That is what Senator CORNYN has done to help me out on one of my amendments. I thank him for that effort.

First, let me comment a little bit about the general direction of this legislation. In current law we have what we call chain migration. What happens with chain migration is you come into the United States, and once you become legally here in the United States, that allows members of your extended family to follow you in.

We are moving more toward a merit-based system, which is a direction in which we need to move. We cannot absolutely go all merit based, but I do think it is moving us in the right direction because we do have real needs out there. We need to identify those needs in the workplace. If we need to fill those with immigrants, we need to give business an opportunity to do that. On the other hand, probably more important than anything is we must make sure we have accountability in the system so we know who is coming into the country and for what purpose; that is, they want to have jobs or they want to be Americans. We don't want people coming into this country because they are terrorists and they want to destroy our society. We don't want people coming into this country because they are part of a drug cartel or they are smuggling weapons—in or out. We do need to secure our borders. I think that is the primary thing we need to accomplish. There are provisions in this bill that make me believe our borders will be more secure than as a result of the previous legislation—certainly more secure than what we are seeing today on our borders.

I do, however, have a number of concerns with the bill. To address one of those concerns, I introduced amendment No. 1189, which is my amendment that Senator CORNYN called up, and that refers to the supplemental schedule for Zs. This section, in my point of view, is a great inequity in the bill because it rewards lawbreakers over law abiders.

Ironically, this inequity is in the same section of the bill that rewards would-be immigrants based on merit. The only thing that breaking the law should merit, in my view, is jail time.

To be clear, I strongly support curbing chain migration and moving our system to one based on merit. However, I believe all applicants under the merit-based system should be on a level playing field.

By now, most of us are familiar with the bill's merit-based system that awards points to immigrants based on criteria such as employment, education, and knowledge of English.

What many may not know is the enormous advantage the bill's point system gives to people who have violated our immigration laws relative to people who are seeking to enter this country legally. I am referring to the so-called supplemental schedule for Zs. This separate schedule awards up to 50 bonus points, points that are not available to people who have never broken our immigration laws, to holders of Z visas seeking permanent status.

Holders of Z visas are, by definition, lawbreakers. In fact, this bill specifically requires that an alien prove he or she broke the law in order to even be eligible for the Z visas. In effect, this supplemental schedule rewards people who entered this country illegally. Worse yet, it disadvantages other qualified people who seek to enter this country legally.

The bill's stated purpose of adopting a merit-based system is that the United States benefits from a workforce that has diverse skills, experience, and training. I happen to agree. I have stated that before. I am simply not convinced that a history of breaking the law contributes to this goal more than education and experience. My amendment simply strikes the special schedule that makes people who have violated our immigration laws eligible for points that others are not eligible for. I strike that provision.

I just strike that provision so it puts everyone on a level playing field. Visa holders would, however, still be eligible, up to their 100 points we provided in there under the regular schedule—the exact same number as anybody else.

We should not reward those who have broken the law, and we certainly should not punish those who have abided by the law. I urge my colleagues to support that amendment when it comes up for a vote.

Now, I have other amendments I very much would like to put forth. I understand that if I were to call them up at this particular point in time, I would put my colleague from Colorado in a terrible position, that he would have to object to my amendment when I ask unanimous consent to call it up. I don't want to do that. But what I do want to do is I want to talk about these particular amendments for a moment. Even though they have been introduced, I am not going to have an opportunity to call them up. I think these amendments are important provisions that would add to the bill in a positive way.

One amendment I have is number 1187. Obviously I am not going to have a chance to call it up today. This particular amendment addresses the issue of identity theft and tries to improve the legislation at hand by protecting the identity of hard-working Americans, which is of the utmost importance to me.

By way of background, this identity theft issue was called to my attention when we had some identity thefts that were pretty rampant in northern Colorado, close to where I live in Greeley, and I have discovered it is a rampant problem throughout the country.

Now, again, I commend the drafters of the bill for including my proposal to allow for information sharing between the Social Security Administration and the Department of Homeland Security in the current bill. I had an opportunity to meet with the Secretary of Homeland Security, Secretary Chertoff, I had an opportunity to meet with the Secretary of Commerce, Secretary Gutierrez, and I had an opportunity to meet with my colleagues, including my colleague from Colorado, on this most important issue. I think that including that provision in there where we have now information sharing between Social Security and Homeland Security in the bill is going to be very helpful for us to identify identity theft. If anything else, the real victims in this are people who get their ID stolen, and it is a price they pay for the rest of their lives. It tracks with them all the way until they are receiving their Social Security benefits. So it was a critical first step to get this provision in the bill so that we can address the issue of identity theft and help many innocent victims.

Contributing to the problem is the fact that under current law, Government agencies are prevented from sharing information with other Government agencies. After 9/11, one of our stated purposes was to break down the walls between the various agencies. Well, here we are. We find there is one that is remaining, between Social Security and Homeland Security. The bill addresses this issue. Going forward, when we find two names on the same Social Security number, Social Security can contact Homeland Security and say: Look, this is a number which has come to us, and we suspect fraud because we have two names on the same number. Then when the employer now calls in to check with Homeland Security about a Social Security number, they can say: Well, we have problems with this particular number. We think this could be an illegal immigrant, and we think you need to further check it out, and we will help you check it out.

Now, this is sort of the program which was in place when we had the raids on Swift & Company in Greeley, CO. But I will talk a little bit more about that later.

According to the Federal Trade Commission 2006 database, victims' identification has been misused to obtain credit cards, bank accounts, loans, and a long list of other things, including employment fraud. The current national average of employment fraud is 14 percent of all reported identity theft occurrences. Nationally, my home State of Colorado ranks sixth in overall identity theft. Seventeen percent of reported cases involve employment fraud, by the way. Massachusetts ranks 22nd, Pennsylvania 19th, and the FTC designated Arizona as the No. 1 State for identity theft. An estimated 39 percent—almost 40—of those reports involve employment fraud.

That is why it is very important that we address this problem which came up when we had the raid on Swift & Company because what was happening with Swift & Company is they were working with Homeland Security to do what they call a basic pilot. So whenever anybody came in to Swift & Company and asked for a job, their employment application information was sent to Homeland Security. Homeland Security reviewed it and said: That is fine, go ahead and hire them, Swift & Company. Then Swift & Company goes and hires them. Then those very same people they were supposed to have cleared as legal immigrants, they arrested them for being here illegally. Now, if the Federal agencies cannot enforce our immigration laws, how can we expect the employers to comply with the current law? That is why my proposal is so very important. It is important to put sound measures in place now to uncover this identity theft and to prevent further damage to these innocent victims.

Getting back to my amendment at issue today, Amendment 1187—I have not called it up, just introduced it, and I am not sure I am going to get a vote on it. It adds to the list of credentials needed to obtain a Z visa. It is an additive to what is already in this bill.

The underlying bill requires applicants for Z visas to submit a variety of personal information, such as their name and date of birth. My amendment will add one more piece of information that will offer peace of mind to all who have fallen victim to identify theft. It requires the Z visa applicant to disclose all past names and Social Security numbers they have used in their work in the United States.

This will create a documented record of compromised identities. Failure to provide this information will jeopardize the applicant's ability to obtain a Z visa. My amendment would permit Government agencies to share information with other agencies. These agencies may then notify the rightful assignee, alerting the victim that their identity was compromised, allowing the victim to repair their standing with Government agencies and finance and credit, and finally returning a sense of personal security and integrity.

So I think it is important that we address this issue. We must do everything possible to end identity theft. I look forward to working with my colleagues. I hope I will have an opportunity to call up this amendment so we can vote on it, so we can make it a part of this particular bill, because it is an important aspect of identity theft that is simply not addressed in the bill. I think it adds to what we are trying to do in the bill. I am disappointed that I am not going to be able to move forward on this.

AMENDMENT NO. 1188

Now, Mr. President, I also have another amendment, 1188. Again, that has been introduced. This is an amendment which I have put at the desk which would help prevent further accrual of Social Security benefits by unauthorized workers. Currently, the Social Security Administration does not have real-time information relating to the eligibility of an alien to engage in employment in the United States. Consequently, someone working in the United States on an expired visa continues to accrue Social Security benefits for their unauthorized work.

My amendment, 1188, would require the Secretary of Homeland Security to notify the Commissioner of Social Security when he or she grants, renews, or revokes authority to engage in employment. It then prohibits the Social Security Administration from counting work during that time if an individual, if not a citizen or a national, is unauthorized to work in the United States.

In summary, this amendment simply facilitates the sharing of existing information among Government agencies, again to prevent fraud. It is forward-looking in nature. It does not look back. It does nothing to upset the bill's delicate balance. It is simply a better way of doing things moving forward.

So those are some of the issues I have concern about. I am disappointed again that we have put a limit on amendments. They are meaningful amendments and would add to what would be viewed, I think by most Members of the Senate, as positive in nature in trying to help secure this country's borders, to help protect individuals from identity theft and break down the barriers we have or the firewalls we have between various agencies.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I will take a look at the amendment my colleague from Colorado has pending, amendment No. 1189.

I do wish to say this about my colleague from Colorado: He has been a champion for agriculture all his life. He is a fifth-generation Coloradan. He understands what it is like out in the country, coming from a place in Jackson County, Walden, CO, for now five generations.

A concern I have with his amendment, and I will take a further look at it, is that it seems to strike at the heart of the AgJOBS provision of this legislation. The AgJOBS provision of this legislation is an essential part of the agreement here that we need to move forward and create a system that will provide the labor we need to work on our farms and ranches across America.

In my own State of Colorado, we have approximately 31,000 farms that encompass more than 31 million acres. According to the agribusiness statistics we have, they contribute over $16 billion to the State's economy. We need to make sure we have the labor that is necessary to work out in those fields so that we do not have the destruction we have seen in Colorado and California and in almost every State that is an agriculturally dependent State.

So one of the concerns I have, and I will take a further look at my colleague's amendment, 1189, but I do voice a preliminary concern, and I do wish to make sure that at the end of the day, when we have comprehensive immigration reform adopted here in this country, that the provisions of AgJOBS—we have had as many as 67 cosponsors on that legislation—that AgJOBS in fact does remain a part of this legislation. That is legislation which has been worked on for a very long time in a bipartisan fashion, led by Senator DIANNE FEINSTEIN as well as Senator LARRY CRAIG. It is a good piece of legislation that we need to deal with in order to make sure we have the labor requirements met for farmers and ranchers across America.

Mr. President, I know our colleague from Alabama is waiting to speak, and then in the wings I see waiting Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to just take a moment, and I see my colleague, Senator MCCAIN, is here and prepared to speak, and I will be pleased to yield the floor and allow him an opportunity to speak.

One of the problems we have with this legislation is we have gotten out of sync about our normal process on how legislation becomes law, how it should become law, what should be a part of it, particularly when it is such a massively important, broad, comprehensive bill that purports to be moving through the Senate.

My colleague used a phrase that has been used frequently, that he was concerned about perhaps this amendment because it might affect an essential part of the agreement. Who made an agreement? I have not made an agreement. The American people haven't been in on an agreement. We have not gone through the normal process of moving an immigration bill through committee to the floor with hearings. We had some hearings last year and produced a quite different bill from the one that is on the floor today. This one was cooked up by a hard-working, good group of Senators who thought they could just speak for everybody—self-appointed, I suppose.

Let me display this chart. When this bill was announced, it was said: This is democracy in action. This is what you learn in ninth grade civics. This is good business. But how about our old buddy Mr. Bill who wants to become a law. You have heard him say it. Old Bill has a bunch of holes in him. He has a lot of loopholes in him. I am going to talk about that in a few minutes.

Senator SPECTER, former chairman of the Judiciary Committee, ranking Republican on the committee, part of this effort that worked hard to try to create a bill they thought would be effective, said the other day that in retrospect, it would have been better had it gone to committee. Old Bill, ask him how a bill becomes law. He says: It is an idea somewhere. Then it gets written up. Then it goes to the floor. Then it goes to committee. The committee has hearings on it and calls witnesses and considers all the details and ramifications and lets the American people know what occurred.

The way this bill purports to become law is a group of Senators got together. I affectionately call them "masters of the universe." They got together and wrote up a historic piece of legislation that, if placed in normal bill language, would probably push 1,000 pages, probably the longest piece of legislation ever brought here. It was not sent to committee. It was filed at the desk, and the majority leader, Senator REID, called it up without any committee hearing. They had the old bill on the floor. They filed cloture this Monday on the old bill. Then Monday night, for the first time of record, they plopped down this historic and incredibly complex, long piece of legislation. It has a lot of problems with it. It should not become law. That is what this is all about.

Now we have gone a week, and we haven't had many amendments voted on. Thirteen is about all we have voted on by voice, unanimous consent, and roll call. Senator CORNYN, who has been engaged in this deeply and worked hard on it, former attorney general, Supreme Court Justice of Texas, offered some amendments this morning. They were objected to. I was told last night if I put up some amendments to the other side, they would evaluate them, and we would be able to call up one of those amendments this morning. In truth, both have been objected to. I am not able to offer a new amendment this morning. So the first week is gone. In fact, Senator HARRY REID, our esteemed Democratic leader, a person I like and enjoy working with, wanted to complete the bill this week and had it set up to try to complete the bill this week. There was so much push back and objection, he said: We will carry it over for another week.

I don't believe 1 more week is nearly enough for this legislation, frankly. We need to spend a lot more time on it. I can feel the train moving. There is a method in the way the majority is handling amendments; that is, you can only bring up one amendment at a time. It has to be approved by the other side before you can call it up. If you can't call it up, it ceases to be an amendment that can be voted on postcloture, even if it is germane. So the result is, we could proceed with this process in a way that does not allow it to be improved in a significant way.

I am worried about my friend, Mr. Bill. I don't believe his teachers back there in the civics class would be pleased with how he has been bumped around. They would not be pleased that he had not gone through the normal process. I will point out some of the loopholes in poor, old Mr. Bill, as we go along today. Those loopholes will indicate this bill should not be passed in its present form.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank my friend, the Senator from Alabama, because I know he has a great deal more to say about the pending legislation this morning. I appreciate his allowing me a few minutes to discuss my view. I thank him for his courtesy.

I thank my friend from Colorado, Senator SALAZAR, for his leadership, for his involvement and his integrity. What a great honor it has been for me to work with him on this and a number of other issues over several years. I thank him.

Immigration reform is long overdue. I am proud to support this historic overhaul of our immigration system. This bill represents weeks, months and, in some cases, years of work by the proponents of this bill. The President has shown tremendous leadership on this issue and has dedicated countless hours to the process. While I may not be in agreement—and most of us are not in agreement—with each and every provision of the bill, it offers a good starting point for debate and a good framework. The proponents of this bill have come together to try to fix one of the most serious issues facing our country. We have put partisan politics aside in order to forge a consensual proposal to allow us to start a full floor debate on immigration reform. Others need to do the same.

Those of us from border States witness every day the impact illegal immigration is having on our friends and neighbors, our county and city services, our economy, and our environment. We deal with the degradation of our lands and the demands imposed on our hospitals and other public resources. However, I have learned over the last several years this is not only a border State problem; this is a national problem. It affects the dairy farmers in Vermont and the cattlemen in Colorado. It also affects the poultry processors in Georgia, the construction worker in Nevada, and the housewife in Maine. Our current system doesn't protect us from people who want to harm us. It doesn't meet the needs of our economy, and it leaves too many people vulnerable to exploitation and abuse.

Throughout this debate, we will be reminded that immigration is a national security issue, and it is. It is also a matter of life and death. We have hundreds of people trying to cross our borders every day, an estimated 12 million people living in the shadows of our country. While we believe the majority are hard-working people contributing to our economy and society, we can also assume there are some people who want to do us harm hiding among the millions who have come here only in search of better lives for themselves and their families. We need new policies that will allow us to concentrate our resources on finding those who have come here for purposes more dangerous than finding a job.

Last year the Senate passed a comprehensive immigration bill, but it never even got to conference. This year we realized we had to take a different approach if we wanted to enact real reforms. New ideas and concepts were incorporated into the bill that helped to enhance the comprehensive nature of the bill and ensure the strongest tools were in place to enforce our laws and secure our border. First and foremost among our priorities was to ensure this bill included strong border security and enforcement provisions. We need to ensure that the Department of Homeland Security has the resources it needs to secure our borders to the greatest extent possible. These include manpower, vehicles, and detention facilities for those apprehended. But we also need to take a 21st century approach to this 21st century problem. We need to create virtual barriers as well through the use of unmanned aerial systems, ground sensors, cameras, vehicle barriers, advanced communications systems, and the most up-to-date security technologies available.

This legislation mandates that before we can move forward with a program to address the undocumented workers currently in the United States or future workers wishing to enter, we must meet certain enforcement and security benchmarks that will let everyone know we are enforcing our laws and that we are not going to repeat the 1986 amnesty. These triggers include the hiring of 20,000 Border Patrol agents, the construction of 300 miles of vehicle barriers and 370 miles of fencing, the establishment of 105 ground-based radar and camera towers along the southern border, and the deployment of 4 unmanned aerial vehicles and supporting systems. It also includes the end of catch and release, the ability to detain up to 31,500 aliens per day on an annual basis, the use of secure and effective identification tools to prevent unauthorized workers, and the receiving, processing, and adjudication of applications for the undocumented workers applying for legal status.

Every one of these items must be in place and fully funded before a single temporary worker enters our country or a single undocumented immigrant receives a permanent legal status in the United States. I believe these requirements are a substantial improvement over previous measures. Not only will this legislation finally accomplish the extraordinary goal of securing our borders, it will also greatly improve interior enforcement and put employers on notice that the practice of hiring illegal workers simply will not be tolerated. Business as usual is no longer acceptable, and neither is a de facto amnesty. This legislation would put in place an effective and practical employment verification system to replace the outdated I-9 system that all employers use. In the 21st century, it is unacceptable that employers are still recording important employment eligibility information with a pen and pad. We need real-time answers that will tell employers if the person sitting in front of them is not only eligible to work here but the person they actually claim to be. Employers will no longer be put in a position of judging documents presented to them at face value.

The employment verification system in this bill will allow employers to electronically verify identity and work eligibility through both DHS and the Social Security Administration, while also protecting the personal information of all U.S. workers. If we cannot adequately enforce our immigration laws at the worksite, employers will be able to continue to employ undocumented workers. That is not a scenario we will allow under this legislation.

We need the ability to have additional legal workers in this country. There are certain jobs Americans are simply not willing to do. For example, today in California, fruit is rotting on the vine and lettuce is dying in the fields, because farmers can't find workers to harvest their crops. At the same time resorts in my own State of Arizona can't open to capacity, because there aren't enough workers to clean the rooms. Restaurants are locking their doors because there is no one to serve the food or clear the dishes. We are facing a situation whereby the U.S. population does not provide the workers that businesses desperately need. Yet the demand for their services and product continues.

At the same time we have seen, time and time again under the current law, that as long as jobs are available in this country for people who live in poverty and hopelessness in other countries, those people will risk their lives to cross our borders. Our reforms need to reflect that reality and help us separate economic immigrants from security risks. This legislation does just that.

The most effective border protection tool we have is establishing a legal channel for workers to enter the United States after they have passed background checks and have secured employment. We need to establish a temporary worker program that permits workers from other countries to come here and find work and employment and to make sure those people are here on a legal basis.

Recently, David Brooks wrote in his column:

> The United States is the Harvard of the world. Millions long to get in. Yet has this country set up an admissions system that encourages hard work, responsibility and competition? No. Under our current immigration system, most people get into the U.S. through criminality, nepotism or luck. The current system does almost nothing to encourage good behavior or maximize the nation's supply of human capital.
>
> Let's look at how this bill would improve incentives almost every step of the way.
>
> First, consider the 10 to 12 million illegal immigrants who are already here. They now have an incentive to think only in the short term. They have little reason to invest for the future because their presence here could be taken away.
>
> This bill would encourage them to think in the long term. To stay, they would have to embark on a long, 13-year process. They'd have to obey the law, learn English and save money (to pay the stiff fines). Suddenly, these people would be lifted from an underclass environment—semi-separate from mainstream society—and shifted into a middle-class environment, enmeshed within the normal rules and laws that the rest of us live by. This would be the biggest values-shift since welfare reform.
>
> Second, consider the millions living abroad who dream of coming to the United States. Currently, they have an incentive to find someone who can smuggle them in, and if they get caught, they have an incentive to try and try again.
>
> The Senate bill reduces that incentive for lawlessness. If you think it is light on enforcement, read the thing. It would not only beef up enforcement on the border, but would also create an electronic worker registry. People who overstay their welcome could forfeit their chance of being regularized forever.

I would remind my colleagues the six people arrested who wanted to attack Fort Dix, NJ, and to kill Americans—three of them came across our southern border illegally; three of them came on valid visas and overstayed them.

> Moreover, aspiring immigrants would learn, from an early age, what sort of person the United States is looking for. In a break from the current system, this bill awards visas on a merit-based points system that rewards education, and English proficiency, agricultural work experience, home ownership and other traits. Potential immigrants would understand that the United States is looking for people who can be self-sufficient from the start, and they'd mold themselves to demonstrate that ability.

In essence, we are rewarding people for working hard and showing potential. These are not all high-skilled workers, but they are the kind of workers and people we should want to become citizens of our country. By combining family ties with economic realities, we can build a stronger immigration system that will help to build a stronger, more competitive economy and Nation.

In addition to future immigrant and nonimmigrant workers, we have to address the fact that 12 million people are living in the United States illegally, most of them employed—all of them contributing to our country. Our economy has come to depend on people whose existence in our country is furtive, whose whereabouts and activities in many cases are unknown. I have listened to and understand the concerns of those who simply advocate sealing our borders and making life so terrible for people here that they will self-deport. But that is easier said than done.

I fundamentally believe our Judeo-Christian society would not tolerate this type of treatment of people within our own country, whether here legally or not. We need to come up with a humane, moral way to deal with those people who are here, most of whom are not going anywhere. No matter how much we improve border security, no matter the penalties we impose on their employers, no matter how seriously they are threatened with punishment, we will not find most of them, and we will not find most of their employers.

The opponents of our proposal to address undocumented workers in this country decry as amnesty our proposal to bring them out from their shadows and into compliance with our laws. No, it is not. Amnesty is, as I observe, for all practical purposes, what exists today. We can pretend otherwise, but that does not make it so. Amnesty is simply declaring people who entered the country illegally citizens of the United States and imposing no other requirements on them. That is not what we do in this legislation.

Under the provisions of this legislation, undocumented workers will have incentives to declare their existence and comply with our laws. They may apply for a worker visa. They would be subjected to background checks. They must pay substantial fines and fees, totaling approximately $7,000, learn English, enroll in civic education, remain employed and, if they choose to get a green card, go to the end of the line behind those who waited legally outside of the country to come in.

I believe most undocumented workers will accept these requirements in order to escape the fear, uncertainty, and vulnerability to exploitation they currently endure. While those who have come here to do us harm will not come out of hiding to accept those conditions, we will at least be spared the Herculean task of finding and sorting through millions of people who came here simply to earn a living.

We are aware of the burdens illegal immigrants impose on our cities and counties and States. Those burdens which are a Federal responsibility must be addressed. We need also to face honestly the moral consequences of our current failed immigration system.

I am hopeful at the end of this debate we can show the American people that we addressed a serious and urgent problem with sound judgment, honesty, common sense, and compassion. I hope we can show that we reached across the aisle to try to solve a serious problem in a serious way.

It seems almost trite at this point to once again state that our Nation's immigration system is broken and in bad need of repair. But without comprehensive immigration reform, it is a fact that our Nation's security will remain vulnerable. We must act immediately or face the consequences of another summer of people dying in our deserts, businesses shutting their doors because they do not have the manpower to stay open, and criminals hiding in the shadows of our society mixed in with hard-working people who are the backbone of our economy.

The Senate must have the courage and will to solve this crisis facing our Nation. The American people are demanding action. I say the time is overdue, and we are failing the citizens of the United States if we do not pass this important piece of legislation and ultimately achieve its enactment and implementation. If we do fail, what then?

Mr. President, I thank my colleagues, and I thank my friend from Colorado.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my friend from Arizona, Senator McCAIN, for his comments and for his support of this legislation. I also want to say that Senator McCAIN has always spoken to the highest moral values of this Nation. His history in terms of his contributions to this country are unequaled. His involvement in trying to deal with this issue, including addressing it from a moral perspective, is something I will always admire.

I remember well, I say to Senator McCAIN, when I went to your office, probably 2 years ago, as a freshman Senator. When I was sitting in your office, you pulled out a copy of the Arizona Republic, and I think the headline was: "300 People Died in the Desert." The Senator spoke about the moral basis for us to move forward with comprehensive immigration reform.

The Senator certainly has been a leader in that effort. I thank him for that. I thank him for his integrity, and I thank him for all his contributions to this country.

Mr. President, I yield the floor, and I see my friend from Alabama is in the Chamber

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the failed immigration policies we have now are in need of reform, in need of comprehensive reform. I said that last year. Some of my colleagues said borders first; and I had sympathy with that and it actually would probably have been a healthy process if we started a year or two ago and established border security and gained the respect and confidence of the American people. We could then have been bringing forward a comprehensive immigration bill with more credibility than we have today.

There is a lot of debate going on, and a lot of posturing going on. You see things, such as my good friend, the Secretary of Homeland Security, Mike Chertoff who is doing a great job—he frames the issue this way: It is a choice between Republican conservatives who want to block the bill by insisting on mass deportations or insisting on deportations that are just not going to happen.

Well, I am not aware of anybody on our side of the aisle calling for mass deportations. That is not so. That is a false setup. That is a triangulation, if you will, good friend, Mr. Chertoff, former U.S. attorney. We served together in the Department of Justice. He is one of the best members of the Cabinet. I do not appreciate it, Mike. You tell me who on this side said we want to have a mass deportation—zero. That is not the question.

The question is whether we will have a decent bill that will actually work. I know you have made recommendations that are critical, Mr. Chertoff, to the passage of the bill that were not included in it. In fact, I have to give him credit. He did criticize the liberal immigration rights advocates by suggesting they will prolong the anguish by holding off the bill also. But I do not think that is the right issue here.

All of us want a compassionate, legitimate piece of legislation that can work and will serve our long-term interests and will be consistent with the principles that are set forth by the people who worked on the legislation. But I am not given confidence. I will repeat again: I am not feeling confident at all there will be a legitimate, full, vigorous debate and a lot of amendments that go to some of the weaknesses in the legislation. I am afraid they are not going to be considered.

I say that because I see the tactics moving along. We have gone a week with only three, four votes. That is not enough time on a bill of this size and complexity. I think we had 40 or 50 votes on the bankruptcy bill. It was nothing more than an updating of bankruptcy law. It went on for weeks and months. It came through the Senate three or four times actually before it finally became law.

There were other bills that had far more extensive debate and discussion than this one. But none of those bills come close to having the impact on America or come close to having the attention of the American people to the degree this issue does.

The reason the American people are angry and upset is simple. They are not angry, they are not upset with immigrants. That is not what I read people to be saying. What I think they are angry and upset with is Congress and the President for absolutely refusing to listen to their natural and proper concerns about immigration. What I am hearing is they do not want to be taken to the cleaners once again.

They do not want to be victims of a bait and switch in which we promise we are going to create a system that will work for lawful immigration, that will allow us to have an immigration policy that serves the national interest, that allows millions of people to come to our country in immigration status—but it would be a number we can have jobs for, without pulling down the wages of hard-working American workers. It would bring in numbers sufficient to make sure we do not cause problems in schools and other areas that we cannot quite handle.

The number ought to be correct, and that they ought to be, insofar as possible, persons who are going to flourish in our economy, people who have the skills, language, and education levels that indicate they will likely be very successful here, like Canada does. That is what they do. We have a touch of that in this bill—far better than last year, I have to say—but I have been so disappointed to read the fine print and to see that movement to follow the philosophy that Canada does has not nearly been strong enough. It is discouraging to see it has not been.

So the individuals who thought they would meet and reach an agreement and plop it on the floor of the Senate—for which all the rest of us folks would just dutifully comply with and ratify and say: Thank you, my elite colleagues. We are glad you have worked out this immigration problem. Thank you so much. We know something had to be done—and it does have to be done—we are just overjoyed you got Senator KENNEDY and Senator KYL and everybody has agreed, and we are going to plop this bill down, and you guys will just ratify it. You can have a lot of little amendments if you want to, but, remember, if anything touches the core principles we have decided on, why, that would be something we just couldn't accept, and every one of us is going to stick together, and we are going to vote against it, even if we might agree with your amendment. We had to compromise that to get this agreement. Yes, Jeff, we like that amendment. I know you like that amendment. I really think you are right on that amendment, but I cannot vote with you because I have agreed with this group over here in this secret session which the public was not involved in. We made a commitment to one another, and we are going to stick together and vote you down.

Now, this is not the way old Bill was taught law was supposed to occur in America. It is unbelievable that you would have a piece of legislation of this historic nature not even go to committee and that this group just met. How quick did we have it? Oh, well, we were going to have the bill last Thursday so people could read it, and then it was going to be Friday. We promise we will have the bill Friday. Then it turned out to be Saturday morning, at 2 a.m., they emailed it and tried to say they put it out Friday. It was Saturday, at best, when the bill was out. They claim it is 300 and some pages. I believe this is it. They say it is 300 pages or whatever the number of pages it is in this stack of bills, but they didn't print it in the normal language. I have never seen a piece of legislation of any size go through here and not be in bill language. This is fine print. If you put this bill in bill language, it would probably be 1,000 pages. A good immigration bill needs to be 1,000 pages. There are thousands of issues involved that need to be clarified, hundreds and hundreds of complex situations that, if not properly addressed, will never work if we don't do it right.

That is all I would say to my colleagues and friends. I love you. I appreciate all your efforts to try to solve the American people's problems. I know you didn't want to bother with them while you met and had your discussions, except I guess the Chamber of Commerce and this special interest group and that special interest group and maybe some pollsters telling this and that; I don't know how that came out. But I don't appreciate the fact that we are not being able to have a full debate on it, and we are not going to be able to have very many amendments. We could probably, without—well, you say: You are trying to file amendments to delay. You want to slow down the process. Well, as Senator SPECTER said, in retrospect, we would have done better had the bill gone through committee, the Judiciary Committee. At least they did last year. It was rammed through the committee last year because I saw it when I was on the committee. This is what happened last year: They waited until the last minute. Senator Frist, the majority leader, says we are going to bring an immigration bill up next Monday. On the Judiciary Committee, we are working hard. We go to the Judiciary Committee, and Senator SPECTER has a bill that had some possibilities. It had problems, but it had some attractiveness to it. It wasn't long before Senator KENNEDY dropped his bill and substituted and the Specter bill was gone. We had an entirely new bill. Then they dropped an AgJOBS thing on top of that. Then they dropped the DREAM Act, which gives instate tuition to illegal aliens and things of that nature that all got dropped on, passed, pop, pop, pop.

Senator Frist says: Well, if you don't have the bill on the floor by Monday night, I am going to go with an enforcement only bill. So we rush and rush around there and they put the bill down on Monday night and here we go. Senator REID says we don't want any amendments. Senator CORNYN and Senator KYL had some amendments. They got their backs up and began to push back and people said: What are we going to do with a bill without any amendments? So finally, Senator Frist pulled the bill. He said: We are not going to bring it back up until the Democratic leaders agree we are going to have some amendments. It came back up for a couple of weeks of debate and cleared this body, knowing the House of Representatives had no intention whatsoever of ever considering it. It was sort of a gesture because it was not an effective piece of legislation.

This year's bill is better than last year's, although I have been disappointed to see that it has backed up on some issues of significance. I still would say the framework of this year's bill is a good bit better than last year's. Last year's bill should never, ever have become law. It was fatally flawed.

So what were the principles that the promoters of this legislation said should be occurring here? They said we need a lawful system, that we wouldn't have amnesty and that there would be a trigger, which was rejected last year, a trigger and a number of other things they cited as key component principles of a good immigration bill. All right. I agree with that. Many of those principles were sound. But as we read the fine print, our concern is—my fine staff, they have worked hard, including weekends. They get the bill at 2 a.m. Saturday morning. They work Saturday nights and Sunday nights and here we are on the floor of the Senate. The thing does not even get introduced until Monday night, and nobody has had a chance to read it until then. So it is a big problem.

My fundamental concern then is that the bill does not live up to the stated principles that it contains. So what we need in reform are a number of things. We need to recognize—unless anyone misinterprets this—we need to recognize we are indeed a Nation of immigrants. We are. Some people don't believe that, but I don't believe there is a Member of Congress who doesn't understand that. We want and will have a continuing flow of new people into our country, and it enriches us and has proven to be one of our strengths as a Nation. I think we need to restate that again and again and that immigration will continue in the future and that we are going to treat compassionately, even generously, people who have broken our laws and come into our country illegally. But we must do it in a way that minimizes the damage that will be done to our legal system and our ability to enforce the law in the future.

My colleagues have been involved in law enforcement and you get busy and you start giving people immunity for this and that crime repeatedly and people begin to believe you are never going to enforce it. At some point in the future, you get to the point where you would not be able to enforce it. On the floor, I think maybe yesterday, Senator GRASSLEY from Iowa, who is such a great Senator, such a direct speaker, asked this question. He said he was here in 1986 when they promised no amnesty. He is very concerned because it didn't work and he felt responsibility for that. He was not going to be a part of new immigration legislation that doesn't work such as the 1986 legislation. He said: In 1986, they said we are not ever going to have amnesty again, and he asked this question: Have you heard any of the promoters of this legislation say we will not have amnesty again? He said: You are not going to hear them say that. That is one thing you would not hear because after—because if we give amnesty again, what good is it to even say we are not going to do it? Because what principle, what basis on which to stand will we have 10, 12, 15 years from now when several million other people are in our country legally and someone says they are here illegally, why don't we enforce the law and ask them to go home. Oh, well, you gave amnesty before. You gave amnesty in 2007, you gave amnesty in 1986. How can you enforce the law now?

So to not understand as a matter of law and principle that once again, taking the easy amnesty step will make it almost impossible in the future for us ever to enforce the law is a mistake.

I read the debate in 1986—a lot of it. It went just like that. People said: One-time amnesty. We have to do this. Own-time amnesty. The others said: Well, we are not sure about this. We think if you have an amnesty and you wipe out the laws that we had here and the violations that have occurred, you are liable to increase the threat in the future that more people will break into our country illegally on the expectations that they, too, after a period of time, will be allowed to stay legally. If you read that debate, you will see whose predictions were correct. I have to say that. I have to say that.

So I think the Z visa program that allows people who come here illegally to stay here illegally, to come out of the shadows with some sort of status, but not, I would suggest, as it is now written giving them a guaranteed path to receiving every single benefit that accrues to people who come legally. I don't think we should do that. That is my principle. If you didn't follow the rules, somehow, it ought to be clear that you will never get every single benefit of citizenship and participation in America than if you waited in line. If you give up on that principle, we have a problem. So I think if we had the courage and the firmness and the strength in this Senate and would listen to the American people, we would say the principles of 1986 are going to be affirmed. OK. We will figure out a way you can stay, your children can be citizens, you can have all the protections of the laws of our country but not every benefit of citizenship, and we will never, ever again do that. If we give away that position, I think we have a problem.

So what I would like to talk about is some of the loopholes in this bill. I talked about the loopholes last year in the bill and there were quite a number of them. This is not an exhaustive list. You heard Senator ALLARD earlier this morning make comments about the weaknesses in the legislation, and you heard Senator CORNYN point out some weaknesses in the legislation. I have identified 15. We certainly would not be able to talk about all those this morning that I wish to talk about, but there are many more. It is troubling that we might not be able to have an opportunity to fully amend the bill to fix these loopholes.

Our old buddy, Bill, the ideal way that laws should be written in America, well, he has been forgotten in this process. I will tell you what could happen in the House of Representatives. I don't think they are having any serious hearings over there. This bill could hit the House of Representatives if it came out of the Senate—and it may well come out of this body—it could hit the House of Representatives. They could call it up. They don't have unlimited debate. They don't have a very strong ability to cut off debate. They could vote the bill out. It could go to conference. The conferees will be chosen and controlled by Senator REID, the Democratic leader, and the Speaker of the House, NANCY PELOSI, and they will appoint the people they want to fix any differences in the bill, and they can make virtually any changes they want to. Then the bill is on the floor, and it is either up or down, and it might pass. As one Member of the House said about whether President Bush would sign it, he said President Bush would sign a pork chop if it had immigration reform on it. We have to be careful what we do and what is in this bill.

It can affect what is actually going to become law. There is no passing this off to the House of Representatives, like last year, as if that was going to fix many of the problems that were in the legislation. The House is liable to make it worse. Well, you have heard one of the principles in the bill.

I am glad to hear Senator MCCAIN say there was a trigger in the legislation. He resisted a trigger last year. We had quite a debate on it. Those opposing it last year said you cannot have a trigger because all of us who met and wrote the bill don't want a trigger: you will upset our compromise. I asked then—and I ask today—who was in this compromise? Did you have public hearings? Were people allowed to do what you were discussing? Did La Raza get to put in their opinion? Did the U.S. Chamber of Commerce get to put in their opinion? Who all got to put in their opinion? They didn't ask my opinion—well, that is not totally so; I did talk to a couple of them, whom I expressed some opinions to. Fundamentally, that is just not an open process. Sometimes you can do something like that as a tough nut to be cracked, and people have to make a decision. But this is too big, too broad, too much policy. The American people are too concerned about it, and it is too important to be settled that way.

Let me tell you what the trigger was about. I offered in the Judiciary Committee last year—because it dawned on me that in Judiciary Committee, I offered an amendment to say: Let's add border patrol, and they accepted it. I offered an amendment that showed how we don't have enough bed spaces to end catch and release, saying you had to have more. They accepted that. I offered amendment after amendment, and they accepted them. I thought, why is this? So I offered amendments to change the policy to make the law actually enforceable, and they got voted down.

Why would that be so easy? Because the brain trust that was proposing that bill last year knew the history of 1986; they knew how Congress worked, and they knew they never had any intention of funding all the Border Patrol agents and the fencing and the prison beds. We could pass an authorization bill to build prisons, and they are never going to get built, I am telling you. I will show you examples. It means nothing.

So I offered a trigger. It finally dawned on me what this was about, how the game was going to be played out. I offered an amendment that said: You don't get any of this amnesty until the Secretary of Homeland Security certifies that he has operational control over our lawless border. They voted that down.

So Senator ISAKSON, from Georgia, picked that up and wrote it in even more detail when the bill came to the floor and offered the amendment. We had quite a debate over this because it was important—the trigger was important. The cabal who put all of it together said: We cannot do that because it would upset our delicate compromise in the groups that participated in writing this bill—not the American people—and they would oppose it. They voted it down. It was a fairly close vote, but they voted down the trigger because they really didn't want that trigger because they never intended to do the things that were in the bill. The trigger would have said: You have to build a fence, you have to build the prison beds, and you have to hire the people. If you don't do those things—and actually do them—the other stuff doesn't become law, the amnesty. That was the debate last year.

This year, they say: We got the message, we are going to have a trigger. Well, good. I was happy about that. That sounded good. This is one of our principles. This time, we are not going to mislead the American people. We are really going to do what we promised and have a trigger, and you can relax, SESSIONS, because we are not going to fool you this time. It is not going to be like 1986.

But the problem is that the trigger doesn't get us there. I just have to tell you that. The trigger only applies to the guestworker program and taking illegal aliens off the probationary Z visa, and all other programs in the bill will begin immediately. So if the trigger is never met—if the trigger that is supposed to be met is never met, these requirements we put in there to ensure that we were going to follow through with enforcement, if they are never met, the probationary status in the amnesty group never expires.

After the bill passes, Homeland Security has 180 days to begin accepting Z visa applications. They would accept them for 1 year and can extend the application filing for another year. When the trigger is met, if it ever is, Homeland Security will start approving the applications they have been processing and adjudicating. What happens if the trigger is never met? Will the probationary amnesty end or expire? Those are pretty good questions. If the trigger is never met, I can answer it for you: The Z visa probationary status never ends in the bill.

It is explained on page 291, line 17:

> Probationary authorization document does not expire until "6 months after the date on which the Secretary begins to approve applications for Z visas."

So if the trigger is never met, if the Department of Homeland Security never starts approving the applications and the 6-month clock never starts ticking, therefore, the probationary authorization document never expires.

My staff asked about this in one of the briefings by the group promoting the bill. The staffers asked: Does the Z visa probationary card ever expire? The answer was: Well, because the triggers are going to get met sometime, in fact, it is not going to expire.

So, in addition, we need to remember that there is no guarantee that the additional enforcement items—I talked about that earlier—in title I and title II of this legislation that purport to be effective in enforcing the law—there are dozens of things there that are not listed in the trigger. The question is, Will they ever be funded?

You should be aware, sophisticated Americans and Members of the Senate, that there is no obligation or requirement whatsoever that these things ever get funded in the future. The bill itself acknowledges that in many different places.

So with regard to some of the things in the bill that are supposed to make enforcement better and make the system work better, they use this phrase—they say, "subject to the availability of appropriations."

That phrase is used 18 times in the bill. What does that mean? It means we are going to increase our prison beds, increase border patrol, and do all these things which are in our law, and we are going to enforce the law subject to the availability of appropriations. Well, somebody probably wants a bridge in their home State or a highway or a university grant in their home district—more money for this or that, good programs or bad programs, but that is how these things get lost out in the competition for spending. They don't get done. They acknowledge that.

The phrase "authorized to be appropriated" is used 20 times. So they are saying we are authorizing to be appropriated money to do this, that, and the other. They are going to make this bill good. So our masters of the universe come out and say: Don't worry, American people, I know you think we are not going to enforce the law, but we have new Border Patrol officers and prison spaces and fencing, and they add the phrase. But all it really says in the legislation is that it is authorized to be appropriated. There is no way they can guarantee that Congress next year is going to appropriate the money for what they put in the bill.

All of that was key to the trigger effect. I have to tell you that, in my view, the trigger is not nearly strong enough. It has been undermined, and virtually everything in the trigger has already been completed or is soon to be completed. It doesn't have some of the new things that have been promised here in the trigger.

Loophole No. 2. This is very important. The enforcement trigger does not require that the U.S. visa exit portion of US-VISIT—the biometric border check system that records that you have come into the country—will be implemented. It was required by Congress in 1996. Over 10 years ago, we required that the US-VISIT exit system be in place; that is, if you have a visa to the United States for 6 months or 30 days or a year, you come in and present your card, it goes into the computer system, like at the bank or like your timeclock where you work, it clocks you in, and then it clocks you out. If you don't exit when you are supposed to, red flags can go up that you didn't exit when you were supposed to. You are an "overstay." It is an absolutely critical step in creating a lawful immigration system that will work. It was required to be completed in 2005. Here we are in 2007, and it is not completed. Did we promise to complete it as part of the trigger? No, no, no. There would be no way to ascertain whether people exit when they are supposed to.

Under the bill, it says a certain number of people come seasonably, or certain people for 2 years, and sometimes family members can come for 30 days, and sometimes family members can come for 2 years—those kinds of things. Who is going to find out if they didn't go home when they were supposed to? Over a third of the people in our country illegally came legally but overstayed their visa, and many have no intention of returning to their home country whatsoever. We don't even know they didn't return because we have no way to clock out when they left. We have no idea who left when they were supposed to leave.

This is why I say the legislation before us was designed to fail. I am not sure the Members all designed it to fail, but the effort, when it came down to it, when confronted with things which would actually work and which are critical to the success of an effective border system, they weren't in there, and that sends you a signal on what is really there.

In 1996, we required, as I said, this US–VISIT system to have an exit component by 2005, and it is still not complete. Do you think that in 1996, Members of the Congress and Members of the Senate went out and told their constituents that we are working on immigration; we passed a bill that will have an exit system in 10 years or 9 years, and that will help us enforce the law, and I am so proud we passed that? What good is it to pass it if it never happens? It hasn't happened yet, and it is not required through the trigger, which is the only thing that can require it to work.

According to the Pew Hispanic Center's 2006 report entitled "Modes of Entry for Unauthorized Migrant Population":

> 4 to 5.5 million of the current illegal alien population "entered legally" and are nonimmigrant visa overstayers.

Despite what we know about the overstay rates, the US–VISIT exit system is not made part of the trigger. That is a very big loophole.

I don't think we are serious if we don't have an exit system. One might say it is hard to do. We have had 10 years. I will say one thing, if President Bush wanted the exit system to be in place, he would have it in place. If Congress wanted it in place, we would have it in place.

A separate section of the bill does require the Department of Homeland Security to submit to Congress a schedule for developing an exit component. That is not good enough.

Loophole No. 3, one of these little spots in poor old Bill who got shot up because he didn't go to committee like he was supposed to learn in civics class. He is supposed to go to committee. Maybe some loopholes would have been closed if we had an opportunity to talk about it publicly before the whole world.

Loophole No. 3: The bill does not require the Department of Homeland Security to have enough bed space to actually end catch and release at the border and in the interior. It only requires Homeland Security to maintain its current level of bed space and establishes a "catch, pay, and release" program that benefits illegal aliens from countries other than Mexico who are caught at the border and who can post a $5,000 bond.

A $5,000 bond is not hard to post if you know how the system works and you are prepared. It can be done any number of ways. But let's say an individual has a cousin or uncle or someone in the United States and they come into the country and are apprehended, and they came from Europe or Brazil or someplace other than Mexico. All you have to do is post a bond and then you are released pending some hearing on deportation.

We have had this problem for a number of years. Secretary Chertoff has made some progress in ending it, and I give him credit for that. There was an article in a newspaper that showed that people other than Mexicans—you see, it is not easy to deport them. It is easy to take a person back to Mexico, but how do you take a person back to Chile, Brazil, Indonesia, or Belarus? It takes some effort to do this. So they were releasing everyone on bail because they didn't have any bed space, and asking them to show up at some given time so they could deport them. If a person is willing to break into the country in violation of the laws, how many of those people are going to show up after they have been apprehended to be flown out of the country? No, not zero; 95 percent don't show up. That is what the number is. In fact, some of the rules smugglers told their people to follow is if you see an immigration officer, turn yourself in because they will take you further inland, they will process you, and let you out on bail, and you never have to come back, which is exactly what 95 percent are doing. It is a mockery of the law and, in some areas, we have made progress, but that is not a part of the trigger.

What about the bed space? You have to have a certain amount of bed space or you can't hold people. Over the past 2 years, the Senate appropriated money for 9,000 new beds, bringing us to a total of 27,500 beds. This is the current funding level, 27,500 beds. We have already funded that amount. Nothing new was added to the requirements of the trigger until the Gregg amendment was adopted earlier this week. Now the trigger requires Homeland Security to reach a detention bed space of 31,500 beds, 4,000 more.

The 27,500 beds, however, are far less than the 43,000 detention beds required under current law to be in place and constructed by the end of this year.

OK, cynics out there, does that provide fuel to your fire? How about that? Does that breach cynicism? We require in the Intelligence Reform and Terrorism Prevention Act of 2004 that this country have 43,000 beds by the end of this year, but when this bill came up, they only had in the trigger portion, the thing that would guarantee we reach that level, 27,500 beds. Senator GREGG raised the number to 31,500, but in 2004, when Senators went out and bragged that they raised our number to 43,000 detention beds, that was supposed to be met, and we have no intention of meeting it, I submit. Because it is in bill language doesn't mean it will ever happen.

This month, a Federal lawyer who used to be with the Bureau of Prisons, Joseph Summerill, wrote an op-ed piece—he used to be with the Bureau of Prisons, so he knows this issue. As a lawyer, he was a counsel for the Bureau of Prisons, and he now practices with the firm of Greenberg Traurig.

He says the following:

> . . . the demand for deportation and removal operation detention space has grown much faster than available bed space has. . . .

He goes on:

> Despite the fact that high-risk/high-priority immigrants include immigrants who are associated with criminal investigations, have committed fraud, or are likely to abscond, these immigrants are often released because of the lack of detention bed space. . . .
>
> The lack of detention bed space has resulted in creating a de facto amnesty program for illegal immigrants who are subject to removal, particularly those immigrants from countries "other than Mexico."

From 2002 to 2004, he explains:

> DRO—

That is the detention and removal operation

> DRO personnel levels grew by only 3 percent and the funding of bed space decreased by 6 percent. According to the inspector general, declining funds, the shortage of DRO personnel, and decreased bed space led to a 38 percent increase of illegal immigrants released by the DRO.

We are supposed to be fixing this catch-and-release program. I thought we were. Here this former lawyer with the Bureau of Prisons said we had a 38-percent increase in illegal immigrants being released. He concludes:

> DRO has faced annual mandates by Congress, the President, and the American people to increase the number of illegal immigrants who are detained. Unfortunately, Federal funding has not kept pace with these mandates. . . .

So it is clear we need a lot more beds, and 31,500 beds, as we approved in an amendment the other day, is better than 27,500, but it is not enough.

So why are the American people cynical? We passed a law in 2004 requiring 43,000 beds by the end of this year. We are at 27,500. It is not likely to ever happen, and that is why they did not put it in the trigger because if they did, those bed spaces would have to be completed.

Mr. President, I see my distinguished colleague Senator BOND from Missouri in the Chamber. He is a most capable Senator. I appreciate his leadership. I have a number of loopholes I could talk about and will talk about in the days to come.

I am raising these issues to say I can't vote for a bill that is likely to clear the House of Representatives and be signed by the President with loophole after loophole after loophole. I cannot go to my constituents and say I am pleased we have now passed legislation that will actually work to create a lawful system, that will treat compassionately the people who are here, will create a flow in the future based on merit and competition, and will do a lot of other things we want done, the sponsors of this bill are saying they want done, and asking us to vote for this bill because they say it will accomplish that.

My disagreement is not with their principles and their stated goals, but my disagreement is the language in the legislation is dramatically ineffective to accomplish that.

I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleagues for allowing me to speak briefly. I have proposed an amendment which I believe is very important to this bill to cut the automatic path to citizenship. It is filed at the desk, and I will call it up later.

Citizenship is the most sacred gift Americans can provide. It should not serve as a reward to those who broke the law to enter or remain in this country. The path to citizenship is at the heart of the amnesty criticism of this bill. Cutting this path cuts out the most severe complaint about this bill.

I supported the Vitter amendment yesterday to strike the entire program proposed to deal with 12 million illegal aliens in the country. Unfortunately, that amendment was rejected. So today I propose a much more targeted, focused amendment to strike the controversial aspect of the proposal to give the award of citizenship to those 12 million illegal aliens.

Whatever we end up doing with those 12 million illegal aliens, it does not require the further step of giving them a path to citizenship ahead of others. Those 12 million illegal aliens came to this country to work without the expectation of becoming citizens. More illegal aliens will come to this country on a temporary basis to work without expectation of citizenship. There is no need to grant these people the gift of citizenship.

Specifically, my amendment will strike the contents of section 602 on earned adjustment of Z status aliens, replacing it with a prohibition on issuing an immigrant visa to Z nonimmigrants which is currently in the bill and a prohibition of adjusting a Z nonimmigrant to legalize permanent resident or so-called green card holder.

In this way, the path to citizenship is cut off. I urge the Senate to call up and adopt this amendment. I believe it will enable other goals in the bill to be accomplished without giving the amnesty path to citizenship.

I yield the floor and I thank my colleagues.

Mr. SESSIONS. Mr. President, I wish to make one correction. I think I said we had four or five votes, or three or four votes, or something of that nature. My staff tells me we have had seven votes this week. I think that is better than four, but that would indicate that in 2 weeks we will have had about 14 votes. That is not enough, in my view, to fix the problems in this legislation.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my colleague from Alabama for his heartfelt statements concerning this very important issue that faces our country today.

I wish to do two things here. First, I wish to remind the Senate how far along this road we have come. This debate on immigration reform is not one that started on this Monday. It is indeed a debate the Senate started over a year and a half ago, and it started in the Judiciary Committee. It then went through nearly a month of debate, with many amendments and changes, and ultimately a bill that was passed out of the Senate, this comprehensive immigration reform, by a vote, as I recall, of 64 Senators voting to move that bill forward.

Now, that was a year ago. We are now a year ahead, and what has happened during this past year is that there have been continuing conversations about how we might be able to create an immigration reform system that works for our country. After many hundreds, perhaps thousands, of hours of meetings, which included the White House and included the leading members of many of the committees in the Senate, there was a bill that was crafted. It may be an imperfect bill, but part of what is happening today is that, as amendments have been crafted and introduced, there is an effort to make the legislation better.

At the end of the day, I wish to give thanks to all those Members of the Senate and members of the President's Cabinet, and the President himself, for what they have done in moving this immigration debate forward.

I will also add that our majority leader, Senator REID, long ago gave warning to the Members of the Senate that we were going to move forward to immigration. This was not a surprise to the Members of the Senate. Months ago, Senator REID said we have to deal with this most fundamental national security problem of our time, and what I will do is I will reserve time at the end of May so we can deal with immigration reform.

Well, he did that, and he kept everybody's feet to the fire. At the beginning of this week, Senator REID made the decision he would allow another week of debate. So that, at the end of the day, we will have had 3 weeks to study and debate the legislation that was put together.

I will remind my colleagues there has been significant progress made. There have been 23 amendments that have been offered. Of those, 13 have already been disposed of. Seven of them were disposed of this week with rollcall votes, six disposed of with voice votes. As of yesterday, there were 10 pending amendments. Today, there have been four more amendments that have been offered, and the beginning debate on those amendments has taken place. So the majority leader's decision to add 1 more week to continue the deliberation on this bill is something which is needed and something which we all appreciate. Hopefully, what it will lead to is the passage of a comprehensive immigration reform bill that is good for the American people.

I wish to take a few minutes to sum up, from my point of view, why this legislation is so important. We now know we have a system in America for immigration which is broken. It is a system of lawlessness and it is a system that victimizes a lot of people, from the people who are the workers to the employers of this country. We also know it is a system that has been broken for a very long time. Our laws have not been enforced on immigration. The United States has chosen, instead of enforcing the law, to look the other way. Indeed, over the last 5 or 6 years, as I understand it, there have been less than four enforcement actions taken against employers across the country, on average.

When we have that kind of chaos and lawlessness and the kind of broken borders we have, what does it do to the United States? The first thing it does is it compromises our national security. How can we have national security in a post-9/11 world when we don't know who is coming into our country? We have 400,000 or 600,000 people coming here illegally every year. How can we say to the American people that the national security interest of the United States is being protected? How can we do that? We cannot do that. How can we, as Senators and as people who are leading our Government, say to the people of our country that in this democracy we are upholding the rule of law, when we look the other way instead of enforcing the laws of the country? In my view, we need to move forward and we need to develop comprehensive immigration reform.

As I have looked at this legislation and the different aspects of the legislation that have been crafted together, it seems to me we need to look at the comprehensive approach as though we were looking at a tripod. We have to ask ourselves this question: What is the aim of this legislation?

The first aim, in my view—one leg of the tripod—is to fix our borders. We have broken borders. We have broken borders today. So we have proposed in our legislation an additional number of Border Patrol agents to help us secure the border. We started out in this legislation with 18,000 additional Border Patrol officers. Through an amendment by Senator GREGG, that number is now up to 20,000 Border Patrol agents. That is significant additional manpower that is going to go to the border.

We have approved at least 370 miles of fencing. So we will have fencing that will go into the strategic places along the border. We also have included in the legislation 200 miles of vehicle barriers. We have included 70 ground-based radar and camera towers. We have included four unmanned aerial vehicles. We have included new checkpoints and points of entry.

So one of our aims is to secure the border, and the legislation we have put forward, with the assistance and leadership of Secretary Chertoff, will ensure we have a protected border.

We also need to then ask ourselves: What are our other aims? It doesn't do much good to secure our borders but within our country we simply continue to ignore the law. So we need to enforce the law within the country. That ought to be our second aim. That is the second leg of this tripod: how we enforce our laws within our country. So we must secure America's interior.

How are we going to do that? Well, our legislation does that in a number of ways. First, we will increase the detention capacity of our immigration enforcement system to be able to hold those who are here unlawfully at the number of 27,500 a day—27,500 beds in detention facilities for those who are caught here unlawfully.

Secondly, we will go ahead and hire an additional 1,000 new ICE investigators to help us deal with the investigations of the laws that are broken under our immigration system. We will hire 2,500 new Customs and Border Protection workers. We will reimburse State and local communities, State and local communities that today are having to deal with the problems relating to criminal aliens. We will create a new employer verification system so that employers know the person they are hiring is legal and authorized to work in the United States, and we will do it in a way that does not put an unnecessary burden on American employers. We will hire an additional 1,000 new worksite compliance personnel. We will increase the penalties for gang activity, for fraud, and for human smuggling. We will streamline the background check process, we will require new fraudproof immigration documents with biometric identifiers, and we will encourage partnerships between Federal and State and local law enforcement to make sure our laws are, in fact, being enforced.

So the second aim—to secure America's interior—is something we have covered amply in this legislation.

The third aim—the third leg of this tripod—is to secure America's economic future. I wish to speak briefly about three aspects of how we will secure America's economic future.

First, the AgJOBS Act. The AgJOBS legislation allows us to maintain our current agricultural workforce. It will reform the existing agriculture program and make it effective. That legislation has been crafted to a point where I think there are 567 organizations that have endorsed it, from the Colorado Farm Bureau, to the Farmers Union, to every single agricultural organization in America.

The leaders on AgJOBS in the Senate, Senator FEINSTEIN and Senator CRAIG, have been eloquent in making their statements about the need for the agricultural community, farmers and ranchers, to be able to have a stable workforce. We need to stop the rotting of the vegetables and the fruits in California, in Colorado, and across this country. The only way we are going to be able to do that is if we have a stable workforce for agriculture.

We also include in this legislation, as part of securing America's future, a new temporary worker program. Yes, it is a program that is controversial. It is very controversial on the Democratic side, and there are some Members on the Republican side as well who do not like that particular piece of legislation. I will say this, however. When we crafted the legislation, we included the kinds of worker protections to make sure the exploitation of past programs will not occur.

In the past, there were programs, such as the Brasero program, from years ago, in which there was massive exploitation of workers who were being brought here for a short period of time. What we have done in this legislation is to make sure that massive exploitation will not occur because the worker protections have been included in this legislation.

Finally, we will secure America's economic future by providing a realistic solution to the 12 million or so American people who are working in America, who have come here illegally, and who are in an undocumented status. That, at the end of the day, in many ways, has been the most contentious item we have debated in immigration reform. What do we do with the 12 million people here who are working in our factories, who are making our beds, who are fixing our food in our restaurants, and who do all the work here in America to make sure everybody's daily needs are taken care of? They interface with us in our daily lives.

Some people have said, as all of us have heard, I am sure, every Senator here, we ought to round them up and deport them all; we ought to have a mass deportation of the 12 million people here in America today.

A mass deportation. Well, there is a fiscal cost associated with that. Some people have made an estimate that it would cost multiple billions of dollars to be able to round up all these people and to deport them.

Can we actually do it? Can we actually deport 12 million people? If we were to deport 12 million people, in my view, No. 1, we would have a massive dislocation in the American economy; No. 2, it would be an un-American thing for us to do as a people because it would be inhumane. These 12 million people have brought their hopes and dreams to America, and they have contributed significantly to the workforce. It is our broken system which has allowed the illegality that has taken place to occur over a long period of time. So what we have crafted is a way forward that provides a realistic solution to how we deal with these people.

Now, on the other side, and in some places of our country, what we hear is a loud cry of amnesty. Well, I join President Bush and my colleagues, Senator JOHN KYL and Senator KENNEDY, in saying this is not amnesty. What we are doing is saying, first of all, they will have to pay a penalty. When someone breaks the law in this country, they have to pay for having broken the law. If you do the crime, you have to do the time. Well, what we are saying is that the law has been broken, and they are going to have to pay very hefty penalties in order to come into compliance with the law.

We also say they have to go to the back of the line. The fact that someone came here illegally and crossed the border illegally will not give them an advantage against those who are trying to come in through our system in a very legal fashion. So all these people, the new Z cardholders, will go to the back of the line.

The next thing we will do is, we will require them to return home before they can apply for their green card. They will have to go home to a country outside the United States and do a touchback before they are able to come back in. We will require them to learn English. We will require them to remain crime free. I could go on and on with respect to the requirements.

I have often said to those who claim this is amnesty, this is not amnesty, this is purgatory. You are basically taking these 12 million people and putting them in a purgatory status for a very long time before they would ultimately be eligible for a green card. That is a purgatory for a minimum of 8 years and for many as much as 12 years.

The legislation that has been crafted in a bipartisan way that is before this body is legislation which is tough, it is fair, it is practical, it is realistic. Our national security requires us to move forward with this legislation. Our economic security requires us to get to the finish line. The moral values of America that have guided America for so long require us to be successful in this mission.

As we conclude the week's debate on immigration, I would like to read a prayer, a prayer that was written by a person who knew a lot about immigration because he saw a lot of the victimization that occurred when there was a broken system of immigration in this country. That was the founder and President of the United Farm Workers of America, César Chávez, who passed away in 1993. He was a friend of mine. I knew him, and I knew his family. This is what he wrote. He said in his prayer:

> Show me the suffering of the most miserable;
> So I will know my people's plight.
> Free me to pray for others;
> For you are present in every person.
> Help me take responsibility for my own life;
> So that I can be free at last.
> Grant me courage to serve others;
> For in service there is true life.
> Give me honesty and patience;
> So that the spirit will live among us.
> Let the spirit flourish and grow;
> So that we will never tire of the struggle.
> Let us remember those who have died for justice;
> For they have given us life.
> Help us love even those who hate us;
> So that we can change the world.

That was written by César Chávez, the founder of the United Farm Workers. I think his inspiration has appeal today. It is yet another way to give us a clarion call to come to a successful conclusion of this immigration debate which is here on the floor of the Senate.

AMENDMENT NO. 1183, AS MODIFIED

I ask unanimous consent that the Clinton amendment, No. 1183, be modified with the changes at the desk.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

The amendment, as modified, is as follows.

On page 260, line 13, strike "567,000" and insert "480,000".

On page 260, line 19, strike "127,000" and insert "40,000".

On page 269, line 18, insert "or the child or spouse of an alien lawfully admitted for permanent residence" after "United States".

On page 269, line 22, insert "or lawful permanent resident" after "citizen".

On page 269, line 23, insert "or lawful permanent resident" after "citizen".

On page 269, line 23, insert "or lawful permanent resident's" after "citizen's".

On page 269, line 24, insert "or lawful permanent resident" after "citizen".

On page 269, line 25, insert "or lawful permanent resident's" after "citizen's".

On page 269, line 26, insert "or lawful permanent resident's" after "citizen's".

On page 269, line 32, insert "or lawful permanent resident's" after "citizen's".

On page 269, line 41, insert "or lawful permanent resident" after "citizen".

On page 270, strike lines 18 through 27.

On page 270, line 29, strike the first "(3)" and insert "(2)".

On page 271, line 17, strike "(4)" and insert "(3)".

On page 273, between lines 16 and 17, insert the following:

(5) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking "paragraphs (2) and (3)," and inserting "paragraph (2),"; and

(ii) by striking "(b)(2)(A)(i)" and inserting "(b)(2)";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking "(b)(2)(A)" and inserting "(b)(2)".

(6) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "subsections (a)(2)(A) and (d)" and inserting "subsection (d)";

(ii) in subparagraph (A), by striking "becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent)", and inserting "became available for the alien's parent,"; and

(iii) in subparagraph (B), by striking "applicable";

(B) in paragraph (2), by striking "The petition" and all that follows through the period and inserting "The petition described in this paragraph is a petition filed under section 204 for classification of the alien parent under subsection (a) or (b)."; and

(C) in paragraph (3), by striking "subsections (a)(2)(A) and (d)" and inserting "subsection (d)".

(8) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting "or legal permanent resident" after "citizen" each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting "or legal permanent resident" after "citizenship";

(II) in clause (iv)—

(aa) by inserting "or legal permanent resident" after "citizen" each place that term appears; and

(bb) by inserting "or legal permanent resident" after "citizenship";

(III) in clause (v)(I), by inserting "or legal permanent resident" after "citizen"; and

(IV) in clause (vi)—

(aa) by inserting "or legal permanent resident status" after "renunciation of citizenship"; and

(bb) by inserting "or legal permanent resident" after "abuser's citizenship";

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking "subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)" and inserting "clause (iii) or (iv) of subparagraph (A)"; and

(v) in subparagraph (I), as so redesignated—

(I) by striking "or clause (ii) or (iii) of subparagraph (B)"; and

(II) by striking "under subparagraphs (C) and (D)" and inserting "under subparagraphs (B) and (C)";

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking "or a petition filed under subsection (a)(1)(B)(ii)"; and

(D) in subsection (j), by striking "subsection (a)(1)(D)" and inserting "subsection (a)(1)(C)".

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. WHITEHOUSE. Madam President, in the last few days, I have come to the floor to speak about reform of our broken health care system: how to make that system run better, so that tens of billions of dollars are not wasted every year, so we no longer lose as many as 100.000 Americans every year to avoidable medical errors, so that we no longer spend vastly more of our GDP every year than any other industrialized nation for poorer health care outcomes.

I believe three central things need to be reformed. One is improving the quality of care in ways that drive down costs. I spoke about that on Tuesday and used the example of an intensive care unit reform in Michigan that saved $165 million in 15 months and saved over 1,500-plus lives. We need to encourage a lot more of that. The second major reform we need is of health information technology, and I spoke yesterday about the dire state of information technology in health care today-the Economist magazine reported that the health care industry was the worst of any American industry except the mining industry and the significant savings we could generate from expanding our use of health information technology. The RAND Corporation predicted that adequate health information technology would save us from $81 billion to $364 billion per year. We need desperately to capture those savings.

Today, I want to talk about the third piece of this reform: repairing our health care reimbursement system, the way we pay for health care, so that the economic signals we send into the system produce the care we want. Improving quality of care will be an uphill struggle until our payment system rewards it. Health information technology will lag behind other industries until the economics of investing in it makes sense for participants in the health care sector.

These problems can each be fixed, but the repair will work better if the three solutions proceed together, not necessarily as one, but staying close, because they are mutually reinforcing.

The payment system for health care expenditures today sends all the wrong messages: it rewards procedures rather than prevention; it rewards office visits more than email contacts; it neglects best practices and discourages innovation. To a large degree, the system has been co-opted by today's unfortunate business model for health insurance. This is a business model which seeks first to cherry-pick the healthy customers and abandon the sick ones, second to try to deny coverage if a customer does get sick, and third to try to deny claims whenever their sick customer's doctor tries to send in the bills. Health care economics gets in the way of the change we need, gets in the way of improved quality of care, gets in the way of investment in information technology and illness prevention, and gets in the way of lowered costs.

The problem is best exemplified by a tale from a book called "Demanding Medical Excellence" by Michael Millenson. Northfield, MN, Madam President, is a town I am sure you know. It is a town of only a few thousand people, but it was home to four very innovative doctors at Family Physicians of Northfield. They discovered they could reduce the average treatment cost of a urinary tract infection from $133 to only $39, a savings of nearly 70 percent, by changing their practice pattern. Instead of doing an office examination, a complete urinalysis and culture, sensitivity studies for antibiotics, prescribing ten days of antibiotics, and a follow-up culture, they attained the same results with a phone conversation with a patient, a complete urinalysis, and a prescription for three days of antibiotics. But pretty soon, the Family Physicians at Northfield were so good at treating their patients—for urinary tract infections and other diagnoses—that their waiting room was empty. As a reward for their good work, the practice lost so much revenue, from never-performed lab tests and empty appointment calendars that, in 1995, Family Physicians of Northfield, was forced to close. These doctors were taught a harsh, and perverse, lesson by our present health care system, and that lesson is: reduce costs and improve care, and you will be punished.

In Rhode Island, our hospitals are pursuing quality improvement projects in every intensive care unit in the state, modeled on the Michigan program that saved $165 million in 15 months and over 1,500 lives as well. The Rhode Island intensive care unit program had a significant hurdle to overcome, however: the cost was expected to be $400,000 annually per intensive care unit, and the hospitals had to pay it. The savings were estimated to be $8 million, but those savings would not go back to the hospitals. The savings went to payers. So, for its $400,000 invested, a hospital actually stood to lose money, from shorter intensive care unit stays and fewer complications, so fewer procedures to remedy the complications. Truly pushing that quality envelope, and striving for zero tolerance in infections and errors, was against the hospital's best economic best interests. It took the special, collegial relationships developed within our Rhode Island Quality Institute to solve this payment dilemma between our hospitals and insurers.

A similar analysis pertains to prevention investments. The payer has to shoulder 100 percent of the cost today, but the savings in forestalled illness might not occur for years. Maybe by then the customer will be some other insurer's customer, then maybe Medicare's. If you are the insurer, why take the chance and assume that cost, if the savings will not accrue to you?

There are many ways to repair perverse incentives in the way we pay for health care, but one that makes sense to me and uses existing infrastructure would be the following. Let medical societies and specialty groups, who create "best-practices" within their specialty, submit those best practices—including cost-effective prevention programs—for approval by local health departments. If, after suitable administrative procedures, the best practices are approved, reward the effort by differentiating, in Medicare and Medicaid reimbursement rates, between care that follows the local best practices and care that does not. Reward the effort by forbidding any insurer operating in interstate commerce—any health insurer—from using "utilization review"—that is their word for denying payment—for care that is delivered within these approved best practices. Require them to pay all those claims, in which the provider followed best practice protocols, within 30 days.

The legislation I have prepared will do just that.

This legislation sets a lot of good forces in motion. It encourages development and dissemination of best practices in medicine. It encourages doctors to follow those best practices, and discourages the wide and unjustifiable variations in medical treatment evident now. It encourages a sensible one-time debate in a professional, administrative forum at the time approval or amendment of the best practices is sought, and it discourages the wildly expensive payment battle now fought, claim by claim, between insurers and providers. I know from my experience as the insurance commissioner for Rhode Island how much time and money insurers and providers spend in claims administration. Studies have estimated that $20 billion is spent every year in this bitter and expanding arms race, both by insurers seeking to deny claims and doctors seeking to defend their claims, and every dollar of that fight is wasted. Doctors in Rhode Island tell me regularly that as much as half of their staff is engaged in this billing battle. Instead of in providing health care for their patients.

My legislation will engage the medical community in a thoughtful way. It will bring best practices to the forefront. There is a lot of discussion about comparative efficiency in health care today, debates over which treatments and methods are most effective—this legislation will provide a truly meaningful forum for those discussions. An example: Recently, the New York Times reported on a 40-step protocol implemented for bypass surgery patients by Geisinger Health Systems, which right now can be implemented only within Geisinger hospitals. This bill would allow these protocols, if pursued by the local cardiology association and approved by the State health department, to get favorable reimbursement statewide. I hope this bill will help the health insurance industry look to a new business model where your insurance company is looking out for you, is your advocate when you are sick, reminds you when testing or prevention is appropriate, helps you find the best practices or care, where your insurer is your navigator and your adviser in the health care system instead of your adversary.

This legislation can help repair our health care system. It puts the priorities and incentives in the right place so market forces are unleashed in our favor. It uses existing structures, just in new ways. It is designed and mandated to be budget neutral. And it does no harm if it does not work right away, if doctors do not take it up, if health departments will not hold the hearings, no harm is done But let's give it a chance to work.

Let me close by saying how important this moment is. I serve on the Budget Committee and have heard the troubling facts about what the health care system will cost us in years to come. By the year 2050, the combined cost of Medicare and Medicaid will rise to eat up 22 percent of our gross domestic product. Further, as my friend Budget Chairman CONRAD has noted, the 75-year net present value of the unfunded liabilities in Social Security and Medicare equal $38.6 trillion, and $33.9 trillion of this total is for Medicare alone. The health care system is eating up our economy, costing twice as much as the European Union average. There is more health care than steel in Ford cars and more health care than coffee beans in Starbucks coffee. It is significantly hampering our competitiveness. It is the number one cause of American family bankruptcies.

By acting now, by acting in advance, by bringing some sensible economics and some sensible management and some helpful incentives to our health care system, we can start to grapple with its cost. And if we take on that fight here and now, while time is still on our side, we can reduce costs in the best possible way: by improving the quality of care, by making Americans healthier, by preventing illness before we have to treat it, by avoiding expensive and often fatal medical errors, by giving our doctors the decision support other professionals have had for decades, in sum, by making our health care system better. Considering the stakes, shame on us if we fail in that duty.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE DEMOCRATS

Mr. REID. Madam President, Democrats earned the majority in Congress last year by strongly opposing the President's failed Iraq policy and advocating restoration of the values of working families in relation to our Government. The American people sent a clear message last November it was time to change course in Iraq. Congressional Democrats made that our top priority in the first day in this Congress, and have every day since. In less than 4 months, we have been able to send to the President's desk a number of things to keep our Government open; and that is the case literally.

In less than 4 months, we have been able to send to the President's desk things he refused in years past, because now there is a Congressional branch he has to deal with.

As it relates to Iraq, the President has vetoed the bill which reflected the wishes of the American public and many senior military leaders and a bipartisan majority of Congress.

Last night we sent him another bill that doesn't go as far as I would like, and the majority of the Democratic Senators, and that is an understatement. But it does begin the process of holding the President and the Iraqis accountable.

POLLING DATA

I think it is important to note how the American people feel, that this isn't just a bunch of politicians talking in Washington. There was a poll taken by the New York Times and CBS that was reported today. It was a very indepth poll. When we do polls at home, those of us who serve in government, they do samplings of 400 to 600 people. This poll was twice that big. Almost 1,200 adults were sampled, so the margin of error was very low when this poll was done.

Among other things, it said 61 percent of Americans say the United States should have stayed out of Iraq, and 76 percent say things are going badly there, including 47 percent who say things are going very badly. President Bush's approval ratings remain the lowest of his office in more than 6 years: 30 percent approve of the job he is doing; 63 percent disapprove. More Americans, 27 percent, now say that generally things in the country are seriously offtrack. This is the lowest number of approval and the highest disapproval rating since these polls have been taken.

Public support for the war has eroded: 61 percent say the country should have stayed out of Iraq; a majority, 76 percent, including 51 percent of Republicans, say additional troops sent to Iraq this year by Mr. Bush either have had no impact or are making things worse. Most Americans support a timetable for withdrawal; 63 percent say the United States should set a date for withdrawing troops from Iraq sometime next year. The poll found Americans are more likely to trust the Democratic Party than the Republican Party by a significant margin. More than half said the Democratic Party was more likely than the Republican Party to make the right decisions about the war. More broadly, 53 percent of those polled said they have a favorable opinion of the Democratic Party.

As for Mr. Bush, 23 percent approve of his handling of the situation in Iraq, 23 percent; 72 percent disapprove. Madam President, 25 percent approve of his handling of foreign policy; 65 percent disapprove. And 27 percent approve of his handling of immigration issues, while 60 percent disapprove.

SENATE AGENDA

Regarding the war in Iraq, I have spoken over the last week to two parents in Nevada—one in Reno, one in Fernley—who have lost sons in Iraq. Multiply that almost 3,500 times. I can't imagine the grief and despair. During the last 3 days, 17 American soldiers and marines have been killed in Iraq, 3 days—9, 2, and 6. It is an American tragedy. As I said last night on this floor, we will not stop our efforts to change the course of this war until either enough Republicans join us with regard to this war to reject the President's failed policies or we get a new President.

At the same time we have opposed the President's Iraq policy, we have moved forward on legislation that invests in our security, our economy, and our health. In a matter of days, we will have as law a raise in the minimum wage. Sixty percent of the people who draw the minimum wage in America are women, and for more than half those women that is the only money they get for their families. It was important that we raise the minimum wage, and we did that. It was long overdue.

We have also provided, and will shortly have signed into law, $400 million to ensure that States don't run out of money for the State Children's Health Insurance Program. In the coming weeks, we will seek to reauthorize this successful program that keeps millions of children healthy. We may not be doing much for adults in health insurance, but we are taking steps forward with our children.

For 3 years we have tried to pass legislation that would give relief to farmers and ranchers. We have been unable to do that. The Republican majority has refused to allow us to do that. Disaster relief for farmers and ranchers, we did that. That is now going to be signed into law, $3 billion. Farms have gone bankrupt in the ensuing years of the need for this relief. I would suggest, if you look on the Internet at what an emergency supplemental is all about, it talks about emergencies that occur during the year—floods, fires, drought, hurricanes, tornadoes. That is why what we did last night, farm relief, $3 billion to help farmers and ranchers recover from drought, flood, storms, and other disasters is long overdue. That will be the law in a matter of days.

Because of global warming, the western part of the United States has been swept with wildfires. In Nevada, millions of acres have burned. When these areas burn, we get noxious weeds that come instead of the plants and grasses that should be there. We are going to have in a short few days relief. The law has been passed, western wildfire relief, $465 million to help prevent and fight wildfires in the west and elsewhere. That is so important.

As I understand, there has been a raging fire on the border of Minnesota and Canada. It has taken days to put that fire out. That is what we are talking about. It should have been done a long time ago. We have had to fight for this. I can remember going to the White House, being told by one of the President's assistants: Don't worry about that. We will do it with one of the regular bills.

We are limited on what we can do on regular bills. This is emergency funding. The President has gone to New Orleans, LA, more than 20 times since those devastating floods that occurred there as a result of Hurricane Katrina. The President has talked about it but done very little. We did something about it. We have overcome the opposition of the White House, and in the bill that we passed last night, we provided nearly $6.3 billion to help the people of the gulf coast affected by Hurricanes Katrina and Rita.

Homeland security—Senator BYRD, from his seat right here, over the last 5 years has offered many amendments. He wrote a book and talks in his book about the times he offered amendments to do something about homeland security. It was defeated on a straight party line basis many times. Last night we weren't defeated on a straight party line basis. We didn't get enough, but we did get a billion dollars to look at programs that are all so absolutely important and necessary: port security, $110 million; rail and mass transit security, $100 million; explosive detection systems for airline baggage. It is interesting with our airlines, you climb in one of those seats in the airplane. You are seated. You feel pretty comfortable about the person sitting next to you. But you don't know what is in the cargo of that airplane. We got some money for that last night, as well we should. Air cargo security, $80 million to inspect cargo on commercial passenger airlines; $285 million for explosive detection systems for airline baggage. It was long overdue—not enough but certainly a step in the right direction.

The Republicans had a majority of 55 to 45. They couldn't pass a budget because it was so skewed toward the rich, so skewed toward the business community and directed against working class America, they couldn't pass it. We have a majority, with Senator TIM JOHNSON being ill, of 50 to 49, not 55 to 45. But we passed a budget. We passed a balanced budget that restores fiscal discipline and puts the middle class first, cutting their taxes while increasing investment in education, veterans care, and children's health care.

For the second year in a row, we legislated to give the hope of stem cell research to millions of Americans who suffer from all kinds of diseases. There is one Senator holding up our overriding the President's veto. It could be any one of these Republican Senators. We are at 66. We need one more to override the President's obstinance in the form of this veto.

What the President has done to stifle hope for millions of Americans is wrong. We were at a Senate retreat. Michael J. Fox came in, someone whom Rush Limbaugh made fun of because he shakes when he talks. He has Parkinson's disease. The renown actor came up and talked to us about his money he has put in to find a cure for other people who have Parkinson's disease. He has done good work because the human genome project is completed, and they found the gene that causes Michael J. Fox's neurological problems. But he said: We need more help. Stem cell research would help us find out a way to attack that gene, to take care of that gene. But the President has stifled, stopped, slowed down the hope of millions of people just like Michael J. Fox.

Several other important bills have passed and will soon be on the their way to the President, such as a continuing resolution. This is not a name I came up with, the "do-nothing" 109th Congress. The Republicans controlled by significant margins the House and the Senate, and they have been dubbed by historians and the press as the do-nothing Congress. They did less and served their constituents less days in actual work in the Senate and the House than in the history of the country. They did less and were in session less than the do-nothing Congress of 1948.

One of the things they didn't do is fund the Government. They lost the elections last November and just left town and unfunded the Government. So there was a responsibility upon us, the Democrats, to fund the Government from February 1 to October 1. We did that. It wasn't easy, but we did it.

The 9/11 Commission, the President fought it. But there was a hue and cry to establish an independent bipartisan commission to look at what happened on 9/11, what went wrong. Led by Congressman Hamilton and Governor Kean, this independent bipartisan commission came up with recommendations. We waited almost 3 years for the Republican Congress to do something. They did basically nothing. The 9/11 Commission, in fact, gave the Bush administration failing grades, Ds and Fs, in all that they asked Congress and the President to do. But we, the Democratic Congress, passed all the recommendations of the bipartisan 9/11 Commission after they had been pushed aside for all those years. Now, within a matter of weeks, the House will do the same, and we will send this matter to the President and have him sign it.

Ethics. The most significant ethics and lobbying reform in the history of our country we did as the first bill we took up. With the culture of corruption that existed here in Washington in the 109th Congress with—think about this: Am I making up a culture of corruption? For the first time in 130 years—approximately 130 years—someone who was working in the White House was indicted. "Scooter" Libby was indicted and convicted. Safavian, who was head of Government contracting, appointed by the President and responsible for billions of dollars, was led away from his office in handcuffs because of sweetheart deals he made with Jack Abramoff and others.

On the other side of the Capitol, in the House, the majority leader in the House was convicted of three ethics violations in 1 year. What did they do to respond to that? Changed the ethics rules. He is also under indictment.

So there certainly was a culture of corruption. Staff members are still under investigation. Congressmen are still under investigation because of this culture of corruption. Members of Congress have had to resign or have lost their races because of being involved in unethical and criminal activities.

Yes, there was a culture of corruption, and we took this up as our first legislative measure and passed it. The House passed it yesterday. We need to go to conference now and send that to the President.

As we all know, we have begun debate on immigration reform. We are continuing that the week we get back. We have taken action on 7 of our top 10 legislative priorities we introduced on the first day of the 110th Congress. It is tradition that the majority party introduces the first 10 bills. We did that. Seven of them we have passed.

In the coming weeks, we expect to turn our attention to the remaining three.

Energy. As soon as we finish immigration, we are moving to energy legislation. It is bipartisan. It is legislation that has been reported out of the Energy Committee on a bipartisan basis, legislation reported out of the Environment and Public Works Committee on a bipartisan basis, and legislation that has come from the Commerce Committee on a bipartisan basis.

It is not everything I want but a great start for one of the big problems we have facing America today: energy.

In the State of Nevada, my home, we have the third highest gas prices in the country—Nevada. In Reno, NV, gas prices are around $3.40 a gallon. We need to do something about it.

The gluttony of the oil companies is unbelievable—making tens of billions of dollars. It is so interesting, every time at just about Memorial Day, when people want to travel, their refineries go down, they need repair. Who makes all the money? It is not the person you go to who pumps gas in your car or even a self-service station you go to. They make pennies. They make less than a nickel a gallon. In Reno, NV, and other places in the country, you can pay $3.40 a gallon at the place you buy that gasoline, and that person makes almost nothing. It is made by the gluttonous oil companies, the refiners—record profits, of course.

We are going to take a whack at that. I hope we can get it passed. It has some interesting things in it. One of the things it has is CAFE standards, saying automobiles in our country should be required to have higher mileage per gallon. We are going to try to get that done.

The bill also includes some legislation dealing with alternative energy. We cannot produce our way out of the problems we have in America with oil. We have less than 3 percent of the oil in the world in America. We cannot produce our way out of our problems. We have to lessen our dependence on foreign oil.

Today, in America, we will use 21 million barrels of oil. It is hard for me to comprehend there is that much oil in the ground, let alone our use of it in 1 day. We import about 65 percent of that oil. This oil comes from some of the worst tyrannical governments in the world. Much of that money is used to export communism and other bad things to countries, including to America.

We must lessen our dependence on foreign oil. This administration is the most oil-friendly administration in the history of our country. So we are going to take up this legislation the second week we get back. The bill will dramatically increase America's renewable fuel production so we can begin the crucial long-term effort to reduce our dependence on unsustainable and volatile energy supplies I have talked about.

The bill requires consumer appliances, buildings, lighting and, most importantly, vehicles to become much more energy efficient. The Federal Government's own energy performance will be significantly improved as well.

I so appreciate Senator BINGAMAN, the chairman of the Energy Committee, and Senator BOXER, the chairman of the Environment and Public Works Committee, whose career has been based on things dealing with the environment. Senator INOUYE, chairman of the Commerce Committee, and his right-hand person in this effort, Senator KERRY, have done remarkably good work.

This legislation will address the growing threat of price gouging and energy market manipulation as gas prices continue to set new record highs almost every day.

I have been so impressed with MARIA CANTWELL, the Senator from Washington, for her continual efforts to go after these big gluttonous oil companies. Her price-gouging legislation and energy market manipulation legislation has been, in my opinion, a picture of how we should legislate.

Education. We expect to address reauthorization of the Higher Education Act in the next few weeks—in the next few months, probably more likely. I hope to do it, complete it, before our August recess.

Since the act was last authorized in 1998, college costs have continued to skyrocket. A growing number of students are being priced out of a college education and all the doors it opens. A child's ability to be educated should not be dependent on how much money their parents have.

I, of course, am a big fan of early childhood education. I was so impressed yesterday, not far from here, the conservative reporter—I should not say reporter—editorial writer, David Brooks, from the New York Times, talked about his belief of young people being educated and how he had become a convert and he now believes that the Government should be involved in getting kids educated.

Many of those lucky enough to make it through college now begin their careers saddled by the weight of the money they have had to borrow. In Nevada, the average debt of a student is $15,000. That is unacceptable. It is not unusual for someone to graduate from medical school owing $150,000.

Now, people say: Well, doctors make a lot of money. They do not make that much money. One of my friends, a prominent physician in Las Vegas—I do not think he will mind me mentioning his name; if he does, he can call me—Dr. Tony Alamo worked hard all his life—his father came in a boat from Cuba—believes in education. The senior Tony Alamo did everything he could to get his kids educated. He had a boy become a doctor.

Now, young Tony is one of the lucky ones because his dad has done so well with the rags-to-riches story in America, and I am sure as to his debt, his dad could help him pay it off, if necessary. But Dr. Alamo is very unusual because he has parents who can help him. He has explained to me that when doctors graduate from medical school, they get a job, and a lot of jobs now are with managed care, being they are all over, and they are salary jobs. They have difficulty with their salary job paying off their loans.

Our legislation will increase the maximum Pell grant, reduce student loan interest rates, expand loan forgiveness programs, and cap student loan payments at no more than 15 percent of their income. Our bill takes important steps to address this alarming and growing crisis.

We are going to take up the next work period the Defense authorization bill. One of the things we talked about doing in one of our 10 bills is to rebuild our military. It is in a state of disarray, disrepair. We learned that when we found out from the Governor of Kansas, after that tornado, that half of the equipment of her National Guard was in Iraq. Could not respond to the crisis there. It is that way all over the country.

JIM WEBB, who is a Senator from Virginia—JIM WEBB has a résumé of an American hero because that is what he is. He is a graduate of the Naval Academy, fought heroically in Vietnam, earned medals for heroism, was badly injured. His military career ended not because he wanted it to but because he was hurt and had to get out.

He believes the most important thing we can do to hold the President's feet to the fire in Iraq is force him to make sure our troops are ready to go to battle, they are trained properly, they have that equipment. He has an amendment we are going to work on to get in the Defense authorization bill.

One of the boys killed from Nevada this past week was on his fourth tour of duty in Iraq. His friend said: He told me he survived four explosions, and he didn't think he would survive another one. He did not. It was an awful death. We now have two hostages, prisoners of war in Iraq. Remember, when they were captured, they did not know who for sure the three were because they knew there was a body in the Humvee. So I called and talked to the dad, and he prayed that his boy was not in the Humvee, that he was a prisoner. But it didn't work. His boy was incinerated in the Humvee. They could only find out who he was with DNA. He was on his fourth tour of duty.

That is what JIM WEBB is advocating. That is what we advocate. We are going to take that up in the Defense authorization bill, to make sure our troops have what they need. They do not have that now.

The bill last night that we passed provides funding to ensure our troops, until the first of October—active and retired—get some of the money they need. But we have to restore and renovate what has been ruined and damaged in Iraq.

JACK REED, a graduate of West Point, believes it will take nearly $100 billion to bring our military up to what it should be. We are going to work toward that in the Defense authorization bill. That committee is chaired by CARL LEVIN. So we are going to make investments, critical investments to address troop readiness problems in the Army and Marine Corps caused by the President's flawed Iraq policy.

We will take a number of steps to reconfigure our national security strategy to better meet the threats and challenges we face today. That includes returning focus to the growing and increasingly overlooked problems in Afghanistan and working to improve special operations capabilities.

So once the next work session is complete, we will have taken action on all 10 of our day one priorities and passed most of them with overwhelming bipartisan support.

Now, we have had to fight to get that support, with cloture, on many different issues to get to where we could have a vote. But we have made it, and I appreciate that help from the Republicans.

We have also successfully addressed many crucial issues not on that list. The FDA reauthorization bill we passed facilitates the timely review of new drugs while improving the safety of the medicines patients take and the food we eat. We passed the Water Resources Development Act, known as WRDA, the first one in about 6 or 7 years. It will protect America's environment and keep our economy strong. We also passed the America COMPETES Act, which is an act to return our country to a position of leadership in science, research, and technology.

I would say by far the most important fight we have taken up this year is our effort to oppose the President's failed Iraq policy and bring the war to a safe and responsible end. The next work period, as I have indicated, will oppose the President's failed policy regarding the war at every turn. The Defense authorization bill will be a major part of that battle. We will continue this fight every day. We have had some bipartisan victories this year and some tough fights as well. Progress especially on the war has not come easy and that is not likely to change. But if we continue to work in good faith, seeking bipartisanship at every opportunity, I have no doubt we can accomplish great things for the American people.

Madam President, are we in morning business?

The PRESIDING OFFICER. We are not.

Mr. DORGAN. Madam President, I voted in favor of the Vitter amendment yesterday because I do not support a plan that tells those who came to this country illegally up until December 31 of last year that they are excused and now have legal status.

I think that is a mistake.

But I do want to state clearly that there are a fair number of those 12 million people who came in here without legal authorization whose status must be resolved in a sensitive way. I am talking about those who have been here for decades, who have raised families, worked hard, and been model citizens. I believe we should adjust their status and give them an opportunity to earn citizenship.

That same right, however, should not apply to someone who just last December decided that they were going to sneak into this country illegally.

My understanding is that we will have additional amendments that will be sensitive to the need to distinguish that difference and I intend to support the amendments that will provide the sensitivity to those immigrants who have been here leading productive lives for a long period of time.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent to proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR TED STEVENS

Mr. BOND. Madam President, in April, TED STEVENS became the longest serving Republican Member of the United States Senate in our country's 230-year history. I join my colleagues in congratulating the Senator and thanking him for his many years of service and our friendship.

Much has already been said about Senator STEVENS' sometimes grouchy and intimidating demeanor. But if we look past the hulk ties, the scowling countenance, the vigorous defense of any and all attacks on Alaskan priorities, and the cowed staff who fear that they have fallen on the wrong side of our esteemed senior Senator, we see another, more compassionate side.

When I first arrived in Washington, DC, in 1987, my son was entering first grade at the same time as TED's beloved daughter. Sam and Lily became fast friends, and so did their parents.

TED and Catherine were very close friends of ours and like godparents to Sam. Anyone who knows TED well knows how important his family is and the high value he places on his children and their friends. He is truly a most kind, gentle, and readily approachable father, uncle, and godfather.

His concern about others' children and family members is equally heartfelt. As he exercises his many leadership roles, Senator STEVENS is always willing to take our family obligations into account. He realizes how important it is to schedule time for our families in the chaotic, hectic life we lead in the United States Senate.

In addition to the close personal friendship we have enjoyed with the Stevens family, I have had the opportunity to work closely with Chairman STEVENS as a member of the Senate Appropriations Committee.

As chairman, TED is solicitous of the concerns of even his most junior members. He is also a devoted friend of his partner—sometimes ranking member and sometimes chairman—Senator DAN INOUYE.

While there is never any doubt that he and Senator INOUYE control the Defense Appropriations call, Senator STEVENS is sensitive and receptive to the needs of other Members to the greatest extent possible.

He is a very passionate defender of the Appropriations Committee, its prerogatives, and its responsibilities. Woe unto the person who attacks the appropriations process or the work that he does. One soon learns that such a position is not one to be taken lightly. One had better be prepared for a bruising fight.

As President pro tempore, he was a faithful and dedicated leader of the Senate. Now that he is—temporarily—out of that position, he continues a close working relationship with his good friend and colleague Senator ROBERT C. BYRD, the current President pro tem.

It is, indeed, an honor to have him as our leading senior Republican in the Senate.

The Senator's influence extends far beyond the Senate to Alaska, the Nation and the world.

Many of the accomplishments of the Senate over the last 4 decades bear the mark of TED STEVENS. He has been tireless in his leadership to secure a strong military—and has funded a strong personnel system, the most needed, up-to-date equipment and the most promising research. The current strength and superiority of the U.S. Armed Forces is due in no small part to Senator STEVENS.

He has also been a leader in the natural resources, transportation issues, and climate change issues important to all of America but that particularly affect his home state.

TED is passionate about Alaska—its natural beauty, its people, its needs and its fishing. Many of us have enjoyed traveling to Alaska with Senator STEVENS and discovering first-hand the treasures it has to offer.

The many roads, parks and buildings named for him are but a hint of all he has done for the State. His contributions are extensive and lasting, from improving the infrastructure to safeguarding the wildlife and natural resources Alaska has in abundance.

Alaskans rightly dubbed the Senator the "Alaska of the Twentieth Century." I am sure Senator STEVENS would remind us that he is not done yet. Odds are he is a favorite to be "Alaskan of the Twenty-first Century" as well.

It has been a tremendous honor and privilege to serve with TED STEVENS. I look forward to many more years of working together.

Mr. MARTINEZ. Madam President, I wish to acknowledge an esteemed colleague and his long and storied service to the United States Senate. Senator TED STEVENS has given much to this great country of ours. Born in Indiana, he spent his college years in the West, his law school years in the East, and made significant contributions in a place far north of here. Yet he achieved much of this by heading south, to our Nation's Capital. His career reflects his dedication not only to Alaska but to all of America. He has touched every corner of this country—and beyond. Fighting in China during World War II, he served our Nation valiantly as a member of the Army Air Corps where he flew support missions for the Flying Tigers of the 14th Air Force. Now, more than six decades later, he is still serving our country.

Following work as an attorney in Alaska in the 1950s, TED STEVENS headed for Washington to work for the Department of Interior under the administration of President Dwight D. Eisenhower. It is worth noting that it was President Eisenhower who signed Alaska into statehood in July of 1958. Not too long after Alaska found statehood, he decided to return to the home he had made in the Last Frontier. Soon, he was serving in the State house of representatives—a body of which he became the majority leader in 1964. While he may have initially found his way to the U.S. Senate by virtue of appointment in 1968, he soon had the weight of his State's voters behind him.

Now serving his seventh term in office, Senator STEVENS has been a reliable supporter of his home State's interests and has supported our country in many of its most trying times. The institutional knowledge and wisdom which Senator STEVENS brings to the Senate benefits this body greatly. All of us appreciate his work and contributions to America. Be it as the former chairman of the Commerce Committee, the former chairman of the Appropriations Committee, a strong voice and dedicated member of the Homeland Security Committeeor for his work on the Rules Committee—we thank him for his leadership, past and present.

Congratulations to Senator STEVENS on becoming the longest serving Republican in Senate history. His more than 14,000 days in this body are a remarkable testament to his hard work, staying power, and skills as a Senator. I know the people of Alaska appreciate all that he has done for them over these numerous decades. On behalf of my fellow Floridians, I thank Senator STEVENS for his service to America and to the Senate.

RETIREMENT OF VICE ADMIRAL BARRY COSTELLO

Mr. LEAHY. Madam President, In the opening days of the war in Iraq in 2003, before ground forces moved into the country, I received an e-mail at a particularly suitable moment. Just when I was about to step into a meeting with President Bush at the White House, in came a message from my friend and colleague, then two-star Rear Admiral Barry Costello.

Admiral Costello was in command of Cruiser-Destroyer Group One, based in the Persian Gulf. Its flotilla, including the aircraft carrier USS *Constellation*, was launching cruise missile and air strikes, while its contingent of over 7,000 marines waited to move into the country. Barry poignantly said, "we are in the forefront—and are working hard to make America proud."

I showed that note to the President. He and I disagreed on pretty much everything in the runup to the war, but at that moment we had a shared pride in Barry and the men and women under his command. The expertise, dedication, and sheer patriotism on display there in the gulf was beyond question. That moment crystallized the depth of gratitude that not only we elected leaders in Washington but also every Vermonter and American feel for our Armed Forces.

Barry Costello has recently retired from the Navy after a stellar 36-year career. At every stage, before and after his command during the second Iraq war, professionalism and pure competence have been deeply etched in Barry's career. Whether in postings on the Joint Staff or on the USS *Elliot*, which he commanded, Barry has impressed those above and below him in the chain of command. His knowledge of the Navy—its organization, its mission, its capabilities is unrivaled.

That thoroughgoing command of his surroundings, that superb ability to contribute to the larger organization made him a natural to serve as a legislative liaison here in the Senate and Congress as a whole. Whenever I or any of my colleagues had a question about some program, however obscure, Barry could answer it or get us answer in pretty short order. He was a strong conduit in the other direction too, providing insights to the senior Navy and Department of Defense leadership about the concerns of Congress. In short, he was the perfect liaison.

It was fitting that Barry capped his career with command of the Navy's Third Fleet, based out in San Diego. One of the most powerful forces in our military's arsenal, the Third Fleet established itself with distinguished service under the legendary ADM William F. "Bull" Halsey. Barry's leadership combines the steadfastness of Halsey and the eagle-eye vision of a Nimitz. At the Third Fleet, he showed himself a Navy officer's officer.

At 56, Barry still has ample contributions to make to our country, whether in industry or further public service. He has already served as an inspiration to the Navy and Vermont, and I have no doubt that he will continue make enormous strides on behalf of others in whatever endeavors he pursues.

I know I will run across Barry very soon, but I want to congratulate him, his loving wife LuAnne, and their two sons Brendan and Aiden. The Senate, Vermont, and the country join me in expressing our deep gratitude. Thank you.

RURAL BROADBAND

Mr. ROBERTS. Madam President, I rise today to speak about rural America, and the need to ensure that this cornerstone of our way of life has the same access and availability to modern technology that many Americans take for granted. Specifically, I am referring to the availability of high-speed Internet, also known as broadband.

Broadband Internet is essential to rural development. It does for rural areas today what interstate highways did in the 20th century, and railroads did in the 19 century. It is key to attracting new businesses to rural areas, and helping our existing rural businesses grow and become more competitive.

Unfortunately, rural America continues to lag behind its urban and suburban counterparts when it comes to the availability of this essential resource. It is not that rural folks do not want broadband, but only that they do not have as much access.

In the 2002 farm bill, Congress created a loan and loan guarantee program to help build broadband out to rural areas that lacked this crucial service.

The Rural Utilities Service, RUS, an agency within the U.S. Department of Agriculture, was charged with the responsibility of administering the broadband loan program and using it to promote access in unserved, rural areas.

Unfortunately, the agency's implementation and administration of this program strayed from the rural focus Congress intended.

Instead of targeting our rural areas, huge sums of money have been used to provide broadband in urban areas, suburban developments, and towns that already have service.

Instances of waste and abuse have been clearly illustrated by the USDA inspector general, in hearings held by both the House and Senate Agriculture Committees, and in prominent news reports.

There is wide, bipartisan agreement on what is wrong with this program. I believe that there should also be wide, bipartisan agreement on how to move forward.

While a number of legislative and regulatory fixes have been suggested here in Congress and by the RUS, none so far have been comprehensive enough to surmount the challenges of deploying broadband in rural America.

I have been proud to reach out to my friend and colleague, Senator SALAZAR of Colorado, on the Senate Agriculture Committee to work toward a solution. It is the Committee on Agriculture that has jurisdiction over this program, and it is from this committee that a way forward must be found.

Together, myself and the distinguished junior Senator from Colorado, have worked toward a consensus driven, comprehensive approach to promoting broadband in rural America. On Monday of this week, we introduced legislation to accomplish this goal, the Rural Broadband Improvement Act of 2007.

This legislation will provide the secretary with additional guidance to direct broadband loans to those truly in need by clarifying where, when, and to whom loans can be made. It ties approval of loans to a requirement of nonduplication of service, making this legislation significantly more robust and less ambiguous than the current statute.

The issue of duplication of service, more than any other issue, has been the subject of criticism of the RUS. When RUS makes loans in areas that already have broadband service, it has a twofold negative affect.

First, it undermines the market. Often, rural towns may enjoy broadband availability. Small, independent providers that are already present in rural towns have their subscribers pulled out from under them by a competitor who, because they have an RUS loan, have an unfair advantage with which to offer lower rates. This can threaten the very existence of some locally owned, independent broadband providers that invested in rural towns without an RUS loan.

Second, when loans are going to areas that already have service, it means that truly unserved, rural areas for which this program was created continue to be neglected. Indeed, it is the outlying, sparsely populated areas that are in need of broadband service. These are the areas broadband loans should be made to serve—not overbuilding towns where the service is already present.

This is unacceptable. That is why this legislation which I am introducing on behalf of myself and my colleague from Colorado will attach to the definition of eligible rural community, a clearly defined requirement of nonduplication of broadband service.

Reforming and improving the broadband loan program means doing more than just addressing this one aspect for which it has been criticized. It also means eliminating unnecessary and unprecedented limitations on what borrowers are eligible to participate.

In particular, I am referring to the conspicuous 2 percent telephone subscriber line limit. This limitation acts as a disincentive for growth: unnecessarily penalizes larger, but still rural-focused phone companies; and ignores the reality that more and more households are abandoning land line subscriptions in favor of wireless communication. The bottom line is that limiting what providers can participate in the program does nothing to expedite broadband deployment in rural areas.

This legislation also streamlines the application and post-application requirements. For many small and independent providers with limited staff, it can be discouraging to look at a 38-page application guide to a 57-page application. What's more, those who go through this arduous process may wait for a seemingly indefinite period of time for a yes or no to whether their application is approved.

To address these matters, the act directs the Secretary to complete application processing within 180 days and allows parent companies and their wholly owned subsidiaries to file a single, consolidated application and post application audit report.

The bill further streamlines the application process by eliminating various other duplicative and burdensome application requirements, and directs the agency to hire whatever additional administrative, legal, and field staff are necessary to meet these requirements.

The act also contains powerful incentives to increase the feasibility of loans. First, it allows limited access to towns where broadband may be available, but in circumstances when doing so is necessary to building broadband out to the sparsely populated and outlying areas that have no service at all. I do want to stress, however, that this is not a loop-hole that will lead back to the problems of duplication and overbuild. The majority of households to be served by the project financed with an RUS loan must be without access to broadband. Additionally, the act creates better transparency and requires incumbent providers to be properly notified when an RUS applicant plans on doing so.

Second, the act ensures that collateral requirements are commensurate to the risk of the loan.

Third, instead of requiring an inflexible 20 percent equity requirement, the act provides more flexibility for small and start up companies by requiring only 10 percent equity, and allowing the agency to waive this requirement so long as the applicant can prove that it will be able to pay back the principal of the loan plus interest.

This legislation also codifies an innovative grant program based on the successes illustrated in the Commonwealth of Kentucky. Broadband deployment in rural areas will work better once we know where it already is. To do this, grants will be made available to help fund partnerships between state governments and the private sector to map where broadband is available in rural areas, and conduct outreach to areas where it is still unavailable.

I and my colleague, Senator SALAZAR, have always shared a concern for our rural citizens. I am proud to work with my neighbor to the west on this issue, and I look forward to working with my other colleagues on the Senate Agriculture Committee as we begin work on the 2007 farm bill.

OLDER AMERICANS MONTH

Mr. KOHL. Madam President, generation by generation, the face of America is always changing. In the next quarter of a century, the laugh lines of that face will deepen as the number of older Americans explodes. Today, those over 65 account for 12 percent of our population; in 2030, they will account for 20 percent. Academic experts, policy wonks, economists, and health care providers are conjecturing broadly about how this demographic wave will affect our society. As chairman of the Senate Special Committee on Aging, I am listening carefully.

It is the charge of the Aging Committee to plan accordingly for the challenges facing our seniors tomorrow and to tackle the problems confronting them today. Older American Month, which occurs each May, gives us an opportunity to highlight these issues but let me assure you that it is impossible to relegate senior issues into one neat category, and soon it will be impossible to confine our attention to them to just 1 month.

Nearly every issue dealt with by Congress affects older Americans, or is affected by them, in a unique way. From emergency preparedness to broadcast technology, from the size of the labor force to regulation of corporate marketing practices, these issues are worthy of our attention from the older person's perspective. Then there are, of course, the more obvious challenges ahead of us, such as preserving Social Security, strengthening Medicare, and improving long-term care.

In the last 5 months alone, the Aging Committee has held hearings on a myriad of matters that are of vital concern to seniors. We have examined health care coverage for America's poorest seniors under Medicare Part D's low-income subsidy. We heard from the Vice Chairman of the Federal Reserve about the impact that millions of retiring baby boomers will have on our Nation's economy, and we learned about how best to retain and cater to the needs of older workers.

We have deliberated on the progress made by the nursing home industry over the last 20 years, as well as what currently needs to be done about the most neglectful, decrepit homes. Our investigative unit has shone a bright light on the shameful, deceptive sales tactics employed by certain providers of private Medicare Advantage plans.

We have put forth compelling evidence for the continuation of SeniorCare, Wisconsin's highly efficient drug coverage program, in spite of the administration's desire to terminate it. And, I couldn't be more pleased to say, we worked with the rest of the Wisconsin delegation and in collaboration with Governor Jim Doyle to find a legislative fix to save SeniorCare, extending the program through December 31, 2009.

As demonstrated by the work I have described, it is easy to see that protecting seniors—whether from fraud, poverty, or mistreatment—is a priority for the Aging Committee. However, it is also our priority to enable them. Though older Americans are often considered to be a vulnerable segment of the population, in many ways senior citizens strengthen our society. America's seniors have had decades to master skills and garner accomplishments, often rendering them our best leaders and innovators. A lot of them are out in the forefront of professional fields, staying active within community and family life in various capacities, and leading by example.

The aging of America will affect every part our society, and it will touch every family in decades to come. We reap the benefits of the continued contributions of older Americans, and in return they deserve the best quality of life our Nation can afford them.

ADDITIONAL STATEMENTS

HONORING MARK STEPHENS

• Mr. AKAKA. Madam President, as chairman of the Federal Workforce Subcommittee, I would like to recognize a milestone in the career of a dedicated and committed public servant. Mark Stephens, an attorney with the Postal Regulatory Commission's Office of General Counsel, is retiring after a 33-year career. He joined the former Postal Rate Commission in 1974, and participated in the analysis and review of numerous postal rate, classification, and complaint cases.

Mark proudly notes that he started his Federal service career as a letter carrier for the old Post Office Department where he worked for three months during the summer of 1968. During his long tenure with the Commission, Mark also served in the Office of Consumer Advocate.

Mark's colleagues point to his professionalism, analytical and writing ability, and character as the embodiment of the finest qualities of public service. His insights and thoughtful counsel made a substantial contribution to the Commission's successful fulfillment of its statutory responsibilities. Mark has been a valued colleague to those at the Commission and his retirement will leave a void that will be difficult to fill.

Upon leaving the Postal Regulatory Commission, Mark intends to spend more time with his family, but will likely continue to monitor the progress of the Postal Accountability and Enhancement Act of 2006 which significantly enhanced the authority of the PRC. Mark Stephens is a public servant who made a difference, and I wish him much future success.•

CONGRATULATING DETECTIVE STEVEN SILFIES

• Mr. BUNNING. Madam President, today I congratulate Detective Steven Silfies of Hopkinsville, KY. Detective Silfies was recently recognized as the "2006 Trooper of the Year" by the Kentucky State Police.

Detective Silfies is a 4-year veteran of the Kentucky State Police Force. He is assigned to Kentucky State Police Post 2 located in Madisonville, KY. Prior to joining the Kentucky State Police, Detective Silfies served more than two decades in the U.S. Army. This includes tours in both Afghanistan and Iraq. He also currently serves as de-facto liaison officer with personnel at Fort Campbell.

Detective Silfies truly exemplifies what it means to serve and protect the citizens of Kentucky. During the past year, Detective Silfies has played an integral role in the investigation of six murders. His devotion has led to two arrests in those investigations. Silfies also has played a prominent role in the solving of several cold cases. These include an arrest in a 27-year-old case of an out-of-State resident. Detective Silfies took a leading role in another cold case involving an out-of-State resident. This was a 13-year-old case in which Silfies uncovered overlooked evidence.

I congratulate Detective Silfies on this achievement. To be singled out among such a dedicated police force is truly an honor. He is an inspiration to the citizens of Kentucky and to dedicated police everywhere. I look forward to seeing all that he will accomplish in the future.

WOMEN'S TENNIS 2007 CHAMPIONS

• Mr. CHAMBLISS. Madam President, today I congratulate the Georgia Tech women's tennis team for winning the 2007 Women's NCAA Tennis Championship in Athens, GA.

The Georgia Tech women's tennis program celebrated its first NCAA title on May 22, 2007, with a 4–2 win over UCLA. The Yellow Jackets' win over UCLA marked its 21st straight match win, and they finished the season at 29–4.

I congratulate team members Amanda Craddock, Kristen Fowler, Whitney McCray, Amanda McDowell, Kirsti Miller, Tarryn Rudman, Alison Silverio, and Christy Striplin for their hard work and achievement. Additionally, I congratulate Alison Silverio on being named the tournament's Most Valuable Player. I further extend my thanks to the players' families and fans for continually supporting these outstanding young women throughout a long but exciting tennis season. The team's success, undoubtedly, would not have been possible without the leadership of head coach Bryan Shelton, assistant coach Mariel Verban, and volunteer assistant coach Robin Stephenson.

Congratulations again to all of these young women for their accomplishment.•

MEN'S TENNIS 2007 CHAMPIONS

• Mr. CHAMBLISS. Madam President, I wish to congratulate the men's tennis team from my alma mater, the University of Georgia, for winning the 2007 NCAA Men's Tennis Championship in Athens, GA.

The Bulldogs defeated the University of Illinois 4 to 0 in the final round of play to capture their fifth men's NCAA national championship in front of a sold out crowd in Athens, leading to the school's 24th national title overall. The team entered the season ranked No. 1 in the country, and completed the season with a perfect 32 to 0 record, making them only the fifth men's tennis team in history to go undefeated.

As an alumnus of this great university, I am extremely proud and would like to congratulate team members Brad Benedict, Luis Flores, Travis Helgeson, Alex Hill, Jamie Hunt, Chris Motes, Nate Schnugg, Joshua Varela, Christian Vitulli, and Tri-Captains Ricardo Gonzalez, John Isner, and Matic Omerzel for their hard work and accomplishments. Additionally, I would like to congratulate Matic Omerzel on being named the tournament's Most Valuable Player. Undoubtedly, the team's successes would not have been possible without the guidance and encouragement from legendary head coach Manuel Diaz, assistant coach Will Glenn and graduate assistant athletic trainer Michael Neumann. This title is the third for the university under Coach Diaz, making him the only active coach with multiple NCAA championships.

Again, congratulations to the Georgia Bulldogs for their achievement.•

HONORING NORM MALENG

• Mrs. MURRAY. Madam President, today I celebrate the life and service of Norm Maleng, a deeply respected leader in my home State of Washington who served as King County Prosecutor since 1978.

Seattle, King County, and in fact the entire Pacific Northwest, lost one of our finest statesmen ever with his passing. Norm was known by everyone for his fairness and honesty. He was a thoughtful leader who helped guide our community through difficult times. Over the years, our community was rattled by the Wah Mee Massacre, the murder of the Goldmark family, and the Green River Cases. We all breathed easier knowing that Norm Maleng would handle the cases and that justice would be served.

To me, Norm Maleng was always the King County prosecutor. Norm held the position so long, and did his job so well, that it is hard for me to remember anyone else who held the job before him.

For all of us in public office, Norm was an icon. For me, despite our party differences, he was always a voice of reason and even-handedness. For everyone in King County, we knew that whatever issue came before him, he would handle it with integrity.

As an elected official, Norm Maleng was the best role model for all of us. He treated everyone equally and fairly. He approached every case and every challenge with wisdom and dignity. His voice will be missed. For me, he will always be the King County prosecutor.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:45 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 2316. An act to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.

H.R. 2317. An act to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 14. Joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

MEASURE HELD AT THE DESK

The following measure was ordered held at the desk by unanimous consent:

S. 1532. An act to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2316. An act to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.

H.R. 2317. An act to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1530. A bill to amend the Consumer Credit Protection Act, to protect consumers from inadequate disclosures and certain abusive practices in rent-to-own transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for himself, Mr. ALLARD, and Mr. SALAZAR):

S. 1531. A bill to amend the Internal Revenue Code of 1986 to provide incentives and extend existing incentives for the production and use of renewable energy resources, and for other purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1532. A bill to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act; ordered held at the desk.

By Mr. VITTER:

S. 1533. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. BAYH):

S. 1534. A bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. SCHUMER):

S. 1535. A bill to amend the Internal Revenue Code of 1986 and the Foreign Trade Zones Act to simplify the tax and eliminate the drawback fee on certain distilled spirits used in nonbeverage products manufactured in a United States foreign trade zone for domestic use and export; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1536. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself and Mrs. HUTCHISON):

S. 1537. A bill to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center; considered and passed.

By Mr. BIDEN:

S.J. Res. 15. A joint resolution to revise United States policy on Iraq; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:

S. Con. Res. 34. A concurrent resolution expressing the sense of Congress that Congress and the President should increase basic pay for members of the Armed Forces; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 394

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 450

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 573

At the request of Ms. MURKOWSKI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 773

At the request of Mr. WARNER, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1337

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1382

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1492

At the request of Mr. INOUYE, the names of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1494

At the request of Mr. DORGAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1495

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1495, a bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes.

S. 1502

At the request of Mr. CONRAD, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1518

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. RES. 203

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. ALLARD, and Mr. SALAZAR):

S. 1531. A bill to amend the Internal Revenue Code of 1986 to provide incentives and extend existing incentives for the production and use of renewable energy resources, and for other purposes; to the Committee on Finance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Renewable Energy and Economic Development Incentives Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references, table of contents.

TITLE I—TAX INCENTIVES FOR ENERGY CONSERVATION AND EXPLORATION

Sec. 101. Extension of renewable electricity production credit.
Sec. 102. Extension and modification of clean renewable energy bond credit.
Sec. 103. Water conservation, reuse and efficiency bonds.
Sec. 104. Credit for geothermal exploration expenditures.
Sec. 105. Credit for wind energy systems.
Sec. 106. Extension and modification of new energy efficient home credit.
Sec. 107. Investment tax credit for advanced battery production.
Sec. 108. Qualified renewable school energy bonds.
Sec. 109. Treatment of bonds issued to finance renewable energy resource facilities.

TITLE II—INVESTMENT TAX CREDIT WITH RESPECT TO SOLAR ENERGY PROPERTY AND MANUFACTURING

Subtitle A—Solar Energy Property

Sec. 201. Energy credit with respect to solar energy property.
Sec. 202. Repeal of exclusion for solar and geothermal public utility property under energy credit.

Sec. 203. Permanent extension and modification of credit for residential energy efficient property.
Sec. 204. 3-year accelerated depreciation period for solar energy property.

Subtitle B—Promotion of Solar Manufacturing in the United States

Sec. 211. Solar manufacturing credit.

TITLE I—TAX INCENTIVES FOR ENERGY CONSERVATION AND EXPLORATION

SEC. 101. EXTENSION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT.

(a) In General.—Paragraphs (1), (2), (3), (4), (5), (6), (7), and (9) of section 45(d) (relating to qualified facilities) are amended by striking "January 1, 2009" each place it appears and inserting "January 1, 2019".

(b) Deemed Placed-in-Service Date for Renewable Electricity Facilities.—Section 45(e) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) Deemed placed-in-service date for certain facilities.—

"(A) In general.—In the case of any facility described in paragraph (1), (2), (3), (4) (respect to geothermal energy), (5), (6), (7), or (9), for purposes of such paragraph, such facility shall be treated as being placed in service before January 1, 2019, if such facility is under construction before such date and is producing and selling electricity within 2 years after such date.

"(B) Period of credit.—If a facility is treated as placed in service pursuant to subparagraph (A), the 10-year period referred to in subsection (a) shall be treated as beginning on January 1, 2019.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 102. EXTENSION AND MODIFICATION OF CLEAN RENEWABLE ENERGY BOND CREDIT.

(a) Extension.—Subsection 54(m) (relating to termination) is amended by striking "2008" and inserting "2018".

(b) Annual Volume Cap for Bonds Issued During Extension Period.—Paragraph (1) of subsection 54(f) (relating to national limitation) is amended to read as follows:

"National limitation.—

"(A) Initial national limitation.—With respect to bonds issued after December 31, 2005, and before January 1, 2009, there is a national clean renewable energy bond limitation of $1,200,000,000.

"(B) Annual national limitation.—With respect to bonds issued after December 31, 2008, and before January 1, 2019, there is a national clean renewable energy bond limitation for each calendar year of $1,000,000,000.".

(c) Allocation by Secretary.—Paragraph (2) of subsection 54(f) (relating to allocation by Secretary) is amended by striking ", except that the Secretary" and inserting ", except that, in the case of bonds issued under paragraph (1)(A), the Secretary".

(d) Publicity Regarding Allocation of Clean Renewable Energy Bonds.—

(1) In general.—Section 54 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Publicity Regarding Allocation of Clean Renewable Energy Bonds.—The Secretary shall prepare a report not later than 1 year after each allocation under subsection (f) to Congress, and make such report publicly available, which with respect to such allocation identifies the name of each applicant for such allocation, the name of the borrower (if other than the applicant), the type and location of the project that is the subject of such application, and the amount of the allocation under subsection (f) for such project in the event the project receives such an allocation.".

(2) Effective date.—The amendments made by this subsection shall apply to applications for allocations made after the date of the enactment of this Act.

(e) Effective Date.—Except as otherwise provided, the amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 103. WATER CONSERVATION, REUSE AND EFFICIENCY BONDS.

(a) In General.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

"SEC. 54A. CREDIT TO HOLDERS OF WATER CONSERVATION, REUSE AND EFFICIENCY BONDS.

"(a) Allowance of Credit.—If a taxpayer holds a water conservation, reuse and efficiency bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) Amount of Credit.—

"(1) In general.—The amount of the credit determined under this subsection with respect to any credit allowance date for a water conservation, reuse and efficiency bond is 25 percent of the annual credit determined with respect to such bond.

"(2) Annual credit.—The annual credit determined with respect to any water conservation, reuse and efficiency bond is the product of—

"(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

"(B) the outstanding face amount of the bond.

"(3) Determination.—For purposes of paragraph (2), with respect to any water conservation, reuse and efficiency bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of water conservation, reuse and efficiency bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

"(4) Credit allowance date.—For purposes of this section, the term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term also includes the last day on which the bond is outstanding.

"(5) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over,

"(2) the sum of the credits allowable under this part (other than subpart C, section 1400N(l), and this section).

"(d) Water Conservation, Reuse and Efficiency Bond.—For purposes of this section—

"(1) In general.—The term 'water conservation, reuse and efficiency bond' means any bond issued as part of an issue if—

"(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national water conservation, reuse and efficiency bond limitation under subsection (f)(2),

"(B) 95 percent or more of the proceeds of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

"(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

"(D) the issue meets the requirements of subsection (h).

"(2) Qualified project; special use rules.—

"(A) In general.—The term 'qualified project' means any rural water supply project (as defined in section 102(9) of the Rural Water Supply Act of 2006), owned by a qualified borrower, and which may include preparation and implementation of water conservation plans, development and deployment of water efficient products and processes, and xeriscaping projects consistent with that section.

"(B) Refinancing rules.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a water conservation, reuse and efficiency bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

"(C) Reimbursement.—For purposes of paragraph (1)(B), a water conservation, reuse and efficiency bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

"(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a water conservation, reuse and efficiency bond,

"(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(D) Treatment of changes in use.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower or qualified issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a water conservation, reuse and efficiency bond.

"(e) Maturity Limitations.—

"(1) Duration of term.—A bond shall not be treated as a water conservation, reuse and efficiency bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

"(2) Maximum term.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of subsection (l)(6) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(f) Limitation on Amount of Bonds Designated.—

"(1) National limitation.—There is a national water conservation, reuse and efficiency bond limitation of $500,000,000 for each of the 10 calendar years beginning after the date of enactment of this section.

"(2) Allocation by secretary.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate, except that the Secretary shall allocate the bond limitation for the financing of qualified projects in as geographically diverse a manner as practicable.

"(g) Credit Included in Gross Income.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)), and the amount so included shall be treated as interest income.

"(h) Special Rules Relating to Expenditures.—

"(1) In general.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

"(A) at least 95 percent of the proceeds of such issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the water conservation, reuse and efficiency bond,

"(B) a binding commitment with a 3rd party to spend at least 10 percent of the proceeds of such issue will be incurred within the 6-month period beginning on the date of issuance of the water conservation, reuse and efficiency bond or, in the case of a water conservation, reuse and efficiency bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

"(C) such projects will be completed with due diligence and the proceeds of such issue will be spent with due diligence.

"(2) Extension of period.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) Failure to spend required amount of bond proceeds within 5 years.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(i) Special Rules Relating to Arbitrage.—A bond which is part of an issue shall not be treated as a water conservation, reuse and efficiency bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

"(j) Municipal Water District; Qualified Water Systems Tax Credit Bond Lender; Governmental Body; Qualified Borrower.—For purposes of this section—

"(1) Municipal water district.—The term 'municipal water district' shall mean a nonprofit private or public entity operated for the purpose of implementing rural water supply projects (as defined in section 102(9) of the Rural Water Supply Act of 2006).

"(2) Qualified water systems bond lender.—The term 'qualified water systems bond lender' means a lender which is a municipal water district or a public water system which is owned by a governmental body, and shall include any affiliated entity which is controlled by such lender.

"(3) Governmental body.—The term 'governmental body' means any State, territory, or possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

"(4) Qualified issuer.—The term 'qualified issuer' means—

"(A) a qualified water systems bond lender,

"(B) a municipal water district, or

"(C) a governmental body.

"(5) Qualified borrower.—The term 'qualified borrower' means—

"(A) a municipal water district, or

"(B) a governmental body.

"(k) Special Rules Relating to Pool Bonds.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(l) Other Definitions and Special Rules.—For purposes of this section—

"(1) Bond.—The term 'bond' includes any obligation.

"(2) Pooled financing bond.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(3) Partnership; S corporation; and other pass-thru entities.—

"(A) In general.—Under regulations prescribed by the Secretary, in the case of a partnership, trusts corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(B) No basis adjustment.—In the case of a bond held by a partnership or and corporation, rules similar to the rules under section 1397E(i) shall apply.

"(4) Bonds held by regulated investment companies.—If any water conservation, reuse and efficiency bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(5) Ratable principal amortization required.—A bond shall not be treated as a water conservation, reuse and efficiency bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

"(6) Reporting.—Issuers of water conservation, reuse and efficiency bonds shall submit reports similar to the reports required under section 149(e).

"(m) Termination.—This section shall not apply with respect to any bond issued after the tenth calendar year beginning after the date of the enactment of this section.".

(b) Reporting.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) Reporting of credit on water conservation, reuse and efficiency bonds.—

"(A) In general.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

"(B) Reporting to corporations, etc.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) Regulatory authority.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) Conforming Amendment.—The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

Sec. 54A. Credit to holders of water conservation, reuse and efficiency bonds.

(d) Issuance of Regulations.—The Secretary of the Treasury shall issue regulations required under section 54A (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) Report on Use of Bond Authority.—On April 1, 2008, and annually thereafter, the Secretary of Treasury shall submit a report to Congress including the number of applications for bonding authority received, granted and identifying the purposes and expected effects of projects supported by the bonding authority in the previous calendar year.

(f) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 104. CREDIT FOR GEOTHERMAL EXPLORATION EXPENDITURES.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45O. CREDIT FOR GEOTHERMAL EXPLORATION EXPENDITURES.

"(a) In General.—For purposes of section 38, the geothermal exploration expenditures credit for any taxable year is an amount equal to 10 percent of the qualifying geothermal exploration expenditures paid or incurred by the taxpayer during such taxable year.

"(b) Qualifying Geothermal Exploration Expenditures.—For purposes of this section—

"(1) In general.—The term 'qualifying geothermal exploration expenditures' means expenditures for drilling exploratory wells for geothermal deposits (as defined by section 613(e)(2)).

"(2) Exception.—Such term shall not include expenditures for any equipment used to produce, distribute, or use energy derived from a geothermal deposit (as so defined) for which a credit is allowable under section 46 by reason of section 48.

"(c) SPECIAL RULES.—

"(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowed under this section shall be reduced by the amount of the credit so allowed.

"(2) DENIAL OF DOUBLE BENEFIT.—No deduction or credit (other than under section 45) shall be allowed under this subtitle with respect to any expenditures for which a credit is allowed under this section.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following new paragraph:

"(32) the geothermal exploration expenditures credit determined under section 45O(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45N the following new item:

"Sec. 45O. Credit for geothermal exploration expenditures.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made in taxable years beginning after the date of the enactment of this Act.

SEC. 105. CREDIT FOR WIND ENERGY SYSTEMS.

(a) RESIDENTIAL.—

(1) IN GENERAL.—Section 25D(a) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (A) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $500 with respect to each half kilowatt of capacity (not to exceed $5,000) of qualifying wind turbines for which qualified small wind energy property expenditures are made.".

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—Section 25D(d) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified wind energy property expenditure' means an expenditure for property which uses a qualifying wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

"(B) QUALIFYING WIND TURBINE.—The term 'qualifying wind turbine' means a wind turbine of 100 kilowatts of rated capacity or less which meets the latest performance rating standards published by the American Wind Energy Association and which is used to generate electricity and carries at least a 5-year limited warranty covering defects in design, material, or workmanship, and, for property that is not installed by the taxpayer, at least a 5-year limited warranty covering defects in installation.".

(b) BUSINESS.—Section 48(a)(3)(A) (defining energy property) is amended by striking "or" at the end of clause (iii), by adding "or" at the end of clause (iv), and by inserting after clause (iv) the following new clause:

"(v) qualifying wind turbine (as defined in section 25D(d)(B)),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 106. EXTENSION AND MODIFICATION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION.—Subsection (g) of section 45L (relating to termination) is amended by striking "2008" and inserting "2013".

(b) INCREASE OF CREDIT.—Paragraph (2) of subsection 45L(a) (relating to applicable amount) is amended to read as follows:

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to, in the case of a dwelling unit described in—

"(A) subsection (c)(1), $4,000,

"(B) subsection (c)(2), $2,000, and

"(C) subsection (c)(3), $1,000.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified new energy efficient homes acquired after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 107. INVESTMENT TAX CREDIT FOR ADVANCED BATTERY PRODUCTION.

(a) IN GENERAL.—Section 48(a)(3)(A) is amended—

(1) by striking "or" at the end of clause (iii),

(2) by inserting "or" at the end of clause (iv), and

(3) by inserting after clause (iv) the following new clause:

"(v) equipment used to produce at least 75 percent of any advanced battery and related power electronics intended for use in—

"(I) any qualified electric vehicle (as defined in section 30(c)(1)(A)) or new qualified hybrid motor vehicle (as defined in section 30B(d)(3)(A), without regard to clauses (v) and (vi) thereof), or

"(II) any grid-enabled or distributed residential or small commercial application,".

(b) RATE OF ENERGY PERCENTAGE.—Section 48(a)(2)(A) is amended—

(1) by striking "and" at the end of clause (i)(III),

(2) by striking "clause (i)" in clause (ii) and inserting "clause (i) or clause (ii)",

(3) by redesignating clause (ii) as clause (iii), and

(4) by inserting after clause (i) the following new clause:

"(ii) 20 percent in the case of energy property described in paragraph (3)(A)(v), and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 108. QUALIFIED RENEWABLE SCHOOL ENERGY BONDS.

(a) IN GENERAL.—Subchapter U of chapter 1 (relating to incentives for education zones) is amended by redesignating section 1397F as section 1397G and by adding at the end of part IV of such subchapter the following new section:

"SEC. 1397F. QUALIFIED RENEWABLE SCHOOL ENERGY BONDS.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified renewable school energy bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified renewable school energy bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified renewable school energy bond is the product of—

"(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

"(B) the outstanding face amount of the bond.

"(3) DETERMINATION.—For purposes of paragraph (2), with respect to any qualified renewable school energy bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of qualified renewable school energy bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

"(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term also includes the last day on which the bond is outstanding.

"(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits, subpart H thereof, section 1400N(l), and this section).

"(d) QUALIFIED RENEWABLE SCHOOL ENERGY BOND.—For purposes of this section—

"(1) IN GENERAL.—The term 'renewable school energy bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified school operated by an eligible local education agency,

"(B) the bond is issued by a State or local government of an eligible State within the jurisdiction of which such school is located,

"(C) the issuer—

"(i) designates such bond for purposes of this section, and

"(ii) certifies that it has the written approval of the eligible local education agency for such bond issuance, and

"(D) the term of each bond which is part of such issue is 20 years.

"(2) QUALIFIED SCHOOL.—The term 'qualified school' means any public school or public school system administrative building which is owned by or operated by an eligible local education agency.

"(3) ELIGIBLE LOCAL EDUCATION AGENCY.—The term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

"(4) ELIGIBLE STATE.—The term 'eligible State' means, with respect to any calendar year, any State described in one of the following:

"(A) The 5 States within Region 4 of the United States Census with the greatest percentage population growth change between 2000 and 2006 as determined under the Cumulative Estimates of Population Change for the United States and States, and for Puerto Rico—April 1, 2000 to July 1, 2006, by the Bureau of the Census.

"(B) The State with a total percentage population growth change between 2000 and 2006 greater than 4.5 percent but less than 5.0 percent and a total population 19 years of age and younger which is greater than 200,000 but less than 250,000 as determined under such Cumulative Estimates and the 2005 American Community Survey by the Bureau of the Census.

"(5) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified school, the purchase and installation of renewable energy products.

"(e) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a national renewable school energy bond limitation for each calendar year. Such limitation is $50,000,000 for 2008, $100,000,000 for 2009, $150,000,000 for 2010, and, except as provided in paragraph (4), zero thereafter.

"(2) ALLOCATION OF LIMITATION.—The national renewable school energy bond limitation for a calendar year shall be allocated by the Secretary—

"(A) among the eligible States described in subsection (d)(4)(A), 30 percent to the State with the greatest percentage population growth, 20 percent to each of second and third ranked States, and 10 percent to each of the fourth and fifth ranked States, and

"(B) to the State described in subsection (d)(4)(B), 10 percent.

The limitation amount allocated to an eligible State under the preceding sentence shall be allocated by the State education agency to qualified schools within such State.

"(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any qualified school shall not exceed the limitation amount allocated to such school under paragraph (2) for such calendar year.

"(4) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the limitation amount for any eligible State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (d)(1) with respect to qualified schools within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

"(f) OTHER DEFINITIONS.—For purposes of this section—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)).

"(h) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified renewable school energy bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person which, on the credit allowance date, holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified renewable school energy bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"(i) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this section shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

"(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules under paragraphs (3) and (4) of section 54(l) shall apply.".

(b) CONFORMING AMENDMENTS.—The table of sections for part V of such subchapter is amended by redesignating section 1397F as section 1397G and by adding at the end of the table of sections for part IV of such subchapter the following new item:

"Sec. 1397F. Credit for holders of qualified renewable school energy bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 109. TREATMENT OF BONDS ISSUED TO FINANCE RENEWABLE ENERGY RESOURCE FACILITIES.

(a) IN GENERAL.—Subsection (a) of section 142 (relating to exempt facility bond) is amended—

(1) by striking "or" at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting ", or", and

(3) by inserting at the end the following new paragraph:

"(16) renewable energy resource facilities.".

(b) DEFINITION.—Section 142 is amended by inserting at the end the following new subsection:

"(n) RENEWABLE ENERGY RESOURCE FACILITIES.—For purposes of subsection (a)(16)—

"(1) IN GENERAL.—The term 'renewable energy resource facility' means any facility used to produce electric or thermal energy (including a distributed generation facility) from—

"(A) wind energy,

"(B) closed-loop biomass (within the meaning of section 45(c(2)),

"(C) open-loop biomass (as defined in section 45(c)(3),

"(D) geothermal energy (as defined in section 45(c)(4),

"(E) solar energy,

"(F) land fill gas derived from the biodegradation of municipal solid waste (as defined in section 45(c)(6),

"(G) incremental hydropower production (as determined under section 45(c)(8)(B), or

"(H) ocean energy.

"(2) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.".

(c) COORDINATION WITH SECTION 45.—Section 45(b)(3) is amended by adding at the end the following new sentence: "For purposes of this paragraph, proceeds of an issue used to provide financing for any qualified facility by reason of section 142(a)(16) shall not be taken into account under subparagraph (A)(ii).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to bonds issued on or after the date of the enactment of this Act.

TITLE II—INVESTMENT TAX CREDIT WITH RESPECT TO SOLAR ENERGY PROPERTY AND MANUFACTURING

Subtitle A—Solar Energy Property

SEC. 201. ENERGY CREDIT WITH RESPECT TO SOLAR ENERGY PROPERTY.

(a) PERMANENT EXTENSION OF CREDIT FOR SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to the energy credit) are each amended by striking "but only with respect to periods ending before January 1, 2009".

(b) ENERGY PROPERTY TO INCLUDE EXCESS ENERGY STORAGE DEVICE.—Clause (i) of section 48(a)(3)(A) (relating to energy property) is amended to read as follows:

"(i) equipment which uses solar energy to generate electricity, to heat or cool (or provide hot water for use in) a structure, or to provide solar process heat, or advanced energy storage systems installed as an integrated component of the foregoing, excepting property used to generate energy for purposes of heating a swimming pool,".

(c) ADDITIONAL MODIFICATIONS.—

(1) SOLAR ELECTRIC ENERGY PROPERTY CREDIT DETERMINED SOLELY BY KILOWATT CAPACITY.—

(A) IN GENERAL.—Subsection (a) of section 48 (relating to the energy credit) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL RULE FOR ENERGY CREDIT FOR SOLAR ELECTRIC ENERGY PROPERTY.—

"(A) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year for solar electric energy property described in paragraph (3)(A)(i) which is used to generate electricity and which is placed in service during the taxable year is $1,500 with respect to each half kilowatt of direct current of installed capacity of such property. Paragraph (2)(A) shall not apply to property to which the preceding sentence applies.

"(B) APPLICATION OF SPECIAL RULES FOR REHABILITATED OR SUBSIDIZED PROPERTY.—Rules similar to the rules of paragraphs (2)(B) and (5) shall apply to property to which this paragraph applies.".

(B) CONFORMING AMENDMENTS.—Subsection (a) of section 48 is amended—

(i) in paragraph (1), by inserting "in paragraph (4) and" after "except as provided", and

(ii) in paragraph (2)(A)(i)(II), by striking "described in paragraph (3)(A)(i)" and inserting "which is described in paragraph (3)(A)(i) and to which paragraph (4) does not apply".

(d) CREDIT ALLOWED AGAINST THE ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B) (relating to specified credits) is amended by—

(1) striking "and" at the end of clause (i),

(2) striking the period at the end of clause (ii)(II) and inserting ", and", and

(3) adding at the end the following new clause:

"(iii) the portion of the investment credit under section 46(2) which is determined under clauses (i) and (ii) of section 48(a)(3)(A).".

(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods after December 31, 2007, in taxable years beginning after such date, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 202. REPEAL OF EXCLUSION FOR SOLAR AND GEOTHERMAL PUBLIC UTILITY PROPERTY UNDER ENERGY CREDIT.

(a) IN GENERAL.—The second sentence of section 48(a)(3) is amended by inserting "(other than property described in clause (i) or (iii) of subparagraph (A))" after "any property".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods after December 31, 2007, in taxable years beginning after such date, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 203. PERMANENT EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) PERMANENT EXTENSION.—Section 25D is amended by striking subsection (g) (relating to termination).

(b) SOLAR ELECTRIC PROPERTY.—Paragraph (1) of section 25D(a) (relating to allowance of credit) is amended by striking "30 percent of".

(c) MODIFICATION OF MAXIMUM CREDIT.—Paragraph (1) of section 25D(b) (relating to limitations) is amended to read as follows:

"(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year shall not exceed—

"(A) $1,500 with respect to each half kilowatt of direct current of installed capacity of qualified solar electric property for which qualified solar electric property expenditures are made,

"(B) $2,000 with respect to any qualified solar heating and cooling property expenditures, and

"(C) $500 with respect to each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) for which qualified fuel cell property expenditures are made.".

(d) DEFINITION OF QUALIFIED SOLAR HEATING AND COOLING PROPERTY EXPENDITURE.—

(1) IN GENERAL.—Paragraph (1) of section 25D(d) (relating to definitions) is amended to read as follows:

"(2) QUALIFIED SOLAR HEATING AND COOLING PROPERTY EXPENDITURE.—The term 'qualified solar heating and cooling property expenditure' means an expenditure for property to heat or cool (or provide hot water for use in) a dwelling unit located in the United States and used as a residence by the taxpayer if at least half of the energy used by such property for such purpose is derived from the sun. Such term shall not include an expenditure which is a qualified solar electric property expenditure.".

(2) CONFORMING AMENDMENTS.—Section 25D (relating to residential energy efficient property) is amended—

(A) by striking "solar water heating" in subsections (a)(2) and (e)(4)(A)(ii) and inserting "solar heating and cooling", and

(B) by striking the heading for subsection (b)(2) and inserting the following new heading: "(2) CERTIFICATION OF SOLAR HEATING AND COOLING PROPERTY.".

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25D(b) (relating to limitations), as amended by subsection (c), is amended by adding at the end the following new paragraph:

"(3) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section) and section 27 for the taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 25D (relating to carryforward of unused credit) is amended to read as follows:

"(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(3) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(B) Section 23(b)(4)(B) (relating to limitation based on amount of tax) is amended by inserting "and section 25D" after "this section".

(C) Section 24(b)(3)(B) (relating to limitation based on amount of tax) is amended by striking "sections 23 and 25B" and inserting "sections 23, 25B, and 25D".

(D) Section 26(a)(1) (relating to limitation based on amount of tax) is amended by striking "and 25B" and inserting "25B, and 25D".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made in taxable years beginning after December 31, 2007.

SEC. 204. 3-YEAR ACCELERATED DEPRECIATION PERIOD FOR SOLAR ENERGY PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) (relating to 3-year property) is amended—

(1) by striking "and" at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting a comma, and

(3) by inserting after clause (iii) the following new clauses:

"(iv) any property which is described in clause (i) or (ii) of section 48(a)(3)(A) (or would be so described if the last sentence of such section did not apply to such clause), and

"(v) any property which is described in clause (iv) of section 48(a)(3)(A).".

(b) CONFORMING AMENDMENT.—Subclause (I) of section 168(e)(3)(B)(vi) (relating to 5-year property) is amended to read as follows:

"(I) would be described in subparagraph (A) of section 48(a)(3) if 'wind energy' were substituted for 'solar energy' in clause (i) thereof and the last sentence of such section did not apply to such subparagraph,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

Subtitle B—Promotion of Solar Manufacturing in the United States

SEC. 211. SOLAR MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48B the following new section:

"SEC. 48C. SOLAR MANUFACTURING CREDIT.

"(a) CREDIT ALLOWED.—For purposes of section 46, the solar manufacturing credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year.

"(b) QUALIFIED INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year to re-equip, expand, or establish an eligible manufacturing facility—

"(A) to produce polysilicon for use in solar cells, wafers manufactured for solar cells, and solar photovoltaic cells,

"(B) to produce or assemble solar photovoltaic modules,

"(C) to produce or assemble solar thermal panels and solar thermal storage tanks, or

"(D) to produce concentrated solar power equipment.

"(2) EXCEPTIONS.—The qualified investment for any taxable year shall not include—

"(A) assets utilized to produce the materials consumed in the production of solar photovoltaic modules, such as aluminum extrusions, glass, encapsulants, inverters, and mounting hardware, and

"(B) assets utilized to produce the materials consumed in the production of solar thermal panels, such as aluminum extrusions, glass, copper, and mounting hardware.

"(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE MANUFACTURING FACILITY.—The term 'eligible manufacturing facility' means any manufacturing facility for which more than 50 percent of the gross receipts for the taxable year are derived from sales of solar equipment.

"(2) SOLAR PHOTOVOLTAIC CELL.—The term 'solar photovoltaic cell' means the semiconductor device which converts photons from light into electricity.

"(3) SOLAR PHOTOVOLTAIC MODULE.—The term 'solar photovoltaic module' means an assembly of multiple interconnected solar photovoltaic cells that are sized and packaged for installation and deployment in a specific application.".

(b) CREDIT TREATED AS PART OF INVESTMENT CREDIT.—Section 46 (relating to amount of credit) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) the solar manufacturing credit.".

(c) CERTAIN NONRECOURSE FINANCING EXCLUDED FROM CREDIT BASE.—Section 49(a)(1)(C) (defining credit base) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the basis of any property which is part of the solar manufacturing credit under section 48C.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2007, in taxable years beginning after such date, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

By Mrs. FEINSTEIN:

S. 1536. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I offer private immigration relief legislation to provide lawful permanent residence status to Jose Alberto Martinez Moreno and Micaela Lopez Martinez and their daughter, Adilene Martinez; Mexican nationals now living in San Francisco, California.

This family embodies the true American success story and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Mr. Martinez came to the United States 20 years ago from Mexico. He started working as a busboy in restaurants in San Francisco. In 1990, he began working as a cook at Palio D'Asti, an award winning Italian restaurant in San Francisco.

According to the people who worked with him, he "never made mistakes, never lost his temper, and never seemed to sweat."

Over the past 20 years, Jose Martinez has worked his way through the ranks. Today, he is the sous chef at Palio, where he is respected by everyone in the restaurant, from dishwashers to cooks, busboys to waiters, bartenders to managers.

Mr. Martinez has unique skills: he is an excellent chef; he is bilingual; he is a leader in the workplace. He is described as "an exemplary employee" who is not only "good at his job, but is also a great boss to his subordinates."

He and his wife, Micaela, have made a home in San Francisco. Micaela has been working as a housekeeper. They have three daughters, two of whom are United States citizens. Their oldest child Adilene, 19, is undocumented. Adilene recently graduated from the Immaculate Conception Academy and hopes to attend college.

One of the most compelling reasons for allowing the family to remain in the United States is that they are eligible for a green card. Unfortunately, there is such a backlog for green cards right now that even though he has a work permit, owns a home in San Francisco, works two jobs, and has been in the United States for 20 years with a clean record, he and his family will be deported.

Mr. Martinez and his family have applied unsuccessfully for legal status several ways:

In 2000, Mr. and Mrs. Martinez filed for political asylum. Their case was denied and a subsequent application for a Cancellation of Removal was also denied because the immigration court judge could not find "requisite hardship" required for this relief.

Ironically, the immigration judge who reviewed their case found that Mr. Martinez's culinary ability was a negative factor, as it indicated that he could find a job in Mexico.

In 2001, his sister, who has legal status, petitioned for Mr. Martinez to get a green card. Unfortunately, because of the current green card backlog, Mr. Martinez has several years to wait before he is eligible for a green card.

Finally, Daniel Scherotter, the executive chef and owner of Palio D'Asti, has petitioned for legal status for Mr. Martinez based on Mr. Martinez's unique skills as a chef. Although Mr. Martinez's work petition was approved by U.S. Citizenship and Immigration Services, there is a backlog on these visas, and Mr. Martinez is on a waiting list for a green card through this channel, as well.

Mr. and Mrs. Martinez have no other administrative options available to them at this point and if deported, they will face a 5- to 10-year ban from returning to the United States.

The Martinez family has become an important and valued part of their community. They are active members of their church, their children's school, and Comite de Padres Unido, a grassroots immigrant organization in California.

They volunteer extensively, advocating for safe new parks in the community for the children, volunteering at their children's school, and working on a voter registration campaign, even though they are unable to vote themselves.

In fact, I have received 46 letters of support from teachers, church members, and members of their community who attest to their honesty, responsibility, and long-standing commitment to their community. Their supporters include San Francisco Mayor Gavin Newsom; former Mayor Willie Brown; President of the San Francisco Board of Supervisors, Aaron Peskin; and the Director of Immigration Policy at the Immigrant Legal Resource Center, Mark Silverman.

This family has truly embraced the American dream. I believe their continued presence in our country would do so much to enhance the values we hold dear. Enactment of the legislation I have introduced today will enable the Martinez family to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

I ask unanimous consent that my statement, the letters of community support, and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e), 1153(a)), as applicable.

OFFICE OF THE MAYOR,
CITY AND COUNTY OF SAN FRANCISCO,
April 20, 2007.

Hon. DIANE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I write to express my unequivocal support for your efforts to assist Jose Alberto Martinez and his family regarding immigration challenges that they currently face.

As you know, Mr. Martinez is a key employee of the highly regarded Palio d'Asti Restaurant here in San Francisco. His current occupation as a Sous Chef at Palio d'Asti is part of a career that spans 20 years in the San Francisco restaurant industry. Mr. Martinez is a San Francisco homeowner with a wife and three children. By all accounts he is a model resident and contributing community member. He exemplifies the hardworking immigrant communities that have made San Francisco what it is over the last 150-plus years.

I understand that despite Mr. Martinez's sponsorship through the PERM program, and his history as a law-abiding taxpayer in our community, he and his wife face a deportation order. I believe that this order not only threatens the future of his family, but negatively impacts our local restaurant industry and Mexican-American community. I therefore thank you for your efforts to what you can to help allow Mr. Martinez and his family to remain in San Francisco, working hard to achieve the American dream while contributing to our community.

Should you have any questions about this letter, please contact my Director of Government Affairs, Wade Crowfoot at 415–554–6640.

Sincerely,

GAVIN NEWSOM.

SAN FRANCISCO, CA,
April 19, 2007.

Hon. DIANE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I write to you to voice my support for Jose Alberto Martinez, Sous Chef of the well established Palio d'Asti Restaurant. Like thousands of San Franciscans and visitors to San Francisco, I have eaten food he has prepared for the last 20 years. Jose has supported the top Chefs, and fed hundreds of thousands of diners, in San Francisco primarily at Stars and Palio d'Asti (though also at the Orchard and Omni hotels) and has maintained a spotless record. Jose runs the kitchen with an even-hand and touch of class. Jose is also a San Francisco homeowner with his wife and their three children.

Jose's boss, Daniel Scherotter, Palio's longtime chef and Gianni Fassio, the former owner of Palio, have alerted me that this pillar of the restaurant community is facing an imminent deportation order.

Fassio and Scherotter worked with Jose through the PERM Program to get him a work visa, proving that Jose was an integral, irreplaceable part of their business. I would maintain that Jose is exactly the kind of hardworking immigrant that has always been the bedrock of San Francisco and its restaurant community. Please, I urge you to do anything in your power to help keep Jose and his family together here in San Francisco. Please intervene on Jose's behalf in order to let him stay in line for a green card and not be deported.

Sincerely,

WILLIE L. BROWN, Jr.

BOARD OF SUPERVISORS,
CITY AND COUNTY OF SAN FRANCISCO,
San Francisco, April 18, 2007.

Hon. DIANNE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am writing in support of Jose Alberto Martinez, the longtime Sous Chef of Palio d'Asti Restaurant, one of the largest and best known restaurants in my district. Palio has been an exemplary restaurant, both under previous owner Gianni Fassio, and under the chef who eventually bought him out, Daniel Scheratter. Jose makes it possible for Mr. Scherotter to represent his industry in his position as Vice Plesident of the Golden Gate Restaurant Association.

Mr. Scherotter has brought it to my attention that, despite Fassio's and Scherotter's successful sponsorship for a work permit under the PERM program, and despite a clean record as a lawabiding taxpayer, home owner and family man, Mr. Martinez and his wife are facing a deportation order. I respectfully urge you to do anything possible to help Mr. Martinez stay with his three children, contribute to the economy and the restaurant industry, and continue to live the American Dream.

Sincerely,

AARON PESKIN,
President.

APRIL 19, 2007.

Hon. DIANE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: Jose Alberto Martinez has worked for me at Palio d'Asti Restaurant as my Sous Chef for over six years. He is my right hand in every way. He always comes to work on time and ready to enjoy getting his job done well, I need only teach him something once, and he gets it, never making the same mistake twice. None of this comes as a surprise, to me though, because I worked with him as a cook here at Palio 13 years ago. When I needed a Sous Chef to run the kitchen at night, I made one phone call, to Jose.

Jose started working as a cook at Palio in 1990, when it opened. I came along as a cook climbing up the ladder after working in Italy in the fall of 1994, and stayed for a year and a half. Jose and his brother Mauricio were the pillars of dinner service. The nights I got to work with both of them were lessons in how professional cooks cook. Jose never made mistakes, never lost his temper, and never seemed to sweat or really even move. I thought I knew everything and talked about it, but I could never reach the pure, silent efficiency of motion that Jose embodied. At night, the Sous Chef never even had to come into the kitchen, because he had the dream team in charge. About a year after I started, the owner, Gianni Fassio, had bypass surgery, and decided to close dinner service. Jose and I had to leave to move on and up, elsewhere.

In the late summer of 1999, I was working at the Kimpton Group as an Executive Chef and General Manager at Puccini and Pinetti, when Mr. Fassio approached me about coming back to Palio, this time as the Executive Chef. He was having mangement problems, which translate into cost and quality problems. The hardest part about running a restaurant or any business for that matter, is finding good management. I had to fire 3 sous chefs upon arrival for blatant incompetence, dishonesty, sexual harassment, bad cooking, alcohol abuse and any number of other sins.

I tried a couple of classically trained Ameican Sous Chefs with extensive education and experience, but one thing after another would pop up—alcoholism, lack of common sense, inability to handle pressure or criticism, big egos, inability to communicate with, train or maintain staff, and I can go on. I thought about what I needed: a great cook, a leader, someone who spoke English and Spanish, someone who could learn and take constructive criticism, someone who would represent what I wanted on the plate and in person when I was elewhere, So I called Jose.

It took time, Jose was working for a very well respected French Chef as a cook. I offered him more money and a management title, but since dinner had closed on him before, he didn't know if the restaurant would be around for long. He didn't want to bite off more than he could chew, as he was very comfortable slaving away cooking and had never been truly responsible before. Jose is all about stability, which has made my life a dream since he finally started.

I taught Jose how to order all of the meat, poultry, and fish and produce every night, taking into account the reservations, historical sales figures, catering, parties, prices and seasonality. He maintains a tight ship with single digit turnover on his shift. His staff worships him and his food is flawless. His ordering is precise, and he has learned to think the way I think. Jose dwells in the details and makes sure that everything is done right. When he started, he told me that no matter what, if he did something wrong, that he wanted me to tell him rather than be upset. That being said, the things I have ever needed to correct him on cumulatively amount to a hill of beans. He cooks a station or two at a time, manages the other employees, the inventory and the ordering while still supporting a family, another job and a sense of humor. He has made it possible for me to buy out Gianni Fassio and start out in business for myself.

My goal is to make Jose into my chef, as I use this restaurant as a mother ship to open other restaurants in the city. He's helped me bring his brother Mauricio, the other half of the dynamic duo back to Palio, and with them there, I can feel comfortable growing our business. I need Jose and this restaurant needs Jose. I want to take him to Italy so he can see how it is over there, and so his vision is not just mine, but also authentic in its own right. When he gets enough money together to open his own restaurant, I will invest in it without hesitation because sure things are hard investments to come by and Jose Alberto Martinez is a sure thing.

I am willing to do anything to keep Jose here and happy. He is the best possible person to run my business at night, and eventually, I believe, all day. He has worked hard and played by the rules since he got here 20 years ago. He is a homeowner in San Francisco and a saint, respected by everyone in the restaurant, from dishwashers to cooks, busboys to waiters, bartenders to managers. He is well on his way to reaching the American dream, and I can't think of anyone who deserves it more, I implore you to appreciate what this man means to me and to Palio.

Please tell me any way that I can help Jose stay here in San Francisco as a part of the Palio d'Asti family.

DANIEL H. SCHEROTTER,
Chef, Owner, Palio d'Asti and Palio Paninoteca,
Vice President, Golden Gate Restaurant Association.

SAN FRANCISCO
UNIFIED SCHOOL DISTRICT,
San Francisco, CA, April 19, 2007.

SENATOR DIANE FEINSTEIN: I am writing this letter in support of the family of Micaela and Jose Alberto Martinez and their three daughters, Adelina, Jasmine and Karla Martinez.

I've known Micaela and Jose Alberto Martinez and their three sweet and well mannered daughters Adelina, Jasmine and Karla Martinez who have been at different times in our child development program for the past sixteen years. Each daughter has been enrolled in my class. During this time, Micaela and Jose Alberto have aided our program by volunteering in many ways

They have translated for our Spanish speaking parents during our Center parent meetings. Mr. and Mrs. Martinez have donated gifts toward our center program fundraisers which have helped to make them a great success, raising funds to support class field trips around the Bay area and to purchase additional materials and supplies for the classroom. They have also helped to chaperone these field trips.

Micaela and Jose Alberto Martinez are outstanding parents who are supportive to their family, their community and to our educational system.

Please give all positive consideration to this deserving family.

Repectfully,

CLAREE LASH-HAYNES,
Lead Teacher.

IRISH IMMIGRATION PASTORAL CENTER,
San Francisco, CA, April 18, 2007.

Re Jose Alberto Martinez Moreno.

DEAR SENATOR FEINSTEIN: As Director of the Irish Immigration Pastoral Center in San Francisco, I am writing in support of Jose and Micaela Martinez who reside in the Bay Area. Jose and Micaela are both citizens of Mexico and have made every attempt to regularize their status during their time in the United States. He and his wife have made a life for themselves here in the Bay Area and indeed, have given birth to two of their children here.

Jose and Micaela have been part of the Irish community for over ten years and are well known and respected within our community. They are known as decent, hard working, dedicated people—both to their employers and to their family. They have given their three children every opportunity that they themselves did not have. Both he and his wife are assets to our community.

Mr. Martinez has indeed realized his own part of the American Dream, working his way from dishwasher to Sous Chef at the renowned Palio d'Asti restaurant in San Francisco. Commitment, dedication and sheer hard work have enabled them to buy their own home in San Francisco, a feat by anyone's standards. They are the epitome of what it means to be American.

If Jose and Micaela are forced to leave the United States, yet another family will be torn apart. Their three children, aged 10, 14 and 17, will remain in San Francisco as there is nothing for them in Mexico—they have never even been to Mexico. They will grow up without the love, guidance and nurture of their parents—a dire loss to any young persons life.

The Irish Immigration Pastoral Center, which provides assistance to Irish immigrants in the Bay Area, would be greatfull if You could look favorably on Mr. and Mrs. Martinez in their request to remain in the United States.

Yours sincerely,

Celine Kennelly,
Executive Director.

April 18, 2007.

To Whom It May Concern: I have known Jose Alberto Martinez and his wife Micaela since 1991 when Jose and his brother Maricio worked as cooks under my supervision at Palio d'Asti Resturant in San Francisco, We worked together for approximately three years.

Jose proved himself to be an extremely talented and responsible cook, anchoring the kitchen with little or no supervision. While working for us at Palio, he also held down part time jobs at some of the Bay Area's other top restaurants in order to learn more and move ahead. And although we didn't interact socially, I know he was an active leader active in his church and prioritized time with his family.

Jose's hard work and commitment to his family, his community and his job make him ideal candidate for U.S. citizenship. Whether as an immigrant or a citizen, Jose Martinez is an upstanding member of our community.

If you have any question regarding Jose Martinez, please call me.

Sincerely,

Craig Stall,
Proprietor, Delfina Restuarant.

Kelly's Family Daycare,
San Francisco, CA, April 18, 2007.

Re Michela and Jose Alberto Martinez.

Dear Sir/Madam: Michela Martinez has worked for my family for many years as our housekeeper. I have come to know Michela very well over the course of this time.

She is a very hardworking, diligent and considerate woman who has a wonderful nature and fantastic work ethic. She has always had a key to our home and we trust her with our property and our children as well.

Jose Martinez has worked for my husband as a painting subcontractor and is held in high esteem as well.

I have no reservations about giving this couple a reference and wish them the best wishes and speedy resolution of their immigration issues. Do not hesitate to contact me if you require further assistance.

Yours Faithfully,

Kelly Forde.

St. Philip's Church,
San Francisco, CA, April 18, 2007.

Senator Diane Feinstein,
U.S. Senate,
Washington, DC.

Re Micaela & Jose Martinez.

Dear Senator Feinstein: I am writing on behalf of Jose Alberton Martinez Moreno and his wife, Micaela, in support of their voluntary departure and impending order of deportation. Jose and Micaela are members of St. Peter's parish and their kindness to the less fortunate is well known in the Irish community.

It was with great dismay that I heard of Jose and Micaela's uncertain future in America. Jose and Micaela have lived in San Francisco for almost twenty years and have raised their three children here, two of whom are U.S. born. They are a dedicated and loving couple and deserve the opportunity to continue to give to the community that has welcomed them so warmly. I know Micaela personally and I know that it would be a very great and excessive burden for her to leave her young family behind in California—there is nothing for them in Mexico. As a priest, I see far too much hurt, when parents are separated from their children.

My thoughts and prayers are with Jose and Micaela and their family during this difficult time of uncertainty. I would ask that you look favorably on their situation and be compassionate to a family that wants to make America its home.

Please do not force them to separate and cause the destruction of this family.

With every best wish and kind regard, I remain.

Yours in Christ.

Brendan McBride,
Priest in Residence.

By Mr. BIDEN:

S.J. Res. 15. A joint resolution to revise United States policy on Iraq; to the Committee on Foreign Relations.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the text of the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 15

Whereas in October 2002, Congress approved, and the President signed into law, the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243);

Whereas the preamble of Public Law 107–243 sets forth the threats to the national security of the United States that required the authorization for the use of force, and those threats were the Iraqi regime led by Saddam Hussein, its weapons of mass destruction programs, its past record of using chemical weapons, and its record of harboring and supporting international terrorist organizations;

Whereas Saddam Hussein has been executed after conviction for committing crimes against humanity, United States intelligence and military units have not discovered weapons of mass destruction in Iraq, and thorough reviews by the Iraq Survey Group and the Special Advisor to the Director of Central Intelligence on Iraq's weapons of mass destruction concluded that Iraq did not have any active weapons of mass destruction programs in the final years of the Saddam Hussein regime;

Whereas with the removal of the Iraqi regime led by Saddam Hussein, the determination that there were no weapons of mass destruction in Iraq, and the establishment of a democratic constitution and a freely-elected government in Iraq, the United States objectives set forth in Public Law 107–243 are no longer relevant to the current situation;

Whereas sectarian violence is the primary cause of instability in Iraq;

Whereas, Iraqis must reach a comprehensive and sustainable political settlement in order to achieve stability, and the failure of the Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq;

Whereas the responsibility for halting sectarian violence in Iraq must rest primarily with the Government of Iraq and Iraqi security forces, and not United States Armed Forces;

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "United States Policy in Iraq Resolution of 2007".

SEC. 2. PURPOSE.

It is the purpose of this joint resolution to repeal the authorization for the use of force provided in 2002, to transition United States Armed Forces in Iraq to a more limited mission, and to secure the phased redeployment from Iraq of such forces not essential to that new mission.

SEC. 3. REPEAL OF 2002 RESOLUTION.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) is repealed.

SEC. 4. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) Authorization.—The President is authorized to continue participation by United States Armed Forces in Multi-National Force—Iraq, or as part of a successor force, for the purposes of—

(1) Protecting United States and coalition personnel and infrastructure;

(2) Training, equipping, and providing logistical support to Iraqi Security Forces;

(3) Conducting targeted counter-terrorism operations; and

(4) Assisting the Government of Iraq to maintain the security of its international borders.

(b) Transition of Mission.—The President shall promptly transition the mission of United States forces in Iraq from the mission authorized by section 3(a) of the Authorization for Use of Military Force Resolution of 2002 (Public Law 107–243) to the limited purposes set forth in subsection (a).

(c) Commencement of Phased Redeployment from Iraq.—The President shall commence the phased redeployment of United States forces from Iraq not later than 90 days after the date of enactment of this joint resolution, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for those essential for the limited purposes set forth in subsection (a).

(d) War Powers Resolution Requirements.—

(1) Specific statutory authorization.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute

specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 5. CONSTRUCTION.

Nothing in this joint resolution shall be construed to—

(a) limit measures necessary to provide for the safety and security of the MultiNational Force-Iraq, including United States Armed Forces;

(b) authorize offensive combat activities by United States Armed Forces in Iran, Syria, or any other state in the Middle East region.

SEC. 6. REPORT.

The President shall submit to Congress not later than 90 days after enactment of this joint resolution, and every 90 days thereafter, a report outlining the activities of the United States Armed Forces pursuant to this joint resolution, and on the progress that has been made in training the security forces of Iraq and promoting a sustainable political settlement.

SEC. 7. DURATION OF AUTHORIZATION.

The authorization under Section 4(a) shall expire on the date that is 12 months after the date of enactment of this joint resolution, unless Congress extends such authorization.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 34—EXPRESSING THE SENSE OF CONGRESS THAT CONGRESS AND THE PRESIDENT SHOULD INCREASE BASIC PAY FOR MEMBERS OF THE ARMED FORCES

Mr. KERRY submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON RES. 34

Whereas the United States continues to rely extensively upon the personnel of the Army, Navy, Marine Corps, Air Force, and Coast Guard who are deployed overseas and stationed at military support installations within the United States;

Whereas uniformed services personnel, regardless of branch of service or whether serving in the active or a reserve component, have carried out their mission objectives with valor, distinction, and steadfast dedication to the cause of liberty and democracy;

Whereas 1,600,000 uniformed service men and women have deployed to Iraq or Afghanistan, many of whom have served multiple deployments;

Whereas there are currently more than 3,000,000 family members and dependents of those serving on active duty and reserve components;

Whereas nearly 40 percent of the members of the Armed Forces, while deployed away from their permanent duty stations, have left families with children behind;

Whereas over ½ of all service men and women who have deployed to Iraq are married;

Whereas military families have persevered in the face of challenges and continue to provide critically important comfort and care and numerous other contributions to their loved ones deployed overseas or stationed across the Nation;

Whereas there currently is a 4 percent gap between the pay of our service men and women and the private sector, and;

Whereas it is in our national interest to offer to the members of the Armed Forces comparable pay to that which the civilian sector provides in order to retain our highly qualified men and women in uniform and to faithfully reward their valiant service to our Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) Congress and the President should increase basic pay for members of all components of the Army, Navy, Air Force, and Marine Corps by 3.5 percent, effective January 1, 2008; and

(2) Congress and the President should provide a special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offsets for dependency and indemnity compensation.

Mr. KERRY. Mr. President, today I am introducing a resolution to insure that our troops get the pay raise they deserve. We are all proud of our men and women in the American military who continue to perform magnificently in Iraq, Afghanistan and around the world. They represent the best that this country has to offer, and America owes them and their families a special debt of honor and gratitude. In light of their sacrifice, my resolution simply states that the Congress and the President should support a 3.5-percent increase in military pay in 2008 and provide a special survivor indemnity allowance to help American military families.

Unfortunately, these provisions are opposed by the Bush administration.

On May 16, the Office of Management and Budget's Statement of Administration Policy for the House fiscal year 2008 Department of Defense Authorization bill opposes section 644 of the bill, which would pay military families a monthly special survivor indemnity allowance from the Department of Defense Military Retirement Fund, calling the existing benefits "sufficient." The Statement of Administration Policy also "strongly opposes" the provision of the House bill which provides a 0.5-percent increase in military pay above the President's proposed 3.0 percent across-the-board pay increase, calling it "unnecessary."

I am concerned that the Bush administration's actions have failed to appropriately honor our military families who have made the ultimate sacrifice. These actions also stand in direct contrast to the will of the American people who support all efforts to support our troops.

Just go to the Military Times' own blog and read what the troops themselves say, more eloquently than any politician could put it: "If there is someone in the administration that feels that we, the hard working American soldiers, don't need additional pay raises, then maybe they should get from behind their desk and pick up a gun and vest and go stand guard at the entry control points in Iraq. And while they are out there, lets take away their 6 figure income and give them $3.50 per day on top of anywhere from $15 to $45K per year. For all that we give to keep our country safe, the administration should at least want to help us eliminate any burden we may have financially. No I'm not saying make us rich and no one who enters the armed services expects to ever be rich but we don't expect to have to take out loans just to put food on the table for our families either."

On this issue of fundamental fairness, the administration told Congress to back down. On this question, the troops will not back down and neither will we.

Those who have stood for us should know that we stand with them, today and always. Maintaining these provisions can do something to ease their burden, but truly supporting our troops requires that we act not just as individuals, but as a nation. I ask all my colleagues to support this resolution to honor our troops and our military families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1255. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1256. Mr. REID (for Mr. DORGAN) proposed an amendment to the bill S. 398, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes.

TEXT OF AMENDMENTS

SA 1255. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 602 and insert the following:

SEC. 602. PROHIBITION ON ADJUSTMENT OF STATUS FOR Z NONIMMIGRANTS.

(a) PROHIBITION ON IMMIGRANT VISAS.—A Z nonimmigrant may not be issued an immigrant visa pursuant to section 221 or 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202).

(b) PROHIBITION ON ADJUSTMENT.—The status of a Z nonimmigrant may not be adjusted to that of an alien lawfully admitted for permanent residence.

SA 1256. Mr. REID (for Mr. DORGAN) proposed an amendment to the bill S. 398, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes; as follows:

On page 20, strike lines 10 through 13 and insert the following:

(a) Offenses Committed Within Indian Country.—Section 1153(a) of title 18, United States Code, is amended by striking "felony child abuse or neglect" and inserting "felony child abuse, felony child neglect".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider Executive Calendar Nos. 53, 54, 55, 77, 78, 79, 80, 81, 82, 83, 103, 110, 112, 114, 116, 118 through 137, 141, 144 through 151, and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development.

Katherine Almquist, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Paul J. Bonicelli, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF VETERANS AFFAIRS

Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

DEPARTMENT OF HOMELAND SECURITY

Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Douglas G. Myers, of California, to be a Member of the National Museum and Library Services for a term expiring December 6, 2011.

Jeffrey Patchen, of Indiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

Lotsee Patterson, of Oklahoma, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Stephen W. Porter, of the District of Columbia, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

NATIONAL COUNCIL ON DISABILITY

Cynthia Allen Wainscott, of Georgia, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

DEPARTMENT OF ENERGY

Steven Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer, Department of Energy.

DEPARTMENT OF COMMERCE

Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration.

NATIONAL CONSUMER COOPERATIVE BANK

Janis Herschkowitz, of Pennsylvania, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

DEPARTMENT OF VETERANS AFFAIRS

Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.

AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Michael D. Dubie, 9845

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Kevin J. Sullivan, 2930

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles H. Jacoby, Jr., 3627

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles W. Hooper, 8888

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be brigadier general

Col. Loree K Sutton, 4636

The following named officer for appointment as Chief of Chaplains, United States Army and appointment to the grade indicated under title 10, U.S.C., section 3036:

To be major general

Brig. Gen. Douglas L. Carver, 8279

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Juan A. Ruiz, 8943

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ronald L. Burgess, Jr., 2986

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601

To be lieutenant general

Maj. Gen. Michael A Vane, 9890

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David P. Fridovich, 6568

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John G. Castellaw, 2524

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard C. Zilmer, 9990

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Joseph F. Weber, 1316

IN THE NAVY

The following named officer for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael J. Lyden, 0018

The following named officers for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Christine S. Hunter, 9053
Rear Adm. (lh) Adam M. Robinson, Jr., 9660

The following named officer for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Richard C. Vinci, 3013

The following named officers for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. William M. Roberts, 2168
Capt. Alton L. Stocks, 7240

The following named officers for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Robert J. Bianchi, 4446
Capt. Thomas C. Traaen, 3372

The following named officers for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Gerald R. Beaman, 7819
Rear Adm. (lh) Mark S. Boensel, 9146
Rear Adm. (lh) Dan W. Davenport, 4237
Rear Adm. (lh) William E. Gortney, 9997
Rear Adm. (lh) Cecil E.D. Haney, 0815
Rear Adm. (lh) Harry B. Harris, Jr., 2998
Rear Adm. (lh) Joseph D. Kernan, 3385
Rear Adm. (lh) Michael A. Lefever, 2036
Rear Adm. (lh) Charles J. Leidig, Jr., 4367
Rear Adm. (lh) Archer M. Macy, Jr., 7023
Rear Adm. (lh) Charles W. Martoglio, 2785

Rear Adm. (lh) Richad O'Hanlon, 7322
Rear Adm. (lh) Scott R. Van Buskirk, 0831
Rear Adm. (lh) Michael C. Vitale, 7437
Rear Adm. (lh) Richard B. Wren, 0911

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Joseph P. Aucoin, 7194
Captain Patrick H. Brady, 7370
Captain Ted N. Branch, 6225
Captain Paul J. Bushong, 1319
Captain James F. Caldwell, Jr, 5859
Captain Thomas H. Copeman, III, 8822
Captain Philip S. Davidson, 3050
Captain Kevin M. Donegan, 5361
Captain Patrick Driscoll, 5178
Captain Earl L. Gay, 8829
Captain Mark D. Guadagnini, 5808
Captain Joseph A. Horn, 3338
Captain Anthony M. Kurta, 8509
Captain Richard B. Landolt, 1248
Captain Sean A. Pybus, 7161
Captain John M. Richardson, 1324
Captain Thomas S. Rowden, 5003
Captain Nora W. Tyson, 2668

DEPARTMENT OF STATE

Mark P. Lagon, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

DEPARTMENT OF STATE

Phillip Carter, III, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

R. Niels Marquardt, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Comoros.

Janet E. Garvey, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Cameron R. Hume, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

James R. Keith, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Miriam K. Hughes, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

Ravic Rolf Huso, of Hawaii, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Hans G. Klemm, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Timor-Leste.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN374 AIR FORCE nominations (61) beginning JENNIFER S. AARON, and ending ROBERT S. ZAUNER, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN532 AIR FORCE nomination of Anil P. Rajadhyax, which was received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN533 AIR FORCE nominations (2) beginning DAREN S. DANIELSON, and ending COLLEEN M. FITZPATRICK, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN534 AIR FORCE nominations (4) beginning BRET R. BOYLE, and ending CHAD A. WEDDELL, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN535 AIR FORCE nominations (3) beginning LILLIAN C. CONNER, and ending JONATHAN L. RONES, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN536 AIR FORCE nominations (10) beginning NANCY J. S. ALTHOUSE, and ending PHICK H. NG, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

IN THE ARMY

PN469 ARMY nomination of Timothy E. Trainor, which was received by the Senate and appeared in the Congressional Record of April 26, 2007.

PN537 ARMY nomination of Glen L. Dorner, which was received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN538 ARMY nominations (2) beginning SHIRLEY S. MIRESEPASSI, and ending SCOTT L. DIERING, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

IN THE FOREIGN SERVICE

PN115-3 FOREIGN SERVICE nomination of Ross Marvin Hicks, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN312-1 FOREIGN SERVICE nominations (217) beginning Patricia A. Miller, and ending Dean L. Smith, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2007.

PN387 FOREIGN SERVICE nominations (21) beginning Edward W. Birgells, and ending Andrea J. Yates, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

IN THE NAVY

PN539 NAVY nomination of George N. Thompson, which was received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN553 NAVY nomination of Dea Brueggemeyer, which was received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN554 NAVY nominations (2) beginning NEAL P. RIDGE, and ending RALPH L. RAYA, which nominations the Senate and appeared in the Congressional Record of May 9, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Madam President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEES TO REPORT LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS ON MAY 31, 2007

Mr. REID. Madam President, I ask unanimous consent that on Thursday, May 31, from 10 a.m. to 12 noon, notwithstanding the recess of the Senate, the Senate committees may report legislative and executive calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIAN CHILD PROTECTION AND FAMILY VIOLENCE ACT AMENDMENTS OF 2007

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 110, S. 398.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 398) to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the amendment at the desk be considered agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider laid on the table, and that any statements relating thereto be printed in the RECORD, as if read, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1256) was agreed to, as follows:

(Purpose: To modify the conforming amendments section)

On page 20, strike lines 10 through 13 and insert the following:

(a) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by striking "felony child abuse or neglect" and inserting "felony child abuse, felony child neglect".

The bill (S. 398), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Child Protection and Family Violence Prevention Act Amendments of 2007".

SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(ii) by inserting after subparagraph (D) the following:

"(E) the Federal Government and certain State governments are responsible for investigating and prosecuting certain felony crimes, including child abuse, in Indian country, pursuant to chapter 53 of title 18, United States Code;"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "two" and inserting "the";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) identify and remove any impediment to the immediate investigation of incidents of child abuse in Indian country."; and

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following:

"(3) provide for a background investigation for any employee or volunteer who has access to children;"; and

(B) in paragraph (6), by striking "Area Office" and inserting "Regional Office".

SEC. 3. DEFINITIONS.

Section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202) is amended—

(1) by redesignating paragraphs (6) through (18) as paragraphs (7) through (19), respectively;

(2) by inserting after paragraph (5) the following:

"(6) 'final conviction' means the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere, but does not include a final judgment that has been expunged by pardon, reversed, set aside, or otherwise rendered void;";

(3) in paragraph (13) (as redesignated by paragraph (1)), by striking "that agency" and all that follows through "Indian tribe" and inserting "the Federal, State, or tribal agency";

(4) in paragraph (14) (as redesignated by paragraph (1)), by inserting "(including a tribal law enforcement agency operating pursuant to a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.))" after "State law enforcement agency";

(5) in paragraph (18) (as redesignated by paragraph (1)), by striking "and" at the end;

(6) in paragraph (19) (as redesignated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(7) by adding at the end the following:

"(20) 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care diagnosis and treatment.".

SEC. 4. REPORTING PROCEDURES.

Section 404 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3203) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "(1) Within" and inserting the following:

"(1) IN GENERAL.—Not later than"; and

(B) in paragraph (2)—

(i) by striking "(2)(A) Any" and inserting the following:

"(2) INVESTIGATION OF REPORTS.—

"(A) IN GENERAL.—Any";

(ii) in subparagraph (B)—

(I) by striking "(B) Upon" and inserting the following:

"(B) FINAL WRITTEN REPORT.—On"; and

(II) by inserting "including any Federal, State, or tribal final conviction, and provide to the Federal Bureau of Investigation a copy of the report" before the period at the end; and

(iii) by adding at the end the following:

"(C) MAINTENANCE OF FINAL REPORTS.—The Federal Bureau of Investigation shall maintain a record of each written report submitted under this subsection or subsection (b) in a manner in which the report is accessible to—

"(i) a local law enforcement agency that requires the information to carry out an official duty; and

"(ii) any agency requesting the information under section 408.

"(D) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director of the Federal Bureau of Investigation, in coordination with the Secretary and the Attorney General, shall submit to the Committees on Indian Affairs and the Judiciary of the Senate and the Committees on Natural Resources and the Judiciary of the House of Representatives a report on child abuse in Indian country during the preceding year.

"(E) COLLECTION OF DATA.—Not less frequently than once each year, the Secretary, in consultation with the Secretary of Health and Human Services, the Attorney General, the Director of the Federal Bureau of Investigation, and any Indian tribe, shall—

"(i) collect any information concerning child abuse in Indian country (including reports under subsection (b)), including information relating to, during the preceding calendar year—

"(I) the number of criminal and civil child abuse allegations and investigations in Indian country;

"(II) the number of child abuse prosecutions referred, declined, or deferred in Indian country;

"(III) the number of child victims who are the subject of reports of child abuse in Indian country;

"(IV) sentencing patterns of individuals convicted of child abuse in Indian country; and

"(V) rates of recidivism with respect to child abuse in Indian country; and

"(ii) to the maximum extent practicable, reduce the duplication of information collection under clause (i)."; and

(2) by adding at the end the following:

"(e) CONFIDENTIALITY OF CHILDREN.—No local law enforcement agency or local child protective services agency shall disclose the name of, or information concerning, the child to anyone other than—

"(1) a person who, by reason of the participation of the person in the treatment of the child or the investigation or adjudication of the allegation, needs to know the information in the performance of the duties of the individual; or

"(2) an officer of any other Federal, State, or tribal agency that requires the information to carry out the duties of the officer under section 406.

"(f) REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committees on Indian Affairs and the Judiciary of the Senate and the Committees on Natural Resources and the Judiciary of the House of Representatives a report on child abuse in Indian country during the preceding year.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

SEC. 5. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

Section 405 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3204) is amended to read as follows:

"SEC. 405. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

"(a) STUDY.—The Secretary, in consultation with the Attorney General and the Service, shall conduct a study under which the Secretary shall identify any impediment to the reduction of child abuse in Indian country and on Indian reservations.

"(b) INCLUSIONS.—The study under subsection (a) shall include a description of—

"(1) any impediment, or recent progress made with respect to removing impediments, to reporting child abuse in Indian country;

"(2) any impediment, or recent progress made with respect to removing impediments, to Federal, State, and tribal investigations and prosecutions of allegations of child abuse in Indian country; and

"(3) any impediment, or recent progress made with respect to removing impediments, to the treatment of child abuse in Indian country.

"(c) REPORT.—Not later than 18 months after the date of enactment of the Indian Child Protection and Family Violence Prevention Act Amendments of 2007, the Secretary shall submit to the Committees on Indian Affairs and the Judiciary of the Senate, and the Committees on Natural Resources and the Judiciary of the House of Representatives, a report describing—

"(1) the findings of the study under this section; and

"(2) recommendations for legislative actions, if any, to reduce instances of child abuse in Indian country.".

SEC. 6. CONFIDENTIALITY.

Section 406 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3205) is amended to read as follows:

"SEC. 406. CONFIDENTIALITY.

"(a) IN GENERAL.—Notwithstanding any other provision of law, any Federal, State, or tribal government agency that treats or investigates incidents of child abuse may provide information and records to an officer of any other Federal, State, or tribal government agency that requires the information to carry out the duties of the officer, in accordance with section 552a of title 5, United States Code, section 361 of the Public Health Service Act (42 U.S.C. 264), the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), and other applicable Federal law.

"(b) Treatment of Indian Tribes.—For purposes of this section, an Indian tribal government shall be considered to be an entity of the Federal Government.".

SEC. 7. WAIVER OF PARENTAL CONSENT.

Section 407 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3206) is amended—

(1) in subsection (a), by inserting "and forensic" after "psychological"; and

(2) by striking subsection (c) and inserting the following:

"(c) Protection of Child.—Any examination or interview of a child who may have been the subject of child abuse shall—

"(1) be conducted under such circumstances and using such safeguards as are necessary to minimize additional trauma to the child;

"(2) avoid, to the maximum extent practicable, subjecting the child to multiple interviewers during the examination and interview processes; and

"(3) as time permits, be conducted using advice from, or under the guidance of—

"(A) a local multidisciplinary team established under section 411; or

"(B) if a local multidisciplinary team is not established under section 411, a multidisciplinary team established under section 410.".

SEC. 8. CHARACTER INVESTIGATIONS.

Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ", including any voluntary positions," after "authorized positions"; and

(ii) by striking the comma at the end and inserting a semicolon; and

(B) in paragraph (2)—

(i) by inserting "(including in a volunteer capacity)" after "considered for employment"; and

(ii) by striking ", and" and inserting "; and";

(2) in subsection (b), by striking "guilty to" and all that follows and inserting the following: "guilty to, any felony offense under Federal, State, or tribal law, or 2 or more misdemeanor offenses under Federal, State, or tribal law, involving—

"(1) a crime of violence;

"(2) sexual assault;

"(3) child abuse;

"(4) molestation;

"(5) child sexual exploitation;

"(6) sexual contact;

"(7) child neglect;

"(8) prostitution; or

"(9) another offense against a child."; and

(3) by adding at the end the following:

"(d) Effect on Child Placement.—An Indian tribe that submits a written statement to the applicable State official documenting that the Indian tribe has conducted a background investigation under this section for the placement of an Indian child in a tribally-licensed or tribally-approved foster care or adoptive home, or for another out-of-home placement, shall be considered to have satisfied the background investigation requirements of any Federal or State law requiring such an investigation.".

SEC. 9. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended by striking subsection (e) and inserting the following:

"(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

SEC. 10. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

(1) in subsection (a), by striking "area office" and inserting "Regional Office";

(2) in subsection (b), by striking "The Secretary" and all that follows through "Human Services" and inserting "The Secretary, the Secretary of Health and Human Services, and the Attorney General";

(3) in subsection (d)—

(A) in paragraph (4), by inserting ", State," after "Federal"; and

(B) in paragraph (5), by striking "agency office" and inserting "Regional Office";

(4) in subsection (e)—

(A) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(B) by striking paragraph (3) and inserting the following:

"(3) adolescent mental and behavioral health (including suicide prevention and treatment);";

(C) in paragraph (4), by striking the period at the end and inserting "and sexual assault;"; and

(D) by adding at the end the following:

"(5) criminal prosecution; and

"(6) medicine.";

(5) in subsection (f)—

(A) in the first sentence, by striking "The Secretary" and all that follows through "Human Services" and inserting the following:

"(1) Establishment.—The Secretary, in consultation with the Service and the Attorney General";

(B) in the second sentence—

(i) by striking "Each" and inserting the following

"(2) Membership.—Each"; and

(ii) by striking "shall consist of 7 members" and inserting "shall be";

(C) in the third sentence, by striking "Members" and inserting the following:

"(3) Compensation.—Members"; and

(D) in the fourth sentence, by striking "The advisory" and inserting the following:

"(4) Duties.—Each advisory";

(6) in subsection (g)—

(A) by striking "(g)" and all that follows through "Indian Child Resource" and inserting the following:

"(g) Application of Indian Self-Determination and Education Assistance Act to Centers.—

"(1) In general.—Indian Child Resource";

(B) in the first sentence, by striking "Act" and inserting "and Education Assistance Act (25 U.S.C. 450 et seq.)";

(C) by striking the second sentence and inserting the following:

"(2) Certain regional offices.—

"(A) In general.—Except as provided in subparagraph (B), if a Center is located in a Regional Office of the Bureau that serves more than 1 Indian tribe, an application to enter into a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to operate the Center shall contain a consent form signed by an official of each Indian tribe to be served under the grant, contract, or compact.

"(B) Alaska region.—Notwithstanding subparagraph (A), for Centers located in the Alaska Region, an application to enter into a grant, contract, or compact described in that subparagraph shall contain a consent form signed by an official of each Indian tribe or tribal consortium that is a member of a grant, contract, or compact relating to an Indian child protection and family violence prevention program under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)."; and

(D) in the third sentence, by striking "This section" and inserting the following:

"(3) Effect of section.—This section"; and

(7) by striking subsection (h) and inserting the following:

"(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

SEC. 11. USE OF TELEMEDICINE.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.) is amended by adding at the end the following:

"SEC. 412. USE OF TELEMEDICINE.

"(a) Definition of Medical or Behavioral Health Professional.—In this section, the term 'medical or behavioral health professional' means an employee or volunteer of an organization that provides a service as part of a comprehensive service program that combines—

"(1) substance abuse (including abuse of alcohol, drugs, inhalants, and tobacco) prevention and treatment; and

"(2) mental health treatment.

"(b) Contracts and Agreements.—The Service is authorized to enter into any contract or agreement for the use of telemedicine with a public or private university or facility, including a medical university or facility, or any private medical or behavioral health professional, with experience relating to pediatrics, including the diagnosis and treatment of child abuse, to assist the Service with respect to—

"(1) the diagnosis and treatment of child abuse; or

"(2) methods of training Service personnel in diagnosing and treating child abuse.

"(c) Administration.—In carrying out subsection (b), the Service shall, to the maximum extent practicable—

"(1) use existing telemedicine infrastructure; and

"(2) give priority to Service units and medical facilities operated pursuant to grants, contracts, or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are located in, or providing service to, remote areas of Indian country.

"(d) Information and Consultation.—On receipt of a request, for purposes of this section, the Service may provide to public and private universities and facilities, including medical universities and facilities, and medical or behavioral health professionals described in subsection (b) any information or consultation on the treatment of Indian children who have, or may have, been subject to abuse or neglect.

"(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

SEC. 12. CONFORMING AMENDMENTS.

(a) Offenses Committed Within Indian Country.—Section 1153(a) of title 18, United States Code, is amended by striking "felony child abuse or neglect" and inserting "felony child abuse, felony child neglect".

(b) Reporting of Child Abuse.—Section 1169 of title 18, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting "or volunteering for" after "employed by";

(B) in subparagraph (D)—

(i) by inserting "or volunteer" after "child day care worker"; and

(ii) by striking "worker in a group home" and inserting "worker or volunteer in a group home";

(C) in subparagraph (E), by striking "or psychological assistant," and inserting "psychological or psychiatric assistant, or person employed in the mental or behavioral health profession;";

(D) in subparagraph (F), by striking "child" and inserting "individual";

(E) by striking subparagraph (G), and inserting the following:

"(G) foster parent; or"; and

(F) in subparagraph (H), by striking "law enforcement officer, probation officer" and inserting "law enforcement personnel, probation officer, criminal prosecutor"; and

(2) in subsection (c), by striking paragraphs (3) and (4) and inserting the following:

"(3) 'local child protective services agency' has the meaning given the term in section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202); and

"(4) 'local law enforcement agency' has the meaning given the term in section 403 of that Act.".

KANSAS DISASTER TAX RELIEF ASSISTANCE ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 1532.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1532) to extend tax relief to residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such act.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, one of the things in the bill we passed last night that was put in by the Democrats was $40 million to take care of some of the emergency issues in Kansas. That was the right thing to do. This legislation we are passing now will extend tax relief to residents and businesses of Greensburg, KS, as a result of that tornado. I have spoken to Senator ROBERTS about this. He worked on this hard and I am glad we were able to satisfy his requests.

Madam President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, and that the bill now be held at the desk pending action by the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1532) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Kansas Disaster Tax Relief Assistance Act".

SEC. 2. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados" for "on or after August 25, 2005, by reason of Hurricane Katrina".

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(D) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(E) by substituting "beginning on May 4, 2007, and ending on November 5, 2007" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(F) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(G) by substituting "December 31, 2007" for "December 31, 2006" in subsection (c)(2)(A),

(H) by substituting "beginning on June 4, 2007, and ending on December 31, 2007" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(I) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(J) by substituting "January 1, 2008" for "January 1, 2007" in subsection (d)(2)(A)(ii).

MEASURES READ THE FIRST TIME—H.R. 2316 and H.R. 2317

Mr. REID. Madam President, it is my understanding that there are two bills at the desk, and I ask for their first reading, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title for the first time.

A bill (H.R. 2316) to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.

A bill (H.R. 2317) to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes.

Mr. REID. I now ask for a second reading, en bloc, and object to my own request, en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I also wish you a happy birthday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Thanks for being here on your birthday. I appreciate it.

AUTHORIZING THE TRANSFER OF CERTAIN FUNDS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1537, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1537) to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I have to say this: The night before last at 9 o'clock at night, I got a call from the White House. They were upset because of this Christmas ornament issue on the emergency supplemental; it is so bad—Christmas tree ornaments in the emergency supplemental.

I said: Do you know what it is about? It is about the Senate Day Care Center. They have sold Christmas tree ornaments every year to defray the cost for Senate employees for childcare. It doesn't cost the Government anything, but some lawyer said they didn't have the legal authority to do that, and we put language in the emergency supplemental to allow the Senate Day Care to sell Christmas tree ornaments.

They said: If you put it in there, the President is going to veto the bill. So we took it out.

Can you imagine that? It is hard for me to comprehend, in a budget involving $120 billion, the President threatens to veto it over Christmas tree ornaments, something that costs the Government nothing and helps our very valued Senate employees take care of their kids.

Anyway, I couldn't pass that up.

I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD, with no intervening action or debate. And we got it done anyway.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1537) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFERS FROM SENATE GIFT SHOP REVOLVING FUND.

Section 2(c) of Public Law 102-392 (2 U.S.C. 121d(c)) is amended by adding at the end the following:

"(3) The Secretary of the Senate may transfer from the fund to the Senate Employee Child Care Center proceeds from the sale of holiday ornaments by the Senate Gift Shop for the purpose of funding necessary activities and expenses of the Center, including scholarships, educational supplies, and equipment.".

ORDERS FOR MONDAY, JUNE 4, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2:30 Monday, June 4; that on that day, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, and that the time be equally divided and controlled between the two leaders or their designees; that upon conclusion of morning business, the Senate resume consideration of S. 1348, the immigration legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOYD MAYWEATHER

Mr. REID. Madam President, I know everyone wants to leave, but I have to say this. As a younger man, I had a few fights in the ring. They were very minor compared to real fights in the ring with good fighters, but I had some. Today, I had the pleasure of visiting with a Las Vegas resident, Floyd Mayweather, who just beat Oscar De La Hoya in a split decision—a very big fight in Las Vegas. He is a Las Vegas resident, as I mentioned, and I wanted the record to reflect how gracious this man was to everyone who came up to him in the Senate. He signed autographs, he allowed a lot of pictures to be taken. He was just so nice and such a humble man.

When the books are written about great fighters, he will have to be near the top of the list, if not at the top. He has been deemed to be the greatest pound-per-pound fighter in the history of America, comparable to Sugar Ray Robinson.

It is nice that someone who is so famous would remember his roots and have the humility that he does to treat me, someone whom he came to see, no better than he treated all the people that he visited. So Nevada is fortunate that he considers Las Vegas his home.

ADJOURNMENT UNTIL MONDAY, JUNE 4, 2007, AT 2:30 P.M.

Mr. REID. Madam President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the provisions of H. Con. Res. 158, recognizing that there will be no rollcall votes on the first day we get back, Monday, June 4, 2007.

There being no objection, the Senate, at 1:28 p.m., adjourned until Monday, June 4, 2007, at 2:30 p.m.

NOMINATIONS

Executive nomination received by the Senate May 25, 2007:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be brigadier general

COL. MARK W. TILLMAN, 2389

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, May 25, 2007:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DOUGLAS MENARCHIK, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

KATHERINE ALMQUIST, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

PAUL J. BONICELLI, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS E. HARVEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS).

DEPARTMENT OF HOMELAND SECURITY

GREGORY B. CADE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

DOUGLAS G. MYERS, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2011.

JEFFREY PATCHEN, OF INDIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2011.

LOTSEE PATTERSON, OF OKLAHOMA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2011.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

STEPHEN W. PORTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

NATIONAL COUNCIL ON DISABILITY

CYNTHIA ALLEN WAINSCOTT, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008.

DEPARTMENT OF ENERGY

STEVEN JEFFREY ISAKOWITZ, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY.

DEPARTMENT OF COMMERCE

MARIO MANCUSO, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

NATIONAL CONSUMER COOPERATIVE BANK

JANIS HERSCHKOWITZ, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

NGUYEN VAN HANH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

DEPARTMENT OF VETERANS AFFAIRS

MICHAEL K. KUSSMAN, OF MASSACHUSETTS, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS.

DEPARTMENT OF STATE

MARK P. LAGON, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH THE RANK OF AMBASSADOR AT LARGE.

PHILLIP CARTER, III, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

R. NIELS MARQUARDT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF COMOROS.

JANET E. GARVEY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

JAMES R. KEITH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

MIRIAM K. HUGHES, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

RAVIC ROLF HUSO, OF HAWAII, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

HANS G. KLEMM, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL MICHAEL D. DUBIE, 9845

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEVIN J. SULLIVAN, 2930

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES H. JACOBY, JR., 3627

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES W. HOOPER, 8888

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. LOREE K. SUTTON, 4636

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES ARMY AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3036:

To be major general

BRIG. GEN. DOUGLAS L. CARVER, 8279

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JUAN A. RUIZ, 8943

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD L. BURGESS, JR., 2986

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. VANE, 9890

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID P. FRIDOVICH, 6568

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN G. CASTELLAW, 2524

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD C. ZILMER, 9990

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH F. WEBER, 1316

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL J. LYDEN, 0018

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHRISTINE S. HUNTER, 9053
REAR ADM. (LH) ADAM M. ROBINSON, JR., 9660

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD C. VINCI, 3013

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM M. ROBERTS, 2168
CAPT. ALTON L. STOCKS, 7240

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ROBERT J. BIANCHI, 4446
CAPT. THOMAS C. TRAAEN, 3372

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) GERALD R. BEAMAN, 7819
REAR ADM. (LH) MARK S. BOENSEL, 9146
REAR ADM. (LH) DAN W. DAVENPORT, 4237
REAR ADM. (LH) WILLIAM E. GORTNEY, 9997
REAR ADM. (LH) CECIL E. D. HANEY, 0815
REAR ADM. (LH) HARRY B. HARRIS, JR., 2998
REAR ADM. (LH) JOSEPH D. KERNAN, 3385
REAR ADM. (LH) MICHAEL A. LEFEVER, 2036
REAR ADM. (LH) CHARLES J. LEIDIG, JR., 4367
REAR ADM. (LH) ARCHER M. MACY, JR., 7023
REAR ADM. (LH) CHARLES W. MARTOGLIO, 2785
REAR ADM. (LH) RICHARD O'HANLON, 7322
REAR ADM. (LH) SCOTT R. VAN BUSKIRK, 0831
REAR ADM. (LH) MICHAEL C. VITALE, 7437
REAR ADM. (LH) RICHARD B. WREN, 0911

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN JOSEPH P. AUCOIN, 7194
CAPTAIN PATRICK H. BRADY, 7370
CAPTAIN TED N. BRANCH, 6225
CAPTAIN PAUL J. BUSHONG, 1319
CAPTAIN JAMES F. CALDWELL, JR, 5859
CAPTAIN THOMAS H. COPEMAN III, 8822
CAPTAIN PHILIP S. DAVIDSON, 3050
CAPTAIN KEVIN M. DONEGAN, 5361
CAPTAIN PATRICK DRISCOLL, 5178
CAPTAIN EARL L. GAY, 8829
CAPTAIN MARK D. GUADAGNINI, 5808
CAPTAIN JOSEPH A. HORN, 3338
CAPTAIN ANTHONY M. KURTA, 8509
CAPTAIN RICHARD B. LANDOLT, 1248
CAPTAIN SEAN A. PYBUS, 7161
CAPTAIN JOHN M. RICHARDSON, 1324
CAPTAIN THOMAS S. ROWDEN, 5003
CAPTAIN NORA W. TYSON, 2668

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH JENNIFER S. AARON AND ENDING WITH ROBERT S. ZAUNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007 (MINUS: MITCHELL G. MABREY).

AIR FORCE NOMINATION OF ANIL P. RAJADHYAX, 5749, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH DAREN S. DANIELSON AND ENDING WITH COLLEEN M. FITZPATRICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRET R. BOYLE AND ENDING WITH CHAD A. WEDDELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH LILLIAN C. CONNER AND ENDING WITH JONATHAN L. RONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH NANCY J. S. ALTHOUSE AND ENDING WITH PHICK H. NG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

IN THE ARMY

ARMY NOMINATION OF TIMOTHY E. TRAINOR, 5890, TO BE COLONEL.

ARMY NOMINATION OF GLEN L. DORNER, 1672, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH SHIRLEY S. MIRESEPASSI AND ENDING WITH SCOTT L. DIERING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF ROSS MARVIN HICKS.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PATRICIA A. MILLER AND ENDING WITH DEAN L. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2007 (MINUS: MITCHELL G. MABREY).

FOREIGN SERVICE NOMINATIONS BEGINNING WITH EDWARD W. BIRGELLS AND ENDING WITH ANDREA J. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2007.

IN THE NAVY

NAVY NOMINATION OF GEORGE N. THOMPSON, 0485, TO BE CAPTAIN.

NAVY NOMINATION OF DEA BRUEGGEMEYER, 3523, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH NEAL P. RIDGE AND ENDING WITH RALPH L. RAYA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

EXTENSIONS OF REMARKS

IN HONOR OF SERGEANT GLENN D. HICKS, JR., UNITED STATES ARMY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a brave and dedicated hero of the Fort Worth community and of our Nation.

SGT Glenn D. Hicks, Jr., was a proud U.S. Army soldier and a true American hero who gallantly gave his life for his country on April 28, 2007, during combat operations in Salman Park, Iraq.

Assigned to the Third Infantry Division, Glenn enlisted during a time of war, which speaks volumes about his character and patriotism.

Moreover, he was a leader and mentor to younger soldiers and his service as a sergeant—the backbone of the Army, exemplifies that spirit.

Sergeant Hicks is survived by his parents, Mr. and Mrs. Glenn D. Hicks, Sr., three brothers and his grandparents.

Our thoughts and prayers are with them and all of Glenn's family and friends.

Our community and Nation honor Sergeant Hicks' memory and we are grateful for his faithful and distinguished service to America.

SGT Glenn D. Hicks will never be forgotten. his memory lives on through his family and the legacy of selfless service that he so bravely imprinted on our hearts.

RECOGNIZING ALABAMA GOVERNOR BOB RILEY AND ALABAMA DEVELOPMENT OFFICE DIRECTOR NEAL WADE FOR THEIR ROLE IN RECRUITING THYSSENKRUPP TO ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BONNER. Madam Speaker, today I rise to congratulate Alabama Governor Bob Riley and Alabama Development Office Director Neal Wade for their efforts in recruiting ThyssenKrupp to build a new steel mill in southwest Alabama. ThyssenKrupp is one of Germany's leading steel industries, employing over 180,000 workers at 670 sites around the world, and their economic impact will certainly resonate across Mobile County and the State of Alabama.

Both Governor Riley and Mr. Wade worked extensively over the past 2 years to recruit this world class steel company to Alabama. In an unprecedented way, leaders from across Alabama and the future region came together to promote the Alabama site.

Make no mistake, Alabama encountered stiff competition in their recruitment attempts. ThyssenKrupp chose Alabama from an initial pool of 67 other locations in 20 States across the country. While other States made competitive offers, ThyssenKrupp determined that Alabama is the best fit—due in large part to the efforts of Governor Bob Riley and Director Wade.

Over a century ago, steel was Alabama's "cash crop" and steel manufacturing played a major role in Alabama's industrial revolution. Now in 2007, Alabama is one of the leading producers of automobiles in the United States. ThyssenKrupp's announcement brings Alabama's steel legacy full circle.

The impact of this new steel mill will be profound. ThyssenKrupp's new steel mill promises at least 2,700 new permanent jobs, paying upwards of $50,000 a year. Construction will require almost 30,000 employees who will earn $40,000 to $50,000 a year. Such benefits would not be possible without the efforts of Alabama's outstanding governor and ADO director.

Madam Speaker, I proudly ask you and my colleagues to join me in honoring Alabama Governor Bob Riley and Alabama Development Office Director Neal Wade for their outstanding accomplishments. I would like to offer each of them my heartfelt thanks on behalf of the First Congressional District for their continued contributions to the great State of Alabama.

PAYING TRIBUTE TO LUZVIMINDA BANARIA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Luzviminda Banaria, R.N., who has distinguished herself as an outstanding nurse and citizen.

Ms. Luzviminda Banaria has worked at the University Medical Center for over 16 years as a Registered Nurse. She has worked as the pediatric coordinator, and currently is in the surgical department. Ms. Banaria holds many certifications as a nurse, but also serves her community in many ways. She is currently the secretary for the Philippine Nurses Association in Nevada and has been since 2004. She has also served with the March of Dimes Nurse of the Year Committee, the board of directors for Luzon Philippine Association of Nevada, and the Bicolanos of Nevada. Ms. Banaria currently serves as the treasurer of the National Federation of Filipinos Association of America and was the vice president of Western UST Nurses Alumni Association of America from 2004–2006. She has even extended a helping hand by sponsoring two patients in the Philippines in need of medical care. Ms. Banaria also helped coordinate medical missions to the needy in the Philippines. She truly has helped many people in the Las Vegas Valley as well as in the Philippines.

Madam Speaker, it is my personal honor to recognize Luzviminda Banaria, R.N., in her outstanding service. I applaud her efforts and wish her continued success.

RECOGNIZING THE OUTSTANDING MILITARY SERVICE OF CHIEF YEOMAN (SURFACE WARFARE/PARACHUTIST) DWIGHT R. SCOTT

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. TAYLOR. Madam Speaker, I rise today to recognize the outstanding military service and contributions to our country of YNC (SW/PJ) Dwight R. Scott, U.S. Navy, a native of Punta Gorda, FL, on the occasion of his retirement from military service on July 31, 2007.

Born in 1967, Chief Scott grew up in Columbus, OH, and attended Brookhaven High School. He entered the Navy in October 1985 as part of the Ohio State Buckeye Company. After completion of Recruit Training at Naval Training Center, Great Lakes, IL, he reported to Deck Division aboard USS *Mississippi* (CGN 40) at Naval Station Norfolk, Virginia. He was meritoriously advanced while stationed at Great Lakes.

In June 1986, he was advanced to seaman and tried his hand in the administrative field. He subsequently passed the Yeoman advancement test and advanced to Yeoman Third Class in June 1988. In July 1989, he was meritoriously advanced to Petty Officer Second Class and assigned to the Operations Department. He then qualified as Enlisted Surface Warfare Specialist proving his knowledge of how the ship operates and fights in time of war.

In January 1990, Chief Scott accepted orders to the Supreme Allied Commander, Atlantic Command, SACLANT. After a short time on board, he was selected to work for the SACLANT Protocol Office, working directly for the Chief of Staff. As Protocol Assistant, he developed and implemented the NATO locator, a directory of over 400 dignitaries from 16 NATO nations. He was awarded the Joint Service Achievement Medal for his contributions to the Supreme Allied Commander, Atlantic.

Promoted to First Class in November 1993, he was assigned to Joint Special Operations Command, JSOC, in Fayetteville, NC. At JSOC, he qualified as a parachutist with the Army 82nd Airborne and then qualified as a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Naval Parachutist. Chief Scott was awarded the Australian Army Parachute Badge, the Joint Special Achievement Medal, Second Award, and the Joint Commendation Medal. After 4 years at JSOC he was assigned to the Office of Legislative Affairs, OLA—the very best job of his career. Chief Scott worked on Capitol Hill for 4 years and traveled extensively with Members of Congress and their staffs. He earned the Navy and Marine Corps Commendation Medal for his contributions to OLA.

In May 1999, he earned the rank of chief petty officer and received orders to Commander, Military Sealift Command, Europe, COMSCEUR, in Naples, Italy. He served as the Senior Enlisted Advisor, Administrative Officer and Command Chief to COMSCEUR. He was entrusted with the health, morale, and welfare of all COMSC enlisted sailors assigned to the European Area of Responsibility. Chief Scott earned the Navy and Marine Corps Commendation Medal (Second Award) for his noteworthy contributions. In November 2005, he accepted orders as the Leading Chief Petty Officer in the office of the Assistant Secretary of the Navy for Manpower and Reserve Affairs.

The citizens of the State of Mississippi, particularly the 4th Congressional District, are proud of Chief Scott's service. They join me in thanking him and his family for their contributions to the Navy and the Nation, and in wishing them all the best both now and in the future.

TRIBUTE TO MR. ORVAL ALLEN KELSO

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. SALI. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the accomplishments of Mr. Orval Allen Kelso.

Today, deeply engaged in a war on terror, thousands of American civilians are working and serving in harm's way. Like the brave men and women serving in uniform, these patriotic citizens risk their lives everyday in an effort to rebuild a stronger future for the people of Iraq. However, they are not alone. American civilian contractors have been operating in combat theatres since as early as World War II, and I am here today to tell you about one of those.

Orval Allen Kelso was a civilian working on Wake Island during the early 1940s. Hailing from Emmett, Idaho, Orval worked as a baker in his father-in-law's bakery before going on to pursue better wages working overseas. Mr. Kelso worked as a heavy machine operator throughout the Pacific until April 8, 1943, when he was captured and taken as a POW to Camp 18, Sesabo, Japan. Orval later died in that camp. His remains were claimed by his son in 1949, when they were brought back to rest on U.S. soil at the National Memorial Cemetery, Honolulu, Hawaii.

It is fitting that we honor Mr. Kelso for his sacrifice and also be reminded of the many others who were taken prisoner or who paid the ultimate sacrifice working in harm's way. We often forget about the non-military Americans who gave their all for the freedoms we cherish in our great Nation. Let us help remedy that today by recognizing Mr. Kelso and the civilian POW's taken during World War II. They are an exemplary example of the selflessness displayed by Americans in an effort to bring peace and freedom to millions, and we thank them for their sacrifice.

COMMENDING MRS. PATRICIA CASSELL ON HER OUTSTANDING SERVICE TO HER COMMUNITY.

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LOBIONDO. Madam Speaker, I rise today to commend Mrs. Patricia Cassell on her long and distinguished service to her community, and congratulate her on her upcoming retirement after 48 years of teaching.

As a first grader, Mrs. Cassell knew her future lay in the field of education. However, coming from modest means, Mrs. Cassell understood that she would have to work exceptionally hard to achieve her dream. At a very young age, she began saving her money in order to pay for her college education. After graduating sixth in her high school class of 308, she earned two academic scholarships to Millersville State Teachers College, where she earned her degree in elementary education in just 3 years.

Her first job teaching started just over 48 years ago, in Myerstown, Pennsylvania, and she has been teaching since. After moving to Atlantic City, NJ, in 1973 with her husband, Daniel, Mrs. Cassell soon accepted a position at Atlantic Christian School where she has taught for 29 years.

Throughout her 48 years of teaching, Mrs. Cassell has remained a steadfast example of exemplary service, guidance, and dedication to her students. For this, she was awarded the Career Service and Achievement Award from the Association of Christian Schools International. I would like to personally congratulate Mrs. Cassell on behalf of the students she has taught over the years and ask that she thoroughly enjoy her well-deserved retirement.

HONORING THE LIFE OF HILDA McDONALD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MILLER of Florida. Madam Speaker, it is with great sadness that I rise today to recognize the passing of former Milton City Councilwoman Hilda McDonald. Following a battle with cancer, Hilda left us Thursday, May 17, at the age of 83.

A native Floridian, Hilda pursued a degree in research biology from Florida State's College for Women. However, she gave up her studies during World War II to teach under an emergency teaching certificate. This kind of selfless behavior was prominent throughout Hilda's life.

In 1984, Hilda began serving on the City Council for the city of Milton and remained on the board for 16 years. During these years Hilda founded Blackwater Baptist Church and the Benevolent Association of Santa Rosa County. She also became the first President of the Women's Advisory Council for Santa Rosa Hospital and led as Chair for the restoration of Milton's City Hall. Mayor Guy Thompson who knew Hilda for 30 years explained, "She had a heart for helping people, and that reflected in the life she led."

It is certain the people of Milton are mourning the loss of Hilda, who played an important role in over 15 community organizations. However, her legacy is sure to continue through the generations of her family she nurtured and guided. My thoughts and prayers remain with her 9 children, 13 grandchildren, 2 great-grandchildren and her brother.

Hilda's daughter, Mary Golden, has said of her mother "the one thing I would like my mother to be known for was that she was a giver. She gave to others constantly throughout her life. And she was such a good mother, a wonderful Christian mother."

Madam Speaker, on behalf of the United States Congress, it is with no small amount of sorrow that I tell of the passing of Hilda McDonald from this world. Hilda will be remembered as a leader, a giver, and an adamant philanthropist. May God rest her soul and continue to bless her family.

BURMA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. PITTS. Madam Speaker, I would like to submit the attached report describing the attacks by the brutal military dictatorship against the ethnic peoples of Burma. The situation facing the internally displaced is dire. The international community needs to step up its assistance to refugees and displaced persons. In addition, the international community must act immediately to stop the ethnic cleansing and other horrific acts by the dictatorship against the people of Burma.

REFUGEES INTERNATIONAL—BURMA: MILITARY OFFENSIVE DISPLACING THOUSANDS OF CIVILIANS

The worst Burmese military offensive in 10 years has displaced at least 27,000 people in eastern Burma's Karen State since November 2005. The displaced are civilians who have been targeted by the army and are living in exceptionally vulnerable conditions. An estimated three million people have been forced to migrate in Burma as a result of conflict, persecution, human rights abuses, and repressive government measures that prevent people from earning a livelihood. Instead of fulfilling its responsibility to protect its citizens, the Government of Burma, known as the State Peace and Development Council (SPDC), is the biggest perpetrator of violations in the country.

Ethnic groups, comprising one-third of Burma's 52 million people, have borne the brunt of the government's repressive policies. The pattern of the Burmese military or the Tatmadaw has been to eliminate all opposition and take full control of ethnic areas. As part of its strategy to curb the support of ethnic insurgent armies, it targets civilians it perceives as backers of the insurgent groups.

In the course of Tatmadaw operations at least 3,000 villages have been destroyed along the eastern Burma border since 1996. Villagers have been forced to flee to hiding sites in jungles, move to government-controlled relocation sites, or travel to relatively more secure ceasefire locations. Today Burma is estimated to have the worst internal displacement crisis in Asia. More than 500,000 civilians are displaced in eastern Burma, with those in hiding being the most vulnerable. People unable to care for themselves and their families have fled to Burma's neighboring countries of Bangladesh, China, India, Malaysia and Thailand in search of asylum. Burma's refugee crisis has a regional impact and the number of refugees from the country is believed to be more than one million.

As the military takes control of new territory in ethnic areas, it initiates development projects and exploits natural resources, which displace more civilians. The forced migration of civilians is ongoing even in ethnic states, such as Mon and Kachin, where political leaders have signed ceasefire agreements with the central authorities. According to a Burmese asylum seeker interviewed by Refugees International in Thailand, "The outside world thinks that just because a cease fire has been signed between the Mon and the SPDC, it is safe for us to live in Burma. But we continue to face abuses on a daily basis. The military confiscated all my orchards and my family could barely survive. We still tried to stay but had to leave when the military tried to recruit my teenage son."

The Karen National Union, the indigenous political leadership in Karen State, has not entered into a ceasefire agreement with the SPDC and conflict and displacement are not new phenomena there. However, the intensity and spread of the Tatmadaw offensive in recent months are estimated to be the worst in more than a decade. The attack is linked to the military's attempt to consolidate its control over parts of Karen State and the districts of Toungoo, Papun and Nyaunglebin have been particularly hard-hit by the offensive. According to a community-based organization assisting the internally displaced, the recent attacks differ from previous ones in that the military did not withdraw during the 2006 rainy season but continued to attack the same areas repeatedly.

In order to protect themselves, Karen communities have been trying to establish early warning systems. Villagers are constantly on watch to be able to anticipate Tatmadaw attacks and whenever possible, the Karen ethnic army has been warning villagers ahead of an attack so they can go into hiding. At present there remains a lack of an adequate number of communication tools for advance warning.

The military has planted a large number of landmines in and around villages so people are unable to go beyond a certain area, and at the time of harvesting many do not have access to their crops. In some parts of Karen State the army has set rice fields on fire. According to the estimates of a community-based organization assisting the internally displaced, 25,000 people have lost their harvest for the entire year, and in Lerdoh Township alone, 2,800 civilians are believed to have been taken away from their villages and fields by the Tatmadaw to relocation sites where they are being forced to dig trenches and build fencing. Since 2006, the military has also placed a prohibition on trading in some areas of Karen State and prevented villagers from selling or buying certain products around harvest time. After harvest time, villagers are allowed to sell their products, but at half the normal price and only to the military, contributing to food insecurity.

Besides food, the displaced are in urgent need of shelter and medicines. The displaced in Karen State are being assisted largely through cross-border assistance, coming from agencies based in Thailand, and a few community-based organizations inside Burma. This aid is helping people cope with their situation and preventing large numbers from fleeing to Thailand as refugees. Although in recent years donors have allocated more funds for aid to internally displaced people, both for cross-border operations and those inside Burma, the number of vulnerable people has gone up significantly with the latest offensive in Karen State and it is critical that donors respond accordingly.

In terms of medical assistance, Karen internally displaced people are relying largely on traditional curative techniques or on mobile teams, back pack health workers, and Karen medical units who may be able to access them only after navigating their way through heavily militarized territory.

Organizations based in Thailand and Burma that are assisting the internally displaced from across the border and inside the country have improved communications in recent months, but there remains a need to strengthen information sharing on the activities being undertaken by both sides.

Many of those displaced in the recent attacks in Karen State who have been able to reach the Thai-Burma border are living in settlements on the Burma side. One of these, the Ei Tu Hta camp, set up in April 2006, is home to 3,000 persons mostly from Toungoo district. Approximately 5,000 recently displaced Karen have also crossed the border into Thailand. Some of them have entered refugee camps, are recognized as asylum seekers, and are awaiting approval from the Provincial Admission Boards, the Thai Government's entities for processing new arrivals. This has largely been the case in Mae Hong Son Province. In Tak Province's Mae La camp, however, none of the new arrivals are recognized and they are living unofficially in the camp.

The Thai Government is concerned that recent efforts to resettle Burmese refugees in third countries is drawing recent arrivals to camps. The Governor of Tak Province has announced that no food or accommodation would be made available to new arrivals in the camps in that province. Further, the Provincial Admission Boards are not fully functional in each of the provinces, and there remains a void for processing new arrivals in certain areas.

The Burmese internal displacement and refugee crises are linked to the regime's policy of targeting civilians. All regional and local initiatives to urge the SPDC to stop attacking civilians and protect its people have failed. The non-binding Security Council resolution introduced by the U.S. in January 2007, which included a call to the SPDC to cease attacks on the country's ethnic minorities, was vetoed by China and Russia. Until such time that all members of the UN Security Council acknowledge that the SPDC must be held accountable, and develop a united approach to address the government's failure to protect its people, the worst internal displacement crisis in Asia will persist.

Refugees International, therefore, recommends that:

The Burmese military immediately halt all attacks on civilians.

The UN Security Council members reach consensus on a strategy to pressure the SPDC to stop its abuse of civilians and hold it accountable for its failure to protect Burma's people.

Donors support initiatives to assist internally displaced people by agencies doing cross-border work and agencies operating inside Burma, with funding directed to the most vulnerable.

Donors support initiatives to enhance IDP protection through early warning systems.

Agencies based inside Burma and organizations operating out of Thailand continue to improve coordination and collaboration through regular meetings and information sharing forums.

The Government of Thailand allow new asylum seekers from Burma official access to all camps and ensure that the Provincial Admission Boards are functioning consistently so the new arrivals can be processed.

IN LASTING MEMORY OF HELEN BRADLEY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Helen Bradley, a woman who spent a lifetime giving back to the community she loved dearly through her dedicated service as Jefferson County clerk. She was a true treasure to Pine Bluff and Jefferson County, and her honorable service will never be forgotten by the State of Arkansas. She passed away May 11, 2007, in Pine Bluff, AR, at the age of 59.

I am grateful to have known Helen Bradley and to have had the privilege to call her a personal friend. She spent her life and career making her community a better place for all who called it home.

Mrs. Bradley's lasting impact on Jefferson County will be remembered forever. Her selfless and devoted career began after graduating from what is now the University of Arkansas at Pine Bluff, when she was hired as deputy county clerk for Jefferson County. She held that position for 22 years before she was elected to serve as Jefferson County's first African-American county clerk. During her career, she also served as secretary for the Jefferson County Quorum Court and the Equalization Board. Mrs. Bradley was also a member of the International Association of Clerks, Recorders, Election Officials and Treasurers, the West Pine Bluff Rotary Club and she was a proud member of the Mount Calvary Missionary Baptist Church. As a member of the National Association for the Advancement of Colored People, NAACP, she received the distinguished Pine Bluff Branch NAACP Dove Freedom Award in October 2006.

My deepest condolences go to Mrs. Bradley's husband, Sylvester Bradley, Sr., of Pine

Bluff; her two sons, Sedgwick McCollum of Flint, MI, and Brandon Bradley of Plano, TX; her daughter, Tamisha Gibson of Columbia, SC; her two brothers, James Edward McClinton of Flint, MI, and John Albert McClinton of Pine Bluff; her sister, Cecile Blade of Pine Bluff; and to her 9 grandchildren. Mrs. Bradley will be greatly missed, and her contributions to the city of Pine Bluff, Jefferson County and the State of Arkansas will never be forgotten.

INTRODUCING THE CHARITABLE REMAINDER PET TRUST ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BLUMENAUER. Madam Speaker, today, Representative RAMSTAD and I are introducing legislation that revises the Internal Revenue Code, IRC, to treat pet trusts in a similar manner as charitable remainder annuity trusts, CRATs. It will allow estates and donors with CRATs with a pet, or its guardian as a beneficiary, to receive a charitable deduction for the remainder interest when the trust is established. The bill provides a tax incentive for people to arrange for long-term care of their pets, which will result in a reduction of society's burden in caring for "unwanted" dogs and cats after the guardian dies.

Currently 39 States and the District of Columbia allow pet trusts, which is a specific legal arrangement providing for the care of companion animals in the event of the guardian's death or incapacitation. When the pet passes, the remainder of the trust is then distributed to one or more pre-designated charities. Recognition of these trusts by the Federal Tax Code will allow for long-term planning of care for pets, as well as encourage people to engage in charitable giving. The legislation bears no cost burden for the Federal Government and brings relief to animal lovers and shelters alike.

CONGRATULATIONS TO CHARLES McMILLAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Charles McMillan, a constituent of the 26th District of Texas, who has been elected the new President for the National Association of Realtors for 2008 and will subsequently serve as Chairman for NAR in 2009.

Mr. McMillan, a Realtor® for more than 20 years, is director of realty relations and principal broker for Coldwell Banker Residential Brokerage, Dallas-Fort Worth. At the national level, McMillan was NAR 2006 first vice president-elect. He has twice served as NAR regional vice president of Region X, which includes Texas and Louisiana. He is a member of the NAR Leadership Team, the executive committee, and the Strategic Planning committee. He has also been recognized by NAR as an expert in the areas of agency, antitrust, misrepresentation, fair housing, and diversity.

In 1998, he was president of the Texas Association of Realtors®, and was vice president and secretary-treasurer before that. He was Texas "Realtor® of the Year" in 2000, and now has risen to the leadership role of president of the National Association of Realtors for 2008.

Mr. McMillan is also very active in his north Texas community as a life member of the Texas Real Estate Teachers Association. He is a past chairman of the Community Development Council of Fort Worth, the Tarrant County Affordable Housing Task Force, and the Housing Subcommittee of Fort Worth, and a past director of the United Way of Tarrant County and of the Fort Worth Chamber of Commerce.

It is my honor to congratulate Mr. Charles McMillan for his recent election to president of his association. He is admired in the community for helping others, and I am glad that his work is being recognized at a national level. I am honored to represent him in Congress.

HONORING NANCY EWTON SHARPE ON THE ANNIVERSARY OF A MAJOR MILESTONE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, Milestones indicate distances traveled by one or many, collectively. I rise today to honor one individual from the beautiful Sequatchie Valley for having reached the 50-year anniversary of a major milestone in her life.

Ms. Nancy Ewton Sharpe of Dunlap, Tennessee, the first born of W. Howard and Jeanette Campbell Ewton, was brought into this world on April 1, 1938. Her grandparents, F.P. and Nancy Ann Ewton, started a funeral home in 1919 and built their own caskets. Nancy attended school in Dunlap for 12 years graduating in 1956. She then began studies at the John A. Gupton College of Mortuary Science in Nashville, Tennessee. Graduating in 1957, she was the first dually licensed female funeral director-embalmer in the State of Tennessee. I rise today to honor Ms. Sharpe's accomplishment and celebrate the 50th anniversary of her success.

TRIBUTE TO JONESBORO H.S. MOCK TRIAL TEAM

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. SCOTT of Georgia. Madam Speaker, I rise today to recognize a great achievement by students in my congressional district. Congratulations to the Jonesboro High School Mock Trial Team, which proudly represented the State of Georgia at the National High School Mock Trial Championship in Dallas, Texas, in early May. the Jonesboro team defeated 40 other schools from across the Nation to win the 2007 National Title.

Mock Trial offers students the opportunity to understand the many important aspects of our legal system, including trial preparation and standard courtroom procedures. In the fall, each team begins to prepare for their local competition by preparing for trial just as real lawyers would. If a team like Jonesboro High School is so fortunate to win both county and State competitions, they have half as much time to prepare for a substantially harder competition at the national level. Even with these great challenges, the Jonesboro team persevered and achieved victory nationally and they are champions.

I would like to recognize the hard work and dedication of the Jonesboro High School team by acknowledging the students and coaches who made this victory possible. The competitors were Brian Cunningham, Lindley Curtis, Kayla Delgado, Matthew Mitchell, Braeden Orr, Laura Parkhouse, Kyle Skinner, Britt Walden, Jayda Hazell, Joe Strickland, Lindsay Hargis, Jurod James, Sandra Hagans and Tabias Kelly. The Jonesboro High team was led by Anna and Andrew Cox, attorney coaches John Carbo and Deborah Benefield, Tasha Mosley and Mercer Law School student coach Katie Powers.

In closing, Madam Speaker, I wish to extend congratulations to all of these outstanding individuals in achieving the 2007 National High School Mock Trial National Title.

INTRODUCTION OF THE STOP DECEPTIVE ADVERTISING FOR WOMEN'S SERVICES ACT (SDAWS)

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am reintroducing important legislation that will protect the rights of women seeking information on family planning services. Too often, women who are facing the difficult consequences of an unintended pregnancy are being deceived and intimidated. Fake reproductive health clinics entice women with unintended pregnancies through their doors under the pretense of providing the full range of reproductive options. Called crisis pregnancy centers (CPCs), they pose as sources of unbiased pregnancy counseling using neutral-sounding names and advertisements. Some of these centers have even conducted market research to ensure that women looking for healthcare will be tricked into believing that the anti-choice centers will provide unbiased medical information. The centers also lure unsuspecting women with the offer of free pregnancy testing or HIV tests. Once inside, the clinic staff—usually volunteers with no professional training—try to dissuade women from abortion by subjecting them to inaccurate medical information, anti-choice propaganda, and intimidation.

In response to the deceitful practices of these centers, this legislation requires the Federal Trade Commission to promulgate rules under the Federal Trade Commission Act, declaring it an unfair or deceptive act for an entity, such as a crisis pregnancy center, to advertise as a provider of abortion services if the entity does not provide abortion services. Working together we can help stop the fraud these deceptive Crisis Pregnancy Centers are perpetrating on the women of America.

THE INTRODUCTION OF H. CON. RES. 156, EXPRESSING SUPPORT FOR THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to introduce this Resolution expressing support for the United Nations Declaration on the Rights of Indigenous Peoples and urging the United States Ambassador to the United Nations General Assembly to support the adoption without amendment of the Declaration as adopted by the United Nations Human Rights Council on June 29, 2006.

There are over 300 million indigenous peoples throughout the world today, striving for international recognition of their collective rights as they struggle to preserve their cultures, traditions, and social values. In their respective States, these indigenous groups face serious challenges of marginalization, discrimination, loss of lands, and lack of economic development in their communities.

The draft U.N. Declaration recognizes the rights of indigenous peoples to self-determination, freedom from discrimination, and freedom from forced assimilation. This Declaration would establish an international policy on indigenous rights and provide a framework for States in the treatment of their indigenous populations.

The U.N. Declaration on the Rights of Indigenous Peoples, over 24 years in the making, is an important step forward in the advancement of stronger, more harmonious relationships between the indigenous peoples of the world and States. In many ways, the United States stands as a model for other nations as we support a Federal policy of self-determination for our own indigenous people. Passage of this Resolution, H. Con. Res. 156, would demonstrate our commitment here in Congress to support the rights of our indigenous people here and throughout the world. I urge my colleagues to join me and support H. Con. Res. 156.

INTRODUCTION OF THE LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION ACT

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MITCHELL. Madam Speaker, today Representative DEAN HELLER and I introduced the Lower Colorado River Multi-Species Conservation Act. The bill is a companion to S. 300, which was introduced in the Senate earlier this year by Senator JON KYL of Arizona.

The bill provides for a long-term, comprehensive, cooperative program among 50 Federal and non-Federal entities in Arizona, California, and Nevada to protect 26 endangered, threatened and sensitive species on the Lower Colorado River and to provide assurances to affected water and power agencies of the 2 States that their operations may continue upon compliance with the requirements of this program.

The program will create over 8,100 acres of riparian, marsh and backwater habitat for protected species, and includes plans for the rearing and stocking of more than 1.2 million fish to augment populations of 2 endangered fish covered by the program.

The program will operate on and around the Colorado River from Lake Mead to the U.S.-Mexico border, but like most water issues relating to the Colorado, its effects will be felt throughout Arizona, and across the southwestern United States.

This bill has been more than a decade in the making, and I believe it is a worthy, bipartisan compromise. The program's cost will be divided 50–50 between the Federal Government and the non-Federal participants. California participants will pay 50 percent of the non-Federal share, and Arizona and Nevada participants will pay 25 percent of the non-Federal share.

I look forward to working with my colleagues in the weeks and months to come to make this long sought program a reality.

RECOGNIZING THE TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS AS THE 2007 RECIPIENT OF THE E.H. HARRIMAN AWARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the Terminal Railroad Association of St. Louis for being awarded the E.H. Harriman Award in recognition of their outstanding safety achievements.

The E.H. Harriman Award was established in 1913 by Mary Harriman, wife of the late Edward H. Harriman, who controlled and expanded a number of railroads, including the Union Pacific, Southern Pacific and Illinois Central. Mary Harriman, nee Averell, was from a railroad family herself so it was fitting that she would establish this award to recognize safety achievements on the part of the railroads whose workers labored in some of the most dangerous occupations.

While the Terminal Railroad Association of St. Louis was established in 1889, its predecessor companies were the pioneers in the river crossing at St. Louis which played a pivotal part in the growth of the states west of the Mississippi. Originally, ferries transported cargo and passengers across the Mississippi River at St. Louis until the first bridge, the Eads Bridge which still functions today, was completed in 1874. A second bridge was added in 1890 and, with the concentration of a number of railroads crossing the Mississippi at this location, it soon became apparent that a coordinated effort was necessary to handle the growing switching operations on the Missouri side in St. Louis and on the Illinois side in St. Clair and Madison counties. The Terminal Railroad Association of St. Louis was formed by the predecessor river crossing companies and the six railroads that converged at the Illinois and Missouri sides of the Mississippi River at St. Louis.

Today, the Terminal Railroad Association of St. Louis owns two bridges across the Mississippi, several rail lines within St. Louis, Missouri and St. Clair and Madison counties in Illinois as well as a switching facility in Madison, Illinois. At this switching facility, approximately 30,000 rail cars each month move through 80 holding tracks as they are redirected to routes that will take them, their cargo and passengers to locations all throughout the country.

Workplace safety is a critical component of any commercial enterprise and railroads have historically been among the most dangerous places to work. With the tremendous volume of traffic handled daily by the Terminal Railroad Association of St. Louis, the safety of their workers relies on a cooperative effort on the part of management and those workers who must engage in these hazardous activities. Terminal Railroad has been a recipient of the E.H. Harriman Award a number of times in the past and this recent award recognizes their achievement in workplace safety during 2006.

Madam Speaker, I ask my colleagues to join me in congratulating the Terminal Railroad Association of St. Louis, its management and employees for this very well-deserved award.

TRIBUTE TO WHITTEMORE ON ITS 100TH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor 100 years of history in a small town in my congressional district. This weekend, the city of Whittemore celebrates its 100th anniversary, an all the residents of Whittemore should be proud of their contributions to the growth of this community.

While Whittemore was officially incorporated as a city in 1907, the community's history dates back to an earlier time. Before its official incorporation, the city was part of Burleigh

Township and was a timber town. The area was well known for its white pine timber. In the late 1800s, lumbering moved west from neighboring Tawas City, and a rail line was constructed to transport timber from the small logging community that would become Whittemore to Tawas City. Because of this early economic development, Whittemore was officially incorporated in 1907, the community was already booming.

During the early 1900s, the area underwent a significant economic shift. As lumber supplies in the area were depleted, the town evolved into a farming community, and families from around the region flocked to the Whittemore area to purchase affordable farmland. It was during this early period that the historic Bullock's and Horr Hall was constructed. The Hall, which is recognized as a local landmark, still stands today and houses the Masonic Temple. In the early 1900s, the building served as a gathering place for residents. In 1907, the Whittemore High School was erected.

The area continued to thrive throughout the early twentieth century and, by the 1940s, the town was thriving with a local bank, a hotel and bar, three grocery stores, and two car dealerships. Whittemore also boasted Joe Collins' Five and Dime store, a gathering place for local children who would visit the store daily to purchase candy.

The 1940s also brought about the creation of the Whittemore Speedway; which still exists today and is considered Michigan's oldest speedway. In 1948, Whittemore Speedway started as a half-mile dirt track. Area residents would gather there every Saturday night with friends, family and neighbors to watch the races. Throughout the 1940s, the race track served as the entertainment focal point for this small community.

The Whittemore Speedway has been continually updated and improved throughout the years. It continues to thrive today, hosting some of the best local family entertainment and races, while contributing many of its proceeds to area charity organizations and communities.

Throughout the 1950s and 1960s, Whittemore continued to boom, but, like in many small towns across our nation, things began to change. One of the major employers, National Gypsum, began making employee cutbacks as it modernized its facility. Gradually, over time, businesses began moving out of Whittemore.

Yet, while change had come to Whittemore, the citizens of the town and its surrounding community have kept many of the characteristics that have guided its growth over the past century. The entrepreneurial spirit that resulted in the early settlement of the area as a logging community remains intact today. Local businesses continue to proudly exhibit that same entrepreneurial spirit. For instance, Sherni's Candies in Whittemore continues to ship candy all over the country. Dixon and Ryan, the inventor of a unique tool used in NASCAR to measure wear on tires, continues to thrive. Turner Cheese Company continues to specialize in the creation of amazingly creamy and flavorful cheese.

The young people of Whittemore-Prescott High School have also achieved a number of notable successes that exemplify Whittemore's spirit. In 2000, the school won the state football championship. A number of students from Whittemore-Prescott High School have been appointed to the military academies that produce our nation's military leaders.

In addition to the local entrepreneurial spirit that it has preserved, Whittemore has also maintained its small town values. Community is important to the citizens of Whittemore and neighbors make a point of knowing each other there. For these reasons, while some businesses have left the town, the residents have stayed. The city's population in 1907 was about 500. Today, the population remains at a respectable 480. Moreover, many of the same families have remained in Whittemore. Some families have inhabited this small town for as many as six or seven generations.

Madam Speaker, while many people in Michigan, and most people throughout our country, have not have heard of the city of Whittemore, I believe there is much to be admired in the city's history and character. As this small town and its citizens celebrate Whittemore's centennial, I would ask that the entire U.S. House of Representatives join me in congratulating this town and its past, present and future citizens on reaching this milestone and in acknowledging the city's place in Michigan's history.

HONORING THE LIFE OF YOLANDA KING

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to express my sadness over the untimely passing of Yolanda Denise King, eldest daughter of Dr. Martin Luther King, Jr., and Coretta Scott King. Yolanda King, despite losing her father at the age of 12, strived to carry on her father's legacy of equality and justice for all. Despite her family name, Yolanda King used her own talents to affect social and personal change through her lectures and the arts.

Yolanda King was born on November 17, 1955, in Montgomery, Alabama, where her father was then preaching. She was born just 2 weeks before Rosa Parks refused to give up her seat on a bus there, leading to the Montgomery bus boycott spearheaded by her father. She was just 10 weeks old when the King family home was bombed on January 30, 1956, as her father attended a boycott rally, but she was unharmed by the explosion. She was 7 when her father mentioned her and her siblings in his 1963 speech at the March on Washington and she was 12 when her father was assassinated in Memphis, Tennessee, in 1968.

After receiving a B.A. degree with honors in Theatre and African-American Studies from Smith College in Northampton, Massachusetts, Ms. King moved to New York to earn her masters degree in theatre at New York University. She honed her teaching skills while working with young people at the King Center for Non-Violent Social Change in Atlanta, Georgia. Many of Ms. King's stage, television and film credits reflect her commitment to social change and include portrayals of Rosa Parks in the NBC–TV movie "King" (1978), Dr. Betty Shabazz in the film "Death of a Prophet" (1981), and Medgar Ever's daughter, Reena, in "Ghosts of Mississippi" (1996). Her most recent theatrical production was "Achieving the Dream" in which she portrayed several characters in the movement for civil and human rights, and was featured during the 1996 Olympics in Atlanta.

In addition to her rich acting career, Yolanda King also carried on her parents' legacy through her commitment to raise awareness and enhance understanding about the importance of diversity. Ms. King addressed Fortune 500 companies and the United Nations as well as religious, civic and educational groups in the United States, Europe, and Africa. She was founder and CEO of Higher Ground Productions, a California-based organization dedicated to social change and world peace by advocating diversity and unity. She also promoted awareness through her writing. She was the co-author of the book, Open My Eyes, Open My Soul, as well as Embracing Your Power in 30 Days, a step by step, daily tool for personal growth based on her very personal experiences.

Yolanda King was honored with numerous presentations, awards and citations by organizations around the country and was named one of the Outstanding Young Women of America. She was a member of the Board of Directors of the Martin Luther King Jr. Center for Nonviolent Social Change, Inc. (the official national memorial to Dr. King) and was founding Director of the King Center's Cultural Affairs Program. She served on the Partnership Council of Habitat for Humanity, was a member of the Southern Christian Leadership Conference, was a sponsor of the Women's International League for Peace and Freedom and held a lifetime membership in the NAACP. She was the recipient of two honorary doctorial degrees.

And so today I urge my colleagues to join me in paying tribute to Yolanda King's outstanding career and life achievements. Yolanda King dedicated her life to promote unity and nonviolence across the country and the world. She was left a strong and important legacy set by Dr. Martin Luther King and Coretta Scott King, but ultimately utilized her own abilities and talent to inspire people from all walks of life to reach higher ground, to motivate people to move forward, and to empower people to make a difference.

PAYING TRIBUTE TO REV. MARJORIE KITCHELL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Rev. Marjorie Kitchell, who has dedicated 40 years of service to the Christian Center Church.

Rev. Kitchell, who moved to Boulder City in 1967 to begin her work with the Christian Center Church, opened the Christian Center

Daycare and Preschool shortly after her arrival. The daycare, which is Nevada's longest running licensed daycare, and the preschool have proved to be valued and trusted centers of early education. Since 1972, Rev. Kitchell has served the congregation of the Christian Center Church as the senior pastor. In addition to her service to the people of the Christian Center Church, Rev. Kitchell was the past Boulder City Police Chaplain, has served on the Boulder City Juvenile Conference Committee, was the past president and a current member of the Boulder City Ministerial Association and currently serves as District Supervisor of her denomination's churches in the Henderson and Las Vegas area. In addition to her work throughout the community, Rev. Kitchell is the author of numerous articles and a book, My Mother's Keeper.

Madam Speaker, I am proud to honor Rev. Marjorie Kitchell. Her work is commendable and I thank her for her dedication and commitment to the community and wish her the best in her future endeavors.

HONORING THE MEMORY OF CITRONELLE MAYOR STANLEY HERRING

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BONNER. Madam Speaker, Citronelle, Alabama, and indeed the entire First Congressional District recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mayor Stanley Herring, a devoted family man, was dedicated to the continued growth and prosperity of Citronelle—a dedication that was evident up until the very end of his life. Despite his months-long battle with throat cancer, Mayor Herring went to city hall each morning to attend to city business.

But, politics wasn't Mayor Herring's only calling. It was only after retiring from ExxonMobil Corp. as a technician that he entered local politics. An avid supporter of local youth and high school athletics—Mayor Herring, himself, was inducted into the Alabama Amateur Softball Association Hall of Fame. He served as a deacon and Sunday school teacher at Memorial Baptist Church in Citronelle. In 1996, Citronelle elected him city councilman, a post he held until 2004, the year he was elected mayor.

Madam Speaker, I ask my colleagues to join me in remembering a man who deeply loved the city of Citronelle. He will be deeply missed by his family—his wife, Alice Leigh Herring; his mother, Irene Herring; his children, Sandy Fagan, Paula Leigh Callaway, and Stanley Eugene Herring Jr.; his two sisters, Frances Doyle Herring and Joyce Rios; his three brothers, Jimmie Herring, Michael Herring, and Robert Herring; and his 16 grandchildren and one great-grandchild—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

TRIBUTE TO DANNY ZHU

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. CROWLEY. Madam Speaker, I rise today to congratulate my constituent Danny Zhu of College Point, NY. Danny is one of 24 finalists on the 2007 United States Physics Team that have been chosen to compete for the Traveling Team, a group of five students who will represent the United States at the International Physics Olympiad in Iran. These gifted students will show their merit against the best young scientific minds that the world has to offer.

Danny is a junior at Stuyvesant High School in New York City, where he excels at the highest skill levels. Outside of the classroom, he is heavily involved in student groups, participating in everything from the robotics club to the school band. He has reached the semifinals of the Physics Olympiad competition in each of the last 2 years and has placed in the top 10 in multiple national math and science competitions.

I am very pleased that a young man from my district could so well personify Speaker PELOSI's Innovation Agenda. It is young people like Danny Zhu and his fellow finalists that will become our next generation of great innovators: the mathematicians, engineers, and scientists who will keep this great country competitive and prosperous in the upcoming decades. I would like to again congratulate Danny Zhu on his accomplishment and thank him for his effort and hard work.

TRIBUTE TO AMERICAN LEGION AUXILIARY #290

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. SMITH of Nebraska. Madam Speaker, today I rise to recognize the American Legion Auxiliary #290, in Elwood, Nebraska—a beautiful town in my congressional district.

They distribute red poppies in honor of all living and deceased veterans, with donations going to rehabilitation efforts and filling other needs for veterans. The poppies are made by patients of VA hospitals and residents of veterans homes.

As we go into the Memorial Day weekend, many of our constituents will be holding backyard cook outs, or taking the boat out for a spin, or just getting out of town for a quick vacation.

In Flanders Field, the poppies grow among the crosses, row on row. These words remind us we owe our thanks to people like the members of American Legion Auxiliary #290, those who help us remember our troops and the sacrifices they have made.

AZERBAIJAN MARKS 89TH ANNIVERSARY OF REPUBLIC

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. WILSON of South Carolina. Madam Speaker, in venues ranging from the Bundestag to the U.S. Congress to the streets of Baku, Azerbaijanis worldwide will mark their National Day of the Republic this upcoming week. Since achieving independence from the Soviet Union in 1991, Azerbaijan has remembered May 28 as the date, in 1918, when the country was proclaimed an independent state, making it the first democratic republic in the Caucasus region.

Though it lasted only 2 years, from May 1918 to April 1920, this first democratically elected Azerbaijani government worked on building an independent and democratic state.

Members of the Azerbaijani Diaspora regard the date as a key one among the numerous commemorative days they observe each year.

Even when such a state did not formally exist anywhere on the world map, it existed in our hearts, our souls, and our minds, said Tomris Azeri, president of the Azerbaijan Society of America. It is this strong sense of being an Azerbaijani, which we are now free to show to ourselves and the world. And with that freedom for Azerbaijan has come growing prosperity, and growing respect, involvement, and influence in the world community.

I commend Ambassador Yashar Aliyev for his hard work and dedication. I look forward to the United States continuing a successful relationship and strong friendship with the people of Azerbaijan.

TRIBUTE TO LUCIOUS L. NEWHOUSE, JR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to a proactive citizen from Dallas, Texas, Lucious L. Newhouse, Jr. As youth education is of great importance, I am delighted to recognize his 39 years as an educator and wish him well regarding his upcoming retirement. I would like to take a few moments to reflect on his many achievements and contributions to the city of Dallas and the Dallas Independent School District.

As the son of two educators, Lucious L. Newhouse, Jr., showed early signs of excellence, graduating as salutatorian from Galilee High School in Hallsville, Texas. Lucious then went on to obtain a bachelor of science degree from Prairie View A&M University and to star on the university's baseball team. Also to note, he obtained two graduate degrees from this same institution, a master of science and master of the arts.

Shortly after completing his undergraduate study and starting his teaching career at J.N. Irwin Junior High School in Dallas, Lucious was called to serve our great Nation as both an army sergeant and platoon leader in Vietnam. He would then return to DISD where he taught and coached for 24 years and served as an administrator for 14.

Supplementing his 39 years as an educator, Lucious is additionally a very spiritual man and has been an active member of the community. Lucious is an avid member of the Cedar CME Crest Cathedral, the Omega Psi Phi Fraternity, and has served as both president and vice president of the Dallas Coaches Association and Dallas Schools Administrators Association.

Lucious Newhouse, Jr., has always taken pride in his work and been dedicated to the children of Dallas. This compassionate man never failed to show that he cared for his students, his fellow teachers, administrators, and staff members. I urge the rest of my colleagues to join me in applauding Mr. Newhouse, Jr., for all he has done for Texas's educational system and the wonderful city of Dallas.

HOUSE RESOLUTION INTRODUCTION: RECOGNIZING RACHEL CARSON

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to introduce legislation honoring the legacy of Rachel Carson, the ecologist and author whose courage, selfless spirit and sense of wonder ushered in the modem environmental movement.

May 27, 2007, will mark the 100th anniversary of the birth of Rachel Carson. While we as a nation continue to feel the impact of man-made environmental challenges and consider measures to lessen our impact on the planet, it is important to remember the person who first warned us of the hazards of environmental degradation, while capturing our hearts with her love and concern for nature.

Through her tireless activism and inspiring literature, in particular her book Silent Spring, Carson raised public awareness about humanity's inherent relationship to nature. In exposing the dangers of chemical pesticides, Carson demonstrated how life at all levels is interconnected, from the bottom of the food chain to humans at the top.

Carson wrote her landmark book, testified before Congress and rallied support for environmental awareness and action while secretly fighting the debilitating effects of the cancer that would soon take her life. Although she preferred quiet anonymity, Carson weathered tremendous scrutiny and made a courageous stand against powerful industry interests to serve the greater good.

Though she died at the young age of 56, Carson's impact was astounding. In the years immediately following her death, the U.S. Government enacted a string of environmental laws, created the Environmental Protection Agency and banned most uses of the chemical pesticide DDT, which resulted in the resurgence of numerous American ecosystems and wildlife species.

Rachel Carson's influence continues to reverberate, now more than 40 years after her death, in the ongoing struggle to balance the needs of our society with a healthy environment.

I look forward to working with my colleagues in the House to pass this resolution.

IN RECOGNITION OF THE RETIREMENT OF BOB BARKER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BLUNT. Madam Speaker, I rise to pay tribute to a man from my district recognized the world over for his contributions to popular culture and society. For the last 35 years, Robert William Barker has been a familiar face in a world of ever-changing television personalities as the indefatigable host of "The Price is Right."

His extraordinary television career began in 1956 with the show "Truth or Consequences," which broke records by remaining on daytime television for a remarkable 18 years. With his career in the national spotlight, he brought the program back home to Missouri, airing it live from Springfield on April 14, 1972. That same year, he also began hosting "The Price is Right." For 3 years, Bob hosted both shows concurrently—making it look effortless to his growing audience of friends and admirers.

His work would yield extraordinary results. Not only has "The Price is Right" become the longest running game show in television history, it has earned the distinction of being named the highest-rated game show of all time—a product of Bob's singular talent and tireless work ethic.

Among his other notable credits, he hosted the Miss USA and Miss Universe pageants and the Rose Parade for 21 years; won 17 Emmys and was nominated for two more; was inducted into the Television Hall of Fame in 2004; and was named by the Guinness Book of World Records as "The Most Generous Game Show Host" and "The Most Durable Performer" in television history.

Always a man whose popularity cut across ethnic, social, and generational boundaries, Bob's popularity soared even higher with young people after his appearance in Adam Sandler's hit movie "Happy Gilmore," for which he won the MTV Movie Award in 2000.

Another milestone in Bob's career occurred 2 years later when CBS named part of its Los Angeles headquarters "the Bob Barker Promenade" to commemorate the show's 30th anniversary. Stage 33 at CBS Television City, which is one of the most historic sites in the industry, was re-dedicated as the "Bob Barker Studio," making Bob the first performer to whom CBS had ever dedicated a stage. It was from Stage 33 that Elvis Presley made his legendary first appearance on "The Ed Sullivan Show," and it has been the staging grounds for "The Price is Right" during its entire 35-year run on the network.

But long before he met fame, Bob met his future wife Dorothy Jo Gideon after graduating from Springfield Senior High. Barker would go on to pursue his studies at Drury College in Springfield, and was voted class president during his sophomore and senior years.

Like so many of his generation, the events of World War II would interrupt his studies. He trained as a Navy Air Corps fighter pilot, and returned to Drury College to graduate summa cum laude in 1947. He later served on the school's board of trustees from 1977 to 1980.

Bob Barker also started his entertainment career in Springfield, hosting a radio program on KTTS Radio, where he developed his clear, reverberating voice and his instant rapport with audiences.

For the past 30 years, Bob has devoted a significant portion of his time and resources to helping improve the lives of animals, appealing daily to viewers to have their pets spayed and neutered. In 1994, he established his DJ&T Foundation, which is named in memory of his wife and his mother. The mission of the foundation is to fund low-cost spay/neuter clinics.

In addition, Bob has given millions to establish endowments promoting animal protection law at some of the Nation's top law schools, including Harvard, Stanford, UCLA, Northwestern, Duke, Georgetown and Columbia. His work has also influenced other law schools to offer similar courses.

Bob Barker is a reflection of the character of southwest Missouri, where he learned early on the importance of self-discipline, an unrelenting work ethic, commitment to family and respect for others. It's also apparent from watching "The Price is Right" that Bob enjoys people, places and having fun. Through his contributions to the causes important to him, he has set an example for people committed to changing the circumstances of those less fortunate. And he has done it with dignity and style.

In his retirement, I wish Robert William Barker continued success.

INTRODUCTION OF CONSUMER PRODUCT SAFETY CAP LIMIT

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. RUSH. Madam Speaker, today I am introducing a bill to raise the cap on civil penalties that the Consumer Product Safety Commission (CPSC) currently may impose against a person or company for knowingly violating the statutes that the CPSC enforces. Currently, the CPSC is limited to assessing a mere $1.825 million against anyone company for related violations.

This amount is entirely too low to serve as an effective economic deterrent, especially for large corporations, and to help ensure that companies follow the law with regard to safe products. For some companies, this cap amounts to little more than a cost of doing business—a figure they can just write off in deciding to follow the law, or not.

My legislation would raise the cap to $20 million, a more realistic number to serve as a deterrent against violations and a more appropriate penalty for violations that have occurred.

Madam Speaker, raising the cap to an amount that better reflects today's economic realities will encourage manufacturers, among other things, to report promptly critical information about unsafe products, to recall defective products more quickly, and generally to comply more cooperatively with statutes designed to promote and ensure safe products in the American marketplace.

THANKING MR. PHIL NICHOLS FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement this month, I rise to thank Mr. Phil Nichols for his long career of outstanding service to the U.S. House of Representatives.

Phil Nichols has been an employee of the House for 31 years. During that time, he has earned the respect and admiration of his fellow co-workers. Phil is a person of great character and will leave behind a legacy of professionalism, hard work and dedication to this institution. His list of accomplishments is far too lengthy to include in this tribute.

However, one major accomplishment of Phil's was his contribution to the team that upholstered the two chairs used by the Vice President of the United States and the Speaker of the House for every State of the Union speech.

Phil's retirement is bittersweet. The House will lose an individual who from day one of his employment made a long term commitment to excellence. His performance has always been exceptional and above and beyond expectations. His legacy will live on in the Chamber of the U.S. House of Representatives as we wish him many wonderful years of happy retirement.

IN HONOR OF PRIVATE FIRST CLASS JOSHUA G. ROMERO, UNITED STATES ARMY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a brave and dedicated hero of the Fort Worth community and of our Nation.

PFC Joshua G. Romero was a proud United States Army soldier and a true American hero who gallantly gave his life for his country on May 18, 2007, during combat operations in Tahrir, Iraq.

Assigned to the First Cavalry Division of Fort Hood, Texas, Joshua enlisted during time of war, which speaks volumes about his character, bravery, and clear sense of patriotism.

Joshua is survived by his wife, son, father, mother, step-mother, and all of his sisters and brothers.

Our thoughts and prayers are with them and all his family and friends.

Our community and Nation honor Joshua's memory and we are grateful for his faithful and noble service to our country.

PFC Joshua G. Romero will never be forgotten. His memory lives on through his family and the legacy of selfless service that he so bravely imprinted on our hearts.

RECOGNIZING MOBILE AREA CHAMBER OF COMMERCE PRESIDENT WIN HALLETT AND ECONOMIC DEVELOPMENT VICE PRESIDENT BILL SISSON FOR THEIR ROLE IN RECRUITING THYSSENKRUPP TO ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BONNER. Madam Speaker, today I rise to congratulate Mobile Chamber of Commerce President Win Hallett and Economic Development Vice President Bill Sisson for their efforts in recruiting Thyssen Krupp to build a new steel mill in southwest Alabama.

Both Win and Bill worked tirelessly over the past 2 years to recruit this world class steel company to Alabama. In an unprecedented way, leaders from across Alabama and the region came together to promote the Alabama site.

Over a century ago, steel was Alabama's "cash crop" and steel manufacturing played a major role in Alabama's industrial revolution. Now in 2007, Alabama is one of the leading producers of automobiles in the United States. ThyssenKrupp's announcement brings Alabama's steel legacy full circle.

The impact of this new steel mill will be profound. ThyssenKrupp's new steel mill promises at least 2,700 new permanent jobs, paying upwards of $50,000 a year. Construction will require almost 30,000 employees who will earn $40,000 to $50,000 a year. Such benefits would not be possible without the outstanding leadership of the Mobile Area Chamber of Commerce, who in recent years has also played a lead role in other development projects including: Northrop Grumman/EADS choosing Mobile as the home for its plant to build tankers for the Air Force should the team be awarded the contract; investors choosing Mobile County as the future home of the $600 million Alabama Motorsports Park, A Dale Earnhardt Jr. Speedway; and the RSA Battle House Tower, which is the tallest building along the Gulf Coast.

Madam Speaker, I proudly ask you and my colleagues to join me in honoring Mobile Area Chamber of Commerce President Win Hallett and Economic Development Vice President Bill Sisson for their outstanding accomplishments. I would like to offer each of them my heartfelt thanks on behalf of the First Congressional District for their continued contributions to the great State of Alabama.

PAYING TRIBUTE TO DONNA VOLNER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mrs. Donna Volner, who is retiring from Clark County after 15 years of distinguished service.

Donna, who is from Los Angeles, CA, began her career in Missouri where she initially served as a clerk/typist for Missouri State Welfare. During her tenure with the Missouri State Welfare, Donna exhibited her tireless dedication and her great abilities and by the end of her 14 years of service. As a result of her commitment and dedication to serving others, Donna was named County Director.

Donna's work for Clark County began in the early 1990s, when she accepted a position as an eligibility worker for Clark County Social Services. In 1995, Donna transferred to the Neighborhood Justice Center, where she served the community for 12 years. After retiring from Clark County, Donna plans to continue her service to the Clark County Community as a volunteer for Clark County Social Services and at the local Ronald McDonald House.

Madam Speaker, I am proud to honor Donna Volner. Her tireless work for Clark County has improved the lives of countless people. I thank her for her dedication and commitment to the community and wish her the best in her future endeavors.

TRIBUTE TO MR. TEX BJORKLUND

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. SALI. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the accomplishments of Mr. Tex Bjorklund.

During the 1950s, Tex Bjorklund was a police officer with the Los Angeles Police Department. While on patrol, he received a call to respond to a shooting at a nearby location. Upon arriving at the scene Mr. Bjorklund discovered the body of a 7-year-old girl who accidentally had shot and killed herself with a handgun found in the glove compartment of a car.

Deeply moved, Tex began working on a way to help prevent this kind of tragedy from recurring. As a result, he invented a device that would not only allow Americans to retain their right to keep and bear arms but also keep children from hurting themselves by using firearms. In fact, Tex was one of the first people to devise what we call today a "trigger lock."

Unlike advocates of sweeping gun restrictions, Mr. Bjorklund realized gun-related problems were not the weapons themselves but rather those who misuse them. In the wrong hands a weapon can be misused by those too young to understand the deadly force guns possess or by those who mean to do us harm.

Tex saw the need for a device that would ensure firearms are operated only for their intended use. Subsequently, Mr. Bjorklund began a quest to invent such a product. Today there are hundreds of different models of locks for many models of firearms.

We will never truly know how many lives Mr. Bjorklund saved, but it is fitting we honor him today for his invention.

IN HONOR OF THE STUDENT GRADUATES OF PARAMUS' D.A.R.E. PROGRAM AT VISITATION ACADEMY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. GARRETT of New Jersey. Madam Speaker, next week, the Paramus Police Department will hold its D.A.R.E. graduation ceremony with the students of Visitation Academy. More than 40 students are participating in this important program that gives young people the support they need to say no to drugs, underage drinking, and gang violence.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. It uses positive peer pressure to help children defeat the negative cultural influences that bombard them daily.

I am proud of the young boys and girls who participated in this program at Visitation Academy, and I would like to recognize them all for taking this step toward positive citizenship:

Robert Aparri, Daniela Chavez, Christen Connelly, Anthony De Ceglie, Nicholas Deutsch, Atene Di Luca, Annemarie Emmert, Thomas Frey Philip Garip, David Geraldes, Laiba Khan, Rosanna Luna, Joseph Maliani, Alexander Marskosian, Jesse Mills, Christopher O'Byrne, Charles Overholser, Rene Polio, Tiffany Tramontana, Joshua Victoria, Dominique Balbin, Kris Daniel Berreta, Joseph Besserer, Cassandra Di Giovanni, Patrick Estanbouli, Marco Fontana, Kathleen Forero, Samantha Frey, Alexandra Garip, Carlyn Haynes, Chanel Jhin, Eric Joseph, Seung "Ian" Lee, Melisa Ljekocevic, Adrian Luna, Santino Manocchio, Raquel Massoud, Michael Munafo, Sina Nikmaram, Dominick Paiotti, Cammy May Redling, Christina Rubino.

HONORING ANDREW BARTLETT

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to Andrew Bartlett who was chosen as one of the 10 national winners in a Risk Management Agency sponsored essay contest for FFA members. Andrew is a member of the Merino, Colorado Future Farmers of America Chapter and he has recently been elected President of the Merino FFA Chapter and President of FFA South Platte District for the 2007–2008 school year.

Andrew's parents are Charlie and Patty Bartlett and he is following the footsteps of his father who has been a farmer all of his life. Being a successful farmer today requires business and marketing skills, knowledge of advanced technology, and knowledge of crop and soil science. Farmers face the challenge of providing consumers with the safest, highest quality food at the lowest price. Andrew demonstrated his understanding of the demands and requirements of becoming a successful farmer is his essay detailing his farming experiences.

For his FFA Supervised Agricultural Experience, Andrew planted, irrigated and harvested alfalfa hay, hay millet and winter wheat. In his essay, Andrew described his decision making process in determining which crops to plant in an area where 6 years of drought have posed numerous challenges for farmers. Andrew also discussed his decisions about the use of fertilizers and chemicals to eliminate risk and the importance of sound financial management and diversification of his crops and choice of crops that were intended for different markets to expand his marketing choices. He explained the importance of using specific and accurate record keeping to assist in monitoring his financial standing. He is aware of the need to carefully analyze each of his decisions. He also understands the importance of being vigilant in minimizing his costs while staying informed of local markets.

Andrew has an impressive awareness of the many factors involved in becoming a successful producer in today's market. Andrew's family and his FFA advisor, Mr. Todd Everhart, are to be commended for their efforts in supporting, encouraging and mentoring Andrew and for their part in helping him develop the knowledge and skills necessary for him to be successful in his first farming endeavor.

Andrew is the future for a way of life which honors the land while helping to feed the world. I am proud to honor Andrew Bartlett for his success as a Future Farmer of America. My heartfelt congratulations to him and his family.

TRIBUTE TO OUR NATION'S VETERANS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in support of our veterans who have served our country valiantly throughout our history.

As we approach Memorial Day, we find ourselves in the middle of wars in both Iraq and Afghanistan—wars which continue to produce more veterans every day.

Today's wars in Iraq and Afghanistan are different from others in our history.

In today's wars, insurgents launch unconventional, horrific attacks on our troops, using devices like IEDs—leaving some of our troops requiring ongoing special medical attention.

It is critical that we provide our veterans with the care they need and deserve in return for their bravery and sacrifice.

When I host military mothers this week, in my district in Orange County, California, I will thank them for their sacrifices, but I will also assure them that Congress will do all we can to take care of their children.

I thank all of our Nation's veterans for their bravery, their service, and their sacrifice.

A TRIBUTE TO MR. DOCK MONTERIA BROWN, SR.

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BUTTERFIELD. Madam Speaker, it is with tremendous pride that I rise today to pay tribute to a very special friend, lifelong resident of Weldon, NC, outstanding citizen, and former North Carolina State House of Representatives, Honorable Dock Monteria Brown, Sr. In almost every household in Halifax and Northampton County, Dock Brown is well known for his dedication to community service and public education. Dock is a retired principal, teacher and basketball coach. He continues to influence the lives of thousands of area residents through his tireless devotion. On this First Congressional District 3rd Annual Weldon Constituent Service Day, I am so pleased to pay tribute to Dock Brown for such exemplary service and dedication to our community.

After graduating with a masters of school administration and supervision degree from North Carolina Central University, Dock taught and coached at Eastman High School. Later, he became the Principal of Pittman High School. He was honored as the Coach of the Year in the Roanoke Chowan Athletic Conference in 1956, 1961, and 1962 and received the highest honor in the North Coastal Plain Athletic Conference in 1972, 1973 and 1974. Dock inspired his students to pursue athletics and academics while emphasizing the value of moral character and community service. Dock often reflects on how proud he feels when former students return thanking him for his guidance.

Before his election to the North Carolina State House as Representative of the District in 1992, Dock was a community leader in Weldon. His involvement in community and civic affairs is surpassed by few. For example, he was appointed to the Selection Committee for Superior Court Judges in 1983; North Carolina Drug Advisory Council from 1975 to 1976 and Halifax County Board of Commissioners from 1984 to 1992. He was Director of the Regional L Council of Commerce from 1990 to 1992; Treasurer of the North Carolina Association of Black County Officials; and Chairman of Riverstone Counseling and Personal Development. He served on the Halifax County Health Board from 1981 to 1985 and Community Based Alternative Task Force as Chairman from 1989 to 1990. Additionally, he was an active member in local political and civic organizations such as the Halifax County Democratic Party; Halifax County Board of Elections; North Carolina Power; Halifax County Coalition for Progress; the Halifax County NAACP, and the North Carolina Cooperative Extension Service State Advisory

Board. In addition to his dedication to North Carolina, Dock served in the United States Army in Korea for 2 years. He received an Honorable Discharge with the rank of Sergeant.

Dock has been married for over 50 years to the former Helen L. Brooks, a retired teacher. They have a daughter and son, Ivy and Dock Jr. Their son-in-law is LTC Terence Singleton and their grandson is Terry Singleton. Dock is currently a member of the Board of Com- missioners for the Town of Weldon and has been a Deacon at the First Baptist Church in Roanoke Rapids for the past 50 years.

Madam Speaker, I ask my colleagues to rise and join me in paying tribute to this outstanding citizen, the Honorable Dock Monteria Brown, Sr.

IN CELEBRATION OF BETTY PIA'S 90TH BIRTHDAY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. COSTA. Madam Speaker, I join my colleague Congressman GEORGE RADANOVICH, and rise today to celebrate the 90th birthday of Mrs. Betty Pia, a wonderful mother, advocate, and community leader.

Betty has had an interesting life story. As a native of the state of Georgia, she was born on May 29, 1917. She moved to Madera, CA from Southern California in 1965 with her husband Joe. Betty and Joe have one daughter, Nancy, who they raised in the Central Valley of California. Betty has accomplished much in her life, but she is most known for her commitment and passion for taking care of others. As owner and operator of Magic Heart Guest Home, she has been in the residential care business for over 35 years.

As a community leader, Betty has been involved in the local Women's Improvement Club, Kiwanis Club, Chamber of Commerce, and was the 2005 Grand Marshall of the Old Timer's Day Celebration in Madera. As an advocate of the Valley, Betty has been involved in local, state, and national politics for most of her life.

In Georgia she got her start in politics by serving as President Franklin D. Roosevelt's nurse and developed a personal friendship with President Jimmy Carter, who she later was able to bring to the Valley during his term in office. Despite being a lifelong Democrat, Betty has truly been bipartisan in nature as she has always put people before politics. This is evident in the fact that Betty has served on Congressman RADANOVICH's Educational Committee and has been his delegate to the National Silver Hair Congress for 12 years. Betty has actively supported California Governors that range from former Governor Jerry Brown to former Governor Pete Wilson.

Despite pleas from family and friends to slow down, Betty still continues to operate her guest home and continues to be a driving force in local politics. Throughout the many roads she has traveled, we thank Betty for the many lives that she has touched along the way. It is for these reasons that we join Betty Pia's family and friends in wishing her a blessed 90th birthday and continued health and happiness in the years to come.

JOHN FEINBLATT TESTIMONY BEFORE CONGRESS—SUPPORT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. RANGEL. Madam Speaker, I rise today to respond to and support the testimony by Mr. John Feinblatt, Criminal Justice Coordinator for the City of New York before the Oversight and Government Reform Committee, Domestic Policy Subcommittee on May 10, 2007, regarding illegal guns and the Tiahrt amendment.

First, I applaud Michael Bloomberg for his leadership with reducing crime in New York City. Crime fighting is tough and it requires strong and bold leadership to be effective.

Second, I along with other Members of Congress formed the bipartisan Congressional Task Force on Illegal Guns in January of 2007. This task force was formed during the Mayors Against Illegal Guns Summit held on January 23, 2007 in Washington, DC. The bipartisan task force is solely concerned about illegal guns and crime control. Let me be clear that the task force supports the Second Amendment and believes in protecting the rights of responsible and legal gun owners. We oppose the traffic in illegal guns which presents a danger to our society.

Third, to begin to address the problems associated with crime and illegal guns, members of the task force and other Members of Congress sent a letter to the leadership of the Commerce Justice and Science Subcommittee requesting Mr. MOLLAHAN and Mr. FRELINGHUYSEN to change the language in the Tiahrt Amendment.

We support providing local law enforcement agencies with the tools and information they need to fight crime, particularly getting information on gun trace data.

Lastly, day in and day out, reports are aired in local and national media outlets about people being wounded and killed by guns. I'm certain that the vast majority of those incidents are committed with illegal guns. This is deeply troubling and disheartening to me. Action is needed and it is needed now.

CONGRATULATING THE STUDENTS OF SUGAR GROVE ELEMENTARY SCHOOL

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. ENGLISH of Pennsylvania. Madam Speaker, the students of Sugar Grove Elementary School in Warren County, Pennsylvania are making great strides in promoting the importance of physical activity and living a healthy lifestyle within their school's student body. As a 2006 recipient of the Keystone Healthy Zone School mini-grant, the elementary school has launched a Walking Club to incorporate nutrition and physical fitness into their learning environment.

This year, the Sugar Grove Elementary School Walking Club established a goal to cover 100 miles by the end of the school year. To achieve this, students dedicated the first 15 minutes of their daily recess to walking. Rain or shine, outside or inside, the students of Sugar Grove Elementary School kept their commitment to healthy well-being and rigorously incorporated exercise into their daily school routine.

To encourage students along the way, the Pennsylvania Advocates for Nutrition and Activity (PANA) awarded the Sugar Grove Elementary School with a walking shoe charm for every file mile mark they crossed. In addition, the outstanding leadership of the school's administrators and teachers as well as the guidance and support of local community volunteers helped to further motivate the students as they strived to achieve their goal.

On May 31, 2007 the Sugar Grove Elementary School will cross the finish line and achieve their goal of 100 miles. Madam Speaker, I hope my colleagues will join me at this time in congratulating the students of Sugar Grove Elementary School for their grand achievement. I wish them all continued success in their future endeavors.

HONORING THE RETIREMENT OF SHIRLEY KAY FEGAN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Ms. Shirley Kay Fegan on the occasion of her retirement after 50 years of dedicated service to the greater Washington, DC metropolitan area.

Before rising to her present role as head of school at The Congressional Schools of Virginia, Ms. Fegan spent many years raising awareness about poverty and cultivating her passion for education.

Upon graduating from Georgetown University, Ms. Fegan traveled to Central America, where she worked with the Alliance for Progress to aid indigenous populations. Impassioned by this experience, Ms. Fegan returned to the Washington, DC area, where she developed programs through the Office of Economic Opportunity (OEO) to support migrant laborers. Ms. Fegan then applied the skills she had developed at OEO to the District of Columbia, helping to establish the first inner city HMO. Not only did this endeavor succeed in helping those affected by the 1968 riots, but the project eventually culminated in the opening of a 63,000 square foot facility which provides medical, dental, and pharmaceutical services.

In 1979, Ms. Fegan began working at The Congressional Schools of Virginia, where she has made a tremendous impact on students and faculty alike. Her presence was felt from the start as she applied her knowledge of the non-profit field to help restructure the institution and organize a volunteer school board.

After becoming head of school in 1992, Ms. Fegan launched a series of initiatives that have led to the creation of strong athletic and community service programs. She has also been instrumental in incorporating information technology into the school's classrooms.

Whether Ms. Fegan was raising awareness on behalf of minority communities, making an impact on the District's inner city areas, or helping transform The Congressional Schools of Virginia into a first rate learning institution, Ms. Fegan has always dedicated herself to the serving others.

Madam Speaker, in closing, I would like to commend and congratulate Ms. Fegan on all of her achievements. I call upon my colleagues to join me in applauding Shirley for her past accomplishments and in wishing her continued success in the years to come.

RECOGNIZING THE 100TH BIRTHDAY OF MR. HOWARD E. LEFEVRE

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. TIBERI. Madam Speaker, It is with great pleasure that I recognize the 100th birthday of Mr. Howard E. LeFevre.

Such a milestone is certainly deserving of recognition. Mr. LeFevre has been an eyewitness to some of the most tumultuous events in human history. Two World Wars, the birth and demise of the Soviet Union, the first flight of an airplane, and space travel are all examples of events that have transpired in his lifetime.

His life has been marked by his service and generosity. Service to others and service to the community are timeless American traditions and hallmarks of what has made our nation so great. Mr. LeFevre's leadership and strength of character have enhanced every organization under his care and positively influenced countless members of our community.

Mark Twain was right when he observed, "Only he who has seen better days and lives to see better days again knows their full value."

Please allow me to join his family and friends in wishing him all the best.

TRIBUTE TO COLONEL STEWART NAVARRE, USMC

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. ISSA. Madam Speaker, I rise today to honor the 30 years of exemplary service that COL Stewart Navarre of the United States Marine Corps has given to this great country.

Colonel Navarre has served in many capacities since graduating Marine Corps Basic School in 1977. He served as Rifle Platoon Commander and Commanding Officer and as the Commander of the Fifth Marine Regiment in Iraq. In 2004 and 2005 he oversaw and coordinated the training and operations of the Iraqi Army and Police in the Marine sector of Iraq. Colonel Navarre is currently assigned to Camp Pendleton where he lives with his wife, Yana Lahanis.

As Chief of Staff for all Marine Corps installations west of the Mississippi River, he is a trusted advisor and true advocate of our troops. Over the years he has selflessly dedicated his life to injured Marines and their families by promoting community involvement, assistance for disabled Veterans, and support to troop family members.

In his 30 years of military service Colonel Navarre has proven himself an able and willing leader. He has received the Legion of Merit, an award given for exceptional service in a time of war or peace. He also received the Defense Meritorious Service Medal, the third highest peacetime defense award.

On behalf of the people of the United States, whom Colonel Navarre spent a career serving, I thank him for his service and commitment to the defense of our Nation.

TRIBUTE TO LANCE CORPORAL BEN DESILETS

HON. RAY LAHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LaHOOD. Madam Speaker, I submit the following article for the RECORD.

ELMWOOD: CITY MOURNS LOSS OF MARINE

ELMWOOD.—The city continued to grieve the loss of part of its "family" Wednesday, mourning the death of Lance Cpl. Ben Desilets, killed in action in Iraq.

"What people don't understand about Elmwood, it's a family. When we lose one person, we all lose," said Elmwood High School English teacher Cathy Meyers.

Nearly every flag in Elmwood was flying at half-mast to honor Desilets.

The 2004 Elmwood High School graduate and another Marine were killed Tuesday in the Anbar province of western Iraq, where Desilets was deployed with 3rd Battalion, 10th Marine Regiment. Officials with the 2nd Marine Expeditionary Force in Camp Lejeune, NC., declined to comment on how he died except to say it was during combat operations.

A statement from the family stated Desilets, 21, had been behind the wheel of a Humvee when he died in the early morning hours. The other Marine was Cpl Julian M. Woodall, 21, of Tallahassee, Fla.

"He thought he was doing good," said his mother, Brenda Desilets. "I was proud of him. It made him grow up a lot."

Desilets had been in the Marines since September 2004. He joined, in part, to support his 3-year-old daughter, Kyra.

It was Desilets' second tour in Iraq.

HONORING MR. MICHAEL HOGAN OF HIGH SCHOOL DISTRICT 204 ON HIS RETIREMENT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor an exceptional educator in my district, Mr. Michael Hogan. For 30 years, Mr. Hogan has devoted his time and energy to the students and families of High School District 204 in Cook County. Now, as he prepares for his retirement, I would like to thank him for his years of dedicated service.

Mr. Hogan's decision to become a teacher led him to college to complete his degree and education certification in 1978. To finance his education, Mr. Hogan took on a wide variety of service jobs, where he developed a disciplined attitude and strong work ethic that continues to guide his life. Mr. Hogan's awareness of the importance of family, friends, integrity, and career is the foundation of his professional success, and has led his colleagues and the communities he serves to hold him in the highest regard.

Mr. Hogan began his career in education as a special education teacher at Lyons Township High School, serving students who felt disconnected from their families, school, and peers because of emotional and behavioral disabilities. He provided the structure, empathic concern, and skill-building activities that his students needed to allow them an opportunity to develop trusting relationships with others and graduate from high school to become productive citizens. Mr. Hogan later became the Dean of Students in High School District 204. Again, his commitment to teaching the skills of responsible decision-making and his willingness to help individuals understand and assume responsibility for their actions resulted in a positive, life-changing experience for countless students.

For the final 15 years of his career, Mr. Hogan has served as Associate Principal, dedicating himself to his principle of "making the school work." His fairness, integrity, and meticulous attention to detail have impacted the daily lives of all those he has served: the faculty, staff, and families of Lyons Township High School.

Today, I ask my colleagues to join me in honoring Mr. Michael Hogan as an outstanding educator, and recognize his tireless efforts to educate and develop generations of confident, responsible, and disciplined students. He has done nothing less than an extraordinary job in preparing future generations for their challenges ahead. I thank and congratulate Michael for his service and dedication and wish him a happy, healthy, and fulfilling retirement.

HONORING THE TEXAS CITY POLICE DEPARTMENT

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LAMPSON. Madam Speaker, I am proud to stand before you today in celebration of a truly historic achievement by the Texas City Police Department. On February 13th of this year, the Law Enforcement Recognition Committee Foundation Board officially voted to bestow the Recognized Status Award for Best Business Practices upon the Department, making the Texas City PD the first recipient of that award in the entire State.

The Texas Recognition Program is designed to assist law enforcement agencies meet their professional obligations in an efficient and effective manner. To be eligible for recognition under this program, an agency must meet or exceed up to 152 Best Practices Standards in all aspects of law enforcement operations, including policies, procedures, equipment, facilities, and management.

Under the leadership of Chief Robert J. Burby, the employees of the Texas City Police Department have worked hard to merit this great honor. I believe it is fitting that, as Texas City Mayor Matt Doyle remarked at the State Certification Award Ceremony on March 22nd, the Texas City Police Department will be remembered as "The Model. The First for Others to Follow."

CONGRATULATING GORDON G. MARTIN ON BEING NAMED THE MONTGOMERY ADVERTISER'S 2007 CITIZEN OF THE YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BONNER. Madam Speaker, I rise today to congratulate Gordon Martin on being named the Montgomery Advertiser's 2007 Citizen of the Year and to offer heartfelt thanks on behalf of the people of Alabama for his exemplary philanthropic service to both the city of Montgomery and the State of Alabama.

Born in Birmingham, Alabama, Gordon has received several degrees, including a bachelor's and juris doctorate from the University of Alabama, as well as a master's degree in public administration from George Washington University.

His dedication to public service began early. While an undergraduate at Alabama, Gordon was elected president of the student government association and was inducted into several academic and student honor societies, including Capstone Men. As a graduate student studying in Washington, D.C., Gordon and several others founded DC Cares, which has grown to be the largest volunteer clearinghouse in our Nation's Capital.

Gordon's commitment to public service only continued when he moved to Montgomery, where he now serves as vice-president of Alabama Power's Southern Division. He currently sits on the boards of more than a dozen civic groups and charities. He is chairman of the Montgomery Riverfront Development Foundation, president of the Montgomery Museum of Fine Arts, chairman-elect of the Montgomery Area Chamber of Commerce, and serves on the boards of Huntingdon College and the Alabama Shakespeare Festival.

Madam Speaker, Gordon G. Martin has dedicated his life to the service of others, all-the-while being a devoted husband and father to four children. I ask my colleagues to join with me in thanking Gordon for his commitment to so many wonderful philanthropic missions.

I know his wife, Margret; his four children, Tucker, Bailey, Perry, and Lilly; and his many friends join with me in praising his many accomplishments. On behalf of all who have benefited from his good works, permit me to extend thanks for his many efforts in making Alabama a better place to live and work.

PAYING TRIBUTE TO GARY WADDELL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Gary Waddell, a Senior Television Anchor and community philanthropist.

Mr. Gary Waddell is a graduate of Brown Institute of Broadcasting in Minneapolis, and attended the University of Minnesota. Mr. Waddell began his broadcasting career working as a disc jockey for a local radio station while in college. He was a reporter for WFLD–TV in Chicago, and covered the 1968 Democratic Convention as well as the federal trial of the Chicago Seven. In 1971, he moved to Las Vegas to work for KORK–TV as an anchor. Mr. Waddell is currently the Senior Television Anchor at KLAS–TV and has been an anchor with the station for over 20 years.

In addition to his professional career, Mr. Waddell contributes his time to many charitable events and organizations in Southern Nevada, including the Lied Discovery Children's Museum, the Nevada Senior Games, the Muscular Dystrophy Association, the Kiwanis Teacher of the Year Awards and the annual Marine Corps Reserve Toys for Tots Campaign. Mr. Waddell also is a member of the Board of Directors for the Muscular Dystrophy Association.

Mr. Waddell was honored with the Best Television Anchor Award by the Las Vegas Review Journal's "Best of Las Vegas" poll and along with his colleague Paula Francis, received the Best Anchor Team Award in the Women in Communications Electronic Media Awards.

Madam Speaker, I am proud to honor Gary Waddell in his efforts to help make Southern Nevada a better place. I applaud his willingness to help others and wish him the best.

COMMEMORATING THE 100TH BIRTHDAY OF RACHEL CARSON

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to celebrate the life of Rachel Carson and to commemorate her 100th birthday this Sunday, May 27.

Rachel Carson was an author, environmentalist, scientist, and poet. She was also a person with the courage to speak out against policies that harmed the environment.

In 1945, the U.S. Government was increasingly using chemical pesticides to control pests that were harming agricultural crops. Rachel Carson, living in Silver Spring at the time, was particularly alarmed by insecticide experiments in Patuxent, MD. She worried that the Government was using pesticides indiscriminately, with little regard for the damage they might cause to unintended targets, like other wildlife, or people who would eat the crops.

In 1957, her concerns became reality. Spraying for mosquitoes in Massachusetts, covering Long Island with a mixture of DDT and fuel-oil to eradicate the gypsy moth, and a chemical war against fire ants in the South—all of these caused the widespread death of other animals in the areas.

Ms. Carson, a former scientist at the U.S. Fish and Wildlife Service with a Masters degree in Zoology, and the author of two previous books, wrote a third, Silent Spring, about the pesticide problem. She described the issue in vivid terms—a happy town struck by a "strange blight" that stopped the birds from flying and silenced their voices.

Her message was not accepted quietly. Even the idea of the book, before it was published, was enough to cause the chemical industry, with the support of the U.S. Department of Agriculture, to work to discredit Ms. Carson. She was called a "hysterical woman" and threatened with lawsuits. Her meticulous scientific work was described as "oversimplifications," "downright errors," and "scary generalizations."

However, Rachel Carson did not back down from a fight. Even as she was battling cancer, Ms. Carson testified before Congress, stood up for her research and her work, and, with her eloquent words and confidence in the science behind them, rallied millions of Americans to her side.

Rachel Carson helped begin the modern environmental movement by helping Americans relate to complicated scientific issues. She also forced the Government to consider that even potentially beneficial practices like eliminating the bugs that ate our crops could have dangerous environmental effects. Her stand paved the way for others to join the cause. She spoke the first "inconvenient truth."

When she died, she left a legacy for us to carry. The pesticide problem did not end with Silent Spring. Our environment is not safe from dangers. Agricultural run-off, sprawl and logging, and of course, global warming, are persistent threats that we must face with the same courage and tenacity Rachel Carson showed 40 years ago.

This year, Congress is prepared to meet those challenges head on. We are developing comprehensive global warming legislation to curb pollution and reduce our dependence on foreign oil.

We all have the responsibility to follow Rachel Carson's example to be stewards of our environment and natural resources. We must ensure that we and the generations that follow us can, as Ms. Carson advised, "dwell among the beauties and mysteries of the earth."

TRIBUTE TO SHERIFF'S DEPUTY MARVIN JEROME SCARLETT

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MEEK of Florida. Madam Speaker, I rise today with a heavy heart as I mourn the passing of a friend and fellow member of the law enforcement community, Marvin Jerome Scarlett of Henry County, Georgia. Sheriff's Deputy Scarlett was a patriot dedicated to upholding and defending the rule of law. He was a man of great courage, conviction and passion who lived a wonderfully fulfilling life surrounded by a loving family, close friends and admiring colleagues.

Sheriff's Deputy Scarlett was a college friend and a teammate; together we played beside each other on the football field at Florida Agricultural and Mechanical University in Tallahassee, Florida. Marvin reflected the very best qualities I would hope for in a teammate—he always put the team first and this dedication to his peers and community was a hallmark of Marvin's personality.

I mourn alongside the loving family of Marvin Jerome Scarlett, and honor his wife Latosha, and children Johnnie, Lottrenise, Lottriana, and Shi-Mon. During this difficult time, we will comfort the Scarlett family and pray for their wellbeing.

Like the God he faithfully served, this gentleman came and lived among us that we may have hope more abundantly. True to his faith, Sheriff's Deputy Scarlett would urge us to believe that his death does not represent an irrevocable finality, and he would assure us that he will live on in the good deeds he left behind. Indeed, no life could be more revered for having fulfilled his vocation as God's faithful steward. I will cherish the wonderful memories I have of Marvin Jerome Scarlett, a true friend and defender of our community.

PERSONAL EXPLANATION

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BAIRD. Madam Speaker, between May 16, 2007, and May 22, 2007, I traveled to the Middle East to attend the World Economic Forum and to visit with troops from my district now serving in Iraq. As a result, I missed a number of votes. I take my voting responsibility very seriously; had I been present, I would have voted the following:

No on the Andrews Amendment to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (Rollcall No. 364)

No on the DeFazio Amendment to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (Rollcall No. 365)

No on the Woolsey Amendment to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (Rollcall No. 366)

Aye on the Tierney Amendment to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (Rollcall No. 367)

No on the Franks Amendment to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (Rollcall No. 368)

No on the King Amendment to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (Rollcall No. 369)

Aye on the Moran Amendment to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (Rollcall No. 370)

Aye on the Holt Amendment to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (Rollcall No. 371)

Aye on the Motion to Recommit H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (Rollcall No. 372)

Aye on final passage of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (Rollcall No. 373)

Yea on H. Res. 404, providing for consideration of the H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 374)

Yea on ordering the previous question on H. Res. 409, providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government (Rollcall No. 375)

Aye on H. Res. 409, providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government (Rollcall No. 376)

Yea on agreeing to the conference report S. Con. Res. 21 (Rollcall No. 377)

No on Bachus Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 378)

No on Hensarling Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 379)

No on the McHenry Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 380)

Aye on the Kanjorski Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 381)

No on the Roskam Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 382)

No on the Garrett Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 383)

Yea on H.R. 698, the Industrial Bank Holding Company Act (Rollcall No. 384)

Yea on H.R. 1425, designating the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin 'Rex' Young Post Office Building" (Rollcall No. 385)

No on the Feeney Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 386)

No on the Price Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 387)

No on the Sessions Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 388)

No on the Brady Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 389)

No on the Price Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 390)

No on the Doolittle Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 391)

No on the Hensarling Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 392)

No on the Neugebauer Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 393)

Aye on the Neugebauer Amendment to H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 394)

No on the Motion to Recommit H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 395)

Aye on final passage of H.R. 1427, the Federal Housing Finance Reform Act (Rollcall No. 396)

Yea on S. 214, the Preserving United States Attorney Independence Act (Rollcall No. 397)

Yea on H.R. 2264, to amend the Sherman Act to make oil-producing and exporting cartels illegal (Rollcall No. 398)

Yea on S. 1104, a bill to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants (Rollcall No. 399)

Yea on H.R. 2399, to amend the Immigration and Nationality Act to combat the crime of alien smuggling and related activities (Rollcall No. 400)

Yea on H.R. 1722, to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard W. Herman Post Office" (Rollcall No. 401)

Aye on Democratic Motion to Table Resolution Raising a Question of Privileges of the House (Rollcall No. 402)

IN RECOGNITION OF JAMES CLARK WIDER, SR.

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LAMBORN. Madam Speaker, I rise today to recognize Mr. James Clark Wider, Sr. for his tremendous contributions to the art world and to his country. Originally from Columbia, South Carolina, Mr. Wider served his country for 20 years in both the United States Army and Marine Corps. Today he is the owner of the Southwinds Art Gallery and Studio in Colorado Springs, where he not only creates exceptional artwork, but he also educates others about the importance of art to the maintenance of a culture and civilization.

Mr. Wider's extraordinary work clearly demonstrates his love of humanity and appreciation for variety in artwork. By capturing and conveying emotion in addition to riveting imagery, Mr. Wider offers an intimate glance at bygone eras and other worlds, bringing history to life. Scenes from Mr. Wider's childhood are the basis for his "Downhome Series" while the culture and customs of the Massai Tribe of Kenya are the inspiration for his African Heritage Series. Mr. Wider has used his talent to celebrate all the positive aspects of African-American heritage. Instilling the black community throughout the country with immense pride in its history, Mr. Wider believes that it is necessary to acknowledge the struggles of African Americans, for in so doing we also acknowledge their strength and invincible will.

Mr. Wider's positive and celebratory attitude enables him to connect with and inspire people of all races and ages. Educating generations about art, he seeks to encourage all of us to become art lovers and collectors. Mr. Wider's numerous awards and recognitions include an honorary membership in the Austin, Texas Chapter of the NAACP, life membership of the Alpha Phi Alpha Fraternity, a 1992 "Artist of the Year" Award from the Austin Chapter of the National Business League, and a listing in the premier edition of Who's Who Among Blacks in Colorado Springs.

The nation as a whole has profoundly benefited from his influence. In him, the African-American community possesses an exceptional role model and the art world has a true champion. The people of Colorado's Fifth Congressional District are privileged that this great American has chosen to call our community home; Mr. Wider is an asset to the art world and to his country, and we are profoundly thankful for his numerous contributions.

TRIBUTE TO THE POLICE UNITY TOUR

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to recognize the Police Unity Tour which honors the memory and courage of law enforcement officers killed in the line of duty and raises money for the National Law Enforcement Officers Memorial in Washington, D.C. Over one thousand police officers from around the country have completed the tour, four hundred of whom left from the Township of Morris, Morris County, New Jersey, a vibrant community I am proud to represent and rode over 300 miles to the Memorial in Washington.

In May 1997 the Police Unity Tour was organized by Officer Patrick P. Montuore of the Florham Park Police Department, with the hope of raising public awareness of police officers who have died in the line of duty and to honor their sacrifices.

The tour started in 1997 with 18 riders on a four day fund-raising bicycle ride from Florham Park, N.J. to the National Law Enforcement Officers Memorial in Washington. This past year they had over one thousand riders nationwide who made the trip. Inspired by their commitment and their motto, "WE RIDE FOR THOSE WHO DIED," the National Law Enforcement Officers Memorial Fund has selected their organization to be the sponsor of the Museum's Hall of Remembrance.

Madam Speaker, I urge you and my colleagues to join me in congratulating the Police Unity Tour on their 11th Anniversary of honoring fallen law enforcement heroes!

RECOGNIZING THE COMMUNITY OF TIPTON, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MORAN of Kansas. Madam Speaker, I rise today to recognize the citizens of Tipton, Kansas for continuing efforts to sustain and revitalize their community.

Most communities in rural America would like to see future generations return home and keep alive its way of life. Tipton residents are no different. They want to provide the next generation the opportunity to continue the quality rural lifestyle the previous generation afforded them. The difference is that this community knows its future is in its hands. So they have volunteered these hands to construct what is needed to attract and retain the youth who, too often, leave for the "city."

In the summer of 2003, the parents and students of Tipton were faced with the impending consolidation of their elementary school—leaving the students with up to a 20 mile bus drive and the town with one less way to attract and retain businesses and the families they employ. Although the long drive would be taxing on the students and parents, convenience wasn't the catalyst for the action that was about to take place that summer. Mayor Adrian Arnoldy was among those who knew what losing the school would mean to Tipton. He told me, "Our parents faced the prospect of their children being enrolled in three different schools in three different towns. Losing our elementary school was not an option because we knew that as schools leave communities, so go the communities themselves."

Thinking ahead about the future effects of losing the elementary school, the town voted to create its own school—the Tipton Christian School, a private K–6 facility. Those committed hands of Tipton's residents worked together and completed the new school in less than two months with all volunteer labor. Private donations funded the cost of the new facility and continue to finance school operations to date. The construction and funding of a new school in 41 days is just one example of how this community stands up against the prevailing winds of consolidation and urbanization plaguing rural America. I can only imagine that the residents of Tipton will make sure this school succeeds in the same way Tipton Catholic Senior High School has since 1919.

During a period when small towns throughout the country have experienced the shuttered doors of a main street no longer able to keep customers in the shops, efforts like these have helped Tipton maintain an active business community. Hollerich Construction is an example of a business matching the commitment made by residents. The company has expanded its presence in Tipton, along with Great Plains Manufacturing who recently doubled the size of its agricultural equipment manufacturing plant.

Tipton residents have shown character, determination and the high value they place on family, friends and neighbors. It is their hope that these ideals will be an example to some of the troubled boys at the recently opened Tipton Academy, housed in the closed elementary school building. Boys who come to the academy are there to experience a different setting, a positive one. One way to do that is to have the boys involved in the community. They contributed to the construction of a kitchen, eating and serving area in the new community building that Tipton residents use for all sorts of community events and celebrations.

For rural communities to survive and prosper, citizens must be willing to create their own opportunities for success. Ongoing efforts to revitalize Tipton are an example of how hard work, vision and involvement can create just such an opportunity. Citizens throughout Kansas are working together to enhance the quality of life in their communities. Tipton is a developing success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

HONORING THE 90TH ANNIVERSARY OF WRIGHT-PATTERSON AIR FORCE BASE

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. TURNER. Madam Speaker, I would like to recognize Wright-Patterson Air Force Base (WPAFB) on the occasion of its 90th anniversary this month. When the United States entered World War I in 1917, the army selected Dayton as the location to increase our Nation's air forces. Three military installations, Wilbur Wright Field, the Fairfield Aviation General Supply Depot, and McCook Field, were opened in 1917 to assist the military with aviation development. The use of Wilbur Wright Field as a government installation dates back to May of 1917, 90 years ago this month.

As the birthplace of aviation, Dayton, Ohio is proud to be the home of one of the largest Air Force installations in the world. In fact, in 1924, Dayton citizens purchased over 4,500 acres of land for $425,000 and provided the deeds to President Calvin Coolidge for the construction of a new aviation engineering center that later became part of WPAFB. The excellent and groundbreaking work of air development at WPAFB distinguishes the base as a landmark of tremendous historical importance. Dayton has been involved in flight from the Wright B Flyer to the F–22, the current stealth fighter.

The leadership responsibilities and innovative research currently undertaken at WPAFB are essential to the success and future air superiority of the United States Air Force (USAF). WPAFB serves as the headquarters for the branch's worldwide logistics system and all USAF systems development and procurement; the headquarters for National Air and Space Intelligence Center (NASIC), the Department of Defense's primary source for foreign aerospace intelligence; an aeronautical engineering center; a major research laboratory; the Air Force Institute of Technology (AFIT); the second largest USAF medical center; and is crowned by the National Museum of the USAF, the largest military aviation museum in the world.

Madam Speaker, I trust that my colleagues will join me in honoring the 90th anniversary of WPAFB. The renowned work at WPAFB is considered by many as the backbone of the USAF and essential to our country's national security.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. PRYCE of Ohio. Madam Speaker, I was detained in a meeting in the Senate during rollcall vote 398. Had I been present, I would have voted "aye."

THE REPUBLIC OF AZERBAIJAN

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. KING of New York. Madam Speaker, today I rise to acknowledge one of our key allies—the Republic of Azerbaijan—as it celebrates its 89th Annual Republic Day on May 28. After the fall of the Russian Empire, Azerbaijan proclaimed its independence on May 28, 1918. Unfortunately, the Red Army invaded Azerbaijan on April 28, 1920 preempting its reach for liberty for seventy years.

Azerbaijan's second opportunity for freedom came at a heavy price following the 1990 invasion of Baku by Soviet troops resulting in the death of more than one hundred thirty civilians. Moscow's rule, however, grew weaker and by 1991 popular pressure led the country to declare its independence. On August 30, 1991, Azerbaijan's Parliament adopted the Declaration on the Restoration of the State of Independence of the Republic of Azerbaijan and on October 18, 1991 the Constitution was approved.

Given past Soviet rule and the difficult geopolitical environment, Azerbaijan's determination to look westward for its political and economic allies should be applauded.

Azerbaijan was among the first nations to offer the United States support in the Global War on Terror, providing airspace and airport use for Operation Enduring Freedom in Afghanistan. Azerbaijan was also the first Muslim nation to send troops to Iraq. Though bilateral cooperation on terrorism issues between the United States and Azerbaijan predates September 11, 2001, our relations were strengthened following Azerbaijan's immediate and unwavering support in the Global War on Terror.

Azerbaijan cooperates with the United States within international and regional institutions including the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and NATO's Partnership for Peace Program. Azerbaijan also works together with the United States within the framework of the Organization for Democracy and Development—GUAM which is comprised of Azerbaijan, Georgia, Moldova, and Ukraine. The group was created as a political, economic, and strategic alliance aimed at overcoming common risks and threats and strengthening the independence and sovereignty of its member states.

During the last decade, Azerbaijan has implemented structural reforms and adopted numerous legislative changes to pave the way for further integration within the global economy. It has also been moving toward a more diversified economy that would achieve sustainable growth and meet the social and developmental needs of its population.

Since signing the "Contract of the Century" in 1994, Azerbaijan has developed its energy sources within the Caspian region to help diversify western energy supplies. On July 13, 2006 the Baku-Tbilisi-Ceyhan main oil export pipeline was inaugurated while the Baku-Tbilisi-Erzurum natural gas pipeline is expected to be completed at the end of this month. In addition, in March 2007 Azerbaijan and the United States signed a Memorandum of Understanding on Energy Security in the Caspian region aimed at strengthening our already strong cooperation with respect to the supply and transport of Caspian energy resources and bolstering energy security in the West.

Let us today congratulate the Republic of Azerbaijan on its forthcoming 89th Anniversary celebrations and continue to develop this important friendship between our two countries.

PAYING TRIBUTE TO MARCIA NEEL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Marcia Neel, who, after serving the Clark County School District for nearly 30 years, will retire this year. She is an outstanding educator whose commitment to our community has made a profound difference to the students of Clark County School District.

Marcia currently serves as the Supervisor of the Secondary Music Program of the Clark County School District, where she oversees the music education of over 50,000 students. Marcia is a leader in the field of music education and she has served as President of the Nevada Music Educators Association on two separate terms. Marcia has also served as President of the Nevada Choral Directors Association and is a member of the National Executive Board of the National Association for Music Education (MENC). Marcia has also been recognized for her distinguished work in the classroom. In 1993, Marcia received the Nevada Music Educator of the Year Award. She was also recognized in 1993 by the Disney Channel as the National Performing Arts Teacher of the Year.

Madam Speaker, I am proud to honor Marcia. Her passion and love of teaching have greatly enhanced the educational experience of many students in the Clark County School District. I thank her for her dedication and commitment and wish her the best in her future endeavors.

HONORING NEAL WADE AND THE ALABAMA DEVELOPMENT OFFICE FOR BEING RATED NUMBER ONE BY SITE SELECTION MAGAZINE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BONNER. Madam Speaker, today I rise to pay tribute to Neal Wade and the Alabama Development Office for being selected as the winner of the 2006 Competitiveness Award by Site Selection magazine.

This is the second consecutive year that the Alabama Development Office has received this prestigious award. The award is being given to the Alabama Development Office based on its success in recruiting new investments and jobs to Alabama.

In 2006, a total of 586 companies undertook projects to set up operations or to expand existing facilities in Alabama. These projects represent more than $3.1 billion in capital investment. The new and expanding businesses will also create approximately 24,780 jobs.

ADO is off to a fast start in 2007. Just this month, Alabama learned it will be the site of one of the largest economic development projects in the country. ThyssenKrupp, one of Germany's leading steel industries, announced it will build its $3.7 billion steel plant in Alabama. ThyssenKrupp's new steel mill will create at least 2,700 new permanent jobs, and the construction of the mill will require the services of over 30,000 workers.

Madam Speaker, I ask my colleagues to join with me in congratulating both Neal Wade and all of those at the Alabama Development Office for being named the best in the Nation for 2006 by Site Selection magazine. For these and all their accomplishments, I extend my heartfelt thanks for their continued service to the Alabama business community, the First Congressional District, the State of Alabama, and to the international business community.

INTRODUCTION OF LEGISLATION TO INCLUDE GREECE IN THE VISA WAIVER PROGRAM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mrs. MALONEY of New York. Madam Speaker, today I introduce legislation to include Greece as a program country in the Visa Waiver Program. The Visa Waiver Program permits nationals from certain countries who are traveling to the United States for tourism or business to stay for 90 days or less without obtaining a visa. Currently, 27 countries are included in the Visa Waiver Program. To participate, countries must meet several criteria including reciprocal visa-free travel for U.S. citizens, secure machine-readable biometric passports, and a maximum allowable 3 percent refusal rate of U.S. non-immigrant visitor visa applications.

Of the original 15 European Union nations, Greece is the only member not to belong to the Visa Waiver Program. However, Greece has met the current criteria mandated for entry into the Visa Waiver Program, including the 3 percent refusal rate. As of January 1, 2007, Greek passports issued prior to January 1, 2006, are no longer considered valid for travel. Greek nationals are traveling with new, machine-readable passports that are produced using state-of-the-art biometric technology to meet the highest possible security standards and specifications.

Greece is a critical ally of the United States. While I hope that the Department of State and the Department of Homeland Security will move forward to include Greece in the Visa Waiver Program, I believe that the legislation that I am introducing today is an important step in making that happen.

Joining me in introducing this legislation are Representatives GUS M. BILIRAKIS, ZACK SPACE, JOHN SARBANES, ROBERT WEXLER, SHELLEY BERKLEY, JAMES MCGOVERN, DIANE WATSON, HENRY BROWN, MARIO DIAZ-BALART, JANICE SCHAKOWSKY, DONALD PAYNE, FRANK PALLONE, THADDEUS MCCOTTER, GRACE NAPOLITANO, LINCOLN DIAZ-BALART, ILEANA ROS-LEHTINEN, JESSE JACKSON, MICHAEL MCNULTY, EARL BLUMENAUER, BARBARA LEE, WILLIAM JEFFERSON, PATRICK KENNEDY, SCOTT GARRETT, WILLIAM LACY CLAY, LINDA SÁNCHEZ, LUCILLE ROYBAL-ALLARD, ROBERT ANDREWS, JAMES LANGEVIN, JOSEPH CROWLEY, and ANNA ESHOO.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. SOLIS. Madam Speaker, during rollcall vote No. 364 on Andrews of New Jersey amendment on H.R. 1585, I was unavoidably detained. Had I been present, I would have voted "yea."

TRIBUTE TO SERGEANT RYAN J. BAUM

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to a fallen Marine from my district, Sergeant Ryan J. Baum of Aurora. Sergeant Baum was killed May 18th during a firefight in Karmah, Iraq.

Sergeant Baum was killed in the line of duty a day before he was scheduled to return to Colorado—where he planned to rejoin his wife Amber for the birth of his first child who they planned to name Leia. He was just 27 years old.

Sergeant Baum was assigned to the 3rd Battalion, 509th Parachute Infantry Regiment, 4th Brigade Combat Team Airborne, 25th Infantry Division. He attended basic training in Oklahoma before heading to Combat Medical School in San Antonio, where he met his wife. He then went on to Fort Benning, Georgia where he graduated from Ranger school.

Ryan grew up in Aurora, where he attended Smoky Hill High School and played on the lacrosse team.

Amber—who was trained as an Army medic herself—told the Rocky Mountain News that Ryan was quite passionate about his role as an emergency care Sergeant; and I would ask that the text of that news article be included in the RECORD.

Amber told the News, "He loved the challenge. In combat medicine you have to decide a life-or-death situation in less than a second, never knowing the answer but having to figure it out."

Madam Speaker, my deepest sympathies and heartfelt condolences go out to Ryan's wife Amber, his parents Richard and Dana, his brother Jason, and his sister, Mande. He will no doubt be missed and loved by all who knew and loved him.

Sergeant Baum served his country bravely, fighting for freedom and democracy against the forces of tyranny and oppression. Americans should never forget his service or sacrifice, and the nation will forever owe a great debt of gratitude to Ryan and his family.

[From the Rocky Mountain News, May 23, 2007]

SOLDIER "WOULD HAVE BEEN BEST FATHER"

MEDIC DIES IN IRAQ, WAS SET TO FLY HOME FOR BIRTH OF 1ST CHILD

(By Hector Gutierrez)

When Amber Baum gives birth to her daughter, she'll also be delivering the dream her husband didn't see come true.

Sgt. Ryan J. Baum, 27, was scheduled to fly home from Iraq on Saturday to be with his wife for the birth of their first child, whom they decided to name Leia.

"He just flipped when he found out he was going to be a father," Amber said Tuesday. "From day one this man wanted me to have his baby."

The paratrooper who was raised in Aurora never made it home. He was killed Friday, one day before his scheduled return. He died from wounds he suffered during a battle near Kalsu, Iraq, the Department of Defense said.

"He would have been the best father that God could have placed on this earth," said his wife, who is staying with her parents in Gettysburg, Pa. "His spirit is going to live through his daughter."

Amber also finds comfort in knowing her husband saved lives as an emergency care sergeant, or medic.

"You need to save a life in less than a second, and he loved the challenge. In combat medicine you had to decide a life-or-death situation in less than a second, never knowing the answer but having to figure it out," said Amber, who also was trained as an Army medic.

Baum grew up in Aurora and attended Smoky Hill High School, where he played on the lacrosse team. His wife described her husband as the typical "Colorado man."

"I'd never met anybody from Colorado, and he was the definition of a Colorado man," she said. "He loved camping, he loved climbing, he loved kayaking, boating and fishing."

Baum also had loved the military since he was a child.

He was attending college when he was informed in 2003 that he had been accepted into the Army.

"He thought it was the great thing to do, he just thought it was the right thing to do to serve his country," Amber, 21, said.

Baum went to basic training at Fort Sill, Okla., before heading to Combat Medical School in San Antonio, Texas, where he met Amber. The couple carried on a long-distance relationship when Baum went to Fort Benning, Ga., where he graduated from Ranger school with high marks.

"He was always an honor graduate, which was someone who exceeds above everybody else," Amber said.

"He was extremely strong, very physically fit."

After graduating from Ranger school, Baum was accepted into the Special Operations Combat Medic School at Fort Bragg, N.C., considered the Army's elite medical training facility.

"You could compare it to Top Gun in flight school," his wife said.

He graduated from Special Operations Combat Medic School in 2005, the year he and Amber got married. The two were then reassigned to Fort Richardson, Alaska, in June 2005.

Baum was assigned to the 3rd Battalion, 509th Parachute Infantry Regiment, 4th Brigade Combat Team (Airborne), 25th Infantry Division.

In 2006 he underwent extensive medical training and preparation for his deployment to Iraq. Baum was selected to be senior instructor of the Alaska branch of pre-Ranger school.

On Oct. 7, 2006, he left for Iraq.

In addition to his wife, Baum is survived by his parents, Richard and Dana; brother, Jason; and sister, Mande.

The family has established the "SGT Ryan John Baum Memorial Fund" through US Bank. All proceeds will go to help Baum's wife and their daughter's college education.

ON THE PASSING OF BOWIE CITY COUNCILMAN WILLIAM AUGUSTUS ALESHIRE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. HOYER. Madam Speaker, I rise today with a heavy heart to mark the passing of a man that meant a great deal to the people of Maryland's Fifth Congressional District—16-year Bowie City Council veteran, William Augustus Aleshire.

Bill's life was one of service. He served his country in the Air Force through two tours in Vietnam. He served his neighbors as a Washington, DC, police officer for more than 20 years. And he served his community as a member of the Bowie City Council—and more significantly, as an impassioned leader who always thought of others before thinking of himself.

Bill was a man that truly understood what public service is all about. Those who knew him best know that he had a fondness for costumes. At Christmas, he made appearances throughout the city of Bowie as Santa Claus. At Easter, he visited local parks and hospitals as the Easter Bunny. And he even made public appearances as "McGruff the Crime Dog" to help keep Bowie's children on the right track.

I always thought of Bill as a partner in our shared pursuit to enhance the quality of life in the city of Bowie—and I know that his boisterous personality and impeccable character will be profoundly missed throughout all of Prince George's County, Maryland.

My condolences—and those of a grateful community—go out to Bill's wife, Clara, to his daughter, Emily, and to everyone whose life was touched by William Augustus Aleshire during this most difficult of times.

HONORING MRS. JUDY HANLEY OF SCHOOL DISTRICT 105 ON HER RETIREMENT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor an outstanding educator in my district, Mrs. Judy Hanley. In June, Mrs. Hanley will retire from School District 105 after 48 years of distinguished service and leadership. Her remarkable contributions to students, colleagues, and the entire District 105 community will always be remembered and her presence will be sorely missed. As we approach the end of this school year, I would like to extend my appreciation to Mrs. Hanley for her dedication and commitment to providing quality education.

Mrs. Hanley will retire from Hodgkins Elementary School as Assistant Principal. Throughout her impressive career, she has taken an active role in the leadership of the school. Specifically, Mrs. Hanley has served on the curriculum committee, the professional development committee, and the staff development committee. In addition to Mrs. Hanley's committee positions, she has also served as President of the School District 105 Teacher's Association. Together, these combined efforts have helped to make School District 105 a better place for staff to work and children to learn.

Mrs. Hanley's tireless work has also benefited the local Hodgkins community. She has played a leading role in organizing the local book fair and has acted as a sponsor of the annual pumpkin decorating contest—a Hodgkins tradition. In 1999, the Whispering Oak Girls Scout Council recognized Mrs. Hanley with the Woman of Distinction Award in Education and, in 2000, the West Suburban Chamber of Commerce honored Mrs. Hanley with the Millennium Award. In addition to these special awards, she was also a 1999 and 2000 Legacy Award Finalist.

Today, I ask my colleagues to join me in honoring Mrs. Judy Hanley for her half-century of service as a dedicated educator. Throughout her career, she has shown a strong commitment to teaching and to her community. As a result of her passion, her work has significantly impacted the lives of countless students, parents, and fellow teachers alike. I thank Judy for her lifelong service to her community and wish her a happy, healthy, and fulfilling retirement.

HONORING OUR VETERANS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. CONYERS. Madam Speaker, as we prepare to celebrate Memorial Day, Congress has a duty to honor our veterans not just with our words but with our deeds. I was proud to join with colleagues on both sides of the aisle yesterday to pass legislation that will help provide our courageous veterans with the resources they have earned and deserve.

Yesterday, the House of Representatives passed several pieces of legislation that address some of the new challenges facing veterans returning from Iraq and Afghanistan.

H.R. 2199, The Traumatic Brain Injury/Rural Veterans Outreach, ensures that our veterans are properly screened for Traumatic Brain Injury and receive the appropriate treatment. More than half of combat casualties in Iraq and Afghanistan have associated brain injuries, often due to improvised explosive devices. The legislation also expands VA resources to provide rural communities with "mobile vet centers" for mental health services and benefits outreach.

H.R. 612, The Returning Servicemember VA Healthcare Insurance Act helps ensure soldiers with mental health conditions that are often not immediately diagnosed, such as post-traumatic stress disorder, are treated by making them eligible for health care due to combat service for five years after leaving active duty.

H.R. 67, The Veterans Outreach Improvement Act (H.R. 67) allows the VA to partner with state and local governments to reach out to veterans and their families in ensuring they receive the benefits they have earned.

H.R. 2239, The Early Access to Vocational Rehabilitation and Employment Benefits Act extends eligibility for rehabilitation benefits from the Veterans' Affairs Department.

Finally, H.R. 1470, The Chiropractic Care Available to All Veterans Act requires that chiropractic care and services be provided to veterans at all Department of Veterans Affairs medical centers.

Since January, the new Democratic-led Congress has worked to honor veterans by improving veterans' health care, strengthening benefits for our men and women in uniform today, and providing long-overdue benefits for the veterans and military retirees who have already served. I was proud to support the measures we passed yesterday as well as any legislation that will improve benefits and services for our brave men and women in uniform and our veterans.

IN HONOR OF TOM FAT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to honor the life of Tom Fat, a dedicated civic leader in San Diego. Tom passed away on May 17, 2007 and is survived by his wife Jenny, daughter Monica, sisters Jean Ann Lai and Mable Moffatt of Sacramento, brothers Dr. Kenneth Fat and Jerry Fat of Sacramento, and two grandchildren.

Tom was born in 1940 and grew up working in the family restaurant in Sacramento, California. The Fat City chain is anchored by Frank Fat's, which became a hangout for politicians and lobbyists in our State's capital. At an early age his father, Frank Fat, instilled in him and his siblings a strong work ethic and commitment to civic involvement.

Tom graduated from the University of California at Berkeley with a degree in business, attained a law degree from Hastings School of Law and received his master's of law in taxation at New York University. He also served for 3 years as a captain in the U.S. Army.

After practicing law in Los Angeles for a few years, Tom joined his family in Sacramento to help operate their successful restaurant business. In 1976 Tom visited San Diego to research business opportunities and moved there the following year to operate China Camp, which fused Chinese cuisine with Western style cooking, and Frank Fat's, which was renamed Fat City Steakhouse—still a popular place for local government leaders to come together.

The success of Tom's restaurants assisted in the growth and development of downtown San Diego and the revival of the Little Italy community, which helped to link the area between San Diego International Airport and the city center.

Not only was Tom's entrepreneurship inspiring to all those around him, but his civic leadership was truly commendable. As an avid community leader, Tom served as the Chairman of the San Diego Convention and Visitors Bureau, President of the San Diego Restaurant Association, Director of the San Diego Film Commission and as a member of the Little Italy Association.

He worked in the Asian Pacific Islander community to mentor youth to encourage their participation in civic affairs and the political process. Tom developed strong relationships with political leaders of both parties and built a reputation as a consensus builder on many local issues.

Tom is best remembered for his humanitarian efforts and his enthusiasm as a tireless advocate for San Diego. His carefree nature and long white hair made him stand out in a crowd. Although he is gone now, Tom left an inspiring legacy for entrepreneurs, civic leaders, and youth in our community.

I would like to express my deepest sympathy to Tom Fat's family and honor his life and contributions to the San Diego community. He was admired by so many people for so many reasons, and the impact he had on San Diego will stay alive in the many positive changes he helped to achieve and the memories of him which we will never forget. He will be greatly missed.

Thank you very much, Madam Speaker, for the opportunity to honor such a remarkable individual.

CONGRATULATING SWEDESBERG VOLUNTEER FIRE COMPANY ON THEIR 65TH ANNIVERSARY

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. SESTAK. Madam Speaker, I rise to congratulate the Swedesburg Volunteer Fire Company, located in Upper Merion, Pennsylvania on their 65th anniversary.

Established in 1942 as a civilian defense in the face of World War II, the Swedesburg Volunteer Fire Company has become an essential and respected service institution in my district, providing unrivaled emergency response and civic services. Its first engine, a Hale-Ford 500 GPM pumper was purchased for just $5,000. Today a comparable truck would cost around $400,000.

Over the course of the past 65 years we have seen a distinct evolution in the Swedesburg Volunteer Fire Company, but one thing has remained contant—the Company's volunteers have been steadfast in their service and dedication to the community.

As we look back on the past 65 years, there are some important dates to note:

May 11, 1942: Swedesburg Volunteer Fire Company is incorporated by Montgomery County. Its first meetings are in Michael Brodowski's Tavern and Stanley Knaisiak's barbershop.

1946: Swedesburg's Ladies Auxiliary is established by company president, Bernard S. Gutkowski, Sr.

1951: Swedesburg Volunteer Fire Company's original fire house is built on Church Road thanks to generous contributions from James Lees & Sons, among many others.

1953: The development of the PA Turnpike Delaware River Extension charges right through Swedesburg's back yard and the firehouse, along with 32 homes, are razed for its development.

1954: Volunteers and the community rally to construct the present-day firehouse on Jefferson Street.

1960s: The Junior Fireman's Corps is established for volunteers between the ages of 17 and 21.

1975: The Company establishes a Vehicle Rescue Unit with its first "Jaws of Life."

1983: Swedesburg is among the first companies in Pennsylvania to be certified in vehicle rescue.

1986: Swedesburg establishes its water rescue team with the purchase of its first boat and hours of training for 30 personnel.

1991: An addition to the existing firehouse is completed, with a larger engine room and improved radio room, a new meeting room and offices.

One of the greatest services in my district comes from first responders who are on the frontlines protecting us. They are required to balance the demands of their service with their families and full-time careers. I ask that everyone please join me in congratulating the Swedesburg Volunteer Fire Company and all of the men and women that have helped serve their community over the past 65 years.

HONORING MINNESOTA'S EMERGENCY SERVICES WORKERS—EXTRAORDINARY PEOPLE, EXTRAORDINARY SERVICE

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. ELLISON. Madam Speaker, I rise today to pay tribute to the emergency service workers of Minnesota. This week is National Emergency Services Week and I am grateful for the opportunity to recognize the extraordinary dedication and service of Minnesota's Emergency Medical Dispatchers, First Responders, Emergency Medical Technicians, Paramedics, Emergency Department Nurses and Physicians and introduce this brief proclamation.

Whereas, emergency medical services is a vital public service; and

Whereas, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

Whereas, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

Now, therefore, I—KEITH ELLISON—Congressman for the Fifth District of Minnesota hereby proclaim the week of May 20–26, 2007, as National Emergency Services Week.

IN HONOR OF HARRY AND BARBARA KRAMER

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to honor 2 true western Pennsylvania heroes, Mr. Harry Kramer and his wife, Barbara. "Uncle Harry," as he is known to generations of campers, was Executive Director of YMCA Camp Kon-O-Kwee in Fombell, Beaver County for 37 years, before retiring this spring. On June 2, hundreds of campers, parents, counselors, and others touched by Harry's kindness and selflessness will return to Camp Kon-O-Kwee to honor Uncle Harry and his wife, Aunt Barbara, and to dedicate the brand new dining hall as "Kramer Hall."

Harry and Barbara have devoted their lives to helping others. Together they turned Camp Kon-O-Kwee from a ramshackle boys camp slated for closure into the country's premier camp for special needs children and adults. Kon-O-Kwee also serves as a place for at-risk youth retreats, senior citizen camping trips, school field trips, and parent-child weekend campouts. Over 17,000 campers come to Kon-O-Kwee each year, and Uncle Harry and Aunt Barbara's warm smiles and big hearts have made an indelible imprint on each and every one.

Madam Speaker, these 2 western Pennsylvanians are shining examples of what the rest of us should strive to be. They have worked tirelessly for almost 40 years to create a magical place that Uncle Harry has called "heaven on earth." And for the thousands who have passed through Camp Kon-O-Kwee—be it for a day, a weekend, or a week—it has been exactly that.

On behalf of the U.S. House of Representatives, I extend to them my deepest thanks for their years of service to western Pennsylvania and I wish them the very best in their well-earned retirement.

CONGRATULATING CHANGING HANDS BOOKSTORE PUBLISHER'S WEEKLY BOOKSELLER OF THE YEAR 2007

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the awarding of the Publisher's Weekly Bookseller of the Year for 2007 to my favorite bookstore, Changing Hands, in my hometown of Tempe, Arizona.

Changing Hands bookstore is a model for independent businesses. It has not only survived, but thrived in the age of "chain stores". Changing Hands regularly hosts teens' and kids' programs, features book signings by local and national authors, and is a meeting place for book groups. President Jimmy Carter, former Secretary of State Madeline Albright, as well as Senator HILLARY CLINTON are just a few of the notable authors who have been featured at events at this Tempe institution.

Changing Hands has been a Tempe destination since it first opened its doors in 1974. It has attracted a loyal following that draws an eclectic group of individuals whose interests range from New Age to older age to teen age.

The business thrives because owners Gail Shanks, Bill Sommer, and Suzie Brazil are committed to innovation, employee participation and customer service. Without them, the community would have an intellectual void.

If one were to choose a place in Tempe to represent what the community should value, that place would be Changing Hands bookstore.

IN RECOGNITION OF THE 2007 U.S. PHYSICS OLYMPIAD TEAM

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. EHLERS. Madam Speaker, I rise today to honor the achievements of the members of the 2007 United States Physics Olympiad Team.

It is very challenging to earn a spot on this prestigious team. After taking a preliminary exam, 200 high school students qualified to take the second and final screening exam for the U.S. Physics Team. The 24 survivors of that group represent the top physics students in the U.S., and they are now at a ten-day training camp of intense study, examination and problem solving hosted by the University of Maryland. Five of these exceptional students will advance and represent the United States in a tremendous international competition in July at the International Physics Olympiad in Isfahan, Iran.

The 24 members of the 2007 team include: Erik Anson, Sophie Cai, Tucker Chan, Joseph Chu, Benjamin Connell, Kenan Diab, Nicholas Dou, YingYu Gao, Kenneth Hu, Rui Hu, Sunny Kam, Jenny Kwan, Jason LaRue, Allen Lin, Andy Lucas, Sarah Marzen, Kynan Rilee, Aleksandra Stankiewicz, Philip Streich, Arvind Thiagarajan, Philip Tynan, Haofei Wei, James Yang, and Danny Zhu.

I commend the American Institute of Physics and the American Association of Physics Teachers for organizing this annual event and fostering a passion for science in these students. I know that for every finalist represented here, there are numerous colleagues and parents who have provided tireless support to help them reach this point. As a former physics professor, I also am well-aware that this level of achievement is usually backed by a host of exceptional teachers dedicated to their profession and to educating individual students. I hope each of the Olympiad finalists will make a point of thanking and recognizing the teachers that have guided them over the years.

Science, technology, engineering and math (STEM) practitioners are very important to our national competitiveness. I imagine that many of these students will become leaders in the science and engineering community in the future. While they represent the pinnacle of physics achievement in high school, I believe Congress must work to improve the opportunities in STEM education for all students, even those who may not choose scientifically-based careers. Making sure our teachers are well-equipped to teach science and math is very important in fostering the interest of future generations in these subjects because every job will soon require a basic understanding of math and science.

I am very pleased that these students take time away from their purely scientific endeavors to meet with their legislators in Washington. I believe it is very important for scientists to engage with politicians regarding the impact that science and technology can have on issues such as national security, climate change, and healthcare. Furthermore, I hope some of these students will consider running for public office and add their expertise to the policy world. I am very thankful for these future leaders and ask that you please join me in congratulating them on their wonderful achievements. We wish the top 5 the best of success as they represent the United States in Iran.

RE-INTRODUCTION OF FERS REDEPOSIT ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MORAN of Virginia. Madam Speaker, there is no debate over whether the Federal Government is facing a workforce shortage crisis—it is. In 10 years, 90 percent of our nation's civil service federal executives will be over the age of 50 and many will be nearing retirement. This coming brain drain threatens the stability and functioning of essential government functions. At a time when the American people are demanding efficient and effective government—from the implementation of public programs to the oversight of the Iraq war—we are about to lose many of our dedicated and most knowledgeable professionals.

I am writing to ask for your support for a bill I will re-introduce that takes a step in the right direction. The FERS Redeposit Act would allow individuals who left the Federal Government, and received a refund of their Federal Employees Retirement System, FERS, contributions, to re-enter government service without losing their accrued annuity. Instead of forfeiting credit earned during their prior service, returning employees would be able to redeposit their cashed out annuity upon re-employment. This benefit is already available to federal employees who are registered under the older Civil Service Retirement System, CSRS.

I have received many letters of former federal employees who work for the private sector, but would like to return to civil service. Many of these well-qualified men and women are choosing to remain in the private workforce because the costs to reentering the federal workforce are too high. In an economy where people will change jobs many times over the course of their careers, a reinvestment option under FERS will make government service more competitive, incorporating the flexibility and mobility that are so common in the private sector businesses of the new economy.

As more and more FERS employees leave the Federal Government and later wish to reenter federal service, a redeposit option would provide the incentive needed to bring these individuals back to government service.

Now is the time to act before the workforce shortage hits our civil service the hardest. I urge my colleagues to join me in this effort to make federal service more attractive by cosponsoring this important legislation.

HONORING CHRIS CLARK'S 41-YEAR CAREER AT WTVF–CHANNEL 5

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to congratulate Chris Clark on his retirement from WTVF–Channel 5 after 41 years of service.

During a segment before his retirement on Wednesday, May 23, after the 6 p.m. newscast, Chris seemed surprised at the outpouring of well wishes he received via e-mail from hundreds of viewers who considered him as part of their family after all the years he had been on air. Indeed, it's rare for a person in broadcast to stay in one place for 41 years.

Chris will be remembered for encouraging Channel 5 to switch from recorded interviews to live on-site reports, making the station only the second in the Nation to use the technology at that time. But he may be more famous for giving Oprah Winfrey her first television job in 1974.

Chris, I wish you well as you head into retirement. I understand you are a self-described movie nut and that you will soon take a well-deserved vacation in Florida with your family. I hope you have many more opportunities to travel and watch movies in your unscripted life.

IN SUPPORT OF THE NATION'S TRAUMA SYSTEMS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise to highlight the important role of our Nation's trauma systems. On March 27, 2007, this Chamber passed legislation I sponsored to reauthorize the Trauma Care Systems Planning and Development Act. This important legislation was signed into law on May 3, 2007. However, while the bill awaited the President's signature, the Nation observed the critical importance of trauma systems and the role they played in ensuring that New Jersey Governor Jon Corzine received the quick and efficient health care he needed to survive injuries he sustained during an April 12 traffic accident.

I would request that this New York Times article entitled "In Corzine's Fast Recovery, Doctors Cite Timing, Grit and Luck" be inserted in the RECORD. This article outlines the important role that the Camden, New Jersey area's trauma system—and particularly its Level I Trauma Center, Cooper University Hospital—played in Governor Corzine's treatment.

[From The New York Times, May 13, 2007]

IN CORZINE'S FAST RECOVERY, DOCTORS CITE TIMING, GRIT AND LUCK

(By Lawrence K. Altman)

An article on Sunday about the extensive medical care that Gov. Jon S. Corzine of New Jersey received at Cooper University Hospital in Camden after a traffic accident on

April 12 misstated the date of Mr. Corzine's release in some copies. It was April 30, not May 1.

CAMDEN, N.J.—Dr. Steven E. Ross was about to perform an appendectomy shortly before 7 p.m. on a routine Thursday when a nurse paged him to say the governor of New Jersey had suffered an open femur fracture and severe chest injuries and was about to land on the helipad atop Cooper University Hospital here.

"Quite honestly, I didn't believe it," said Dr. Ross, who directs the level one, or most highly accredited, trauma center at the hospital. But he immediately alerted security guards and the public relations staff so they would "keep people out of my hair" and help him avoid "the distractions" that can interfere with the care of V.I.P.'s.

Dr. Robert F. Ostrum was watching the Phillies-Mets game on television at his home just across the Delaware River in Philadelphia that Thursday, April 12, when an announcer interrupted to say that Gov. Jon S. Corzine was being flown to Cooper.

In his 25-year career, Dr. Ostrum, the chief trauma orthopedist at the hospital, had repaired about 800 femur fractures, including 200 open ones. He called his colleagues and said he would come in, in part because of the patient's prominence.

So began the medical odyssey to which Mr. Corzine, 60, owes his life. He was not wearing a seat belt while riding in a state vehicle clocked at 91 miles per hour and nearly became one of the more than 43,000 people a year who die in car crashes in the United States.

Instead, after 11 days in intensive care, eight of them on a ventilator, and three operations on his leg, Mr. Corzine was released from the hospital on April 30 and resumed his official duties as governor six days later.

In their first extensive interviews, doctors and nurses who treated Mr. Corzine here attributed his amazingly fast recovery to his speedy arrival at a trauma center, his grit in overcoming severe pain to begin rehabilitation, and luck.

Mr. Corzine still needs strong painkillers that can impair judgment, but he has not allowed the doctors to disclose the drugs' names or share his X-rays or medical chart. He has also refused The New York Times's repeated requests for interviews.

But in lengthy conversations with this reporter, who is a physician, the medical team that saved his life revealed many new details about Mr. Corzine's injuries, his treatment and the first three and a half weeks of his recovery.

Over the first 24 hours in the hospital, Mr. Corzine received 12 pints of blood, an amount roughly equivalent to the total blood volume in his body. Most of the bleeding was internal, into muscles and the chest from 15 broken bones.

But because the blood was replaced as he lost it, he avoided shock, a key way in which immediate trauma care saves lives.

The jagged femur had torn through his thigh muscles and skin to create an open wound six and a half inches long—"By our standards it was pretty large," Dr. Ostrum said—and to repair it, doctors had to insert a titanium rod through the center of the broken bones and screw them in place.

When Dr. Ostrum found that the longest rod was too short for Mr. Corzine's femur, he added an extension. "I didn't shorten him," he recalled, smiling.

The day after the accident, Mr. Corzine's family brought specialists in trauma and orthopedics from New York University to review his case.

In the coming days, with Mr. Corzine unable to speak because of the tube connecting his windpipe to the ventilator, David Donaghy, a nurse, read his lips as one way to respond to his wishes for more pain medication or ice water.

And when Mr. Corzine could talk again after a week of semiconsciousness, the chief topics of conversation were baseball and the New Jersey Devils hockey team, the doctors said.

DO WHAT YOU HAVE TO DO

About 500 of Cooper's 2,500 trauma cases each year arrive via the helipad, with its view of the Philadelphia skyline. As they waited for Governor Corzine to land on April 12, Dr. Ross, a trauma nurse, a nurse anesthetist, a respiratory therapist and an emergency medical technician received word that he was conscious but on oxygen because of difficulty breathing due to his chest injuries.

Intravenous fluids helped maintain his blood pressure. Emergency workers had splinted his damaged leg.

When he arrived at 7:03 p.m., the team talked with him as they wheeled him to a nearby resuscitation area for a quick examination.

By 7:10, on the first-floor resuscitation unit, Dr. Ross asked more detailed questions about what hurt him, his general medical condition and what drugs he routinely took.

"Do what you have to do," Mr. Corzine told him, Dr. Ross recalled.

An anesthesiologist injected sodium pentothal, a rapidly acting barbiturate, to put Mr. Corzine to sleep, and succinylcholine, a muscle relaxant, to allow doctors to quickly insert a tube in his windpipe and connect it to a mechanical respirator.

Hospital aides wheeled Mr. Corzine to the basement for CAT scans looking for evidence of brain damage; tears in the aorta, the body's main artery; or damage to the heart, lungs, spleen, liver and intestines.

Mr. Corzine escaped those problems. But he had a number of fractures: the femur, sternum, a collarbone, a vertebra and 11 ribs. The broken ribs were in the central area of the chest, six on the left side and five on the right. Two of the ribs on the left were broken in two places.

An enormous force is needed to break the thick sternum and that many ribs in a chest cage that is designed to protect the heart and lungs. Dr. Ross, who has treated about 100 patients with injuries like Mr. Corzine's, said the governor was "just lucky" to have escaped heart and lung damage.

At 8:30 p.m., Dr. Ostrum began repairing the femur. Aligning the pieces was difficult because the bone was broken in two places, leaving one piece floating and unattached.

"Normally, you take the hip on one end and the knee on the other and put them back together again like pieces of a jigsaw puzzle," Dr. Ostrum explained. "When you get more pieces it gets more difficult."

In the three-hour operation, Dr. Ostrum removed as much dead muscle and other tissue as possible to help prevent infection. The thigh wound needed to be cleaned in two additional surgical procedures, on April 14 and 16.

About midnight that first Thursday, Dr. Ostrum and Dr. Ross met with two of Mr. Corzine's three children, advising them that he was in critical condition.

"All of us thought he would survive," Dr. Ostrum said. He did not "paint a bleak picture," he said, adding, "but I wanted them to understand the severity of the injuries."

There were potential fatal complications: pneumonia; other infections; acute respiratory distress syndrome; blood clots in the leg that could travel to the lungs or other organs and cause emergencies, if not sudden death. "It's counterproductive to tell somebody everything's going to be fine, and then when you do have problems, hear, 'Doctor, you told us everything was going to be fine,'" Dr. Ross said. "I would rather tell them about the realities and have everybody happy when things go well."

Mr. Corzine's children were "not in any mental state to ask specific medical questions at that point," he said, adding: "They were pretty distraught. They wanted to see him as soon as they could."

After talking with the family, the doctors reluctantly participated in a news conference at the request of Mr. Corzine's aides. They said they were hesitant in part because of the federal Health Insurance Portability and Accountability Act, which prohibits the release of a patient's medical information without explicit permission. At the time, Mr. Corzine was under heavy sedation.

ONE MORE FRACTURE

The first week was the diciest, with Mr. Corzine, who was in an isolation room for security reasons, using a mechanical ventilator because in one small area the broken ribs were unable to help the lungs expand, creating what is known as a flail chest.

The doctors still did not know whether Mr. Corzine was paralyzed. So they reduced the amount of sedation to observe his spontaneous movements and to ask him to follow their commands. When he moved both arms and both legs, the doctors became more optimistic.

Later, they performed a fuller examination.

"We just pat them down all over to make sure we did not miss any fractures or dislocation," Dr. Ostrum said. After the swelling subsided, they found that Mr. Corzine had also dislocated the last joint in his right middle finger.

Trauma doctors measure recovery in part by what patients want to talk about and do; when patients talk about subjects other than their injuries, they take it as a sign of progress. Mr. Corzine's doctors said they were encouraged that baseball and the Devils' playoff run were among his favorite topics.

At Cooper, doctors typically take turns caring for trauma patients every day. But Dr. Ross said that as the director, he wanted "to keep an eye on things," so he accompanied the duty doctor on daily rounds, a move that could mean stepping on a colleague's toes.

"When one attending surgeon looks over another attending physician's shoulder, they get irritable," Dr. Ross said, adding with a smile, "because we all know everything."

EXECUTIVE DECISIONS

Once he was off the ventilator, Mr. Corzine read several newspapers each day, the doctors said, but he did not do office work in the hospital.

In considering when Mr. Corzine could resume his official duties, the two main doctors—along with Dr. Michael E. Goldberg, the anesthesiologist who controlled his pain medication—discussed the timing and criteria among themselves and with members of the governor's staff, state lawyers and the governor's personal physician, who declined to be identified.

They considered what criteria might apply to the return to work of lawyers and business executives, or of physicians like themselves who care for critically ill patients.

Paramount was the worry that Mr. Corzine's pain medication could impair his thinking.

So they interviewed him, informally testing his memory. They discussed sports and current affairs. He said he was less familiar with South Jersey than the central and northern areas. The doctors were satisfied that he was absorbing the information and asking appropriate questions.

"We gave him specific advice on how much we want him to limit his formal schedule," Dr. Ross said. "We pushed the window back until he and we felt that he could respond if somebody needed him at 3 o'clock in the morning for an emergency."

The doctors said Mr. Corzine seemed lucid, coherent and sharp. "You can't tell he is on any medication at all," Dr. Ostrum said.

After visiting Mr. Corzine at Drumthwacket, the governor's mansion in Princeton, on May 4, Dr. Ross decided that as a New Jersey resident he was "comfortable with him making executive decisions on my behalf."

Yet Mr. Corzine erred describing a broken bone in an interview conducted last Sunday and broadcast the next morning, the day he resumed his official duties. Speaking on NBC's "Today" show, Mr. Corzine said he had broken his tibia, the shin bone, not his femur.

EVERY TIME THEY COUGH

The main rehabilitation goal is for Mr. Corzine to restore his leg motion, then improve its strength and endurance. He uses arm crutches, instead of standard ones, to avoid aggravating his ribs.

He has three daily physical therapy sessions and is scheduled for monthly checkups through the summer. The doctors plan to monitor X-rays periodically to determine how well his femur is healing and when he can put weight on his leg.

(After Mr. Corzine underwent an outpatient checkup Friday, his office issued a statement saying all was going well.)

Mr. Corzine still is not out of the woods, Dr. Ostrum said. A possible complication is osteomyelitis, a serious bone infection. Also, rib fractures are generally painful for weeks.

"You can fix every bone in their pelvis and both their legs, and they will come back and complain about ribs every time they take a deep breath, every time they cough, every time they roll over in bed," Dr. Ostrum said.

Mr. Corzine, who has pledged to educate others about wearing seat belts, has said he remembered getting into the helicopter but virtually nothing about the first eight days in intensive care.

That was good news to Dr. Ross. The drugs that Mr. Corzine received in intensive care are the same that patients may receive when undergoing procedures like a colonoscopy, to ease their discomfort.

"One effect of the drugs is amnesia," Dr. Ross said. "We think it's a good thing that patients don't remember what they go through in the I.C.U."

HUMAN RIGHTS IN VIETNAM

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BLUEMENAUER. Madam Speaker, while I have pushed for a stronger U.S.-Vietnam relationship, I have also consistently said that this relationship depends on Vietnam's ability to make progress towards democracy and respect for human rights.

Since Vietnam joined the WTO in January, it has engaged in the largest crackdown on nonviolent pro-democracy activists in years. I believe that we need to judge Vietnam on the progress it makes, but it is clear to me that Vietnam is headed in the wrong direction on democracy and human rights.

As such, I am introducing a resolution condemning the recent convictions of prodemocracy activists and expressing concern over the future of the U.S.-Vietnam bilateral relationship.

I hope that this will serve as a wake-up call. I have been a consistent friend to Vietnam, but I cannot compromise my support for human rights. I strongly urge the Government of Vietnam to uphold the basic rights and freedoms granted by Vietnam's own constitution and international commitments.

TRIBUTE TO THE REPUBLIC OF AZERBAIJAN

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. WEXLER. Madam Speaker, I rise today to honor the people and Government of the Republic of Azerbaijan—as they prepare to celebrate Republic Day on May 28.

Republic Day commemorates the day Azerbaijan first declared independence from the Russian Empire in 1918. Though the Azerbaijan Republic later succumbed to Soviet forces in 1920, in its 2 years of independence Azerbaijan achieved a number of measures on state-building, armed forces, education, economy, and universal suffrage, from which it benefits today.

Azerbaijan's second opportunity for freedom and independence began in 1990 as Azeris began gathering in protest against Soviet rule. Following the collapse of the Soviet Union, Azerbaijan declared anew their independence.

On August 30, 1991, Azerbaijan's Parliament adopted the Declaration on the Restoration of the State of Independence of the Republic of Azerbaijan, and on October 18, 1991, their Constitution was approved.

Azerbaijan is a key global security partner for the United States. Azerbaijan was among the first nations to offer our United States unconditional support in the war against terrorism, providing use of its airspace, airports, and troops for Operation Enduring Freedom in Afghanistan. Azerbaijan was also the first Muslim nation to send troops to Iraq.

Azerbaijan works with the United States regionally through the GUAM Organization for Democracy and Economic Development (Georgia, Ukraine, Azerbaijan and Moldova), to prevent illegal trafficking and to secure borders.

Azerbaijan contributes significantly to the diversification of the western energy supply. The Baku-Tbilisi-Ceyhan pipeline, an initiative supported by the Clinton and Bush administrations, reached a milestone when its first oil reached the Mediterranean Sea on May 28, 2006. The following March, the United States signed a Memorandum of Understanding—designed to increase the level of cooperation between our two nations—with Azerbaijan to engage in high level dialogue on energy security in the Caspian region.

Madam Speaker, on behalf of my colleagues, I congratulate the Republic of Azerbaijan on the celebration of Republic Day, and I look forward to further collaboration between our two nations.

INTRODUCTION OF LEGISLATION TO GIVE D.C. CITIZENS A PLACE IN STATUARY HALL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. NORTON. Madam Speaker, I am pleased to introduce a bill today to permit two statues honoring citizens of the District of Columbia in Statuary Hall of the Capitol, just as statues honoring citizens of States are placed in the historic hall. This legislation would allow the city to offer two statues to the Congress on behalf of DC residents. This bill is important to ensure equal treatment for the residents of the District of Columbia with the residents of the 50 States who already have statues representing them in Statuary Hall.

On August 10, 2006, the DC Commission on Arts and Humanities began the process of creating the two statues to be placed in Statuary Hall when the Commission chose Frederick Douglass and Pierre L'Enfant as the two prominent residents whose statues would represent the District of Columbia. The Commission also hired two Washington area sculptors, Steven Weitzman and Gordon Kay, to work on the sculptures of Frederick Douglass and Pierre L'Enfant and they are scheduled to complete their work later this year.

Douglass, (1818–1895), was born a slave in Maryland and became a District resident in 1870. He held diplomatic and District appointments and is considered to be the Father of the Civil Rights Movement. Douglass also displayed his talents as an orator and journalist throughout his life here. His home in the District of Columbia is a national monument which attracts hundreds of thousands of visitors annually.

L'Enfant, (1754–1825), an architect, engineer and soldier came from France to serve in the American Revolution. George Washington chose L'Enfant to design the new federal city of Washington D.C. He became a US citizen and spent the remainder of his life in D.C. implementing his plan and making D.C. the beautiful city it is today.

The District of Columbia was born with the Nation itself 206 years ago. Throughout these two centuries the city has created its very own rich and uniquely American history. Congresswoman NORTON said, "It goes without saying that the almost 650,000 American citizens who live in the Nation's capital deserve the honor of having two of its history makers represented in the halls of the Nation's Capitol as citizens who live in the 50 states have long enjoyed. That when we allow the District to be excluded from its place among the 50 States, we undermine the Nation's efforts to spread full democracy around the world. While DC residents have not yet obtained the same political equality and voting rights as the citizens of the States, they have all the responsibilities of the States, including paying all Federal taxes and serving in all the Nation's wars." Norton said, "Today when our residents are serving in Iraq, the least we should do is to give this city its rightful and equal place in the Capitol." There are more than 100 soldiers still serving in Iraq from Specialist Dent's 547th Transportation Company.

"The statues would offer District residents the opportunity to enjoy the same pride that all other citizens experience when they come to their Capitol—the opportunity to view memorials that commemorate the efforts of deceased local residents who have made significant contributions to American history," Norton said.

TRIBUTE TO VALPARAISO HIGH SCHOOL AND THOMAS JEFFERSON MIDDLE SCHOOL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pride and enthusiasm that I take this time to recognize Valparaiso High School and Thomas Jefferson Middle School for their involvement in the 23rd Annual Science Olympiad National Tournament. Both schools took 11th place in their divisions at the National Science Olympiad competition held in Wichita, KS. Valparaiso High School won medals in four events by finishing among the top six for that event while finishing in the top 10 in 10 of the tournament's 23 events.

The Science Olympiad began when Dr. Gerard J. Putz, Regional Science Consultant for Macomb County Intermediate School District in Michigan, decided to share the Science Olympiad program with Macomb County educators on March 29, 1982. The invitation was prompted by an article published in The Science Teacher in December 1977. After a few successful tournaments, Dr. Putz was convinced to share the program with the rest of the Nation, so the Science Olympiad program was presented to the Council of State Science Supervisors at the National Science Teachers Conference in Boston in 1984.

The mission of the Science Olympiad is "to promote and improve student interest in science while improving the quality of K–12 science education throughout the nation." The purpose is to bring science to life and show how it works, to emphasize problem solving aspects, and to understand all of its concepts. The Science Olympiad teaches teamwork and cooperative learning strategies and promotes high levels of achievement and a commitment to excellence.

The 2007 Science Olympiad team from Valparaiso High School consists of: Lani Rush, Laurel Peterson, Sonia Phadke, Kristin Engerer, Katie Mika, Kate Sanders, Ruth Sanders, Rocio Rodea, Melissa Barrie Lehman, Ajay Major, Pat Skelton, Jon Gold, Mak Hozo, Schuyler DeArmond, Jeff Rinkenberger, Joe Kaminski, Ethan Kruse, Evan Gootee, and Gianni Galbiati. This team was under the outstanding guidance of coaches: Jim Young, Kristen Philipchuck and Kelly Woods. Several of these students received medals for their outstanding achievement. In Ecology, Jon Gold and Laurel Peterson received fourth place medals. Evan Gootee and Ruth Sanders received fourth place in Robot Ramble. The fifth place medal awarded for Entomology was given to Jon Gold and Lani Rush. Also taking fifth place medals in the subject of Write It, Do It were Ethan Kruse and Kate Sanders.

The Thomas Jefferson Middle School Science Olympiad team of 2007 consists of: Kati Manning, Jon Sherrick, Joe Galbiati, Julia Young, Matt Kerner, Kathryn Dalzotto, Josh Bartusch, Chris Haller, Karl Rinkenberger, Katalin Hartman, Alex Robinson-Norris, Maddie Woods, Katelyn Neis, Christian Briggs, and Jesse Bunchek, as well as student alternates: Brian Kingsbury, Adam Alamillo, Roshni Dhoot, Bennet Sanders, Cam Haskett, Nick Hartmann, and Daniel Karr. Guiding these exceptional students were coaches: Richard Bender, Carol Haller, Bill Dalzotto, Gwenn Rinkenberger, Mary Faith Dalzotto, Becky Juergens, Paul Huang, Lynda Galbiati, Diane Bernhardt, Molly Joll, Linda Cronk, and Mike Haller.

Several members of the Thomas Jefferson Middle School team were awarded medals for superior achievement. Kathryn Dalzotto and Katelyn Neis won third place in Anatomy. Kati Manning and Kathryn Dalzotto also took a third place medal for Wheeled Vehicle. A fourth place medal was awarded to Chris Haller and Karl Rinkenberger for their Balloon Launch Glider. For Mission Possible, Chris Haller, Kati Manning, and Katalin Hartman all took fifth place medals. Roads Scholar brought Jon Sherrick and Christian Briggs sixth place medals.

Madam Speaker, it is with great pride that I congratulate Valparaiso High School and Thomas Jefferson Middle School on their great achievement at the 23rd Annual Science Olympiad Tournament. I wish them continued success. These intelligent young students possess the work ethic and dedication that will make them successful leaders throughout their bright futures. I hope the rest of my colleagues will join with me in applauding the Science Olympiad teams for their commendable efforts.

TRIBUTE TO BILL WHITE

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. AL GREEN of Texas. Madam Speaker, I am proud today to congratulate the Honorable Bill White, the distinguished mayor of my hometown of Houston, TX, on his receipt of the 2007 John F. Kennedy Profile in Courage Award.

Mayor White, who has a long history of public service as mayor and, previously, as Deputy Secretary of Energy of the United States, earned this prestigious award because of his heroic work in assisting victims of Hurricane Katrina. Following Hurricanes Katrina and Rita, nearly 150,000 evacuees came to Houston to find temporary housing. Mayor White established numerous important programs following these hurricanes that gave evacuees the badly needed temporary assistance they needed to get back on their feet.

In September 2005, Mayor White established a program giving emergency prescriptions and free medication to evacuees who could not afford to purchase them on their own. Mayor White also helped establish the Houston Katrina/Rita Fund, which provided evacuees assistance with groceries, baby care products, and other necessities. The mayor also worked tirelessly with the Federal Emergency Management Agency to establish a formalized housing program for evacuees and to transition tens of thousands of evacuees from hotel rooms to apartments.

All of the extraordinary work done by Mayor White and others helped get tens of thousands of hurricane evacuees back on their feet. Already, many of the evacuees who stayed temporarily in Houston have returned to their permanent places of residence. Many of the 300,000 evacuees remaining in Houston are in the process of acquiring the stable employment and housing that will allow them to return home.

Without Mayor White's extraordinary leadership, the successful transition of untold thousands of victims of Hurricanes Katrina and Rita would not have been possible. Indeed, without his leadership, thousands of people would have been left temporarily homeless and many of the most vulnerable could have easily lost their lives.

In this situation, Mayor White's leadership was not without risk. Over the past 2 years, the mayor has frequently faced criticism for using the city's resources to help those who have come from the Gulf Coast in dire need of assistance. Yet, in the face of such risks, Mayor White has unflinchingly done what is just and right for those innocent victims of Hurricanes Katrina and Rita.

The John F. Kennedy Profile in Courage Award is one of the most prestigious honors that can be earned by our public servants. With his receipt of this award, Mayor White joins an extraordinary group of recipients that has included Atlanta Mayor Shirley Franklin, former United Nations Secretary General Kofi Annan and several of my esteemed colleagues in the U.S. Congress. Mayor White's heroic actions in the wake of Hurricanes Katrina and Rita certainly merit his inclusion in this select group.

I applaud Mayor White and all of my fellow Houstonians for their terrific work in helping those victims of horrific natural disasters in their time of greatest need. I congratulate Mayor White on his receipt of the prestigious Profile in Courage Award, an award that is very well deserved.

BRADY CARTER WOODHOUSE MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate Brad Woodhouse formally of my staff and his wife Jessica on the birth of their first child, Master Brady Carter Woodhouse. Brady was born on May 23, 2007, and weighed 8 pounds 2 ounces. Faye joins me in wishing Brad and Jessica great happiness upon this new addition to their family. A Raleigh native, Brad served as my Agriculture Legislative Assistant, Senior Legislative Assistant and press secretary and will always remain a member of Team Etheridge.

As a father and grandfather, I know the joy, pride, and excitement that parents experience upon the entrance of their child into the world. Representing hope, goodness, and innocence, a newborn allows those around him to see the world through his eyes as a new, fresh place with unending possibilities for the future. Through a child, one is able to recognize and appreciate the full potential of the human race. I know Brad and Jessica look forward to the changes and challenges that their new son will bring to their lives while taking pleasure in the many rewards they are sure to receive as they watch him grow.

I welcome young Brady into the world and wish Brad and Jessica all the best as they raise him.

SUPPORT FOR DR. HALEH ESFANDIERI

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MORAN of Virginia. Madam Speaker, on December 30,2006, Dr. Haleh Esfandieri, a prominent Iranian-American scholar, was in Iran to visit her sick 93-year-old mother when she was stopped by the Iranian authorities.

What followed was nearly 5 months of a series of intense interrogations and pressure tactics where she was harassed, threatened, and forced to make false statements against her employer, the Woodrow Wilson Center for International Scholars. On May 8, she was again detained and imprisoned.

Her arrest and detention has angered analysts, human rights groups and lawmakers throughout the world. Yet still, the Iranian regime refuses to release her, claiming she is a spy who was plotting to overthrow the Iranian government.

I would like to submit a statement issued from the Woodrow Wilson Center for International Scholars on May 21, 2007 for the record.

Madam Speaker, these charges are a farce. Professor Esfandieri is an accomplished scholar of Persian literature, language and history who taught at Princeton University before becoming the Director of the Woodrow Wilson Center for International Scholars Middle East Program. Her husband, Mr. Shaul Bakhash, is a professor at George Mason University of Fairfax, VA. The Woodrow Wilson Center is a non-profit, non-partisan organization whose work is to research and foster dialogue within the scholarly world on current and future public policy issues.

Dr. Esfandieri's tireless dedication to teaching and advocating on behalf of Iran is clear. She has focused on building bridges and opening doors for peace in the Middle East. She has sought to facilitate and strengthen Iranian-American relations through numerous seminars, lectures and workshops with educators, policymakers and groups from both countries and has pressed wider freedoms to communicate about our common bonds and negotiate over our disagreements.

Like thousands of other Iranians living abroad, Professor Esfandieri is an academic who took a personal trip to see her family. If she as one individual scholar threatens this regime so much that they have to interrogate her for almost five months and detain her in a notorious prison cell known for human rights abuses, then one has to assume this regime is desperate to retain whatever control it can.

Today, the Iranian leadership's lack of courage and conscience is as clear as it is disappointing.

It is evident that this regime is criminalizing scholarly work of any kind, despite the fact that Iran's very own history is filled with centuries of scholarly research and discovery. This regime's egregious decision to imprison Dr. Esfandieri reflects a deepening departure from the values and ideals the Iranian people have historically prided themselves on.

Iran's renowned nationalist Prime Minister Mohammed Mossadegh once said "There is no better way to govern Iran than democracy and social justice!"

Professor Esfandieri should be released immediately. Every day she is so unjustly detained, Iran proves the case of its detractors and makes it all the more difficult for institutions like Dr. Esfandieri's Wilson Center to treat the Iranian people with the respect that should be afforded to an historic civilization and citizenship of 70 million people.

Statement on the Arrest in Tehran of Haleh Esfandiari, Director of the Woodrow Wilson Center's Middle East Program

Haleh Esfandiari, director of the Middle East Program at the Woodrow Wilson International Center for Scholars, and a dual Iranian-American national, was arrested in Tehran on May 8 and incarcerated in the Evin Prison.

The background to this entirely unjustified arrest is as follows:

TIME LINE OF EVENTS

December 21, 2006, Haleh Esfandiari, director of the Middle East Program at the Woodrow Wilson International Center for Scholars, and a dual Iranian-American national, traveled from Washington D.C. to Tehran, Iran to visit her 93-year-old mother for one week.

On December 30, 2006, on her way to the airport to catch a flight back to Washington, the taxi in which Dr. Esfandiari was riding was stopped by three masked, knife-wielding men. They threatened to kill her, and they took away all of her belongings, including her Iranian and American passports.

On January 3, when applying for replacement Iranian travel documents at the passport office, Dr. Esfandiari was invited to an "interview" by a man from Iran's Ministry of Intelligence.

Beginning on January 4, she was subjected to a series of interrogations that stretched out over the next six weeks, sometimes continuing for as many as four days a week, and sometimes stretching across seven and eight hours in a single day. Dr. Esfandiari went home every evening, but the interrogations were unpleasant and not free from intimidation and threat.

The questioning focused almost entirely on the activities and programs of the Middle East Program at the Wilson Center. Dr. Esfandiari answered all questions fully; when she could not remember details of programs stretching back five and even eight years, the staff at the Wilson Center provided her all the information requested. As a public organization, all Wilson Center activities are on the public record. Repeatedly during the interrogation, she was pressured to make a false confession or to falsely implicate the Wilson Center in activities in which it had no part, but she refused.

On Friday, January 15, in the third week of interrogations, Dr. Esfandiari was told (misleadingly as it turned out) the questioning was over. On January 18, the interrogator and three other men showed up at Dr. Esfandiari's mother's apartment. Dr. Esfandiari was taking a nap and was startled to wake up and see the door to her bedroom open, her privacy violated, and three strange men, one of them wielding a video-camera, staring into her bedroom.

On February 14, the lengthy interrogations stopped.

On February 17, Haleh received one threatening phone call, and then she did not hear anything from her interrogators for ten weeks.

On February 20, Lee Hamilton, president and director of the Wilson Center, wrote to Iranian President Mahmoud Ahmadinejad asking that Dr. Esfandiari be allowed to travel. However, President Ahmadinejad did not reply to the letter.

At the end of April or early May, she was telephoned once again and invited to "cooperate." In effect, she was being asked to make a confession. She refused to make the false statements.

On Monday, May 7 she was summoned to the Ministry of Intelligence once again. When she arrived for her appointment on Tuesday morning, May 8th, she was put into a car and taken to Evin prison. She was incarcerated and was allowed only one phone call to her mother.

On May 9 she called her mother asking her to bring her clean clothes and her medicine. Her mother delivered the small package at Evin Prison on May 10, but was not allowed to see her.

On May 12, the hard-line daily "Kayhan" in an article accused Dr. Esfandiari of working with the U.S. and Israeli governments and with involvement in efforts to topple Iran's Islamic regime.

On May 15, Iranian judiciary spokesman Ali Reza Jamshidi said that Dr. Esfandiari was being investigated for crimes against national security and that her case was being handled by the Intelligence Ministry.

On May 15, Haleh made a brief telephone call to her mother.

On May 16, Haleh's family retained the legal services of Nobel Peace Laureate Shirin Ebadi to represent her.

On May 17, in an interview with Washington Post Staff Writer Robin Wright, Shirin Ebadi indicated that the Iranian government has rejected her request to represent Dr. Esfandiari. She also noted the court refused information on the legal charges against Dr. Esfandiari, and denied her legal team the ability to see Haleh.

On May 21 state-run television broadcasts in Iran indicated that Haleh is being charged with seeking to topple the government of the Islamic Republic of Iran.

Our efforts to obtain Haleh's release will continue and will be redoubled. She will be in our thoughts and prayers every day.

TRIBUTE HONORING LIEUTENANT MARTIN CUELLAR, JR., ON HIS RETIREMENT

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. GONZALEZ. Madam Speaker, I rise today to honor Lieutenant Martin Cuellar, Jr., on his retirement from the Texas State Department of Public Safety, where he served in law enforcement for the past 25 years.

Lieutenant Cuellar has an extensive background in criminal justice and has trained with the Webb County Basic Peace Officer Training Academy, and the Department of Public Safety Trooper Academy. He is a graduate of the Northwestern University School of Police Staff and Command and earned an Associate of Applied Science in Criminal Justice from Laredo Community College. His criminal justice background helped him serve as a lieutenant with the Department of Public Safety in the narcotics service as a part of the Directed Intelligence Group, and as deputy sheriff with the Webb County Sheriff's Department.

Lieutenant Cuellar has worked in open and covert investigations resulting in seizures of thousands of pounds of narcotics throughout the State of Texas. He also has worked in conjunction with other law enforcement agencies in cases involving murder, kidnappings, and extortion, and in international investigations regarding shipment of narcotics with Federal and State law enforcement agencies in the United States and Mexico. He has also been recognized by the Department of Defense and the United States Army for his assistance in the return of a wounded U.S. soldier to the United States.

While working in law enforcement, he met his wife, Veronica Cuellar, who is employed with the United States Probation Office. They have two beautiful children, Zachary and Casey, both of whom currently attend St. Augustine School in Laredo, Texas. I wish him and his family the best in his well-deserved retirement from an accomplished and highly regarded law enforcement career.

Madam Speaker, I am honored to have had this time to recognize the dedication and commitment of Lieutenant Martin Cuellar, Jr., to the law enforcement community in south Texas.

HONORING MICHAEL OAKLEY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mrs. BLACKBURN. Madam Speaker, I rise today to congratulate and recognize the bravery of Mr. Michael Oakley of Savannah, Tennessee. On the night of April 13, 2005, Mr. Oakley showed the highest form of human compassion when he risked his own life to save an unknown motorist trapped in a vehicle that was engulfed in flames following a traffic accident. Despite the extreme heat of the fire and suffering from severe burns, Mr. Oakley returned to the wrecked sport utility vehicle multiple times, determined to save another man's life. Thankfully, Mr. Oakley was successful.

In honor of this astounding act of selflessness, Mr. Michael Oakley was awarded the Carnegie Medal for Extraordinary Civilian Heroism. This award is given by the Carnegie Hero Fund Commission and Mr. Oakley was one of only 19 to receive this recognition. He was chosen for this award due to his outstanding courage which should stand as an inspiration to all men and women across Tennessee and our Nation.

Madam Speaker, I ask my colleagues to join me in both thanking and congratulating Mr. Michael Oakley for his heroism; he is indeed, a worthy recipient of this outstanding honor. And may God bless all of the Michael Oakleys of America.

TRIBUTE TO U.S. ARMY CHIEF WARRANT OFFICER CHARLIE RAY PARKER, JR.

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I rise today to pay tribute to an exceptional officer in the United States Army, CWO5 Charlie Ray Parker, Jr., upon his retirement after 40 years of distinguished service. Throughout his career, first as an enlisted Army private, then as a non-commissioned officer, and finally as a commissioned warrant officer, Warrant Officer Parker personified the seven Army values, particularly those of duty, integrity, respect, and selfless service across the many missions the Army asked him to execute. It is my privilege to recognize his many accomplishments. I commend his superb service to the United States Army and this great Nation.

Beginning his career in March 1967, Warrant Officer Parker entered into active duty from the State of Virginia as an enlisted soldier. He achieved the rank of staff sergeant while serving as a motor sergeant in the First Battalion (Airborne), 325th Infantry Regiment, 82nd Airborne Division at Fort Bragg, North Carolina. Staff Sergeant Parker served in the 82nd Airborne Division from March 1970 until receiving his appointment as a warrant officer in March 1977. His formula for success was simple, "work hard to accomplish your mission and take care of your soldiers," a formula he still follows today.

In June 1987, then Chief Warrant Officer 3 Parker served as the staff maintenance technician for the Logistic Readiness Division, 200th Theater Army Materiel Management Center in Zweibruecken, Germany. He was the principal automotive maintenance technical advisor to the Commander. As such, Warrant Officer Parker was singularly responsible for the increased readiness status in the 600 units of United States Army, Europe. His total dedication to this vital mission was a key to maintaining theater war fighting capability and allowed for the smooth deployment of U.S. V and VII Corps units to Operation Desert Storm in Southwest Asia.

By December 2000, Warrant Officer Parker was the Plans and Training Development Branch Chief, managing the development, implementation, and evaluation of training for the Warrant Officer Candidate Course, Staff Course, and Senior Staff Course for active and reserve component Warrant Officers. He also laid the groundwork for the Warrant Officer Mentorship Program, which is now implemented throughout the United States Army. As the most senior warrant officer in the Army Ordnance Corps, he used his position to ensure African-American soldiers were provided the same opportunities due every soldier who attended Army Warrant Officer Career Courses. His genuine concern for the welfare and development of warrant officers and candidates proves an enduring inspiration to all.

Most recently, as the senior evaluator for the $1.6 billion combat logistics support system—Global Combat Support System—Army (Field and Tactical), Warrant Officer Parker developed an operational test and evaluation strategy for the Enterprise Planning Solution designed to ensure enterprise elements such as supply, maintenance, property, finance, and task organization processes are adequately evaluated in accordance with public law. This new system will transform Army logistics by ensuring direct support of Joint Force and Army military operations ranging from garrison duty to expeditionary deployments, ultimately reducing the need for forward deployed logisticians.

On behalf of Congress and the United States of America, I thank Chief Warrant Officer 5 Parker for his commitment, sacrifice, and contribution throughout these 40 years. I congratulate him on completing an exceptional and extremely successful career.

IN MEMORY OF MAYOR JOHN REDDING, JR.

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. SHUSTER. Madam Speaker, it is with a heavy heart that I rise to honor the memory and celebrate the life of Mayor John Redding, Jr., of Franklin County, Pennsylvania. John Redding passed away on Monday, May 21, from complications from heart surgery. It is with sadness, but with fond memories and the promise of his ascension to a better place that I honor John Redding's life and memory today.

As a resident of Chambersburg for 51 years, Redding was the very definition of public service. For almost all his life, John was an active member of his community, serving on the Chambersburg Board of Directors, as chairman of the Letterkenny Industrial Development Authority, as a council representative, and later as mayor of Chambersburg Borough, his hometown and the community to which he dedicated his life.

As a man of deep faith, brave courage and impassioned loyalty, Redding made his community a better place to work and live. The outpouring of support from his friends and neighbors upon his passing is a testament to the way he lived his life and a sign that the legacy he left on Chambersburg and the whole of Franklin County will not be forgotten.

More than this, it is my privilege to have known John personally and to have called him my friend. He and my family worked closely over 30 years to make Franklin County a better place to live and work and his effort was not in vain. Franklin County continues to be a showcase for economic investment, growth and opportunity in central Pennsylvania. Its success bears the mark of John's tireless efforts.

John was a pillar of dedication, commitment and leadership. He will be missed, but never forgotten.

EMERGENCY CHILD CARE SERVICES ACT OF 2007

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to introduce the Emergency Child Care Services Act of 2007 which reaffirms the Federal Government's commitment to helping children and families as they recover from acts of terrorism, major disasters or other emergencies.

After Hurricanes Katrina and Rita, more than 3,000 licensed child care facilities along the Gulf Coast were damaged or destroyed. Parents needed a safe place to leave their children while working, looking for employment, cleaning debris from their homes, filing claims with their insurance companies or working with Federal, State and local agencies to address their disaster-related needs.

However, while 3,045 licensed child care centers were eligible, just 10 centers in Louisiana and only one in Mississippi received Federal assistance. There were 1,690 eligible centers in my home state of Mississippi alone. I understand that numerous centers are still going through the appeals process with FEMA and have yet to rebuild and reopen.

I introduced this legislation to amend the Stafford Act to ensure that emergency child care is recognized as a "critical service" in the aftermath of a terrorist attack, major disaster or other emergency.

While provisions of the Stafford Act provide assistance to private nonprofit facilities that provide critical services, emergency child care is not listed as one. Passage of this measure will designate emergency child care as a critical service and let families know that in the time of a disaster, the need for childcare will not be forgotten.

In an effort to rebuild and restore child care operations in my home State of Mississippi, the Mississippi Early Care and Education Infrastructure Initiative was formed by Mississippi State University in partnership with Chevron, Save the Children, and the W.K. Kellogg Foundation.

The goals of the Initiative were to quickly reopen the thousands of child care centers damaged or destroyed by the hurricanes, to retrain staff and upgrade curriculum materials and play equipment, and to prepare for future emergencies.

Further, the U.S. Department of Health and Human Services approved child care waivers for $60 million so that parents were provided with vouchers for 60 days for much-needed child care services while working or looking for work. These waivers lifted Federal requirements for State matching funds and went directly to the States to administer their Child Care and Development Funds. There was a huge bottleneck with this process and numerous centers and parents were unaware of these resources. Further, many parents that received these vouchers were unable to find operational child care facilities.

I applaud the efforts of the Initiative fonned in Mississippi and am thankful that the Department of Health and Human Services responded quickly to the affected states. June 1st marks the beginning of 2007 hurricane season. We must be sure to let families know that the Federal Government is doing its part to ensure that critical services are available in the event of another large-scale disaster or even a major terrorist attack. Enactment of the Emergency Child Care Services Act is the way to do it.

A TRIBUTE TO FRANCIS JOHNSON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to celebrate Francis "Frank" Johnson's accomplished career and influential musical legacy. Born in 1792 in Philadelphia, Johnson was well known as a professional musician by age 20. Overcoming the barriers of racism, Johnson achieved incredible success even in the face of such racial strife, composing over 300 pieces of music. Further, in a time when professional musicians were a rarity in the United States, Johnson established a career with incredible variety and importance that has had an impact on countless modern musicians.

Johnson trained with Richard Wills, the West Point band leader, and quickly mastered many instruments like the keyed bugle. He published his first composition, "A Collection of New Cotillions," in 1818, and soon became one of Philadelphia's premier musicians. Johnson's vast musical accomplishments were noted by author Robert Walsh in 1819, commenting: "In fine, he is the leader of the band at all balls, public and private; sole director of all serenades, acceptable and unacceptable; inventor-general of cotillions; to which add, a remarkable taste in distorting a sentimental, simple, and beautiful song, into a reel, jig or country-dance."

It is an honor to recognize a figure who was able to overcome incredible hardships to create a legacy that has affected countless generations. I ask you and my other distinguished colleagues to join me in commending Francis Johnson for his renowned musical achievements and lasting influence.

CONGRATULATING WILLIAM AND ESTHER DAVIDOWITZ AS THEY ARE HONORED AS "PILLARS OF THE COMMUNITY" IN WILKES-BARRE PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to William and Esther Davidowitz who are being honored as Amudei Tzibur, or Pillars of the Community, by Temple Israel in Wilkes-Barre, Pennsylvania.

Mr. and Mrs. Davidowitz will be formally honored at Temple Israel's annual dinner to be held Wednesday, June 13, 2007.

Mr. and Mrs. Davidowitz are regarded as exemplary role models due to their achievements in both the Jewish community and the greater Wyoming Valley community.

Born in Brooklyn, New York and raised in Hazleton, Pennsylvania, Mr. Davidowitz served in the United States Army during World War II and later attended Penn State University where he graduated with a bachelor's degree in business administration. He joined his family's shoe business in Hazleton and later moved to the Wilkes-Barre area to establish the Penn Footwear Company in Nanticoke.

Mr. Davidowitz is a past chairman of the United Jewish Appeal and he remains active in the Jewish Federation and he is a trustee at the Jewish Community Center in Wilkes-Barre. He has served on the boards of Temple Israel, the Jewish Community Center, Fox Hill Country Club and Penn State University, Lehman Campus.

Mr. and Mrs. Davidowitz were instrumental in the creation and dedication of many community projects including the United Hebrew Institute Art Room, the Davidowitz Lounge at the Jewish Community Center and the building addition to the United Hebrew Institute in 1980.

The Seligman J. Strauss Lodge of B'nai B'rith presented Mr. Davidowitz with its Community Service Award and the trustees of the Luzerne County Community College recognized his efforts as vice chairman of the building authority responsible for the construction of the Nanticoke campus.

Mrs. Davidowitz serves on the board of the Jewish Community Center. She is a past board member of Temple Israel and Wilkes University and has held leadership roles at the Northeast Ethics Institute, Luzerne County Area Agency on Aging, King's College, Ballet Northeast, College Misericordia, Wyoming Seminary, John Heinz Institute, Penn State Lehman Campus, Northeast Pennsylvania Philharmonic, United Hebrew Institute and the Wyoming Valley Jewish Campaign, which she chaired in 1990.

Mrs. Davidowitz is a member of the Klezmer Band, "Freilox and Bagels," where she has played both the harp and the flute. She has served as the non-governmental representative to the United Nations for the National Council of Jewish Women and as a local representative to the United States Holocaust Memorial Council.

Mrs. Davidowitz has received tributes from the Greater Wilkes-Barre Anti-Defamation League of B'nai B'rith, the National Council of Jewish Women, the Jewish Federation of Greater Wilkes-Barre and the Seligman J. Strauss Lodge of B'nai B'rith.

Mr. and Mrs. Davidowitz are the parents of four sons, Jeffrey, Ivan, Steven and Benjamin. They now have nine grandchildren.

Madam Speaker, please join me in congratulating Mr. and Mrs. Davidowitz on this auspicious occasion. Their inexhaustible energy and devotion to family and community is an inspiration for all. Their volunteer service is an extraordinary example of how two people can make a huge difference in the quality of life in America.

HONORING THE 100TH ANNIVERSARY OF UA LOCAL 370 PLUMBERS AND PIPEFITTERS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. KILDEE. Madam Speaker, today I would like to take the opportunity to extend congratulations to the UA Local 370 Plumbers and Pipefitters as they commemorate their 100th anniversary. A celebration will be held on June 7 in Flint Michigan.

Local 370 was chartered on June 4, 1907 with 15 members. As a part of the United Association, Local 370 worked to change the 10-hour workday and the working conditions of its members. Over the years the benefits enjoyed by the membership have changed and grown. Base wages, initiation fees, and window dues have all changed to reflect changing economic times. The pension fund and insurance fund were created by in response to the needs of the membership.

Over the past 100 years Local 370 has been an integral part for worker rights. Chartered 30 years before the famous UAW sitdown strike in 1937, members of Local 370 built the building where the sitdown strike took place. The members have been committed to protecting prevailing wages, working for laws to mandate plumbing licenses for anyone working in the plumbing industry, working with other labor organizations to improve the day-to-day lives of workers everywhere.

Committed to the United Association motto, "We Do It Right the First Time," Local 370 has created a first-class training center for apprentices to develop their skills. The current roster of almost 500 members can earn up to 70 different certifications from United Association. The members strive to be the best trained and most up to date in their professions.

Madam Speaker, I ask the House of Representatives to join me in congratulating Local 370 for their assurance to their craft, their customers, the public and to the American worker. We have all benefited from their desire to work in a safe, conscientious environment.

CONGRESSIONAL COMMISSION ON THE ABOLITION OF MODERN-DAY SLAVERY ACT INTRODUCTION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LEWIS of Georgia. Madam Speaker, I rise today with my colleagues, Representatives CHRIS SMITH, CAROLYN MALONEY, and THELMA DRAKE to introduce a very important piece of legislation, the Congressional Commission on the Abolition of Modern-Day Slavery Act. The United States abolished slavery in the 13th Amendment to the Constitution, however, slavery continues around the world and we must seek ways to end the suffering. This bill will establish a highly qualified and bipartisan commission to make recommendations on what the United States can do to eradicate slavery in all corners of the Earth.

According to the International Labor Organization, more than 12.3 million people are victims of forced labor worldwide. Free the Slaves, a non-governmental organization, estimates that upwards of 27 million people are slaves today. The U.S. Government says that there are more than 14,500 people trafficked into labor or sex exploitation in the United States each year; perhaps hundreds of thousands of Americans are also trafficked for commercial sexual exploitation right here in their own country. Each of these individuals is a modern-day slave.

Modern-day slavery takes many forms, most often different from the images found in our own history. Rather than owning their slaves outright as in years past, the 21st century slaveholders use threats, violence and psychological coercion to keep slaves in dangerous and degrading working conditions with little or no pay. In countries around the world, slaves can be found in many labor-intensive industries, including the agricultural, commercial sex, construction, garment, manufacturing and service industries, as well as in domestic service.

To develop U.S. policy to end this man-made tragedy requires a thoughtful analysis of the factors contributing to slavery, a coordinated strategy among government agencies, and the political commitment of foreign governments to pursue an end to slavery and an end to the impunity of slave holders. The Congressional Commission on the Abolition of Modern-Day Slavery would start this effort by examining best practices to prevent modern-day slavery, examining the effectiveness of U.S. laws prohibiting the importation of goods manufactured or produced through forced labor or child labor, examine U.S. policies and relations with countries that tolerate modern-day slavery, increase education and awareness about modern-day slavery, make recommendations to Congress on actions necessary to combat and eliminate modern-day slavery in all its forms, and more.

It is time to end the exploitation of people around the world. The U.S. Congress has the responsibility to study ways the United States can end modern forms of slavery and this commission will be the first step. There is no place in our world for slavery. Let's work to end it now!

RECOGNIZING DIANNA M.N. LE

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. BORDALLO. Madam Speaker, I rise today to commend Dianna M.N. Le, a young woman from Guam who will serve our Nation as a commissioned officer in the United States Army. She has made her parents, Phat V. Le and Lylan T. Nguyen of Mangilao, Guam, and the people of Guam immensely proud. Dianna attended Wettengel Elementary School and Santa Barbara Middle School in Dededo, and graduated from St. John's College Preparatory School in Tumon, with a performance record that earned her a nomination to the United States Military Academy (USMA) at West Point. Having successfully maintained an outstanding academic record, Dianna M.N. Le will graduate from West Point and will be commissioned as a second lieutenant on May 26, 2007. She will soon begin an important and challenging career as a soldier and leader serving our country with distinction.

Throughout her 4 years at West Point, Cadet Le was recognized for her military skill and athleticism, as well as for her academic achievement. She earned the Recondo badge for military proficiency, the Army Physical Fitness Badge, the Indoor Obstacle Course Badge, and the Master of the Sword Badge. She was elected as team captain of the nationally ranked USMA Women's Army rugby team. She was twice selected as a 2nd Team All-American for her skill as a rugby player. She twice earned recognition on the Dean's list. Additionally, a paper which she co-authored was published in Applied Optics Journal.

As a second lieutenant, Dianna will serve as a Military Police officer. Following graduation, she will attend a 6-week Basic Officer Leadership Course (BOLC) in Fort Benning, Georgia. Upon completion of training at Fort Benning, she will receive additional training at Fort Leonard Wood, Missouri, after which she will report for duty with the 173rd Airborne Brigade in Bamberg, Germany.

In line with the USMA's mission to train military leaders, Dianna Le consistently upheld the Academy's principles, traditions, and values of "Duty, Honor, Country" throughout the course of her education, and has proven that she has become a military leader, ready to take her place in the service of our Nation. The people of Guam are proud of Dianna's achievements and grateful for her service to our country. We commend her for her accomplishments and extend our best wishes to her as she begins her military career.

OPPOSITION TO SENATE IMMIGRATION BILL

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MORAN of Kansas. Madam Speaker, I rise today to speak in opposition to the irresponsible immigration bill being considered in the Senate. As I travel around the big first congressional district in Kansas, the number one issue Kansans want to talk about is immigration. Across my home State and across the Nation, illegal immigration affects all aspects of life in our communities. Schools must deal with educating growing numbers of students who speak little or no English. Hospital emergency rooms grow even more crowded. Law enforcement work overtime to keep neighborhoods safe.

While our immigration process is broken and needs dramatic overhaul, the legislation currently being debated in the Senate is not the answer. The Senate proposal is public policy at its worst. I oppose the Senate legislation. As I have said since this debate began, the first priority must be to restore the integrity of our borders. Without secure borders, the laws dealing with citizenship and worker permits are irrelevant.

In addition to protecting the border, we also need a fair and efficient immigration agency that encourages compliance with our laws so that those who wish to come to the United States legally are able to do so in a timely and appropriate manner.

I am more than willing to work with my colleagues to craft legislation that truly will address this country's immigration issue, but the compromise legislation pending in the Senate only exacerbates the problem.

HONORING EDWARD LEWIS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life and career of Ed Lewis. Today Ed is being honored by the Greater New Haven, Connecticut Chapter of the National Association for the Advancement of Colored People (NAACP) for his many decades of leadership in the fight for civil rights, equality and social justice in our country.

Ed is currently the Vice President of Franchise Relations for the Charlotte Bobcats in the National Basketball Association (NBA). In that role he develops relationships with state and local governments on behalf of that organization, and also ensures diversity in the Bobcats' business partnerships.

Ed brings a wealth of professional experience to his current position, having served as a leader in the cable television industry for many years. Before joining the Bobcats' organization, he was the Vice President of Corporate Affairs for BET (Black Entertainment Television) on Jazz: The Jazz Channel. Ed also served with distinction at Telecommunications, Inc. (TCI); District Cablevision, Inc.; and District Cable Advertising. His service with BET networks goes back to 1993, when he served in roles related to network operations, consumer affairs and marketing. Ed received his B.A. from Howard University, and his M.A. from Occidental College. He was a National Urban Fellow, Ford Foundation Fellow and Associate Administrator for procurement for the U.S. Small Business Administration.

Throughout his career, Ed has been active in professional and community groups, and maintains various leadership roles within those organizations. He is on the Board of Directors at Theater Charlotte; WTVI Public Television; and the Bobby Phills Foundation. Ed serves on the advisory boards of the Mint Museum as well as the Mint Museum of Craft and Design. Furthermore, he is a member of the Charlotte Rotary, as well as 100 Black Men of Charlotte.

I have known Ed for many years and I salute his unwavering commitment to young people. He is an inspirational role model to young African American boys and teenagers, and for that, I am deeply grateful.

Ed's dedication to creating a more just and equitable society has had a positive impact on countless lives within and beyond the African American community. On this very special day, I join the friends, family and colleagues of Ed Lewis in thanking and saluting him for his profound contributions to his community, our country and our world.

A TRIBUTE TO SAN MATEO COUNTY JOBS FOR YOUTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LANTOS. Madam Speaker, I proudly rise today to recognize a remarkable program for young people in my home district in California, the San Mateo County Jobs for Youth program will celebrate a quarter century of success on May 31, 2007.

This nonprofit program, founded and facilitated by my good friend Al Teglia, serves youth ages 14 to 21 regardless of background, socio-economic status, or risk level, at no cost to them or to employers. Youth learn to master job applications, prepare for interviews and create resumes; they then receive job or internship leads to help further their ambitions. Last year, nearly 2,000 young people were served in its five offices located throughout San Mateo County.

Madam Speaker, when so many bemoan the lack of effective programs to address the importance of giving young people a step up the ladder of employment, the Jobs for Youth program facilitates wonderful opportunities through its job development and referral program for youth.

The celebration scheduled for May 31 will focus on several specific examples of success. Gilead Sciences in Foster City will be honored at the event with a special business recognition, and Daly City will be presented the fourth annual Mary Louise Paskevich Award in memory of her 20-year Jobs for Youth participation. Both entities actively support the program by hiring program graduates and helping youth around the county. Bill Somerville of Philanthropic Ventures Foundation will also be acknowledged. He donated the "seed money" to Al Teglia to start up Jobs for Youth, which was initially called Summer Jobs for Youth until 2000, when it became a year-round program.

Madam Speaker, I encourage my colleagues in the House to join me in recognizing the good work and success of San Mateo County Jobs for Youth as they celebrate 25 years of helping young people begin their productive lives of employment.

EXPRESSING CONDOLENCES FOR THE VICTIMS OF THE MINING ACCIDENT IN NOVOKUZNETSK, RUSSIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to express my condolences over the terrible mining accident that took place earlier today near the Russian city of Novokuznetsk in Siberia. According to news reports, as many as 38 people may have been killed and still others injured in a methane gas explosion at the Yubileinaya coal mine. This is a terrible and sad accident

Words alone cannot adequately convey my sympathy over this tragic accident. Coal mining is a difficult and dangerous job often done by the economically disadvantaged and accidents such as these only make that challenging way of life harder. Indeed, we Americans are, unfortunately, no stranger to mining accidents.

Just this morning the Helsinki Commission held a hearing on Russia. Our hearts and prayers go out to all those Russians affected by this tragedy and we hope that those who remain trapped are recovered soon and alive.

TRIBUTE TO SUNEIL IYER, SECOND PLACE WINNER IN NATIONAL GEOGRAPHIC BEE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Suneil Iyer, a seventh grade student at Indian Trail Junior High School in Olathe, Kansas, who recently finished in second place at the 2007 National Geography Bee.

Suneil, who received a $15,000 college scholarship prize award, qualified for the national bee by winning the Kansas National Geographic Bee for the second year in a row.

Like his family, friends and neighbors, I am very proud of Suneil, and welcome this opportunity to share news of his success with my colleagues in the U.S. House of Representatives.

Madam Speaker, I include with this statement two recent articles from the local press regarding Suneil Iyer's success: an article from the Kansas City Star that was published prior to the national bee, and an article from today's Olathe Daily News summarizing the results of that competition.

[From The Kansas City Star, May 18, 2007]

Three-Peat Not on Geography Whiz's Map: Indian Trail Student Placed Fourth in National Geographic Bee Last Year

(By Martha Zirschky)

Suneil Iyer has always loved animals, his mother says. The Indian Trail eighth-grader is intrigued by the wildlife in Antartica and says he'd love to travel there.

A year ago, Suneil Iyer missed a question on the "Somers Islands"—aka Bermuda—at the National Geographic Bee finals in Washington, D.C. and was eliminated.

Many would find consolation in being the youngest finalist and still finishing fourth on the national stage. But not Suneil, now a 12-year-old Indian Trail Junior High seventh-grader who's again qualified for next week's final round.

If he places in the top three and wins scholarships worth $25,000, $15,000 or $10,000, he would be ineligible to return again in 2008. That's his goal.

"I want to win and get it over with," he said.

Suneil qualified for the national bee by winning the Kansas National Geographic Bee for the second-straight year. Next Tuesday, he'll be one of 55 fourth- to eighth-graders who advanced from an original field of 5 million contestants to compete in the national preliminaries. Tuesday's top 10 winners will move on to Wednesday's finals with Alex Trebec, the Jeopardy host, serving as moderator.

Suneil will join geography bee winners from the 50 states, Washington D.C., Puerto Rico, United States Territories and Department of Defense Dependents schools. His trip and that of his seventh-grade social studies teacher, Jill King, are being paid for by National Geographic.

Contestants can miss one question, Suneil said, and still stay in the running. Miss again and you're eliminated. Suneil made it to question 95 last year before his second miss.

The questions are both oral and written, and contestants have 12 seconds to answer, Suneil said. Both physical and cultural geography are fair game.

His goal, of course, is the $25,000 college scholarship. Second or third would be an improvement over last year. The main thing, he says, is to win and not have to return to the pressure mill of a national contest.

Suneil has a large support system of family, friends and school community.

"This is a nice cooperative community," his mother, Lila, said. "It is a great community in which to raise kids.

Suneil's father, Ramakrishnan, is his main tutor, but he's also mentored by Eswar, an older brother. Although Suneil beat his brother last year at the state bee to win the trip to nationals, Eswar remains one of his biggest fans.

At Indian Trail, students even help Suneil by researching geography questions and putting them on cards for Suneil to study.

"The school supports Suneil with its 'Suneil, did you know?' (program)," Assistant Principal Margo Twaddle said.

Twaddle dispels the notion that Suneil is a one-trick pony. He's been the school spelling bee champ, participated in the Science Olympiad, been to math camp and played on a recreational softball team.

His career goals include becoming a pilot or marine biologist, or—not surprisingly—a geographer. He won his first geography bee when he was in fourth grade and began drawing animals at age three.

"As a little guy, he was always interested in animals, real or fictional," his mother said.

Suneil's father travels extensively and occasionally the family accompanies him, as they did on a "trip of a lifetime" to the Galapagos Islands. The best part, Suneil said, was the islands' animal inhabitants, such as the iguana and giant tortoise.

On Suneil's dream itinerary? Egypt for the antiquities, he says, and Antarctica for the wildlife.

But first, there's a trip to Washington D.C.

[From the Olathe News, May 24, 2007]

Olathe Boy Places Second in National Geography Bee

(By Arley Hoskin)

Olathe residents do not have to travel far to find a geography whiz.

Indian Trail Junior High School seventh-grader Suneil Iyer demonstrated his talent Wednesday with a second-place finish at the 2007 National Geography Bee.

"We are so proud of him," said Suneil's mother, Linda Iyer. Suneil traveled to Washington, D.C., with his parents, Linda and Ram Iyer, and his ninth-grade brother, Eswar, on Monday. The preliminary rounds started Tuesday.

The top 10 students competed in the final round Wednesday. Suneil competed in the bee for the first time last year when he placed fourth. He said he wanted to do better this year and is happy with second place.

"I wanted to get first, but I still thought second was pretty good," Suneil said.

Suneil received a $15,000 college scholarship for his finish.

Suneil stumbled when judges asked him to name "a city that is divided by a river of the same name that was the imperial capital of Vietnam for more than a century."

"I just guessed," Suneil said.

Suneil did not guess the correct answer: Hue.

Caitlin Snaring, a 14-year-old home school student from Washington, placed first and received a $25,000 college scholarship. Third place, and a $10,000 college scholarship, went to Mark Arildsen, a 13-year-old Tennessee student. Linda Iyer said Suneil gained more than geographical knowledge and college money during the competition.

"The connections with the kids that he's made have been really wonderful," she said. "The kids here are all just really interested in this geography thing. They were just having a ball here." After Tuesday's rounds, the students gathered for a barbecue and games. Suneil said he enjoyed the recreational activities the bee planned for the students.

"They were fun," he said.

Ram Iyer said he thinks Suneil continues to show his peers in Olathe that geography is fun.

"His school was very excited that he was going," Ram Iyer said. "This has made a lot of other students think about if they want to try the geography bee."

Students age 10 to 14 can compete in the national bee, but this will be 12-year-old Suneil's last year. Students who place first, second or third cannot compete again.

IN HONOR OF CORPORAL RYAN A. BISHOP, UNITED STATES ARMY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a brave and dedicated hero of the State of Texas and of our Nation.

Corporal Ryan A. Bishop was a United States Army soldier and a true American hero who gallantly and selflessly gave his life for his country on April 14, 2007 during combat operations in Baghdad, Iraq.

Assigned to the tenth mountain division, Ryan enlisted during time of war, which speaks volumes about his character and patriotism.

Moreover, he was a leader and mentor to younger soldiers and his posthumous promotion to Corporal exemplifies this spirit.

Corporal Bishop is survived by his wife, Melanie and his father, Charles Bishop both of Tyler, Texas.

Our thoughts and prayers are with them and all of Ryan's family and friends.

Our community and Nation honor Corporal Bishop's memory and we are grateful for his faithful and distinguished service to America.

Corporal Bishop will not be forgotten. His memory lives on through his family and the legacy of selfless service that he so bravely imprinted on our hearts.

INTRODUCTION OF H. RES. 444

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. FILNER. Madam Speaker, I rise today to introduce a resolution (H. Res. 444) supporting the goals and ideals of National Aviation Maintenance Technician Day.

This resolution is intended to honor the invaluable contributions of Charles Edward Taylor, the father of aviation maintenance, and to recognize the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft.

As you may know, Charles Edward Taylor, who built and maintained the engine that was used to power the Wright brothers' first controlled flying machine, was born on May 24, 1868.

Forty-five U.S. States have already declared May 24 to be Aviation Maintenance Technician Day within their jurisdictions. My resolution is intended to support these efforts, and honor aviation maintenance technicians, including Charles Edward Taylor.

CONGRATULATING GULF SHORES HIGH SCHOOL'S LADY DOLPHINS SOFTBALL TEAM ON WINNING STATE CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to congratulate the Gulf Shores High School softball team, the Lady Dolphins, on winning the Class 5A softball championship.

The Gulf Shores High School softball team has reached the state playoffs for the past six years, coming in second in 2004 and 2006; however, this is their first state championship title.

The Lady Dolphins, led by Coach Karen Collins, won four tight games over two days of tournament play before scoring a dramatic one run victory in the bottom of the seventh inning to win the state championship.

Madam Speaker, I ask my colleagues to join me in congratulating the Gulf Shores softball team on a great season and winning the state championship. This team deserves to be recognized for this great accomplishment, and I extend my congratulations to each member of the team and coaching staff.

GULF SHORES HIGH SCHOOL SOFTBALL ROSTER

Jennifer Adams, Whitney Bizjack, Brittany Carroll, LaDaire French, Haley Haynie, Haley Hopkins, Stephanie Ivie, Yvette Jones, Aimee Livingston, Carolyn Manolakis, Tabitha Reno, Stefani Reynolds, Elizabeth Safiran, Stephanie Stuckey, Lisa Ybarra, Head Coach—Karen Collins, and Assistant Coach—Michael Jones.

PAYING TRIBUTE TO STAFF SERGEANT COBY G. SCHWAB

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of SSG Coby G. Schwab, a true American hero, who died on Thursday, May 3, 2007 of injuries sustained in support of Operation Iraqi Freedom.

Staff Sergeant Schwab died of injuries sustained when an improvised explosive device detonated near his vehicle in Ar Ramadi, Iraq. He was assigned to the 321st Engineer Battalion, United States Army Reserve stationed out of Hayden Lake, Idaho.

Staff Sergeant Schwab was a hero whose desire to serve his country will forever make an impact on his family, his community and his country. He joined the United States Army to serve his country in the Global War on Terror. He will not only be remembered for his sacrifice and willing service, but for the extraordinary person that he was. His warmth and optimism brightened the lives of his family and friends.

Madam Speaker, I am proud to honor the life SSG Coby G. Schwab. He acted heroically and made the ultimate sacrifice for his country while fighting the War on Global Terror defending democracy and freedom.

A TRIBUTE TO CENTRAL HIGH SCHOOL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to celebrate the outstanding achievements of the students of the social science classes of Central High School's 266th graduating class. Under the leadership of teachers William Graham, Michael Horwits, Stanford Levy, Joseph Putro, Reginald Speir, and president Dr. Sheldon Pavel, the students' extensive research and dedication to political education deserves great recognition.

As members of the social science class, students gained an understanding of the local political process through the in-depth study of Philadelphia's 2007 mayoral race. Their hard work and dedication culminated in the Power of Student Voices Mayoral Forum, which was entirely student run and moderated. Attended by the major mayoral candidates, the forum provided the students with an opportunity to raise their concerns and speak directly to the candidates themselves. The hard work necessary for the event's success further exemplifies the students' commitment to excellence.

It is an honor to recognize a group of students who show such great dedication to the political process. The commitment and outstanding initiative of the students is to be praised, and their excellence deserves great credit. I ask you and my other distinguished colleagues to join me in commending the students of the social science classes of Central High School for their exemplary contribution to the Commonwealth.

CONGRATULATING MONSIGNOR JOHN J. BENDIK AS HE CELEBRATES THE 40TH ANNIVERSARY OF HIS PRIESTHOOD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Monsignor John J. Bendik, pastor of the parish community of St. Casimir, St. John the Baptist, St. John the Evangelist and St. Joseph in Pittston, Luzerne County, Pennsylvania, who is celebrating his 40th anniversary in the priesthood.

Over the years, Monsignor Bendik has distinguished himself as a priestly shepherd to his many parishioners, and most especially, as a staunch advocate of education at all levels.

A son of the late John and Helen Sterbinsky Bendik, Monsignor Bendik was born in Wilkes-Barre and graduated from St. Meinrad Seminary in Indiana before his ordination on May 27, 1967 by Most. Rev. J. Carroll McCormick, then bishop of the Scranton Diocese.

Monsignor Bendik served parishes in East Stroudsburg, Stroudsburg, Delaware Water Gap and Bushkill. He taught at Notre Dame High School and ministered to the students at East Stroudsburg University. Later, he served as chaplain to students at College Misericordia in Dallas, Pa.

During his long campus ministry, he served in many local, State and national leadership roles. He was the first president of the Pennsylvania Campus Ministry Association and was a founding member of the National Association of Diocesan Directors of Campus Ministry and the National Catholic Student Coalition. He served as team member for the Frank J. Lewis Campus Ministry Training School and also was a member of the Northeast Regional Ministry in Higher Education and the Associates for Religion and the Intellectual Life.

Prior to his current assignment, Monsignor Bendik also served at Our Lady of Snows in Clarks Summit, St. Benedict in Newton Township and St. Mary of Czestochowa in the Greenwood section of Scranton.

Monsignor Bendik serves on the Board of Trustees at College Misericordia, the Board of Regents of the University of Scranton and the Board of Trustees at St. Meinrad School of Theology. He has also served as a member of the Board of Pastors of Seton Catholic High School and the Greater Pittston Ministerium.

Monsignor Bendik also serves in many capacities on the diocesan level including the post of Dean of priests for northern Luzerne County.

Madam Speaker, please join me in congratulating Monsignor Bendik on his 40th anniversary as a Catholic priest. His selfless service and wise counsel to his many parishioners and students will be forever remembered and respected. Monsignor Bendik has truly enriched the lives of so many as he has labored to improve the quality of life throughout his community.

HONORING THE 40TH ANNIVERSARY OF THE FLINT COMMUNITY SCHOOLS' CITYWIDE TITLE I PARENT ADVISORY COUNCIL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. KILDEE. Madam Speaker, today I would like to recognize the 40th anniversary of the Flint Community Schools' Citywide Title I Parent Advisory Council. The council will hold a celebration on June 5 in my hometown of Flint, Michigan, in honor of this event.

Dr. Edward Hansberry founded the Citywide Title I Parent Advisory Council in 1967. The advisory council was born from the idea that parents should be honored for the work they do on behalf of their children. It has grown into a vehicle to teach parents and give them a voice in the education of their children. The advisory council allows for the parents to have positive interaction with teachers and social workers. This builds bonds between parents and administrators and gives parents a mechanism to provide feedback on the programs.

David Solis, director of State, Federal and local programs for the Flint Community Schools will host the celebration. Named the

"40th Parent of the Year Celebration—A Journey of Joy, Challenge and Change" this celebration will highlight the dedication and success of the students, parents and educators benefiting from title 1.

Madam Speaker, I ask the House of Representatives to join me in congratulating the Citywide Title I Parent Advisory Council for 40 years of successfully involving parents in the title I program.

GRAND OPENING OF THE NEW WORLD OF COCA-COLA

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LEWIS of Georgia. Madam Speaker, today I would like to recognize an important event for the city of Atlanta—the upcoming grand opening of the New World of Coca-Cola adjacent to Centennial Olympic Park in Atlanta, Georgia.

Seventeen years ago in 1990, the World of Coca-Cola opened its doors to the public and has since delighted over 13 million visitors at its Underground Atlanta location. This new and expanded facility opening May 24 is twice the size of the current World of Coca-Cola. It will be a much more interactive and dynamic version of its predecessor.

The New World of Coca-Cola will house exhibits that draw upon Coca-Cola's history and timeless values of optimism and refreshment. It is a physical manifestation of the company's vision and values and commitment to the city of Atlanta. It will introduce visitors to the Coca-Cola Company of the 21st century: a company that is committed to offering people more than 400 ways to be refreshed and to having a meaningful impact in the communities in which it operates.

I would like to congratulate the Coca-Cola Company on a premier destination for Georgia residents and visitors from around the world.

RECOGNIZING JONATHAN THOMAS AGUON DUENAS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. BORDALLO. Madam Speaker, I rise today to congratulate and commend Midshipman Jonathan Thomas Aguon Duenas who will graduate from the United States Naval Academy with a bachelor of science in history and who will be commissioned as an Ensign in the United States Navy on May 25, 2007.

Jonathan is a graduate of Father Duenas Memorial School on Guam, where he acquired outstanding leadership qualities and a desire to strive for excellence. Jonathan credits two other Chamorro Naval Academy graduates for inspiring his decision to become an Academy-trained naval officer: Retired Navy Captain and former Guam Senator Eulogio "Eloy" Bermudes, was the first Chamorro graduate of the Naval Academy in 1970, and Captain Peter A. Gumataotao, who graduated the Academy in 1981, and who was the first Chamorro selected as commanding officer of a Navy warship, the U.S.S. *Decatur,* which made a port visit to Guam during his command. Captain Gumataotao also is a product of Father Duenas Memorial School, having graduated from the school in 1976. Jonathan's brothers who are currently serving in the Air National Guard also are a source of inspiration.

Jonathan entered the United States Naval Academy as a plebe in 2003 and worked hard to become a naval officer. He was one of only 36 midshipmen selected to attend the prestigious Nuclear Surface Warfare Officer Program. Jonathan will report aboard the destroyer, U.S.S. *Curtis Wilbur,* home-ported in Yokosuka, Japan. Upon completion of his first tour, he will report to Nuclear Power School in South Carolina.

Jonathan was raised on Guam, the youngest of eight children born to Ricardo Camacho Duenas and the late Ruth Aguon Duenas of Tamuning. He was steeped in his Chamorro culture and a strong sense of responsibility, volunteering his time and effort in support of Habitat for Humanity projects in the greater Washington, DC area.

Today we share the pride of the Duenas family and the people of Guam in Ensign Jonathan Duenas' achievements. As evidenced by his performance in school, Jonathan promises to truly become the naval officer as honorable as those who inspired him and those who preceded him.

THANKING KANSAS BUREAU OF INVESTIGATION DIRECTOR LARRY WELCH

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MORAN of Kansas. Madam Speaker, Kansas was once known for being part of the Wild West. Widespread lawlessness allowed for cattle rustlers and wild cowboys in towns like Abilene and Dodge City. Our great state also has a history of lawmen known for settling issues with a personalized style of law enforcement. Sheriffs Wyatt Earp and Wild Bill Hickok faced threats from individuals bent on destroying a peaceful way of life. The retiring Director of the Kansas Bureau of Investigation is part of this storied tradition of making Kansas a state where families can pursue a way of life envied by others. Today, Madam Speaker, I rise to honor Larry Welch's service as a leader and innovator in law enforcement.

Director Welch and I share a similar academic background. We both received a bachelor's degree and a law degree from the University of Kansas. Director Welch though, went on to serve his country in a noble profession. Where did I go wrong, becoming a lawyer then a banker and then a politician? In 1961, he was appointed as a special agent with the Federal Bureau of Investigation. For 25 years, his tireless commitment to justice led him around the country. Before returning to Kansas, he served in FBI assignments in Knoxville, Tennessee; Washington, DC; Miami, Florida; West Palm Beach, Florida; San Juan, Puerto Rico; San Antonio, Texas; and McAllen, Texas.

During his lengthy service with the FBI, Director Welch was charged with supervising all FBI operations in Kansas. After his time with the FBI, he began work as associate director at the Kansas Law Enforcement Training Center. While at the training center he was promoted to Director and provided leadership in this position for nearly 5 years before he accepted the appointment by Attorney General Robert Stephan as director of the KBI. He was reappointed KBI director by Attorney General Carla Stovall in 1995 and by Attorney General Phill Kline in 2003.

Director Welch has been a strong advocate in the fight against methamphetamine and its devastating impact on communities across Kansas. He recognized the significant harm and damage this poison inflicts on families and has made combating the manufacture and use of meth a priority of the KBI under his administration. Seizures of meth labs have drastically decreased in our state during the past several years. This can only be attributed to the effectiveness of law enforcement in Kansas making the production of meth an extremely risky business. The humble and relentless man that Director Welch is, could be seen when he quickly responded to compliments of the KBI's many lab seizures by explaining that meth is still coming in from foreign sources and that there was still much work to be done to protect Kansans from this destructive drug.

I would be remiss if I did not include in a tribute to this man, any mention of the care he has shown to the law enforcement community in Kansas. His compassion is well known throughout the state. He is consistently the first to express sympathies, in person, to families who have lost a loved one in the line of duty. Many in this field of work, whether in the city police, sheriff's department, or Highway Patrol, consider Larry Welch a friend and an advisor.

Director Welch has given back to his state and country for 46 years with much of his career dedicated to making Kansas a safe and desirable place to live and visit. In the many important roles he filled in his life, he served out of a sense of duty. I join Larry Welch's many friends and admirers in thanking a great man for great service.

HONORING OAKLAND COMMUNITY ORGANIZATIONS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. LEE. Madam Speaker, I rise today to honor Oakland Community Organizations (OCO), a faith-based community organizing network in Oakland, California. Today, OCO celebrates 30 years of advocacy and invaluable service to the community.

In 1972, OCO was established as an organizing project of Fathers John Baumann, S.J.

and Jerry Helfrich S.J., the founders of the Pacific Institute for Community Organization (PICO) network. PICO is a national network with faith-based organizations at work in over 45 cities in 12 states across the United States, pursuing initiatives in areas such as healthcare access, education reform and affordable housing.

From 1972–1977, Baumann and Helfrich focused on building neighborhood organizations in West Oakland, San Antonio, Fruitvale, Central East Oakland from 50th to 80th Streets, and Elmhurst area. Neighborhood after neighborhood worked on issues like junkyards, stray dogs, prostitution, zoning, crime and vacant housing. On May 14, 1977 over 1,000 people gathered at Merritt College to officially give birth to OCO, articulating the faith values that today are the foundation of OCO's organizing principles.

For the next 8 years, OCO operated successfully as a neighborhood based organization, bringing people together around local and citywide issues. During this period, OCO achieved major victories in areas such as affordable housing, local hiring, and I the rehabilitation of once-vacant houses.

In 1985, with the support of PICO, OCO began the transition from a neighborhood-organizing model to a congregation community-based model. Using this method, OCO developed strong local organizations in seven congregations. During the 1980's OCO received national accolades in many areas, but in particular for its groundbreaking work in partnership with the City of Oakland to combat drug use.

In the 1990s, OCO leaders turned their attention on the root causes of poverty in Oakland and focused on developing sustainable solutions for complex problems. During that time, OCO organized thousands of people for major citywide action that resulted in the creation of Aviation High School, a pilot school-to-work transition program; the Hope Campaign, which created smaller kindergarten class sizes; and the opening of a grocery store in West Oakland.

OCO has continued this proud tradition of advocacy and innovation through the present day. Over the past several years, OCO has again charted new territory in several areas through initiatives such as the Restructuring of two Oakland High Schools, Castlemont High School and Fremont High School, into separate but interconnected schools within their respective schools. Furthermore, OCO continues its extraordinary advocacy work in the areas of healthcare access, immigrants' rights and affordable housing.

On May 11, 2007, OCO will celebrate its 30th anniversary in Oakland, California. I would like to mark this occasion by commending the organization for the exceptional service it has provided to the community not only in its capacity as an institution of faith and worship, but also as a leader in working to provide services and advocacy to the people of Oakland. By remaining committed to the areas of leadership and service throughout its 30 years of community organizing and action, OCO has contributed enormously not only to the Oakland community, but also to our State, our country and our world.

SAN MATEO COUNTY AND SAN FRANCISCO COUNTY DISTINGUISHED SCHOOLS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LANTOS. Madam Speaker, I rise today to proudly praise the educational system within my home state of California and, in particular, the schools in my congressional district. In the face of what seems constant criticism of our school systems, there are actually many, many instances of excellence.

California's State Superintendent of Education Jack O'Connell recently announced a remarkable list of 76 middle schools and 95 high schools that will be designated as California Distinguished Schools through 2011. San Mateo County Board of Education Superintendent Jean Holbrook said that San Mateo County, much of which is within California's 12th congressional district, is the 16th largest county in the state yet ranks fourth in receiving distinguished school awards. I agree completely with her that this "says something about the great job that the educators of San Mateo County are doing."

Nine San Mateo County middle and high schools were among the California schools selected as 2007 Distinguished Schools. This annual award recognizes these schools as among the state's most exemplary public schools.

Madam Speaker, I am extremely proud of the work done by the educators in California. The nine distinguished schools from San Mateo County include Ralston Middle School in Belmont, Crocker-Middle School in Hillsborough, La Entrada Middle School in Menlo Park, Corte Madera Elementary School in Portola Valley, Aragon High School in San Mateo, Carlmont High School in Belmont, Menlo-Atherton High School in Atherton and Sequoia High School in Redwood City.

I would like to add praise for two schools in San Francisco, also partly within my home district. Gateway High School and KIPP San Francisco Bay Academy Middle School were likewise selected as Distinguished Schools for 2007.

To be designated a Distinguished School requires a comprehensive review and evaluation. Of California's 2,400 middle and high schools, approximately 478 schools were eligible for consideration. Ultimately, 279 schools submitted the formal application for consideration. And finally, 76 schools were selected for the list.

Madam Speaker, it is my great pleasure to share with my colleagues this information and ask them to join me in recognizing the success of these fine California schools.

TRIBUTE TO JENNIFER KNOPKE, KANSAS OUTSTANDING JUNIOR MEMBER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to recognize an outstanding young community leader from my congressional district, Jennifer Knopke, who was named Kansas Outstanding Junior Member of the Daughters of the American Revolution, and will be so recognized at the DAR's August convention.

Jennifer is a dedicated teacher of at-risk students in the Shawnee Mission School District, and is an active volunteer in American Cancer Society Relay for Life, as well as her DAR volunteer activities.

To be considered for this award, young women must be between 18 and 35, and must be active in furthering the ideals of "God, Home, and Country" of the Daughters of the American Revolution, as well as other community service activities. State winners will compete in the national contest. I know Jennifer will represent the Kansas DAR well.

The Outstanding Junior Member Contest began in 1963 to honor young women active in their chapter and community activities, and to encourage young members to become involved in DAR activities and programs.

Outstanding young leaders like Jennifer are the backbone of every community. Madam Speaker, it is my pleasure to recognize Jennifer for this well-deserved award.

HONORING THE SCHOOL DISTRICT OF PALM BEACH COUNTY, FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today in praise of the School District of Palm Beach County, Florida, home to three high schools ranked among the best in the nation by Newsweek magazine. Superintendent of Schools, Dr. Arthur Johnson, is doing an outstanding job, for which we are all very grateful. The School District of Palm Beach County currently includes 166 public schools and over 170,000 students. The efficient operation of so many institutions of learning is a considerable undertaking, and Dr. Johnson, his administrators and the faculties of the various schools deserve great praise for their hard work and huge success.

I want to offer particular praise for Suncoast High School, rated fifth best high school in America by Newsweek and Dreyfoos School of the Arts, also in the top 20, both of which are in my district. Suncoast, an international studies magnet school, has been recognized before for the high quality of its programs. Additionally, at least five Suncoast teachers have been singled out for excellence, and both schools have seen many awards go to their students.

On this occasion, I also want to recognize Jessica Su, a junior at Suncoast High School, one of 81 students in America to receive the 2006–07 Siemens Award for Advanced Placement. This prestigious distinction is given to students who demonstrate the highest proficiency in mathematics and science. Ms. Su is one of only seven juniors to win this award. A brilliant young lady, her remarkable accomplishment can be credited in part to the education she is getting at Suncoast.

I am delighted to be able to stand here today praising these fine accomplishments, and it is with great pride that I congratulate both schools, their administrators, faculty and students and Dr. Johnson for the fine work they are all doing.

IN HONOR OF SPECIALIST LANCE C. SPRINGER, U.S. ARMY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. GRANGER. Mr. Speaker, I Rise today to honor the courage of a brave and dedicated hero of the Fort Worth community and of our Nation.

Specialist Lance C. Springer II was a United States Army soldier and a true american hero who gallantly and selflessly gave his life for his country on March 23, 2007, during combat operations in Baghdad, Iraq.

Lance—or Craig as his family and friends called him, enlisted during time of war, which speaks volumes about his character and patriotism.

Assigned to the 25th Infantry Division, Craig's service as a field medic, placing the well-being of others ahead of his own, exemplifies the type of selfless and caring man that he was.

Our thoughts and prayers are with Craig's parents and all of his family and friends.

Our community and Nation honor Specialist Springer's memory and we are grateful for his faithful and distinguished service to America.

Specialist Craig Springer will not be forgotten. His memory lives on through his family and the legacy of selfless service that he so bravely imprinted on our hearts.

INTRODUCTION OF "THE SAFETY, EFFICIENCY AND ACCOUNTABILITY ON TRANSPORTATION PROJECTS THROUGH PUBLIC INSPECTION ACT OF 2007"

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. FILNER. Madam Speaker, I rise today to introduce the Safety, Efficiency and Accountability in Transportation Projects through Public Inspection Act of 2007 (H.R. 2485).

This bill would require public employees to perform the inspection and related essential public functions on all state and local transportation projects. My bill is intended to ensure that public safety is protected, transportation funds are not wasted and projects are delivered in a timely manner.

On transportation projects, the construction inspector is the eyes, ears and voice of the public. Inspectors ensure that construction and seismic standards are met, that projects meet safety requirements and that the materials used will stand the test of time. In short, inspectors are there to ensure that the motoring public gets what they pay for and public safety and the public interest are protected.

When the construction inspection function is outsourced to a private company, there is no longer a representative of the public on the job site. In this circumstance, one private company is charged with the task of inspecting the work of another private company. This creates multiple conflicts for the private inspector. First, the private inspectors' primary obligation and responsibility is not to the public, but to the success and profitability of his company. Because the private construction company whose work they are inspecting on one project may be a business partner on a future project, private inspectors may also feel pressure from the private contractor to take steps that ensure larger profits for both firms. I am concerned that these conflicts have led private inspectors to cut corners and overlook problems that threaten public safety, increase costs and delay projects.

There are many examples in which public safety has been threatened by the use of private inspectors, including Boston's "Big Dig" (where a concrete slab from a tunnel ceiling fell and killed a woman), the L.A. Redline subway (Hollywood Blvd. collapsed), the 8–805 Interchange in San Diego (10,000 defective welds on a seismic retrofit), the Connecticut I–84 project (hundreds of drains that lead nowhere).

Contracting out public inspection work also does not save money. Defective work requires extensive repairs, and inevitably, the taxpayer gets stuck with the bill. Comparative studies have also found that contracting-out engineering, design, and inspection costs more than to do this work in-house, and none of these studies found that consultant engineers were less expensive. Factors that contribute to consultants' excessive costs include the lack of competitive bidding, cost-plus provisions in contracts, salary differentials between the private and public sectors, profit margins of from 10 percent to 15 percent, and additional costs connected with selecting and supervising consultants.

Failure to have public construction inspectors has also delayed projects in the past and will undoubtedly do so in the future. One such example is the privately inspected $12 million carpool bridge connecting the San Diego (405) and the Costa Mesa (55) Freeways. The project was to have been completed in April 2003. However, work was halted in August 2002 when chunks of concrete were falling from the structure and many cracks were noticed. Contractor and private inspector errors were later discovered and the carpool ramp did not open until January 2005.

The public and the Federal Government understand what's at stake. In a 2006 California public opinion poll, 71 percent of those surveyed said they want State engineers to inspect the construction of State highways; only 20 percent found private firms acceptable for the task. David M. Walker, the Comptroller General of the United States, said in a recent interview: "There's something civil servants have that the private sector doesn't, and that is the duty of loyalty to the greater good—the duty of loyalty to the collective best interest of all rather than the interest of a few. Companies have duties of loyalty to their shareholders, not to the country."

HONORING THE TOWN OF SARALAND, ALABAMA, ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BONNER. Madam Speaker, today I rise to honor the town of Saraland, Alabama, on the occasion of the 50th anniversary of its founding.

Saraland was founded in 1957. Don Diago Alvarez first acquired the land through a Spanish land grant. His descendants later named the community Alvarez Station. In the 1800s, land squatters relocated to the area and began purchasing property. The Cleveland family moved to the area and renamed the town Cleveland Station. However, the name by which we now know this historic town was given by the retired minister, C.J. Dewitt, who reportedly named it after his beloved wife, Sara.

The industrial and population boom in neighboring Mobile brought the northward expansion into Saraland during the 1940s and 50s. When Saraland was incorporated in 1957, it had a reported 125 residents. The 1960s U.S. Census reported a growing town at nearly 5,000. By 1980, that number had risen to nearly 10,000, and today, Saraland is home to over 12,000 residents with the promise of continued growth.

Many prominent businesses have a presence in Saraland including Marshall Biscuits, Mitchell Container, G. A. West & Co., and J&J Furniture. Saraland is also home to the University of Mobile. Set in the woods, the university's 1,500 students distinguish themselves through academics and a strong religious tradition.

Madam Speaker, the residents of Saraland, Alabama, have firmly rooted themselves in their proud history, but they also keep an optimistic and careful eye on the road ahead. The vision shown by their leaders over the past 50 years has led to the creation of a stable community, one of the anchors for all of Mobile County. I have no doubt that the consistent leadership and inspired vision of today's residents will lead to even greater successes in the coming years.

It is my hope the town of Saraland continues its story of success for another 50 years, and it is my distinct pleasure to represent this fine community in the United States House of Representatives.

PAYING TRIBUTE TO CITY OF YERINGTON CENTENNIAL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the City of Yerington Centennial Celebration.

Yerington is truly a unique city that is rich in history. Situated along the banks of the Walker River, the green fields and tree lined highways of Mason Valley are surrounded by picturesque mountains full of history such as ghost towns and mining camps. On March 14, 1907, Governor John Sparks signed into law a bill that incorporated Yerington as a city. The origins of Yerington can be traced back to the 1850s when N.H.A. "Hock" Mason settled in the valley that now bears his name and in 1871, the Mason Valley Post Office was established in the town near the Walker River.

The town was referred to by many as "Pizen Switch," which folklore traces to the inferior grade of whiskey sold in a local saloon that was constructed of willow branches, and in 1879, the town was rechristened "Greenfield." In 1880, Henry Marvin Yerington, the General Superintendent of the Virginia and Truckee Railroad, founded the Carson and Colorado Railroad that soon extended through Dayton, Fort Churchill, Wabuska in Northern Mason Valley. By 1894, the residents officially changed the names of the town and its post office to Yerington, in an unsuccessful effort to flatter Henry Yerington so that he would extend his rail line south through the town named after him. In 1911, the county seat of Lyon County was moved from Dayton to the thriving and growing City of Yerington.

Madam Speaker, I am proud to honor the Centennial Celebrations of the City of Yerington. The City of Yerington truly has a colorful and rich history that deserves recognition and I commend the efforts of Mayor Douglas Homestead, and City Council members Bill Vicencio, Rita Evasovic, Richard Faber and George Dini in facilitating this Centennial Celebration.

HONORING AHMET ERTEGUN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise to pay tribute to a man who, without exaggeration, was called "the greatest record man of all time" and who with great character and spirit made indelible contributions to the worldwide promotion of African-American music and American popular culture while also standing for racial equality and social justice.

Unfortunately, we lost Ahmet Ertegun, the founder of Atlantic Records and the Rock and Roll Hall of Fame, in 2006. His legacy will live on in the music he promoted, and the legendary careers—from Ray Charles to the Rolling Stones—he helped create and develop over 60 years.

PBS recently ran a documentary titled "Atlantic Records: The House that Ahmet Built." This 2-hour sensation chronicled the life of Ertegun from his birth in 1923 through his childhood, career, and success. We witnessed America change through his eyes, and the emergence of African-American music into popular culture with his guidance.

I urge all Members of Congress to watch this documentary if they have not had the opportunity to do so. The son of the first Ambassador of the Republic of Turkey to the United States, Ertegun, through music and entertainment, was instrumental in breaking down the racial barriers that so divided our country during the years of Jim Crow laws and segregation. In the 1940s at a time when Washington was segregated, he frequented African-American nightclubs and realized that "all popular music stems from black music, be it jazz or rock n' roll or rap." Ertegun is often credited for coining the phrase, "jazz is America's music."

At every turn, Ertegun and his brother, Nesuhi, challenged the prevailing racial bigotry, stereotypes and discrimination. Despite being initially denied by the National Press Club and the segregation policies of the day, they organized the first integrated jazz concert before a white and black audience in Washington, DC at the Jewish Community Center in the 1940s. They even brought hostility to themselves in hosting the now famous integrated jazz sessions at their home of the Turkish embassy residence, again, challenging the practice of segregation. While not directly following in his father's footsteps with a diplomatic career, he practiced a true diplomacy in bringing people together.

Ertegun's love of American black music led him to found Atlantic Records in 1947. For nearly five decades, Ertegun wrote and produced music, defined careers and changed the lives of household names such as Ruth Brown, Big Joe Turner, Aretha Franklin, Roberta Flack, and others and brought African American music and soul into the American mainstream.

It was a young Turk who prominently recognized, promoted and honored the contributions of black America in the entertainment and recording industries. In a February 2005 interview in Slate Magazine, Ertegun was asked what he considered to be his legacy. His answer: "I'd be happy if people said that I did a little bit to raise the dignity and recognition of the greatness of African-American music."

Ertegun also became a trustee of several charitable organizations, including the Rhythm & Blues Foundation, which sought to ensure that singers and artists received their share of royalties that they had for so long been denied. As mentioned earlier, he was a contributing founder of the Rock and Roll Hall of Fame and Museum, whose main exhibition hall now bears his name.

Ahmet Ertegun's leadership is reflected in the inspirational careers of other Turkish Americans who continue the legacy of contributing to what makes America great. I hope that my colleagues, this great institution and the American people will join me in paying tribute to the life and accomplishments of a great American icon and a proud and talented Turk.

TRIBUTE TO KEIL HILEMAN, THE D.A.R.'S OUTSTANDING TEACHER OF AMERICAN HISTORY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Keil Hileman of DeSoto, KS, who in April was awarded the national Daughters of the American Revolution [DAR] Outstanding Teacher of American History award. This award honors notable, full-time teachers of American history and related fields, such as social studies, government, and citizenship education. The teacher must have the ability to foster the spirit of American patriotism and loyal support of the United States and constitutional government and demonstrate the ability to relate the subject to modern life and events.

Sponsored by the Prairie Rose Chapter of the DAR, which is located in Overland Park, KS, in the Third Congressional District, Mr. Hileman was top winner in the state of Kansas and then selected for the national tribute from state winners from across the Nation and overseas. On June 30, 2007, Mr. Hileman will receive his award at DAR Continental Congress in Washington, D.C.'s Constitution Hall.

Mr. Hileman, who teaches at Monticello Trails Middle School in Shawnee, Kansas, says his passion is to make history a part of the students' quality world. His success centers on his "classroom museum," filled with a potpourri of 20,000 artifacts he uses to teach events in American history. He began his museum by bringing heirlooms from his own collection to his class, and it has grown to thousands of items from contributions by families of students and community members. The historical artifacts, ranging from the ordinary but old to the extraordinary and rare, are all available for close examination by the students.

Among his many honors, Mr. Hileman was: the 2004 Kansas Teacher of the Year; the first Kansan to win the Horace Mann-National Education Association Foundation Award for Teaching Excellence, in 2004; and was one of four finalists for The National Teacher of the Year award. He has taught at the middle school level for 14 years in the DeSoto Unified School District, where his courseload includes an elective class using his artifacts collection called "Museum Connections." Additionally, he teaches a hands-on archaeology course at Johnson County Community College, a classroom museum course for teachers at MidAmerica Nazarene University and a graduate/undergraduate, artifact-supported history class at the University of Missouri-Kansas City.

Keil Hileman's classroom credo is: "explore your world, empower yourself and those around you, excel in everything you do!" I am proud to represent this outstanding educator and caring individual in the United States Congress. I join with the Prairie Rose Chapter of the Daughters of the American Revolution in commending Mr. Hileman for this truly well-deserved honor and I hope that his dedication to educating young people serves as an inspiration for others to enter the teaching profession.

MEMORIAL DAY TRIBUTE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LANTOS. Madam Speaker, I rise today to pay tribute to the men and women of the Armed Forces who have fallen in the line of duty, protecting our country and serving this nation honorably. On Monday, I will have the high honor of speaking at Golden Gate National Cemetery where I will look out across the many rows of snow white headstones at the generations of brave men and women lost in service to our country.

Memorial Day is a somber day of reflection, but it is also a day to celebrate the beliefs and ideals of America; not only do we remember those who embodied these ideals, but we must celebrate their lives and their willingness to sacrifice so that we might be here today.

On Memorial Day sixty-five years ago, the future Chief Justice of the Supreme Court, Earl Warren, stood near the site that I will stand inaugurating this important memorial. These 161 acres are hallowed grounds that must be treated with the highest respect. For those of us who live and work in the Bay Area, a drive down the 280 is a constant reminder of how many of our family members, friends, and neighbors have had to sacrifice their lives for our freedom.

Madam Speaker, the President bestows, in the name of Congress, the highest honor a member of the Army, Navy, Marines, Air Force or Coast Guard can receive for valiant actions in the line of duty. Fifteen people at Golden Gate National Cemetery have received the Medal of Honor and are interred with over 130,000 other courageous men and women of the Armed Forces.

California has borne a large share of the burden that the Armed Forces have undertaken. Over two million veterans live in California and we have lost almost four hundred men and women in Afghanistan and Iraq. Right now there are over 20,000 Californians in these war zones, so on behalf of these brave soldiers I am committed to the view that Congress' first order of business must be to ensure that those who are in the line of fire are the most prepared and well-equipped. It is my solemn oath that none of the men and women in harm's way should lie here before it is their time.

Madam Speaker, I will go to the podium with mixed feelings; it is a high honor to be able to go to Golden Gate National Cemetery on Memorial Day and share my thoughts with many veterans from around the Bay Area. It is impossible to express how important the sacrifices made by these men and women are to this country. One thing is certain: America would not be the great country it is without them.

This Memorial Day I invite my colleagues to join me in paying tribute to all members of the Armed Forces, especially those who have paid the ultimate sacrifice for their country.

IN HONOR OF MASTER SERGEANT KENNETH N. MACK, UNITED STATES MARINE CORPS RESERVE

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a brave and dedicated hero of the Fort Worth community and of our Nation.

MSgt Kenneth N. Mack was a proud United States Marine and a true American hero who gallantly gave his life for his country on May 5, 2007, during combat operations in Al Anbar Province, Iraq.

Assigned to the Second Marine Expeditionary Force, Master Sergeant Mack's 25 years of faithful service as a Marine are an inspiration to all Americans, particularly the men he so ably led.

Kenneth Mack leaves behind his wife, Peggy, mother, Mahalia, and his daughter and son.

Our community and Nation honor Kenneth Mack's memory and we are grateful for his faithful and distinguished service to America.

MSgt Kenneth N. Mack will never be forgotten. His memory lives on through his family, the Marines who were entrusted to his care and the legacy of selfless service that he so bravely imprinted on our hearts.

CONGRATULATING ST. PAUL'S EPISCOPAL SCHOOL GIRLS' GOLF TEAM ON WINNING THE 2007 STATE CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the St. Paul's Episcopal School girls' golf team on winning the 2007 state championship.

In 1947, William S. Mann founded St. Paul's Episcopal School in Mobile, Alabama. St. Paul's began with a class of twenty kindergartners, and has grown to currently enroll 1,613 students, making St. Paul's the largest Episcopal school in North America.

Coach Beverly Davis led the varsity girls' golf team to their first state championship at the Robert Trent Jones Grand National Course in Opelika. This most recent honor brings the number of state championships won by St. Paul's teams to eight this year. The team placed fourth last year and second two years ago. Like Coach Davis, I am so proud of her players, and I know they worked hard for this great honor.

The Lady Saints proved they are champions in their victory at the Robert Trent Jones Grand National Course in Opelika. I congratulate the Lady Saints: sophomore Virginia Bedwell, sophomore Vivian Dudley, sophomore Marissa Gacek, and freshman Laura Dudley.

Madam Speaker, I ask my colleagues to join me in congratulating the St. Paul's girls' golf team on a great season and state championship. This school deserves public recognition for this great honor, and I extend my congratulations to each member of the team.

PAYING TRIBUTE TO RICHARD T. JONES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Richard T. Jones, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal.

On June 6, 1944 the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

Richard enlisted in the United States Navy in 1944. He was 17 years old when he served in the D–Day invasion as Seaman First Class. In the early morning of June 6, 1944, his LST 357 landed at Omaha Beach, unloading amphibious Ducks and small boats loaded with infantry soldiers. His LST was under fire from German 88 mm guns, air fire and torpedoes in a bloody battle. The LST that Richard was assigned to also served as a medical transport to return the wounded back to England. Among Richard's medals are the American Theatre Victory Medal World War II, European African Middle Eastern Medal with 1 Star and Letter of Commendation.

Madam Speaker, I am proud to honor Richard T. Jones for his heroic service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service. I applaud Richard T. Jones for his successes and I wish him the best in his future endeavors.

HONORING JAMES J. KELLY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life and career of James J. Kelly, Ph.D., ACSW, LCSW. Dr. Kelly is the Provost and Executive Vice President of Menlo College in Atherton, California. He recenntly retired from the California State University system, having been a professor and Associate Vice President within the Division of Continuing and International Education for California State University, East Bay, CSUEB as well as former Interim Provost. Today Dr. Kelly celebrates his retirement from

CSUEB after decades of outstanding service to our educational system, our community and our country.

Dr. Kelly's extensive academic and clinical credentials include a post-doctoral clinical fellowship in Psychiatry at UCLA Sepulveda Veterans Administration; a Ph.D. from Brandeis University; an M.S.S.W. from the University of Tennessee; and a B.S. from Edinboro University of Pennsylvania. Prior to working at CSUEB, Dr. Kelly was a professor and the Dean of Health and Human Services at Cal State Los Angeles, (CSULA), and a professor and the Director of the Department of Social Work at Cal State Long Beach. While at CSULA, he headed a coalition that brought in $96 million to CSULA for a collaborative criminalistics laboratory for use by the Los Angeles Police Department, Los Angeles Sheriff's Department and CSULA.

At CSUEB, Dr. Kelly was responsible for eliminating an inherited $3.7 million estimated debt in the Division of Continuing and International Education, and returning the division to profitability. Also among his outstanding accomplishment at CBUEB was Dr. Kelly's work to establish and oversee the East Bay Small Business Development Center in Oakland California, which he initiated with a grant from the U.S. Small Business Administration and in cooperation with San Jose State. Dr. Kelly also established three free-standing training and professional facilities: (1) the CSUEB Oakland Professional Development and Conference Center, (2) the CSULA Center for Child Welfare, and (3) the CSULB Child Welfare Training Center.

Both at CSULA and CSUEB, Dr. Kelly was responsible for overseeing significant faculty hiring, and his work was notable for the high level of diversity, including women and minorities, he brought into both institutions. He was also a pioneer in the use of distance technology, having spearheaded distance education programs from Cal State Long Beach to CSU Humboldt, Channel Islands, Bakersfield, and Chico.

Dr. Kelly has been active for many years in professional and community organizations, and has received numerous accolades for his work. He is the immediate past President of the California Institute of Mental Health, and founding editorial board member of the Journal of Women and Aging. He is also a former consultant to the United Nations. Dr. Kelly has 38 publications, 109 presentations, and has garnered $40 million in grants, contracts, endowments, and gifts to his credit. In 1987, he was named NASW National Social Worker of the Year.

Dr. Kelly's commitment to the students and faculty of the CSU System, as well as the community at large, has had a positive impact on countless lives.

On this very special day, I join the friends, family and colleagues of Dr. Jim Kelly in thanking and saluting him for his profound contributions to California's 9th Congressional District, our country and our world.

STATEMENT ON H.R. 2264, NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007 AND H.R. 1252, THE FEDERAL PRICE GOUGING PREVENTION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. CONYERS. Mr. Speaker, on Tuesday and Wednesday of this week, I was pleased to support legislation to crack down on gas price gouging and OPEC state-controlled entities that conspire to limit the supply or fix the price of oil.

Nationwide, families are paying $3.22 a gallon on average for regular gasoline—more than double the cost when President Bush took office, up 89 cents from the beginning of the year. Last year, families paid $1,000 more on average for gasoline than in 2001. As we approach Memorial Day and the summer driving season, families in Michigan are paying an average of $3.47 for gasoline.

The high cost for families come as oil companies continue to prosper. The six largest oil companies announced $30 billion in profits for the first quarter of 2007. This is on top of the $125 billion in record profits they made in 2006.

On Tuesday, the House approved H.R. 2264, a bill I introduced, to authorize the Justice Department to take legal action against OPEC state-controlled entities that participate in conspiracies to limit the supply, or fix the price, of oil.

On Wednesday, the House approved The Federal Price Gouging Prevention Act, H.R. 1252, which would give the Federal Trade Commission the authority to investigate and punish companies that artificially inflate the price of gas. The bill sets criminal penalties for price gouging, and permits states to bring lawsuits against wholesalers or retailers who engage in such practices.

In spite of record oil industry profits in the face of crippling costs for American consumers, President Bush has threatened to veto both pieces of legislation.

In addition to the legislation approved this week, the Democratic Congress has already voted to roll back $14 billion dollars in taxpayer subsidies for Big Oil companies and reinvest the money in clean, alternative fuels, renewable energy and energy efficiency. Democrats are also developing an Independence Day package to boldly address energy independence and global warming by rapidly expanding the production of clean, alternative fuels and increasing energy efficiency, which will help protect our environment and bring down the cost of fuel for American consumers.

SWEDISH AMBASSADOR GUNNAR LUND'S REMARKS ON THE LEGACY OF RAOUL WALLENBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. LANTOS. Madam Speaker, I rise today to call my colleague's attention to the candid, earnest, and eloquent speech of the Swedish Ambassador to the United States Gunnar Lund which he gave on Tuesday to the Congressional Human Rights Caucus. In his presentation my friend Ambassador Lund articulated the courageous acts of Swedish diplomat Raoul Wallenberg, who during the Second World War single-handedly saved tens of thousand of Jews in Budapest from Nazi extermination camps.

The United States has enjoyed a strong relationship with Sweden since the 17th century when Swedish migrants settled on the banks of the Delaware River. Under Ambassador Lund's leadership, the Swedish Embassy has been an active participant in the political and cultural life of Washington, DC., and engaged in many community activities.

Madam Speaker, the remarks of Ambassador Lund provided an extraordinary educational briefing for those who attended this event of the Human Rights Caucus. Ambassador Lund wove an intricate account of how this young humanitarian at the request of the American War Refugee Board went to Hungary at one of the darkest times of mankind. His heroic actions are a powerful message that one person, with the courage to care, can make a difference in the world.

Raoul Wallenberg's legacy must not be forgotten. For this reason, I particularly welcomed his comments stressing the importance of actively educating new generations on Wallenberg's deeds for mankind. I must agree with my friend who describes Wallenberg's disappearance as "one of the saddest and most frustrating unanswered questions in Swedish history". Indeed, this is one of the saddest episodes in world history.

Madam Speaker, Wallenberg's sacrifice is a testament to his belief in every human being's right to live with dignity and still stands out as a shining light. Ambassador Lund brought the message to his young audience the most important lesson Wallenberg taught us: the world depends on individual's willingness to take on responsibility and I am proud to pass along the message to all of my colleagues.

Because Raoul Wallenberg's heroism continues to play a significant role in the U.S. Swedish relations, Madam Speaker, I ask that the speech of my friend, Ambassador Lund, be placed in the RECORD, and I urge all of my colleagues to read it carefully.

THE LEGACY OF RAOUL WALLENBERG: HERO OF THE HOLOCAUST

[Delivered by H.E. Mr Gunnar Lund, Ambassador of Sweden]

First of all, I would like to express my appreciation and gratitude to you and your wife, Annette, and to the Congressional Human Rights Caucus, for organizing this annual briefing of the life and legacy of my country-man, Raoul Wallenberg. The initiative is yet another proof of your untiring commitment to the improvement of human rights conditions worldwide, well known both in the United States and in Sweden, and beyond.

We sometimes take for granted that Raoul Wallenberg will not and cannot be forgotten. But to keep his legacy alive, we need to actively educate new generations on who he was and what he did. This is such an opportunity. In fact, it is hard to think of a better way to remember Raoul Wallenberg than to share a moment like this with somebody like you, Congressman Lantos. You have a personal experience from what happened in Budapest in 1944.

I leave it to my co-speakers to dwell on the details of Raoul Wallenberg's life and deeds. But I would like to point out that through his actions, he has had a significant influence on the relations between the United States and Sweden.

Wallenberg himself arrived in this country in 1931. He was 19 years old and he came here to study architecture at the University of Michigan at Ann Arbor. He thereby broke with his family's expectations that he would go into banking. He stayed in the United States for four years, returning home in 1935 with a Bachelor of Science degree.

His next encounter with the United States, nine years later, was of a more indirect nature, but it would determine his life.

The year was 1944 and Europe was burning. Hungary had been occupied by the Nazis. As a neutral country, Sweden had already started to issue temporary passports to Jews in Budapest in order to save them from deportation and death. At the same time, the United States had established the War Refugee Board, whose task was to save Jews from Nazi persecution. The Board summoned a meeting in Stockholm in order to identify an individual who could travel to Budapest to initiate a major rescue action from the Swedish Legation. Wallenberg's name was presented, and he accepted to take on the risky mission. He was 32 years old and already an established businessman in Stockholm.

The rest is history. By issuing thousands of protective passports, employing hundreds of persons and hiring over thirty buildings in Budapest which he declared to be Swedish territory and where Jews could seek shelter, Wallenberg saved thousands of lives, perhaps as many as 100,000. He did not use traditional diplomacy, but everything from bribery to threats of blackmail. He took great personal risks. Even when we peel off some of the the myths surrounding his person, Wallenberg remains a remarkable symbol of personal courage in the fight against the atrocities of the Second World War.

In 1945 Wallenberg was captured by Soviet troops and disappeared. To this day, we don't know what happened to him. His disappearance remains one of the saddest and most frustrating unanswered questions in Swedish history. In hindsight, we have reasons to be critical of our own role in the search for clarity about Wallenberg's fate: Could more have been done by the Swedish Government to demand answers from the Soviet leadership during the years following the disappearance? In 2001, an official commission of inquiry was appointed to investigate the Swedish government's actions in the Wallenberg case, and the title of the report, "A Diplomatic Failure" suggests that the question is justified.

Wallenberg could never be thanked personally for his efforts, but many people around the world, not the least yourself and so many others in the United States, have made great efforts to investigate his fate and carry on his ideals. In 1981, fifty years after he arrived in Ann Arbor, Raoul Wallenberg was declared an honorary citizen in the United States. Streets, squares and schools have been named after him in this country and elsewhere. Not far from where we are now, the United States Memorial Holocaust Museum is located on Raoul Wallenberg Place. In Europe, the Swedish Institute and the Hungarian organization Open Society Archives last month co-sponsored an exhibition in Budapest on Raoul Wallenberg's life and deeds. The exhibition had previously been exhibited in Ukraine, Poland, Bosnia Herzegovina and Romania, and will continue to Russia. Hopefully, initiatives like this can teach new generations in a new Europe the importance of personal courage in the shaping of history.

Raoul Wallenberg believed in every human being's right to life and dignity. And that legacy continues to influence Swedish foreign policy. The Swedish defense of human rights principles includes a strong commitment to equal opportunities for all people, a total abolition of all forms of torture or other cruel, inhumane or degrading treatment or punishment, the freedom of thought and expression and the abolition of the death penalty, just to mention a few. This commitment is more needed than ever. Violations of human rights still occur on all continents, around the world. The situations in Darfur, in North Korea, in Iran and in Burma are tragic examples.

Back to Raoul Wallenberg. Perhaps the most important lesson he taught us was that at the end of the day, individual courage does matter. International efforts, no matter how well-meant, still depend on the individual's preparedness to take on responsibility.

SENATE—*Monday, June 4, 2007*

The Senate met at 2:30 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, our shelter in the time of storm, as we return to the business of freedom, use the Members of this body to accomplish Your will. Strengthen them to never abandon the struggle, and inspire them to endure to the end. Help them to press forward to the goal of Your ideal for humanity. May they never take the easy path and so leave the right road. Remind them that perspiration is usually the price of worthy things and that without the cross, there is rarely a crown. Keep and sustain our lawmakers by Your grace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period for the transaction of morning business until 3:30 p.m. today. The time is divided between the two parties. Following the period for morning business, the Senate will resume consideration of S. 1348, the immigration legislation. There will be no rollcall votes today.

I will meet with the distinguished Republican leader this afternoon and talk about when, if at all, we should file cloture on this immigration bill. We have 14 amendments pending. We need to dispose of those amendments, or most of them, before we move on to other amendments. The managers will be working this afternoon to come up with a package we can start voting on tomorrow. There are important amendments on which people who favor the immigration bill and oppose the immigration bill will want to move forward. They are key amendments, and we need to get them scheduled and disposed of, and the managers need to get that done as quickly as possible.

We had a good debate on this matter the last week we were in session. Everyone has been home, and they have been barraged on all sides of this issue. There are people who think it is the best thing in the world, and there are people who think it is the worst thing in the world. We are going to continue to work on this legislation and see if we can satisfy people so they think it is good legislation and we are working out of a necessity to solve some major problems in America today as relates to legislation dealing with immigration.

I will be happy to yield to my distinguished Republican friend.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

IMMIGRATION

Mr. MCCONNELL. Mr. President, I welcome all of our colleagues back and the staff who are in the room and others.

As the majority leader indicated, we are in the middle of a big, challenging, contentious issue. There are many amendments pending. In fact, over 80 are filed at the desk. A lot of work has been done over the recess in terms of some of those amendments, and it is my hope that some of them can be disposed of without rollcall votes. It is also my hope that during today's session, the managers will be prepared to set up votes on the pending amendments so we can continue to make progress on the bill tomorrow.

This is a very significant piece of legislation, as we all know. We need to have the maximum opportunity for the largest number of amendments to be considered before we entertain the notion of shutting down debate on this important measure. It is quite possibly the most significant measure we will be dealing with this Congress, and we need to make sure all Senators feel that they have had an opportunity to offer their amendments and that those amendments have had a shot at being considered.

I encourage people on both sides of the aisle to come on over. Let's make sure we have plenty of amendments in the queue and have a full day working on this bill beginning tomorrow.

The ACTING PRESIDENT pro tempore. The majority leader.

MEASURES PLACED ON THE CALENDAR—H.R. 2316 and H.R. 2317

Mr. REID. Mr. President, it is my understanding that there are two bills at the desk and they are both due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The assistant legislative clerk read as follows:

> A bill (H.R. 2316) to provide for more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.
>
> A bill (H.R. 2317) to amend the Lobbying and Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes.

Mr. REID. Mr. President, in order to place these bills on the calendar under the provisions of standing rule XIV, I object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar under rule XIV.

Mr. REID. I note that these are the two bills the House has considered dealing with ethics reform. I have had a number of meetings with my distinguished Republican colleague, and we are in the process of figuring out a way we can get to conference with the House on these important issues.

MEMORIAL DAY RECESS

Mr. REID. Mr. President, I attended, as Senator ENSIGN and I do every Memorial Day, a service at the Southern Nevada Veterans Memorial Cemetery,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

which is located in Boulder City, NV. I am struck by two conversations I had.

One was with a World War II veteran by the name of Ken Brown. Basically, he has lost his hearing. He was a machine gunner on a destroyer. As you know, Mr. President, the noise on one of those ships was deafening, and he certainly was deafened in the process. But he told me—and this is the first time he has ever expressed anything other than total support for what President Bush has been doing as relates to the military—he told me in no uncertain terms that we Democrats were headed in the right direction; we had to stop what was going on in Iraq.

Then, a wonderful woman came up to visit with me. She visited me a year and a month ago here in my office. Her boy had been killed in Iraq. A year ago, I traveled with her and her husband after the ceremony in Memorial Cemetery in Boulder City out of the auditorium and out to one of the graves. There are 22,000 graves in that new cemetery in Boulder City. It is very new. There are 22,000 graves. One of those graves is her son, John Lukac, who was killed in Iraq. She is as sad today as she was a year ago. She asked me with tears in her eyes if there is some way I can get her to Iraq. She wants to go where her son was killed. We said: No, we don't want you to go to Iraq; you shouldn't go there. She is a wonderful woman, a wonderful mother. This is a wonderful family. Her husband is so gracious and nice.

I am grateful beyond words for the sacrifices of the men and women in uniform from Nevada and around the Nation who have done so much for our country and are serving in the military. We focus on those who have been injured and killed, and those are the people who have given a tremendous sacrifice. But there are other people who serve, and sometimes in not so glamorous positions, but it is as a result of their service that we are able to conduct military warfare as we need to. In this work period, we will continue to do everything we can to honor the sacrifices of these men and women with a responsible end to the Iraq war.

During the work period, I had a chance to visit with many Nevadans. No. 1 on their minds is the war, and No. 2 is the high gas prices. We are better now in Nevada. Gas prices keep going up. We are no longer No. 3 in the Nation. I guess that is some distinction. We have dropped down to 11 or somewhere in that area. And, of course, immigration reform is on everyone's mind. I assured them that these issues—the Iraq war, the situation with the gas prices and, of course, immigration—are on our radar screen. We are going to be working on those issues this work period.

On the first day of the 110th Congress, Democrats, because we won the majority, were able to introduce the first 10 bills, the first 10 priorities as we saw them. Last Friday, we concluded a 7-week work period, and we have taken action on 7 of these 10 priorities.

We passed the toughest ethics and lobbying reform in our Nation's history. We will soon go to conference with the House on that bill.

We passed a 10-year overdue minimum wage that the President has signed.

We attempted to give Medicare the power to negotiate lower drug prices. We were prevented from doing so because of a Republican filibuster.

We passed the recommendations of the bipartisan 9/11 Commission after almost 3 years of them being set aside. We expect to complete the conference on that legislation within the next couple of weeks and send it to the President.

Stem cell research, giving hope to millions of Americans, was again passed in this body, and we expect to send it to the President after conferencing with the House, which we expect to do in the next couple of weeks, and we think in the Senate we are going to send a veto-proof bill to him.

In addition, we were able to pass what was not one of the top 10 priorities but something we have been trying to do for 3 years; that is, disaster relief for the struggling farmers and ranchers in this country.

We were able to send to the President something he signed dealing with giving the victims of Katrina the relief they deserve since the actual hurricane struck. The President has gone there lots of times but refused to cooperate with us in sending the money.

We were able to send a downpayment on SCHIP, which is helping to fund health care for children.

And, of course, we were able to send $1 billion in homeland security. We fought with the President for years. I have to say, his people fought us to the very end. We were forced to take some of that money off homeland security. But with $1 billion, we can at least go forward and do a better job of checking cargo containers coming into this country. We can do a better job of checking for nuclear weapons coming into this country, dirty bombs. We will do a better job of taking a look at what is happening with our rail safety.

So we are comfortable that we have done some good things. We passed a balanced budget that restores fiscal discipline and puts the middle class first—cutting their taxes while increasing investment in education, veterans care, and children's health care.

We began debate on the complex, crucial issue of immigration reform, which I spoke about a short time ago. This week, we are going to complete that legislation and hopefully bring to final passage a comprehensive bill that will strengthen our border security and bring 12 million undocumented Americans out of the shadows and help our economy move strongly.

In the days ahead, we will work to improve the bill to protect and strengthen family ties while improving the structure of the temporary worker program.

Following immigration, we will turn our attention to the 3 remaining bills from the original 10: an energy bill that will take crucial steps toward weaning our country of our addiction to foreign oil; we are going to reauthorize the Higher Education Act which will address skyrocketing costs of college; and a Defense authorization bill to make critical investments to address troop readiness problems in the military, and that debate will be led by the Presiding Officer.

Readiness will be led by the distinguished junior Senator from Virginia, someone who has experience in battle and more than just words. We look forward to following the distinguished Senator from Virginia in making sure our troops are ready, their rotations are right, they are trained right, and that they are not going back, as happened in Nevada 2 weeks ago when someone was going back for a fourth tour of duty and acknowledged to his family he was tired and knew he wouldn't come back. He had survived too many explosions to go back for another tour of duty and survive another explosion, and he was right. He is now dead.

We will also reconfigure our national security strategy to better meet the threats and challenges we face today that the President, we believe, is overlooking.

We have made great progress this year, especially when we have put our partisan differences aside to work toward common goals. But for all the good that has come in the shadow of President Bush's catastrophic Iraq war, we need to do so much more. Ending the war will continue to be our No. 1 priority every single day as the year continues.

The month of May 2007 was the third deadliest month in the war. It was close to being the deadliest, but they didn't break that record, thank goodness. But May was the third deadliest month in the entire 51 months of this war. June is off to a horrifying start. Sixteen Americans have been killed in the first 3 days of the month.

The President's troop escalation is now complete. Yet a New York Times article this morning reports that security goals are far, far, far short of the military's hopes, with just about one-third of Baghdad's neighborhoods in some semblance of order.

In the midst of this growing chaos, the Senate Intelligence Committee released a new bipartisan report just before the Memorial Day deadline. My good friend and colleague, Chairman

JAY ROCKEFELLER, working with the vice chair of the committee, KIT BOND—and the Intelligence Committee has become a nonpartisan committee, as it was set up to do—they worked on a bipartisan basis, and the information they came up with is long overdue. Previously, there was not cooperation between the majority and the minority. The chairman of the committee basically stonewalled everything the committee was trying to get done, and that is the reason we shut the Senate down. But that information has now come forward, and my colleague, Senator ROCKEFELLER, deserves enormous credit for putting together this crucially important report.

It further brings to light the administration's decision to go to war in Iraq regardless of the facts and warnings issued by the Intelligence Committee. The Intelligence Committee foretold much of the chaos we now face. They told the President, among other things, the following: that installing democracy would be a long, difficult, and probably turbulent challenge in Iraq, and that was an understatement; No. 2, that al-Qaida would try to take advantage of U.S. attention on postwar Iraq to reestablish its presence in Afghanistan, and they have done that; that Iraq was a deeply divided society that likely would engage in violent conflict unless an occupying power prevented it, and we have not prevented it; that the U.S. occupation of Iraq would result in a surge of political Islam and increased funding for terrorist groups, and that has proven to be true; that Iraq's neighbors would jockey for influence in Iraq, including fomenting strife among Iraq's sectarian groups, and that is true; that some elements in the Iranian Government could decide to try to counter aggressively the U.S. presence in Iraq or challenge U.S. goals, and they have done that; and, finally, that our action in Iraq would not cause other regional states to abandon their WMD programs or their desire to develop such programs, and that also has proven to be true.

Clearly, the intelligence community got it right, and their warnings were not issued in a vacuum. Perhaps the most striking finding of the report is that all the key administration players were made aware of these warnings—Doug Feith, Paul Wolfowitz, Steve Hadley, Scooter Libby, all key Bush officials at the National Security Council, the State Department, the Department of Defense, and the Vice President were all on the distribution list.

The Bush administration cannot hide behind ignorance. Whether out of hubris or incompetence, the President and his men willfully ignored the experts and sent our troops to battle unprepared for the consequences.

Some might say, what is past is past. If the President's prewar failure was a one-time event, we could maybe forget about it, even though that would be hard. But if President Bush's prewar failure was a one-time event, we could leave it to the historians to study and judge the tragedy of his incompetence. But even today, after almost 3,500 American deaths and more than 20,000 wounded, the President continues to cherry-pick facts in order to paint a rosy but very misleading picture of Iraq.

After tens of thousands of injuries to our troops, the President continues to ignore the advice of experts. After nearly $500 billion of America's treasure has been spent in Iraq—some say it is approaching $1 trillion, but a vast amount of our treasury—he is still dreaming his way through this epic tragedy. The country's eyes are wide open, and it is time for the President to wake up.

I understand some Americans are frustrated that we here in Congress have not been able to move more quickly to end the war. Many who voted for change in November anticipated dramatic and immediate results in January. They did get some dramatic changes. This is what we have given them: more than 75 hearings on Iraq, the Walter Reed scandal brought to light and steps taken to make it right, a supplemental bill sent to the President that set a firm policy to responsibly end the war—only a small step but a step, a second supplemental that set benchmarks and voided the President's blank check—the first was vetoed, this was not.

Our resolve has never been stronger. With a razor-thin majority—and, remember, it is a razor-thin majority—an obstinate President, and a Republican minority that continues to bow to his will, we are nonetheless making real progress. However, under the Senate's rules and our Constitution, there is only so far a determined majority can go, especially with our 49–50 disadvantage, which is due to Senator JOHNSON's illness. We can only end this war if the President changes course, or more Republicans join with us to force him to do so.

When we take up the Defense authorization bill, we will not just work to correct the President's neglect of troop readiness and protection, we will give our Republican colleagues another opportunity to join us and bring a responsible end to this war. We will fight for that every day this year, as long as the President and a few allies left here in Congress continue to defy the reality the rest of us see clearly.

We owe it to the men and women serving overseas and serving at home, to families who await the return of those overseas, and all Americans who want the Iraq tragedy to finally end.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

ORDER OF PROCEDURE

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes. I believe Senator BINGAMAN wants to speak after that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ AND IMMIGRATION

Mr. SESSIONS. Mr. President, I would just say to my friend, Senator REID, the able Democratic majority leader in the Senate, that I hope we don't continue in a debate about the Iraq situation in ways that are destructive to our Nation but that we can conduct the debate in a positive way.

For example, I know there has been an intelligence report that has been produced, but it also had within it projections of things of a positive nature, some of which occurred and some of which didn't. It had within it projections of things of a negative nature that did not occur. Even with regard to its prediction of violence and persistent violence and sectarian strife that could occur that report predicted it would be phasing down after 3 or 4 years. So predictions are predictions.

I don't think those possibilities were not discussed in the debate leading up to our giving authorization to the President to conduct this war. To suggest that this intelligence report was some sort of smoking gun that raised issues nobody had even discussed, and that somehow the President misled the public, is wrong and it hurts the President of the United States, whoever he or she may be; and who, right now, we assume will be traveling the world and meeting with leaders of foreign nations. To make those kind of accusations is not healthy, in my view, and not responsible.

Now, we had a vote week before last, fortunately, to provide funding through the emergency supplemental for our soldiers, sailor, airmen and marines in Iraq. That was too long in my view, but we did it. And we voted to send General Petraeus to execute the surge that the President has called for, and that was the funding that we approved week before last to fund that surge. He is to give us a report in September on how the situation is in Iraq, and we are all watching with a great deal of anxiety because we are concerned about what is happening in Iraq. We know the United States has only limited ability to affect what we would like to occur there. We have done a great deal to help that nation establish itself, and we want to continue to utilize our resources wisely, but this was a surge and we need to evaluate the situation in September.

What I would urge my colleagues on the other side to do, even though they may be concerned about it, in the debate on the Defense authorization bill, and perhaps the Defense appropriations bill that will occur later on this summer, we ought not to utilize rhetoric and language that undermines what our soldiers are doing right now, what we directed them to do, and what we have funded them to do, and that is to help create stability and more security for the people of Iraq. We ought not to debate in such a way that it makes it harder for them to succeed.

Don't we all want that to occur? Don't we all want to see a stable, decent Iraq occur? They have had elections, but they are having a very difficult time bringing that country together in a stable fashion, as we all know. So I would encourage my colleagues, in the course of the debate, that we conduct ourselves in such a way that we don't place at greater risk our soldiers and that we don't make our foreign policy that we have in a bipartisan way authorized more difficult to achieve and provide any ability for the enemy to think that they are able to prevail by lack of resolve on our part.

I want to spend a few minutes talking about the immigration bill that is before us. I think it is a critically important piece of legislation. The American people are concerned about it. They are following it quite closely. They know we have a difficult time in Iraq, and they do not expect an easy solution there. They know we have difficulties with energy prices and other difficulties, and they want us to do what we can in that regard.

With regard to immigration, they are rightly of the view that we can do something about it. We can create a lawful system of immigration that serves our national interest if we desire to do so. If we, as a Congress and the executive branch, want this to happen, we can make it happen. Don't let anybody suggest otherwise. It is not impossible. It is absolutely possible, and we ought to be working on that. That is what they have asked us to do, and I hope we will.

Let me just mention the debate so far has been sporadic and desultory. Members have not had a chance to be very engaged in the matter. We were off last week for Memorial Day, but the week before that we were in debate on the bill. The week before that, the old bill, last year's failed bill, was introduced and sat on the calendar until Tuesday morning of the week before the recess. They then plopped down a complete substitute, a completely new bill last Tuesday.

On Monday, we talked about immigration. I talked about it at some length, but there were no Senators here, really. The only vote we had was on the motion to proceed to the new bill. We had a mere six roll call votes last week, and we didn't do anything Friday even though we were in session. A few hardy souls, myself included, came down and spoke, but nobody was here to really listen. There were no votes, and most Senators had already gone home for the recess.

Here we are again, now on the Monday after recess, with very few Senators here and no votes scheduled for today. All of these days though, even though we did not do anything, are going to be counted, you see, as time we spend analyzing and amending the immigration bill that is before us.

I suggest that at this painfully slow pace of amendments, the bill can't be done this week, that we need a great deal more time on this bill before final passage.

The way the bill was brought up was that our colleague, Senator REID, under rule XIV, just introduced it and immediately brought it up. It did not go to committee. It was brought straight to the floor. It really had only been written over the weekend, and, bam, here it was on the floor. Senator REID really wanted to pass it the first week it was on the floor, but there was a lot of push-back on that, and now we are into this week of debate.

I see from his comments today that the majority leader seems to think the bill can pass this week. I suggest it cannot. There is no way it can be done in a week. I think 100 amendments have been filed. To get one brought up, though, is not easy. You have to basically get the consent of the majority leader to get an amendment brought up and made pending. So there are not nearly so many pending as there are problems that need to be fixed.

There are flaws in the legislation. I am going to talk about those at some length. I will be talking about at least 20 serious flaws in this legislation, but I do not want that to suggest that flaws alone are the only problems with the legislation. In this bill, we do not have a principled approach to the future flow of immigrants into America, that is not a loophole, that is a major flaw. We have not thought through philosophically what we want to do about immigration. We have not made the real commitment I had hoped we would to a more merit-based, skill-based immigration system. I am concerned about all of that. I think the American people are too.

The administration and Senator KENNEDY and the others who promoted the legislation talked about some principles as a part of talking points they handed out as the foundation for immigration legislation they would be offering. I first say to my colleagues, the bill does not meet the promises contained in those talking points and those principles. It just simply does not. If it did, we would be in much better shape than we are today, because many of those principles were sound. It contains, as I will note, a host of fundamental, serious defects and flaws that make the legislation not one that ought to be passed now.

Finally, I still do not believe the White House and the Congress have heard the American people. They still think we can pass a piece of legislation here on the floor of the Congress, and we can push it through and get it off our plate, and it will be some years before the American people find out this will not work either, anymore than it did in 1986, and it will be up to the next President, or the next President, and they will be the ones who will have to answer for it, but we will not pay a price. That is just the way they think it is going to be.

Although I believe the American people deeply and strongly and intelligently are committed to a lawful immigration system that is compassionate and will work, I am not sure the leadership in the Congress is, or the White House. Indeed, we have not had a President committed to enforcement of immigration laws in the last 40 years.

Those are the fundamental questions I have.

Let me talk about some of the loopholes. With regard to the trigger, in 1986, amnesty was given. No one disputed it. They said it would be the last amnesty we ever had and that enforcement would occur. Promises were made about enforcement. Those promises for enforcement in the future were never kept. That was the problem. We had 3 million people claim amnesty in 1986; today we have, they say, 12 million prepared to claim amnesty in the United States today. What happened? The promised enforcement did not occur, so more people came illegally.

Some will say you cannot really enforce immigration law. Of course you can enforce immigration law; we just have not been willing to do the things necessary to do that. I reject that concept. But this time bill supporters are saying if we give amnesty, we are going to try to ensure the enforcement does occur and we are going to do that by having a trigger mechanism. This enforcement mechanism will say if you do not comply with the requirements of Border Patrol agents and fencing and other matters, if you do not comply with those, Mr. President, the amnesty does not occur.

That idea made some sense. People believed that was a good idea. I think I originally suggested it in committee last year. Senator ISAKSON offered a full amendment on the floor in the last year's debate—that amendment was defeated, so last year's bill did not include a guarantee to have any enforcement first. Why would the trigger fail last year? Why would it fail? Does that suggest some people are not serious about enforcement? I think it does.

But look at this trigger this year. The guys who were promoting the bill last year opposed a trigger, no trigger they said—but this year they say we will accept one, they are telling the American people not to worry we are going to have a trigger this bill.

I want to briefly mention some things about it. The amnesty benefits simply do not wait, under this trigger, for the enforcement to occur. After the filing of an application by a person here illegally, under this legislation, and waiting for only 24 hours, illegal aliens will immediately receive probationary benefits. They will be lawfully in the United States, complete with the ability to legally live and work in the United States, to travel outside the United States and to return, and to have their own Social Security card. That is what happens within 24 hours.

Astonishingly, if the trigger requirements are never met—that is these requirements that are supposed to be met first—and green card applications or permanent residents' applications are never approved by the Department of Homeland Security, the probationary benefits granted to the illegal alien population never expire, the cards issued to the population are never revoked, and they will be able to stay in the country indefinitely, forever maybe. After this bill passes, the Department of Homeland Security has 180 days to begin accepting Z visa amnesty applications. They will accept them for 1 year and can extend to accept them for another year and so forth.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SESSIONS. I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. I say to my colleague Senator BINGAMAN, there is not 30 minutes but an hour equally divided. I will be pleased to yield to the Senator at this time and thank him for his amendment to contain the guest worker—the temporary worker program that was in the bill as introduced earlier, before we recessed. His amendment, as he knows—although I am not sure a lot of people know—brought the new temporary guest worker program from 400,000 a year to 200,000 a year. Some think that is all it is. But if you read the bill carefully, you knew it was 400,000 for the first year and they got to stay for 2 years; another 400,000 for the second year with an accelerator clause in it, and for both years a certain number got to bring in family members, so in 2 years there would have been almost a million people in the country under that new temporary worker program—far more than it appeared on the surface. I am glad the amendment of Senator BINGAMAN was agreed to. I think it brought the numbers more in line.

I am pleased to yield the floor at this time.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

IMMIGRATION REFORM

Mr. BINGAMAN. Mr. President, first, I thank my colleague from Alabama for his strong words and strong support for the amendments we offered a few weeks ago on the guest worker program. Let me thank my colleague from Alabama for his support particularly for that amendment 2 weeks ago.

I want to take a few minutes in morning business today, before the Senate gets into its busiest period of the week—which we all know begins on Tuesday, usually—to talk about two other amendments I have filed to this bill, and I hope I will have a chance to have the Senate vote on before the bill is completed.

Let me first talk about one of those amendments that is addressing a provision in the immigration bill that I think is impractical and I don't think makes any sense, the provision I am trying to correct.

Before addressing the specific provision, let me once again put this in context. This bill, the underlying legislation, calls for three so-called temporary worker programs. There is an agricultural temporary worker program, and I am not suggesting any change to that program. That is part of the underlying bill. There is a seasonal temporary worker program, where people can come in for up to 10 months and then have to leave the country for 2 months and then come back the next year. That one I do have a second amendment on, which I want to talk about in a minute. Then there is the new temporary worker program that was the subject of my amendment 2 weeks ago.

Let me briefly describe how this third so-called temporary worker program works. It contemplates a new guest worker program. It says guest workers would be permitted to come to this country and work for 2 years. At the end of the 2 years, they have to leave the country for a year. Then that same worker could come back for another 2 years and then leave the country again for another year; then come back and work 2 more years and then have to leave the country permanently. So over a period of, I guess it would be 9 years—during that period the worker could be here up to 6 years, but there would have to be two periods of a year each during which the worker was outside the country.

My amendment, which is cosponsored by Senator OBAMA, would remove the requirement that guest workers leave the United States before they renew their visas to work under this program. It would not modify the total period they could stay here, which would still be limited to 6 years. It would not change the terms of their visa. But the amendment I am offering would provide that guest workers would be given a 2-year visa they could then renew twice and do their full 6 years of work and then their visa would no longer permit them to stay.

Requiring these workers to leave the country for a lengthy period of time between each 2-year work period is a problem for several reasons. It is bad for the employers, first. It is also bad for American workers who might also want to have some of these jobs—and these are generally construction type jobs. These are not agricultural jobs. These are not jobs for teenagers in seasonal employment.

Obviously, another problem with this provision is it is extremely difficult and costly to enforce. I doubt seriously if we have the capacity to enforce it at this point. It increases dramatically the likelihood that individuals are going to overstay their visas.

First, let me talk about the employers. It would be very costly and burdensome to require that employers rehire and retrain new workers every 2 years. Employers are not going to give an employee a 1-year vacation. When one of these so-called guest workers leaves the job in order to comply with this provision of law, the employer will have no choice but to find somebody else to bring on. The 1-year leave provision would be especially harmful to small businesses, and it would cause enormous instability in the workforce if they actually depended upon guest workers for some of that work.

Governor Napolitano from Arizona recently wrote a column in the New York Times. Let me quote a couple of sentences from that column.

She says:

> The proposed notion that temporary workers stay here for two years, return home for a year, then repeat that strange cycle two more times makes no sense. No employer can afford this schedule, hiring and training, only to have a worker who soon will leave. It will only encourage employers and workers to find new ways to break the rules.

Now, that was on June 1 in the New York Times. In my view, Governor Napolitano is absolutely correct. The current bill is also bad for American workers. American workers will be forced to compete with a constant flow of guest workers who would always be at the low end of the salary scale by virtue of the fact that they would have to leave every 2 years.

So if guest workers are kicked out of the country every 2 years, wages cannot increase, there will always be a justification to pay those workers the lowest possible wage. The requirement that these guest workers leave the country every 2 years would also result in an increase in the number of individuals who overstay their visas in order to avoid having to leave the United States for that lengthy period of time. It would also create additional costs in terms of tracking those individuals and ensuring that they, in fact, do leave the country. These costs, of course, would have to be borne by the taxpayer. It also assumes that we even have the administrative capacity to track all these people. Here we are talking about at least 1.2 million so-called guest workers under only this program. I am not talking about the other two so-called temporary guest worker programs. But under this so-called temporary guest worker program, we are talking about 1.2 million workers.

So we are saying that we would then have administrative responsibilities somewhere lodged in the Federal Government to keep track of the comings and goings of these workers every year. I have real doubts about our ability to do that. Obviously, that is an assumption. It is assumed, as part of the underlying bill, that we do have the ability to do that. So if the program is designed in a manner that is bad for employers, it is bad for employees, it is difficult and costly to implement, it will lead to an increase in the number of individuals who overstay their visas, then obviously the question arises: What is the justification for keeping this provision in the bill?

I think, unfortunately, the only justification I have been able to find is that it is being kept in the bill in order to fit this political mantra that we have been hearing now for months about "temporary means temporary," rather than to implement any sound policy.

When you look at these guest worker programs, unlike the other existing guest worker programs, such as the H-2B seasonal program for nonagricultural workers, the H-2A agricultural program, which were designed to fill jobs that, in fact, are of a temporary nature, the new Y-1 program, which we are talking about here, is designed to fill jobs throughout the economy that are permanent jobs. These are jobs in the construction industry, primarily. The 2-1-2 requirement, which is in the underlying bill, artificially tries to turn these workers into temporary workers by kicking them out of the country every 2 years, even though they will be filling jobs that are not temporary, they are permanent jobs.

Last year's immigration bill, S. 2611, allowed new guest workers to stay in the United States for a period of 3 years to renew that visa for a total of 6 years. There was no requirement that the individuals leave the country before they renewed that visa. I think that type of framework is much more sensible.

One of the primary goals of comprehensive immigration reform is to create a new and workable system that would ensure that we are not in the situation we are in now once again 20 years from now. I do not believe the current framework of this so-called temporary worker program advances that goal.

Let me also take a moment to address concerns that the adoption of this amendment will somehow kill the immigration bill. During debate on the immigration bill, questions keep arising about whether a particular amendment being offered by one Senator or another is consistent with the so-called "grand bargain" that has been reached.

I commend the Senators who worked tirelessly to come up with an agreement on this difficult issue. This agreement was reached between a handful of Senators. That should not be considered, in my view, a substitute for deliberation by the full Senate. One of the first amendments I offered was the one the Senator from Alabama referred to, an amendment that reduced the number of guest workers under this program to 200,000 per year—the number of new guest workers, I should say.

Despite the fact that amendment was adopted by or supported by 74 Senators, I have heard repeated questions about whether this was a deal killer. It is interesting to me that a measure which garners the support of three-quarters of the Senate somehow is considered a threat to the prospects of passing the legislation. Frankly, I believe we are focused on the wrong set of issues. We ought to be trying to concentrate on getting a bill that has the broadest bipartisan support in the Senate. I think that each of those amendments, the one I offered 2 weeks ago and this amendment I have been talking about, will help us to achieve that. I urge my colleagues to carefully consider the consequences of leaving the existing procedures in place for Y-1 guest workers.

I strongly believe that if we keep this provision in its current form, we are going to create an expensive and unworkable program for employers, a system that harms American workers, and an incentive for guest workers to overstay their visas. For that reason, I hope, when the opportunity comes for a vote, my colleagues will support our amendment.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The majority has 18 minutes.

Mr. BINGAMAN. Mr. President, I would then continue to speak as in morning business for another few minutes to talk about another amendment.

I have also today filed an amendment on another part of the bill. The second amendment is aimed at addressing a different issue related to the Y-2 temporary worker program. Now, the Y-2 program is a temporary worker program, and it revises and incorporates the existing H-2B seasonal nonagricultural program.

As I mentioned earlier, this amendment would address the problem of people whom we bring into the country for up to 10 months, allow them to work here, whether they are working at resorts or working at some kind of seasonal employment, nonagricultural seasonal employment, and then we require them to go home for 2 months. Then they can do that each year.

As Senators have discussed this program, and as it has been discussed in the press, its been stated that the underlying substitute amendment provides for an annual allocation of visas from 100,000 initially to up to 200,000 each year, depending upon the market demand.

I have a chart I can put up that I think will describe what the Y-2 guest worker program—if, in fact, the 15 percent increase is triggered in the years, the first 4 years of the program, and how you get from 100,000 up to 200,000.

Well, that is the description. This chart is a fair description of this program as it has been reported in the paper. However, before the substitute amendment was filed, the underlying bill—I call it a substitute amendment because that is the technical, correct name for it—a provision was handwritten into the bill that provides that in any year from now on, the returning Y-2 workers who are present in the United States in any of the preceding 3 fiscal years would not count against the cap.

So the whole idea of 200,000 is not right. The yellow represents the 200,000, the increase from 100,000 to 200,000. But the red on the chart represents the potential pool of returning workers. You can see this is taken from an analysis that was done for me by the Congressional Research Service. We asked them to please look at the provision and give us their analysis of what is the size of the group that could come in under this program with this provision in it.

They said: Well, it could be up to about 1.6, 1.7 million people over 10 years; they would be eligible to come in every year. Now, that is not cumulative, that is every year that many people would be able to come in.

The impact of this little-noticed provision is quite profound. Obviously, this is the high end of the approximation because we would not expect that every single worker who came here to work for 10 months during 1 year, or for some period during 1 year, would choose to come back the next year. But I think a reasonably high percentage of them might choose to come back.

Today, we have about 135,000. This year, in 2007, we have about 135,000 workers in the country or connected in this country this year under this seasonal temporary worker program. I have no problem seeing that increased to 200,000. That is what the initial draft of the bill contemplated. I do have a problem when it might increase by well over a million. I think that is not what many Members of the Senate understand is going to happen under this bill. I do not think it is what should happen under this bill. I think it is reasonable to require that the numerical limitation already in the bill actually means something; that is, the 200,000 limit.

The amendment I am offering does not eliminate the returning worker provisions, not by any means. It says: If you want to change the number from the current law, which is 66,000 up to 100,000, fine. If you want to then say it can grow from 100,000 to 200,000 per year, fine. But let's not also say that anyone who has worked here in any of the 3 preceding years can come in on top of that because that is when your numbers get totally out of control.

The amendment is aimed at ensuring the bill does what I believe a majority of Senators believe it does; that is, it would allow the issuance of up to 200,000 Y–2 visas each year for these seasonal workers. I think that is something which I can support as a matter of policy.

Again, my amendment merely brings the underlying language of the bill into line with what I believe most Senators think the bill now provides; that is, keeps it under 200,000.

That is a description of the two amendments I have filed today. I think they are both meritorious amendments. I urge my colleagues to look at them, to consider them. I hope very much that I have an opportunity to get votes on those amendments this week before we conclude action on the bill because I think both amendments would—each of the two amendments would improve the bill and make it much better public policy.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator for his work on this. It is obvious he has read the legislation and attempted to see what it actually means, which is a good thing, and done too little in this Senate, but it is important especially in this legislation where it is so critical.

Let me say what I understood the whole deal was supposed about. It was put very simply to me how we were going to have a new immigration system, in this new legislation that was going to be better than last year's bill. The way I understood it, from the talking points that were suggested and floated around and that we were briefed with, there would be a temporary worker program that would actually be temporary. To me that means a person would come for less than a year but could come back repeatedly after that, as long as their employer is happy and they have work to come to and they have not gotten in any trouble. And, they would not bring their families with them.

That is what I thought we were talking about. Then we were told that there would be a separate second flow for people who enter America permanently, coming into America to go on a citizenship track. And we were told that track would be evaluated using a different system, it would be more skill based.

In other words, a person would apply, and they would compete for the slots based on the skills they had and that we have in the United States. So I am concerned and share the concern of Senator BINGAMAN that the temporary worker program which allows 2 years' entry, then says go home and come back 1 year from now for another 2 years and then go home for a year, and come back for the final 2 years and never come back again seems less workable than the temporary seasonal worker program we have today. I am concerned about that.

Remember, we are still going to have the constant flow of people who come in on the citizenship track and get a green card and become permanent citizens. They will also be workers, their family members will also be workers. We are not stopping that. But this bill creates a separate temporary worker program. I believe a system of temporary workers needs to work, needs to make sense, needs to be consistent with common sense, and ought to be in a way that is practical. I am not sure the legislation as introduced does that.

Senator GRASSLEY spoke before we recessed and asked this question: Why is it nobody has said this time, as they did in 1986, that there would be no more amnesties? He said he was here in 1986. He remembered what they said. It was admitted that they were having amnesty and they made a promise we wouldn't have amnesty anymore. People said: If we do it this one time, we won't do it again. He asked why we weren't hearing it said again. Of course, he answered his own question. The answer is, because bill sponsors can not make that promise. How can we say we are not going to have it anymore, after having said we would not do it again, and doing it again, and presumably we would be doing it again after that?

I mentioned the enforcement trigger. This was designed to make sure if we give amnesty, enforcement would occur. We put some things in the trigger that had to be done before some of the benefits of this program would accrue, but a lot of things were left out, and the things left out were quite troubling. They make you wonder how serious we are about creating a lawful system in the future, for example. The enforcement trigger that has the requirements that must be met before the new temporary worker program begins does not require the exit portion of the US–VISIT system, that is the biometric border check-in, checkout system first required by the Congress in 1996, be working. That is a cause for concern because it is already well past the year 2005, when this bill required that the U.S. visa exit system be in effect.

In other words, in 1996, we said: OK, we are passing a law, and we are going to have an exit-entry visa system at the border that will clock you in when you come in with a biometric card, and it will clock you out when you go out, just as you do when you are working at a job. Just like a lot of employment agencies and businesses have those kind of things. OK? It was due to be completed in 2005. Without the U.S. visa exit portion, the United States has no method to ensure that the workers or their visiting families, who are allowed under certain circumstances to visit them, do not overstay their visas.

Senator BINGAMAN has been talking about his concern over the temporary worker program. Let me ask this: How do we know they are going to go home when their time is expired if the exit portion of the US–VISIT system is not up and working? We don't know. It is a fundamental loophole of monumental proportions, and I am surprised it is not in there. Once again, it suggests those promoting this legislation may not be serious about creating an immigration system that works. They may like a system that allows virtually anyone determined to come here to come here.

There is another matter I wanted to mention in the trigger requirement. If it is not in the trigger, there is no way to say the bills sponsor really intend for it to happen. The example of the U.S. VISIT system indicates something about the nature of the Senate. Remember, in 1996, this Senate passed legislation that required the US–VISIT exit system be in effect by 2005. Then 2005 came and went. That did not occur. What does that mean? It means you can pass any law here and say you are going to do something in the future, but if you don't fund it or future Congresses don't fund it or future Presidents don't fight for it, it may not ever occur. That is all I am saying. That is why the American people need to be concerned about amnesty coming before all of the needed enforcement items.

Another matter that involves what we are doing here involves having enough bedspace to end catch and release at the border. We passed a law in 2004 that requires 43,000 beds to be in place by the end of 2007. This is to end the catch-and-release section of the bill. Those beds have not been completed. In this legislation, it only required 27,000 beds. We had already required 43,000, but as I said, we are going to have to have 27,500. Then Senator GREGG offered an amendment to increase that to 31,500. We passed legislation in 2004, as part of the Terrorism Prevention Act of 2004, to require much more bed space than this, and they have not been completed. Because we pass legislation doesn't mean it is going to happen.

There is another loophole I will mention. I have 25. I should have added the problem Senator BINGAMAN just mentioned. I could have added many more than 25. Let's look at No. 4. Aliens who broke into this country a mere 5 months ago are provided permanent legal status in our country and are treated better than foreign nationals who legally applied to come to the United States more than 2 years ago. Aliens who can prove they were here illegally in the United States on January 1 of this year are immediately eligible to apply from inside the United States for amnesty benefits, while foreign nationals who filed applications to come to the United States after May 1 of 2005, over 2 years ago, must start the application process all over again from their home countries.

The bill sponsors continue to claim this bill is necessary because illegal aliens have deep roots in the United States and are, therefore, impossible to remove. They claim that they have families here. They have been working here for many years. They can't be asked to leave. There is some truth in some of those situations, for sure, but it simply is not true in all cases. It is simply not true in many cases. The young man who ran past the National Guard out at the border somewhere last December is going to be given amnesty here in this country.

The American people want us to treat the illegal alien population compassionately, I do believe, but there is no reason to jump all illegal aliens, regardless of when and how they got here or how deep their roots are, into the same amnesty program. Last year's Senate bill would have given illegal aliens amnesty if they could prove they had been in the United States since January 7, 2004. A lot of people want us to believe that this is a tougher bill than last year's bill. At least last year they said you had to have been in the country by January 7, 2004. This year the bill expanded the amnesty window by 3 years to 2007. Under this year's bill, illegal aliens who have rushed across the border in the last few years, including those who came 5 months ago, will be given all the amnesty benefits as those who have been living here for decades, have U.S. citizens in schools, and have been good workers.

The January 7, 2004 date, why was that date selected last year as a cutoff date? It was important because that was when President Bush first gave his speech saying we needed a lawful system of comprehensive reform of immigration in America. We knew that when he gave that speech—and he was talking about amnesty for people here illegally—that that would encourage more people to try to come into the country so they could be provided amnesty too. So they cut off the dates and said: If you came in after the President's speech, you can't get the advantage of the amnesty. That makes sense, I think.

Then even more significantly, last year, in May 2006, President Bush announced the beginning of Operation Jump Start. Do you remember that? That was the program to put the National Guard at the border. He called out the National Guard. So this bill says if you ignored our announcement that we are going to make a lawful system of comprehensive reform, if you ignored the announcement that the border is closed, if you ignored and ran past the National Guard we put on the border to create a lawful system there, as long as you got here by December 31 of last year, you get to apply for full amnesty. You are home free. You are in.

I don't think that is required. I don't think that is good policy.

The ACTING PRESIDENT pro tempore. The time of the minority has expired.

Mr. SESSIONS. I ask unanimous consent to speak for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. The bill's drafters say amnesty applicants will be at the back of the line and will not be treated preferentially to those who have followed the law. That is not true in a number of cases and in this case. The bill allows the illegal aliens who got here 5 months ago to cut in line in front of people in the family green card backlog who filed their applications after May 1, 2005, 2 years after. Illegal aliens who came to the United States 5 months ago will get probationary Z visa status 1 day after filing a Z visa application. I suppose those who followed the law, who made their application properly, who waited in line may wonder why they didn't come illegally also. Isn't that the message we are sending? So this provision in the bill does not restore respect for the rule of law. It erodes it. At a minimum, no illegal alien should be treated better than a foreign national who applied to come legally. The amnesty date should be moved back to May 1, 2005. I will have an amendment to that effect.

I see my colleague here, Senator DORGAN. I appreciate his insight into these issues and his willingness to ask some tough questions about the system and the bill before us and to point out some of the weaknesses in it. That has been helpful to the debate.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for such time as I may consume, and to the extent that exceeds the limit of the majority in morning business, I would ask that the minority be accorded the same amount of time if they so desire.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. I am not sure I quite understand that.

Mr. DORGAN. How much morning business remains on our side?

The ACTING PRESIDENT pro tempore. There is 11½ minutes.

Mr. DORGAN. Mr. President, I ask to be recognized in morning business for as much time as I may consume. My understanding is we will be going to the bill as soon as I finish speaking.

Mr. SESSIONS. I wondered if the Senator was going to continue and how long he might speak.

Mr. DORGAN. It is my intention to speak for perhaps 20 minutes.

Mr. SESSIONS. I have no objection, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this issue of immigration is a very passionate issue and raises the passions in this country in a significant way. I understand all of that. I have described often on the floor of the Senate the circumstances of what has brought us to this point.

This country we live in is a remarkable country. If you have a globe in front of you, and spin the globe, and take a look at all the land that exists on your globe, you will see there is just one little spot called the United States of America, but it is a very different spot than much of the rest of the world.

We have raised incomes in this country, expanded the middle class, created a standard and a scale of living that is pretty unusual and pretty remarkable. Because of that, because we have dramatically expanded the middle class and have created a country that is very different than many other countries on this Earth, there are many who live on this planet who want to come here.

Last week, I described being in a helicopter, flying between Honduras and Nicaragua, up in the mountainous jungle areas some long while ago, and we ran out of gas. I discovered on a helicopter when you run out of gas, you are going to be landing very soon. We were not hurt, of course, but the red lights and the alarm bells were ringing and going off, and our pilots put us down in a clearing.

While we were there, I heard from some campesinos who came up to see who had landed in these helicopters. Through an interpreter, I visited with the campesinos. I heard from them what I have heard in virtually every part of the world in which I have traveled. I spoke with a young woman in her early twenties. She had three children with her. I asked her—after we visited—through an interpreter: What do you want for you and your children?

She said: Oh, I want to come to the United States of America.

That is not unusual. I have heard that all over the world: I want to come to the United States of America. I asked her why.

She said: Well, there is opportunity there—an opportunity for a better life for me and my children.

We have built something quite unusual in this country, and many from around this planet would like to come here. I understand that. Let me give you an example of why.

If you live in China, the average hourly wage for factory workers is 33 cents an hour. If you are in Bangladesh, 33 cents an hour is the average annual hourly wage, if you can find a factory job. If you are in Nicaragua, 37 cents an hour is the average annual hourly wage. In India, 11 cents an hour is the average wage. In Haiti, it is 30 cents an hour, if you can find a job. In Russia, it is 51 cents an hour. I could go on.

But my point is, there are people living in countries where, if they can find a job, they are going to be paid 30 cents an hour, 20 cents an hour, 11 cents an hour, and they take a look at this country, and they evaluate: Perhaps I need to go to the United States and be a part of that great country.

Well, because so many want to come here, we have immigration laws and quotas. We actually allow into this country, under legal quotas, a good many immigrants every single year. Well over 1 million people come into this country every single year legally as part of our immigration quota system. We have quotas for various countries and regions of the world, and we accept legal immigration from those countries. We would have had last year over 2 million people come into this country legally, with both agricultural workers and also under the legal immigration system.

But think for a moment if we decided to do it differently, after what we have spent well over the last century building in this country to expand opportunity, expand the middle class, and create an economy that is the wonder of the world—the real economic engine of the world is this economic engine of ours. Think of the consequences if, in fact, we said this: We have a new policy on immigration. Our policy is that anybody in this world who wants to come here—to stay here, to live here, to work here, to be part of the American experience—come right ahead, with no restrictions. Come into this country and be a part of our great Nation.

If we said that, if, in fact, that were our country's policy, we would be literally overrun by those who wish to come to be a part of this American experience—an America with opportunity, an America that offers hope to people living in squalid poverty, people working for 11 cents an hour. We would be overrun. As a result, what we do have is a series of immigration laws that provide for legal immigration. It restricts numbers who come in, but we still have a pretty substantial number who come in legally into this country.

Now, we are told we have a new immigration proposal put together by a group of Senators in the Senate with, I understand, the assistance of the White House—or at least the involvement of the White House—and brought to the floor of the Senate saying: Here is a new plan. It is 20 years after the last plan, which was in 1986. It was called Simpson-Mazzoli. It was the immigration plan of 1986. That was a plan that, back then, promised it would end the problem of illegal immigration by choking off the demand for illegal labor through tough enforcement and guest worker programs and also through amnesty of people who were then in the country at that point in time.

Let me read some quotes for what was done in 1986. Here are quotes in the CONGRESSIONAL RECORD. Quote:

> The guts of immigration reform are here. All of it. Employer sanctions, increased enforcement, worker authorization system, verification systems, and legalization is [all] there. . . .

That is what was promised 20 years ago. One Senator said:

> This bill also . . . should help the Immigration and Naturalization Service to increase Border Patrol personnel by 50 percent.

Border enforcement, employer sanctions—well, they said: We are going to ramp up border security, provide employer sanctions, so you don't have the lure of a job and, therefore, we, at the same time, will provide amnesty—this is 1986—to about 1 million illegal immigrants. When amnesty was in fact granted following that, it turns out there were 3 million or so. Everyone was pretty stunned to learn there was so little control over the borders then. But now, today—fast-forward 20 years—we have a bill on the floor of the Senate that promises almost exactly the same thing: tougher border enforcement, employer sanctions, guest workers, temporary workers—except now, 20 years later, after we solved the problem 20 years ago, we have 12 million—it is estimated 12 million—people who came here without legal authorization. We do not know that for sure. We think it is somewhere around 12 million people. So we have "comprehensive immigration reform."

Well, let me go back for a moment and show you that this issue of border enforcement and employer sanctions is all a matter of enforcement and will. I have just taken the period from 1999 to 2004. The current administration, as you can see, has had almost no worksite enforcement. In fact, in 2004 there were three cases in the entire Nation brought against employers who hired illegal aliens. Think of that. In the year 2000 there were 213 cases out of all of this country; out of the millions and millions of employers in this country, there were 213 cases. In 2004, it dropped to three, which meant there was no enforcement at all—no will, no interest, nothing.

Is it surprising, then, that the employers in this country would decide: Why don't I just risk it, just hire illegal aliens because nobody is checking?

Here on this chart are the fines that have been levied with respect to employer sanctions. As you can see, $118,000 for the entire country. You can see what has happened under this administration. They apparently decided: We are not going to enforce this at all. The result is a dramatic increase across the border of illegal immigrants.

Now, I know some do not like the term, and I do not mean the term as a pejorative term, but it is what it is. We have immigrants who come into this country—some legally and some illegally. That is just a fact. So there has been virtually no enforcement by this administration or really any administration, although the previous administration did much better.

But now we are told this new plan has an ability to solve this problem. We are going to have employer sanctions, we are going to have border enforcement—sound familiar? Yes, it was 20 years ago that was promised—and we are going to have temporary workers. They now call them guest workers, but they are temporary workers.

Last week I was interested that some of my colleagues, when they defeated an amendment I had by a one-vote margin—an amendment I had that would deal with the temporary worker issue. First, I wanted to abolish it. That lost by a broader margin. Then I wanted to at least subset it, and that lost by one vote. Incidentally, there was a lot of arm twisting to get that vote. I have not seen any casts or anything on arms, but I know there was a lot of arm twisting.

We were told during the debate on the guest worker provision the following: The manager of the bill and the manager on the minority side said the same thing. They said: Look, if you do not have a temporary worker provision to allow those who are not now in this country—even as we legalize 12 million who are here with a work permit immediately—if you do not allow millions more to come in—600,000 a year; now 200,000 a year—if you do not allow additional people to come into this country, they will come anyway. They will come as illegals across the border.

So I asked the question: Wait a second. You are saying we have to have a temporary worker program to bring people into this country who are not now here and declare them legal to take American jobs because if we don't have a temporary worker program, they will come anyway? I thought you said you had border enforcement. What you appear to be saying is, you do not have border enforcement, so for those who would come illegally, let's just see if we can label them as legal under temporary workers.

You cannot have it both ways. There either is border enforcement or there is not. You cannot say to me we must put in a temporary worker program because if it is not there we will have illegal immigration, and then in the next breath—while thumbing your suspenders—say, and by the way, we really have effective border control. If you have effective border control, why then would you have illegal immigration that necessitates you to say there are millions who live outside this country who now must be allowed in? That is on top of the 12 million people who, under this underlying bill, will be declared legal, to have legal status.

Anyone who came across by December 31 of last year—across an ocean or across a river or across any border—anyone who entered this country by December 31 of last year would be told: You now have legal status in this country and will be able to work.

My colleague, a while ago, asked a very important question: What about the people in other parts of the world who thought this was all on the level and there was an immigration system and they applied through the quota system and have waited now 8 years to see if they would be allowed to come to this country and they are near the top of the list, but now they discover something that makes them feel as if they made a big mistake? What they discovered is, while they waited all of those years to get toward the top of the list under the legal immigration system we have, with the quotas we have, they should have snuck across the border on December 31 because those who did will have been declared, by this piece of legislation, as legal. And those who went through the process and have waited years—7 years, 8 years—and are near the top of the list are told: You are just out of luck.

That does not make any sense to me. It just does not make any sense. Let me describe some quotes from the week before last.

> . . . this legislation has tough border security and tough interior enforcement provisions.
>
> Even if you have a secure border—we are hopeful of having secure borders—it won't stop illegal immigration.

That is from a Senator on the floor of the Senate 2 weeks ago in support of this bill.

> The fact of the matter is, some workers will come here illegally, or legally, one way or the other they come in.
>
> That is where the temporary worker program comes in . . . if we eliminate this program, you will have those individuals that will crawl across the desert . . . or you can say, come through the front door and you will be given the opportunity to work. . . .

That is unbelievable. This is from the architects of the proposal before the Senate who come here boasting it has real security on America's borders, and then say: By the way, if we do not allow—in addition to legalizing 12 million people who came here illegally—a substantial additional number of people who do not now live here to come and take American jobs, they will come anyway because they will come as illegal immigrants—which suggests to me, at least, there is not meaningful border protection or border security in this legislation.

Let me describe for a moment the guest worker provision. These are temporary workers—I do not know why you call them guests—but these are temporary workers who would come in and take jobs at the low end of the economic scale and, by and large, put downward pressure on income for American workers. But here is how it would work.

It seems to me, you could not sit down and think of what kind of an approach we could use to put together a guest worker provision and come up with this sort of Rube Goldberg scheme. There is just no way you could possibly put this together and believe it to be serious. Here is what they say. In the case of the original proposal, which was 600,000 a year, and now it is going to be 200,000 a year, it will amount to 1.2 million over the first 10 years, and here is what they say: You can come for the first 2 years; you can bring your family if you come for the first 2 years. Then you have to go home for a year and take your family with you, then come back for 2 more years. Then you leave again. If you never brought your family to begin with, you can then come back for 2 more years. So you can be here for a total of 6 years and you can only have your family here for 2 years and you all have to leave this country twice. That is unbelievable. Who on Earth can sit in a room and construct that sort of nonsense?

Aside from the fact that we shouldn't have that provision in the bill, we are told, this is the way it will work. How many believe you will have 1,200,000 people come for 2 years, with their families, if they wish, and then all of them will go home? Let's assume they all went home, they get to go home for a year and come back for 2 years and then again go home for a year and then come back for 2 years, how many of you believe they are all going to leave? They are not.

Let me emphasize that the guest worker program has nothing to do with agricultural work. These are nonagricultural workers. These will be in manufacturing and in other areas.

Also, the guest worker program applies in sectors of our economy where the vast majority of the jobs are done by U.S. citizens. That is a fact. They say this is necessary because you can't find U.S. workers to take these jobs. That is not the case. These jobs are not picking strawberries. Those jobs are in the agricultural worker provisions. But these temporary workers are in construction, manufacturing, transportation, all of which have a wide majority of U.S. workers—80, 90 percent of the workers are U.S. workers. So don't tell me you can't find U.S. workers to fill these jobs. In all of these cases—construction, transportation, manufacturing—80 to 90 percent of them are already U.S. workers.

What does immigration do to American workers? One of the points I have made is this is a way of putting downward pressure on wages in our country. This is from Professor George Borjas, John F. Kennedy School of Government at Harvard. He says, on average, the impact of 1980 through 2000 immigration on U.S. wages, on average, it has reduced wages by about 3.7 percent. I don't think there is much question that if you bring in a lot of people through the back door to compete for low-wage jobs, you are going to put downward pressure on wages. That is a fact.

Here is an example of my concern and one of the things that persuades me we ought to do better. Hurricane Katrina hit on the gulf coast and we had a lot of cleanup to do. When Hurricane Katrina devastated that gulf coast, FEMA and others began to let contracts to try to see how we could create this cleanup, and here is what happened October 22, 2005: Sam Smith was an electrician. He lost his house. He lost a lot during the hurricane. His house was in the ninth ward. It was destroyed by Hurricane Katrina. He was an electrician, age 55, who returned to the city for the cleanup, the promise of a $22-an-hour wage, and guaranteed work for 1 year, a qualified electrician. He lost his job within 3 weeks—within 3 weeks. Let me show you why these folks—Sam Smith lost his house, lost his job, and here is who the subcontractor brings in. Take a look at the barracks: Illegal workers brought in living in these squalid conditions. Can you get them to work for less? Sure, you can. Is it the right thing to do? No, of course, it is not because an American worker who lost his house and then lost his job—Sam Smith—deserves better. But that is a small example of what we face with respect to the downward pressure on income for those who work at the bottom of the economic ladder.

Now, the Wall Street Journal ran a very interesting story in January of this year. It showed that in an area where there is a sudden drop in the availability of illegal immigrants, the wages for U.S. workers then rise. There was a series of raids by Federal immigration agents in Stillmore, GA, and this is again quoting from the Wall Street Journal:

> A local poultry processing company called Crider Inc. lost 75 percent of its 900 member work force when they were found to be illegal aliens—

Illegal workers. The company apparently, according to the story, had a pretty good idea that a good number of its workers had been illegal.

> One worker—

It says in the story—

> arrived at the plant in 2004. As she filled out an application, she tried to use the Social Security number, a tax payer identification number that started with the numeral 9. The company clerk stopped her and said valid Social Security numbers never begin with a 9.

The clerk kept saying: Maybe you want to put down a 4 or a 6. So the illegal immigrant wrote down a 6, and of course the application was accepted.

After the raid, almost 75 percent of the workers were determined to have been illegal immigrants and the company decided it needed to find workers, so they decided to raise wages. An advertisement in the weekly newspaper titled "Increased Wages" at Crider, starting at $7 to $9 an hour. That was more than a dollar an hour above what the company had paid many immigrant workers. It began offering free transportation from nearby towns, free rooms in company-owned dormitories near the plant, and for the first time in years, the company aggressively sought workers from the area State-funded employment office, which is a key avenue for low-skilled workers to find jobs.

Continuing again to describe the Wall Street Journal article, it said: Hundreds of local workers, many of them minorities, accepted the higher wages and were happy to take these jobs. Pretty soon this Georgia company was apparently hiring back some additional illegal immigrant workers who had been previously caught up in the raid. They turned to a "temporary labor provider" who began to provide the company with the same illegal immigrant workers who had been caught in the first raid. So the immigration officials conducted a second raid and the company then finally agreed to stop working with temporary labor.

The point of this story is very simple: If you have substantial amounts of illegal immigrant labor coming in, it puts downward pressure on wages. Eliminate that illegal labor from the marketplace, and what happens is you raise wages at the bottom of the economic ladder.

Robert Samuelson wrote an editorial in the Washington Post some while ago. He said: It is simply a myth that the U.S. economy needs more poor immigrants. He pointed out that in March the unemployment rate for college graduates in this country was 1.8 percent. The unemployment rate for the 13 million U.S. workers without a high school diploma is over 7 percent. Those 13 million U.S. workers without a high school diploma compete directly with the immigrant workers who come here illegally and who do not have a high school diploma. That is what puts downward pressure on wages in this country.

This is, as I indicated earlier, a very difficult issue, filled with passion, and I understand that. I think there are a lot of immigrant families living in this country, perhaps many who came here without legal authorization, and many came here 5 years ago, 10, 15 years ago, 20 years ago. They have lived model lives. They have gone to school here. They have gotten jobs. I understand all that. I think we should deal with that in a sensitive way. There are many who should not be expelled from this country. We are not going to round up 12 million people and deport them. We are not going to do that. So we need to find a way to deal appropriately with these issues. But that appropriate way does not say anyone who came across illegally into this country on December 31 of last year is deemed to have come here legally. That is not the right approach. You can't do that.

Second, you should not be oblivious to the needs in this country of the low-income workers. We have a whole lot of people today who got up this morning who are going to work hard all day long and come home with very little to show for it, in many cases two and three jobs. You know the people. They are the ones who know about being second. The people who know about secondhand, second mortgage, second job, second shift. They are always in second place. They are the ones who have the least opportunity in this country to get a decent wage because their productivity goes up and their wage does not. As long as there are employers who are able to bring in across the border—a border that leaks like a sieve when it comes to illegal immigrants—as long as there are employers who are willing to put downward pressure on income for American workers, we are going to see people at the bottom of the economic ladder in this country continuing to struggle. That is a fact.

The question is: Are we going to do something about it? When we deal with immigration, we ought to do 2 things. First and foremost, we ought to have a bill on the floor of the Senate that deals with border security. You can't deal with this issue without stopping illegal immigration. After all, we allow nearly a couple million people in this country every single year under a legal system. But if you don't stop at the border this unbelievable avalanche of illegal immigrants, you don't have any hope of dealing with this issue. First and foremost, you have to deal with border security. That ought to be the bill on the floor of the Senate. Then, after we have dealt with border security, we ought to deal with the question of the 12 million people who are here without legal authorization. I would be the first to join those who say let's be sensitive and let's be thoughtful about that. We are not going to round up 12 million people. There are some who have been here a long while and raised families here who have contributed to this country and we need to understand that. That is a different issue than the issue of border security. If we don't do border security and do it right, this is another way to say: Let's provide amnesty this time for 12 million people; we did it for 3 million people 12 years ago. By the way, let's meet again. In fact, let's set a date right now. We will meet again in 10 years, if, in fact, those who wrote this bill were telling me what they believe 2 weeks ago and that is if you don't have a temporary worker program, you are going to have people come here illegally anyway. What that means is they don't have real border security or the least bit of confidence in the border security and their bill. That is a fact.

There is a generous amount of discussion on the floor of this Senate about issues that are completely devoid of the well-being and the best interests of people in this country who work very hard and show very little for it. I would love to see a long discussion on the floor of this Senate about international trade and the $830 billion trade deficit, and American companies being given a tax break by this Congress and previous Congresses, American companies who shut their manufacturing plant, fire all their workers, and ship their jobs to Chinese or Bangladesh or Sri Lanka or Indonesia. They actually get a tax break for doing it. I have tried four times to shut it down. I have been unsuccessful. I would love to have a debate about that. In fact, it is the same coin, just the reverse side. Shipping American jobs overseas is the reverse side of the coin of bringing cheap labor through the back door. That is a fact.

I understand where the impulse comes from. It comes from many large enterprises, many big businesses who have convinced this Congress—or too many in this Congress—that you can't fill jobs with Americans, you have to bring in people from across the border or from around the world. There aren't enough Americans to assume these jobs.

I don't believe that. I believe as long as you keep a constant supply of cheap labor coming into this country, you keep downward pressure on wages, and the person across the convenience store counter, the person who made the bed in your hotel room where you stayed last night, the person who works in all of those jobs at the lower end of the economic ladder, they will never, ever see a better income.

It took us nearly 10 years to pass an increase in the minimum wage in this Congress. One of the reasons for that is the same influence in this Chamber that exists in support of this bill. The biggest businesses in this country didn't want an increase in the minimum wage and they blocked it for nearly 10 years. The biggest interests in this country that want to shift jobs overseas, want to continue to bring cheap labor through the back door, and that is the genesis of this kind of legislation.

I am not averse to resolving the status of the 12 million who are here without legal authorization, but I wouldn't do it this way. I certainly wouldn't point to December 31 and say: By the way, if you got here last December 31, good for you, we declare you to be legal. That is a thoughtless approach, not a thoughtful approach, to dealing with these issues.

Mr. President, one final point: It is the case that I come to the floor of the Senate on this issue concerned about a lot of people in this country who work hard and get little for it. We have seen a dramatic increase in the largesse of this country going to the top 1 percent of the income in this country—the top 1 percent, I should say, of the people who earn income in this country have seen dramatic increases in their income. Yet the bottom 20, bottom 40 percent, in many cases, have seen that they have not been able to increase their income at all.

I think an aggressive debate about how we improve the lot of all Americans would be helpful. But we don't improve the lot of Americans who have done the work they wanted to do, to go find a job and get educated, we don't do their bidding and help them by deciding we are going to keep downward pressure on their wages. This is exactly the wrong approach.

I know the Chair and the ranking member are here. They wish to get to the bill. I know there will be many amendments this week. Let me say this. I would be very interested in voting for a piece of legislation that I thought was on the level, that will provide real border security. That is the first and most important need in dealing with immigration. But 2 weeks ago, the very people who wrote this bill said if we don't have temporary workers coming in under the temporary worker program, they will come in illegally anyway.

I think that unmasks the fallacy of this bill. There is not border protection here that will work. There has not been a will to enforce it in the past. This legislation will continue to put downward pressure on the income for American workers. That is exactly the wrong thing for us to do.

I yield the floor.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER (Mr. DURBIN). Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform, and for other purposes.

Pending:

Reid (for Kennedy-Specter) amendment No. 1150, in the nature of a substitute.

Grassley-DeMint amendment No. 1166 (to amendment No. 1150), to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

Cornyn modified amendment No. 1184 (to amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.

Dodd-Menendez amendment No. 1199 (to amendment No. 1150), to increase the number of green cards for parents of U.S. citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals.

Menendez amendment No. 1194 (to Amendment No. 1150), to modify the deadline for the family backlog reduction.

McConnell amendment No. 1170 (to amendment No. 1150), to amend the Help America Vote Act of 2002 to require individuals voting in person to present photo identification.

Feingold amendment No. 1176 (to amendment No. 1150), to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

Durbin-Grassley amendment No. 1231 (to amendment No. 1150), to ensure that employers make efforts to recruit American workers.

Sessions amendment No. 1234 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act, by preventing the earned-income tax credit, which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Sessions amendment No. 1235 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act, by preventing the earned-income tax credit, which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Lieberman amendment No. 1191 (to amendment No. 1150), to provide safeguards against faulty asylum procedures and to improve conditions of detention.

Cornyn (for Allard) amendment No. 1189 (to amendment No. 1150), to eliminate the preference given to people who entered the United States illegally over people seeking to enter the country legally in the merit-based evaluation system for visas.

Cornyn amendment No. 1250 (to amendment No. 1150), to address documentation of employment and to make an amendment with respect to mandatory disclosure of information.

Salazar (for Clinton) modified amendment No. 1183 (to amendment No. 1150), to reclassify the spouses and minor children of lawful permanent residents as immediate relatives.

Salazar (for Obama-Menendez) amendment No. 1202 (to Amendment No. 1150), to provide a date on which the authority of the section relating to the increasing of American competitiveness through a merit-based evaluation system for immigrants shall be terminated.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, the Senator from Colorado is here. He and I are in the unenviable position on a Monday evening of managing this bill for a little while. Senator SALAZAR will speak on behalf of the majority. I do think it is the majority's desire that no amendments be laid down this evening. We would like to get Members to come to the floor first thing tomorrow morning to begin laying down amendments, and we will work out an order for the amendments, voice votes and rollcall votes, and advise Members of when those will occur tomorrow. We hope to do that later this evening.

We wish to encourage our colleagues to bring their amendments to the floor and get them pending after this evening, so that we can work as much as possible this week in getting the bill concluded.

I have several things I would like to say in response to the Senator from North Dakota.

Let me yield at this point to the Senator from California.

Mr. SALAZAR. Mr. President, as we resume the immigration reform debate in the Senate this week, I am mindful of the fact that we have indeed come a very long way and that this Senate has spent a significant amount of time dealing with the issue of immigration. Last year, we were on the issue of immigration for over a month. This year, through the dialog and discussion of immigration, we have been working on this for the last several months. We were on the bill through last week and will continue to work on it this week. Hopefully, at the end of the week, we will be able to act on comprehensive immigration reform for our country.

As I have often said, from my point of view, this is an issue of national security. It would be an abdication on the part of the Senate in Washington today if we were not able to move forward with comprehensive immigration reform. Since in the days after 9/11, it has become clearer and clearer to us that we need to secure the borders. Our legislation does, in fact, secure the borders.

Secondly, the legislation makes sure that we move forward to enforce the laws of America. The legislation we have proposed is a tough law-and-order piece of legislation that will make sure we have the resources, that the United States doesn't look away from the enforcement of our laws, and that we enforce them.

Third, our legislation also deals with the economic realities that are so much of the immigration debate, the components of the economic realities relating to the guest worker program, as well as the agricultural job workers, as well as other provisions of the bill that speak to the economic realities our country faces. I hope we will be able to move forward to the conclusion of this legislation this week.

I note there was progress made on the legislation during the last week. We disposed of 13 of the 107 amendments that were filed. Seven of them were disposed of by rollcall vote and six by voice votes with unanimous consent. At this point, we have 14 amendments that are pending and that we will vote on. Some of them we hope to begin voting on tomorrow morning and work our way through some of the more difficult amendments in the afternoon.

Let me also say at this point that as the President of the United States has spoken out around the country on the issue of immigration reform, he has taken a lot of heat for his position. A lot of people, both Democrats and Republicans, have taken a lot of heat on what we are trying to do with immigration reform. I think it is a responsibility of the Members of the Senate, the Members of the House of Representatives, and the President to do what is right for the country. There are some who, frankly, will argue that we ought not to do anything, that the answer to dealing with immigration reform is simply to not do anything for a year, 2, 3 or 4 years and to do what they call an enforcement-only approach. We know, from a realistic point of view, that will not work; we will not be able to secure our borders or to enforce our laws within our country, and we would not be able to deal with the reality of the 12 million undocumented workers who toil in America today.

So the comprehensive, bipartisan approach we have brought forward for consideration by the Senate is our best attempt at coming up with something that makes sense for comprehensive immigration legal reform in our country. I appreciate Senator KYL and his leadership, the leadership of many on the Republican side of the aisle as well as those on the Democratic side, who have said we are going to get the solution.

For those who say there is no solution to this issue or that we can wait 4 years to resolve it, they are wrong. We have it within our capacity and within the courage of the Members of this Chamber to get to a good conclusion on immigration for the United States.

I yield the floor for my friend from Arizona.

Mr. KYL. Mr. President, I compliment the Senator from Colorado, who frequently during the very difficult negotiations over the last several months was able, because of his legal skills and sunny personality, to bring contending factions together. I could not agree with him more that, as responsible public servants, we cannot allow this problem to continue to fester. Surely, working together in a bipartisan way, committed to fairness, justice, and a solution, we can come up with a resolution of the problem that will work, as well as anything might work.

Our colleague from North Dakota said a moment ago that he disagreed with this bill and that we need to find a way, and he described pretty much what we are trying to find a way to do. He is right. Well, we have tried to find a way. It is just that not everybody agrees with exactly what we have come up with. One of the reasons for that is that if you are not part of the process of trying to reach a bipartisan consensus, you may have the idea you can get most of what you want without conceding anything to people who have a different point of view. The reality is that this is one of the most contentious, complex, emotional issues of our time, and no one is going to get 100 percent of what they think is the right solution. We are alleging we have to recognize that there are other points of view and that in order for us to be able to politically reach a decision, we might have to be supporting something that none of us like 100 percent, and that is certainly the case with me.

I wish to explain this evening a couple of things that came from my discussions with constituents during the time of the Memorial Day recess and why I agree with the Senator from Colorado that this is the time to try to tackle this very tough issue. I was asked by a reporter why I was doing this, especially since I voted against the bill last year. The answer is that last year I didn't have an opportunity to participate in the construction of the legislation the Senate voted on. By the time it came to the Senate floor, the die was essentially cast. We had several amendments we offered; some were accepted and some were defeated. It was not possible at that point to substantially change the legislation. I thought it was a bad bill and I voted against it.

It is also true that the situation in the United States, and in my State in particular, is getting worse every day. If you represent a State such as Arizona, on the border with Mexico, you simply cannot continue to ignore the problem, hoping it will go away or some magical solution will be developed that everyone can support. You realize you are going to have to get in there, fight like heck to do the best you can, and get the problems resolved, even though the solution is not going to be perfect from anyone's perspective.

Here is what is happening every day: Thousands and thousands more illegal immigrants are pouring across the border. We wish to stop that. We have crime and violence increasing at an unprecedented rate, much of it due to illegal immigration. The drug smugglers are using the illegal immigrants as decoys to try to get the agents to chase the illegal immigrants so they can bring the drugs across. Because the Border Patrol is getting much more effective at controlling the border now, the violence is increasing because the people smuggling immigrants and drugs are finding their territory is now being contested by the Border Patrol. They are fighting back. They are fighting back with weapons, including large caliber weapons. This violence is a scourge not just at the border but on our society as a whole. We had a shootout on the freeway between Tucson and Phoenix, where two rival gangs were fighting over a load of illegal immigrants. Why? Because those illegal immigrants represented more potential income for whoever controlled them. They are essentially kidnapped and ransomed, and their families back in El Salvador, Mexico, or wherever they are from, are contacted and are told if they want their relatives to be freed, they have to pay additional money. As a result, a lot of money is paid and there is a lot of violence. The harm perpetrated on the immigrants—and, frankly, the harm perpetrated by some of the coyotes and smugglers and other criminals crossing the border—is infecting our State to an unacceptable degree.

Last year, over 10 percent of the illegal immigrants coming across the border from Mexico were criminals, people wanted for serious crimes. These are not just nice people wanting to work in the U.S., though that is far and away the majority of them. It is a national security problem. We don't know how many of these people may have terrorist inclinations. Many come from countries that are on the terrorist list. Again, between 10 and 13 percent, approximately, we know to be criminals. As a result, we have to do something about the problem.

I was mentioning to a reporter this morning—she said: What differentiates Arizona from a Midwestern or an Eastern State? Well, two things. The violence associated with this, first, has a deleterious effect, all the way from the people the violence is perpetrated on, to the court system which cannot handle it, to the jail system, to the social network that has to be established; all of this is enormously expensive and disruptive.

Secondly, I said, you have the problem of the environmental degradation, with thousands of people—millions over the years—crossing through into our State, and the impact on the desert environment has been dramatic. We have national monuments, parks, game refuges, military bases, Indian reservations, as well as private land and national forests right on the border.

With this many people coming across with very little regard for the impact on the environment, they have left thousands of tons of trash. They have cut fences. They have let water run. They have let animals run loose. They have threatened, in some cases, to hurt individuals. They have burned property. They have trashed the properties, as I have said, and they cut literally thousands of trails which will take thousands of years to revegetate. That is the least of the problems. But one can see it in my State of Arizona, and I think anybody who says we shouldn't try to do something to stop that simply has no sense of responsibility, especially if they are in a position to do something about it, as we in the Senate are. That is what has motivated me to do something about this problem as best I can.

One can sit on the sidelines and complain about how bad the legislation is. One could say, as some of my colleagues have said, we need to find a way to do something to solve this or one can try to find a way and work with their colleagues on the other side of the aisle, do their best to come up with a consensus that has a chance of passing and being signed into law. That is what those of us who have worked on this legislation have tried to do. Is it perfect? No way. Are there many provisions in it I don't like? Absolutely. Or that my friend Senator SALAZAR doesn't like? Absolutely. But that is the nature of attempting to reach a bipartisan consensus.

I next wish to talk about what my constituents have told me in the last couple of weeks. It is very interesting that the same question keeps coming up over and over. In my campaign last year, it was the same question: Why do you think a new law will be enforced when the existing law is not being enforced? And that is a very good question because the truth is, neither the current administration nor the previous administration nor Congresses working with the administration nor the bureaucracies and people responsible for enforcing the law have done a good job of enforcing the law. One can argue that in some cases there hasn't even been a significant attempt to enforce the law. When we do attempt to enforce it, a lot of roadblocks are thrown in the way.

So it is a legitimate question: Why do we think this new law might be enforced when the current law is not being adequately enforced? Unless you can answer that question, you can't really support some new proposal, as we have here.

Before I answer the question, let me say something else. It is absolutely wrong to accuse the people who ask that question, who are skeptical of our ability to enforce a law and, therefore, skeptical of this new law, and call them bigots or restrictionists or nativists or leftwing or rightwing nuts or people who simply want to obstruct the process. The reality is, these are hard-working, tax-paying Americans who believe in the rule of law and are extraordinarily upset that their Government has let them down, and that is exactly what has happened—their Government has let them down. They have a right to be angry, and they have a right to ask the question: Why should we believe a new law is going to be enforced when the existing law is not being enforced?

Remember, I say to my colleagues, we work for them. They hired us. They pay our salary, and they pay the President's salary and all of the people who work in the executive branch. They have a right to answers to these questions rather than having people suggest that because they may oppose what we are proposing, somehow or another we think less of them. I think a great deal of them, especially those people who disagree with me agreeably, such as one of my constituents with whom I spoke today. She said: I trust you, but I don't like this new bill which has been proposed. I appreciate the question she asked, which was the same one: How are you going to enforce it? So let me try to answer that question.

First of all, we understood that the experience of 20 years ago with the amnesty bill of 1986 demonstrated that unless we took enforcement seriously, we would end up with something unenforceable. So we tried to do that in this new legislation.

The first thing we did was to ensure that several new actions will be done for enforcement before any of the benefits accrue to people who are here illegally. That is a way of ensuring that at least some enforcement gets done. What did we do? We applied triggers. We said that until the following things are done, no temporary visa will be issued to an illegal immigrant in the United States. What are those things?

No. 1, we are going to increase the numbers of the Border Patrol. By the way, this isn't the end of it. We said 18,000, and an amendment has been adopted that says take it to 20,000, and that is great, and we will need more than that. Do you know what 20,000 Border Patrol agents represents, Mr. President? It is half the New York City Police Department. So if they have about 39,000 people on the New York City Police Department—and I don't know how many square miles that is, but we have 2,000 miles of border to Mexico, not to mention our northern border—I think one can appreciate probably 20,000 Border Patrol agents is not enough, but we at least get to that mark before any of those triggers are pulled.

We do the same thing with fencing. We have authorized 700 miles of fencing. We are going to have at least 371 of those miles completed before the trigger is pulled. We are going to have over 300 miles of vehicle barriers.

Incidentally, on fencing, there is a rumor, a myth out in the land that we only have 2 miles of fencing. We have over 80 miles of fencing, and it is being built several miles a day. I have seen it being built on the border near Yuma, AZ.

We will have something like 70 more radars, maybe more than that. I have forgotten the exact number. We will have four unmanned aerial vehicles. We have over 26,000 detention spaces, so there will be no more catch and release of people who are detained.

These are some of the items which will actually have to be done before the trigger is pulled and a visa can be issued to an illegal immigrant, even a temporary visa.

In addition to that, we will have up and operating and ready to go the electronic employee verification system, or so-called EEVS. This was lacking in the bill in 1986. We had a requirement that employers check to verify the eligibility of employees. Mr. President, do you know what they had to check? A driver's license and Social Security card, which are counterfeitable and I think cost 30 to 35 bucks apiece, or about $60 for the two of them, and employers can't hold them up to the light and say: This is a counterfeit and that one is real. We cannot expect employers to do that, as a result of which they suspect a lot of the people on their payroll are illegal immigrants, but they have the documents to prove they are legal, and the U.S. Government very seldom comes to audit them to check to see whether the people they hired are legal. Of course, we preclude them from asking insensitive questions that might violate their legal rights, such as: Are you an illegal immigrant? So employers are stuck in a catch-22 situation. That is the situation today.

For those who say we don't like the bill, I say, fine, do you want the situation where today we have a totally unenforceable employee verification system or would you like to see something like that which is in this bill put into place? It is very effective. It will require the Government to do the validating, not the employer.

The Government will have two different items to validate. No. 1, it is going to clean up the Social Security system and the database, and when an individual applies for a job, that database is going to be accessed with algorithms developed to ensure that not only do you ensure that the number which has been issued is a valid number issued to that person on that date but that it hasn't been used by somebody else for employment purposes or the individual hasn't died and so forth. So they can determine whether the Social Security eligibility is real.

Second, you can determine who the individual is. There is a variety of ways to do this. If you have a U.S. passport, that is the gold standard because the information is typed in and the real passport that was issued will then be displayed on the computer screen of the employer. All the employer has to do is match that with the passport the prospective employee has given them and determine if they are identical. If the photographs are identical, it looks like the individual in the photograph, that is him. If they are not, then that situation is noted and the individual cannot be employed. If it is a driver's license, a REAL ID Act driver's license, it is the same thing—the photograph has to match.

There is a system, in other words, that will be put into place that this time will not rely on the employer trying to determine the validity of the document but, rather, having that document checked through the database of the U.S. Government or States in the case of driver's licenses or birth certificates, and the employer is able to verify that, in fact, is a proper document.

There are very difficult sanctions. If an employer violates this law more than once, it is a $75,000 fine, as opposed to $250 for a violation today. This is serious. And I think employers want a legal way that doesn't impose too big a burden on them to ensure the people they hire are, in fact, eligible to be hired. I think they will appreciate the speed and the ease with which this new system will allow them to determine eligibility of their employees. This will work so that the combination of strong border security and the inability to get a job if you are here illegally will reduce, we believe right down to the bare minimum, the number of people who shouldn't be here but are. That bare minimum, of course, is the criminal element—absconders, gang or terrorist members, and those people who have committed crimes. They are here today, and it is going to be much easier to find and catch them tomorrow if they are the ones on which we can concentrate. Instead of having to concentrate on 100 percent of the people who are here illegally, we can focus on that 15 percent or so we really want to catch. This is the second way in which we have anticipated we need to enforce the law.

Third, amazingly, in the 1986 law, you couldn't even prosecute someone for fraud if they told you they had been here for longer than 3 years or 5 years and it turns out they hadn't been. Last year, there was an attempt to amend the bill to at least allow people who made such fraudulent claims to be prosecuted, and that amendment failed. Needless to say, the ability to prosecute fraud is in this legislation.

There are many other ways in which we have sought to ensure this legislation, unlike the past, will be enforced.

I conclude this part of my remarks with this statement. Let me answer in another way the question about whether the law will be enforced. If you are unhappy with the status quo, if you don't like the way things are today, then why would you oppose a change that at least offers the prospect that the new law will be enforced when we know the old law is not being adequately enforced? If you say: Let's just enforce the current law, I ask you, with regard to the employee verification system I just discussed, how can you enforce a law that is inherently not enforceable? You can't prosecute for fraud, you can't check the status of prospective employees, you cannot hold an employer liable because you can't prove that person knowingly hired the illegal immigrant. You can't enforce the existing law at the workplace. We have to change the law. That is the whole point of this legislation. I think you have to argue that the status quo is better than what this bill offers if you are going to oppose the bill.

Let me mention two other points since I see my colleague from New Mexico is in the Chamber. Like me, he appreciates the impact on our society of illegal immigrants who are imposing themselves, who are using social services, who are stressing our court system, and I appreciate the fact that the senior Senator from New Mexico has offered legislation to add judges so that we at least have enough judges to handle the cases that come before the courts.

A lot of our colleagues say that the problem with this legislation and the only reason they can't go along with it is that it represents amnesty. Of course, everybody has a different definition of what amnesty is. I don't think it is amnesty. It seems to me that arguing over whether something is amnesty or isn't amnesty is a dead-end argument.

The question is, What would you like to see done so it isn't what you don't like? I argue this: If merely allowing the illegal immigrants to stay here is amnesty, which is what a lot of my constituents have said they believe, then the status quo is amnesty because we are letting them stay here and we are not doing anything about it. So if your definition is the mere fact you allow them to stay here is amnesty, then I say, fine, you, too, are for amnesty. I am just trying to do something about it.

What are we trying to do about it? The first thing is that what we want to do is to ensure the people who came here illegally will appreciate that they did something wrong, they are going to have to pay a penalty for it, and for them to continue to stay, they are going to have to meet serious conditions of probation. They are going to have to say: I came here illegally; if you find I committed fraud or if you find I am ineligible for the benefits of this program in any way, I waive my right to contest that, in effect, and I am going to pay a fine, and I am going to be on probation, I am going to have to not violate the law, I am going to have to continue to work, if you are the head of the household. If you violate any of those conditions, you are going to have to go home, and so are your family members. If you want to stay here permanently, you are going to have to go home and apply like everyone else. You are going to have to get in line. You are going to have to pass an English test. And that is all simply to get a green card. After that, of course, if you want to be a citizen, you have to wait the 5 years and do the things necessary to become a citizen. That deals with the second point.

To me, one of the definitions of amnesty is this automatic path to citizenship. We have done away with that. In addition, we have established a merit-based system for green cards for those people who want them who are here illegally.

Finally, one of the benefits of amnesty is the ability to chain migrate your family. We have eliminated that in this legislation. You no longer have the right to chain migrate your family. By that, what we are talking about is to bring in the nonnuclear family, someone other than your spouse and minor children, simply because you are a green card holder or a U.S. citizen. We say: no longer. When this bill goes into effect, once the current backlog is cleared up, there will be no more chain migration of this nonnuclear family.

Incidentally, there was an error made in the description of our bill by one of our colleagues. The visa that will be issued to people illegally here today does not allow chain migration. In fact, it doesn't even allow the migration of your nuclear family, your spouse, or minor children, if they are in another country.

The last thing I want to talk about is the matter of the amendments we will have to deal with during the course of this next week. There will be a lot of amendments, some of which improve the bill. I know the Presiding Officer has an amendment which I think is a good amendment, and it doesn't in any way disrupt the basic agreement that was reached on a bipartisan basis but strengthens the bill. There will be many other amendments that either do or do not strengthen the bill, and we will have a chance to vote on them. We also understand there are some amendments which go right to the heart of the negotiation that occurred, to the agreements that were reached, and there are some Members in the Senate who, frankly, want to see them adopted because they do not want to see the bill passed. They know they are killer amendments, and they have been so dubbed, and I wish to illustrate what I mean.

We have a temporary worker program. We worked very hard to make sure it gave people an opportunity to come here temporarily to work and to return home. Any amendment that would allow them to morph into legal permanent residency and citizenship would convert that from a temporary worker program to a permanent worker program, and that would violate the basic understanding of the bill. We already have a permanent worker program.

Now, speaking of that, we were very careful to try to balance that permanent worker program, the so-called green card program, legal permanent residence, based on worker visas. We carefully calibrated that with family visas and the need for high skills versus low skills. We developed a merit-based system that establishes points for that and allocated the different visas for different groups. It would be a deal killer, a killer amendment, a breaking of the bipartisan agreement here if that is substantially altered. There is an amendment out there that would in fact substantially alter it by increasing by something like 300,000 per year the number of green cards that would be provided for employers to dole out to their prospective employees, as a condition of employment, basically. This is not a green card applied for by the individual. This is a green card the employer applies for and says to a prospective employee from another country, if you will come work for me for 5 years and take substandard wages, I will give you a green card at the end of that 5-year period.

I remember studying in school the concept of indentured servitude. You come and work off your debt for 7 years and then you get to stay in the United States of America. It is not the same thing, but it is analogous. What we say here is we are going to make visas available for both the employee to apply for and the employer, and we are going to substantially increase the number of those visas. But we are not going to substantially increase it and then add another 300,000 on top of that. That would break the deal.

Moreover, that particular amendment goes right to the heart of some other reforms, reforms that I support, that the Presiding Officer supports, and would, frankly, undercut what we have tried to do here in terms of worker rights. To be real clear about it, we already have 150,000 green cards per year, most of which will go to skilled workers because of the merit-based system we have. In addition to that, we have created another 107,000 per year to clear up what we believe is a 5-year backlog for those high-skilled workers, those so-called H–1B workers, and we add another 240,000 at the end of 8 years when they are no longer needed for family purposes. We have a merit-based system, as I said, that will pretty much ensure these green cards go to the best and the brightest, the high-skilled people who will bring with them the kinds of things we need to compete in the global economy.

Another killer amendment has to do with the nonnuclear family migration, the so-called chain migration. We have decided that, even though some people would literally never get to this country with a family visa because the backlog is too long, we are going to allow about 4 million people to come into the country over an 8-year period. This is extraordinarily generous, and let me mention one country where I believe the backlog for our neighbor to the south, Mexico, is 176 years. You cannot argue that you have a reasonable expectation you are ever going to get a visa granted and get to the United States and have anything left of your life if the timelag before you could get it is 176 years. It is also long for many other countries. Nevertheless, we said if you had applied by May of 2005, you would be able to come into this country within an 8-year period. We had originally said 2004, because I believe in March of that year, the Department of Homeland Security sent a letter to everybody who was pending and said, look, we have stopped processing these applications because there is no reasonable expectation we are ever going to get to them. So if you applied after that date, especially if you are from one of these countries that has a long backlog, forget it, you are never going to make it here. Nevertheless, we said, we will allow you to come in during this 8-year period.

Well, there is an amendment that would move that date from May of 2005—remember, we moved it from March of 2004, in the spirit of compromise, to May of 2005—this amendment would move it 2 years forward to today, basically, for another over 650,000 applicants. These people have no reasonable expectation of ever coming into the country.

Finally, there is an amendment that deals with spouses and children. Both legal permanent residents and citizens are enabled to bring in spouses and legal children. If you are a legal permanent resident, there is a cap and there is some waiting period. It is not substantial, but it is a waiting period. This amendment would eliminate that difference between citizenship and legal permanent residence for the sake of bringing the nuclear family in. I think it is very important for us to retain the distinction. Citizenship has to mean something in this country, and one of the key things we think it means is being able to bring your spouse and minor children into the country when you want to do that.

My point in discussing these amendments is to make the point that as anxious as I am to solve this problem by getting legislation passed that we believe does offer the opportunity for enforcement to end illegal immigration, to end the employment of illegal immigrants, and to ensure that from now on people who are here are playing by our rules rather than someone else's rules, as much as we want to ensure this legislation can pass the Senate and the House and be signed by the President, we also appreciate the fact that it represents a consensus based upon an extraordinary amount of negotiation.

I go back to the point I made starting out. Nobody got 100 percent of what they wanted. We all made sacrifices in the sense that we agreed to things we didn't like. The end result was a bipartisan bill which I believe can pass. But if any of these other amendments are adopted, then many of us have made the commitment that we will no longer support the legislation. I certainly will not support the legislation, and I would do everything I could to get it defeated.

It seems to me unless there is a bipartisan consensus that represents a balanced bill that can pass both Houses and that the President will sign, we are simply engaging in an exercise in futility, and perhaps worse. So I want my colleagues to appreciate the fact that I am very anxious to support some of their amendments, that I will oppose others, but they need to come down and get their amendments pending so we can get them voted on.

Again, there are some things which go right to the heart of this bargain, and many of the people who will support those amendments know that. I am sad to say one of the reasons they will be supported by some Members is precisely to kill the bill. I don't want to see the bill killed. I want to see the bill passed. As a result, I hope my colleagues will keep this in mind when we consider these various amendments.

Mr. President, I think there are other people here now who wish to speak to the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation for the leadership Senator KYL has given to this Senate in so many different areas. I am normally one of his righthand guys, but on this deal, I can't be with him.

I don't agree that a small group of Senators can meet in closed meetings and reach a compromise nobody can amend. In fact, Senator BINGAMAN noted earlier today that he offered an amendment to change the temporary guest worker program. They said that amendment would be a deal breaker. But it passed with 74 votes. So we obviously ought to be able to amend this thing, and hopefully we will.

I will speak briefly, because my colleague from New Mexico, Senator DOMENICI, is here, and I will yield to him in a moment, but I will add a couple of things.

I do believe we need effective, comprehensive immigration reform legislation, and I support that. I was hopeful the legislation that was being discussed was based on the principles contained in the talking points utilized by members of the President's Cabinet and those Senators who were meeting to discuss the bill. Those principles struck me as being far preferable to last year's legislation, and I said publicly I was most intrigued by it.

I must say, however, that on reading the fine print in this legislation, I have concluded the legislation does not effectuate the promises and principles announced beforehand.

For example, they said this year we would have an effective trigger; trigger being proof that enforcement measures were in place before any amnesty would occur. That was defeated last year. The people this year assured us it would be in there. But reading the language on the trigger, it has very little teeth in it. It is trigger locked. It is not an effective trigger, and I have demonstrated that in earlier speeches.

They promised we would end chain migration and move to a merit system of immigration. However, for the next 8 years, the number of people entering under the chain-migration, nonskill-based status will increase dramatically, almost three times the current rate. Indeed, only after 8 years will the merit-based system have the kind of teeth I had hoped it would have immediately. But I would note that Senator OBAMA has indicated he is filing an amendment to sunset the merit system and eliminate even that.

The temporary worker program gives me great concern because I am afraid it will not work. I also note it allows spouses and parents to visit. A spouse can visit a worker even if that spouse indicates they do not intend to stay in the country they are living in—the foreign country. So I am worried about how that will work. Who is going to apprehend those who don't return?

People who came into our country in the last 5 months, who got past the National Guard that President Bush called out, who got into our country December 31 of last year, will be given permanent status in this country. Those who are members of MS–13, an international gang, if they say they are a member of that gang but that they renounce the principles of that gang, will be able to stay and be given citizenship in the United States.

They said the bill would have greater emphasis on assimilation, because we all agree we need to do a better job of assimilating those who come to our country. I believe it is only mentioned once in the bill, and that is at page 300-something of the bill—almost the last page of the bill.

They said we would emphasize English much more. But under the bill, those who would be given amnesty won't have to produce any proof of English skills for 12 years.

They said there would not be a benefit of welfare. But the earned income tax credit will be given to people immediately upon their being given lawful status in the country; not a Z visa, even, but the probationary status. An average recipient of the earned income tax credit gets about $1,800 a year, and that is not chickenfeed. It was designed to encourage work by working Americans, not to provide an incentive for people to come to our country illegally. The document that is required to enable you to prove you were here before January 1 of this year is simply an affidavit by someone. I submit that the Department of Homeland Security is not going to be able to check on those affidavits and we are going to have massive fraud. Indeed, most people, probably, who are working here today carry false documents of some kind or another. It certainly would not be difficult at all to obtain a false affidavit in that regard.

I have listed 20 loopholes or objections I have identified with the bill—actually, 25, and Senator BINGAMAN pointed out another one earlier today that we did not include in our list. There are many discrete, specific defects in the legislation. But the problem is that the defects and mindset behind the legislation indicate a lack of commitment to creating a lawfully enforceable system of immigration and indicate a lack of commitment to moving to a more skill-based system like Canada's—which system, I note to my colleagues, the Canadian system, was favorably reviewed in a USA Today editorial yesterday. That absolutely should be a part of this legislation.

I salute my colleagues for working to move to a more merit-based system and for taking some steps that would be better from the enforcement side, but I have to say I believe it is not sufficient. I wish it were. It is not. We need immigration in America. We are a nation of immigrants. I do not oppose immigration. I just think we ought to create a system that serves our national interest, that allows talented people from around the world to apply and come here, those persons most likely to flourish in our system. It should serve our national interests and should be effective. I am afraid this bill is not.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank my good friend from Alabama for expediting his remarks. I did not get to hear all the speeches this afternoon, including the speech of my good friend Senator SALAZAR from my neighboring State of Colorado or even all of the speech made today by my very good friend from another of my adjoining States, Arizona, Senator KYL. But I heard a little bit of both of their remarks.

I came to the floor after hearing some of the speech of Senator KYL to tell him how I analyzed his work on this bill.

Senator KYL, I have known you ever since you have been in the Senate. As luck would have it, I can call you my junior. That is only because New Mexicans sent me up here a few years before Arizonans sent you. In no other respect would the use of that word be appropriate because you are a terrific Senator. It would have been a shame if you would have lost this opportunity, with your talent and your ability to convince people, to get the United States of America a new immigration bill.

I say to my junior friend from the State of Colorado, the same goes for you as far as your work on this bill. The same goes for Senator KENNEDY and the other Senators who were in the group who worked together on this bill. But since the two of you are here, I will use you as an example of all of those who decided they had enough and they were going to work until they had a bill.

Let me say that we are not elected to the Senate to handle easy problems, nor are we elected to the Senate to let other people handle problems and then argue that they didn't do it right, so we can be on the defensive all the time and argue against anybody who is trying to do something for the country. We were not elected for that. It happens that we have parties, so most of the time we choose up sides on bills and amendments.

Let me suggest to the American people who do not understand it—and I don't say that in any pejorative sense—something good has transpired in the Senate with this bill. One of the worst problems we have is an immigration system that does not work. If there is anybody in the United States who believes the borders of this great, marvelous country are being policed so we can determine who comes in and who goes out—more significantly who comes in, of course—if they think we can do that, then they are living in another world. They are not talking about their home country because we have little border control yet. We know it in the State of Arizona, my State's neighbor, by just going out and looking. We know it in New Mexico because our Border Patrol agents tell us all the time that thousands of illegal immigrants have come across and thousands more are coming across and we can't stop them. That is because we do not have a comprehensive system, so we get them, they are sent home, and they come back. We arrest them inside the country, we tell them to come to court in 2 or 3 days, they never show up, and we never find them again.

The truth is, this great country has about reached a point where we have lost total control of our borders as to citizenry, occupancy, who raises their children here and what influence they have over our society. We have come very close to living under no border or immigration law.

For anybody who says to the Senate or to a Senator, either a media person or citizen, "we do not want this bill because we don't like this or that piece of it," let me ask them the question, Do you like what we have? Is that not the right question to ask, Senator? Do you like what we have? If you don't like what we are trying to do after months of work, do you really know what you are advocating for when you tell us don't do it and fax our offices and call us long distance? What you are asking us to do is do nothing.

We don't have anything effective. If you want us to not pass a law, you want us to do nothing and you want to leave us with nothing. You want to leave the people of the country open as to who can come to the U.S., how many can come, what they can do when they get here and what kind of opportunity we give them. Right now we do not know who they are, where they come from, or why we are doing what we are doing. That is exactly where we are today.

I say to Senators who will come here in the next few days and say: I looked at this bill with my staff, and they told me I had to have an amendment—I urge you be very serious about amendments. I know, better than most, you can make an argument that a few Senators, no matter how well motivated or how good they are, when they get together for months upon months and write a bill, they have not given everybody a chance, in the institution called the Senate, to participate. But I suggest if those people—led by Senator KENNEDY, Senator KYL, Senator SPECTER and others—if they have produced something that is substantially better than our current laws, do you think there is anything else that is apt to make it through the Congress if this bill dies? Are we really going to go through this effort again next year? I think we are going to have to wait until there is a whole new group of Senators before we write another bill. So before you insist you are going to offer an amendment, even if it kills this bill, so you can exercise your senatorial rights, then I urge you give some serious thought to the proposition: Just so you can say you offered an amendment, do you want to kill a bill which is dramatically better than the laws we are living with, without question? Do you want to kill a bill about which many people who have analyzed it carefully say that if we provide sufficient resources, sufficient manpower, the strength we need and the law enforcement we need, it has a chance of securing our borders so people cannot come in unless they are supposed to?

What we are living under has no chance of providing the security we need. The laws cannot be enforced. The laws are not currently, with court interpretations and the like, endowed with the capacity to be enforced. The current law of the land cannot be enforced in a way that will sustain our borders. That is just not possible. So don't wish for us nothing. Don't say: Enforce our current law. There is no good law to be enforced. We have a bushel basket full of loopholes and of opportunities for people to obfuscate and get out of trouble through rules and regulations, so much so that our Border Patrol is so frustrated that they have been for years crying out to us to give them help. When they say help, they always say: Change the law. Fix the law so we can do what you want us to do. This is our chance to do that.

I went home for recess like most Senators. I did not travel overseas; I went home. I spoke at three editorial boards in three cities, and I then spoke to a couple of groups, such as the Hispano Chamber in Albuquerque, about 50 to 100 men or women were there. When I had time to answer questions on this bill and to explain its principal provisions, nobody stood up to challenge me, to say that it was bad, except one person who insisted that I was defining amnesty wrong. I ended up in an argument. Maybe I should not have done that, saying "it doesn't matter whether it is amnesty, here are the words describing what the bill does. Is there something wrong with this accumulation of words we put in the bill that says when somebody can stay here if they have worked for at least 13 years and then they apply for citizenship? Is there anything wrong with those words? If there is not, then we shouldn't worry about amnesty, whether we define it that way or not."

I believe there is no general amnesty in this bill. The minimum time you must be here to become a citizen is 13 years under 2 different cards, a Z card and a green card. You must spend 13 years being a good resident—not counting how much time you spent here before getting a Z card—and paying fines along the way for violating the law, having to know sufficient English and sufficient civics. Is that amnesty? I thought amnesty was more like a gift. There is no gift here. You have to work and you have to learn and you have to pass an exam and you have to pay fines.

And the first thing undocumented workers have to do is get up from where they are, half incognito, and turn themselves in and have enough trust that the Federal Government is going to treat you right. That is the first thing the bill is going to do after securing the border. A lot of people are going to wonder about that. You are going to find out. We are going to put plenty of resources into that, going out and asking them to turn themselves in. Is that right? That is one of the first actions in this bill. Go to where they hide out, because they are illegal aliens, and ask them to come forward. They are not going to be illegal anymore. They are going to get a legal work card.

I worked on the immigration bill last year. It was not nearly as good as this bill. I have not worked as long as those who have worked the longest this year. I have worked long enough to be sure I have something here that I can tell my constituents is much better than what we have now. In fact, this bill has a real chance of controlling the borders. Once we have it passed, if we do not throw up our hands and abandon it but keep with it and enforce it and put the money into the equipment needed to do the work required, if we do all those things when we have this bill finished—and we are going to have to do that—we will have legislation we can be proud of. If we do that, I will be glad to say, in this year, in this month, I worked on and helped pass a bill in spite of many people being against it in the media—we passed something good for the American people from a set of facts that were difficult, from laws we had to amend, which had many special interests that made them difficult to change.

I will be saying in that month, this month, this year: We got it done. I will be very happy and very proud in the meantime, for those who are working on the bill—I have a lot of other things on other committees—but I stand ready to be of help wherever I can during the week. You can put me down as one who is ready to help.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, first I want to make a comment about the process that has been underway on immigration. We sometimes think about what is the most important thing we are given as Senators. What is the privilege we get to exercise on behalf of the American people in representing our States? We get to work on issues of enormous importance to civilization, to the United States, and to our respective States in this country. But one of the decisions that is made here by the majority leader is what kind of time is going to be allocated on what kinds of issues.

Well, this majority leader, Senator REID, said 2 months ago he would set aside May, some time in May, for us to deal with the issue of immigration. He did the right thing, because what he did is he held peoples' feet to the fire to deal with this issue that some people would rather not deal with at all. He said for us in the Senate, the 100 Members of this Chamber would be spending a significant amount of time in May and now into June dealing with this issue. But the amount of time we spent working on the issue of immigration goes far beyond the current effort we have on this bill.

Last year, through the Judiciary Committee hearing that lasted for weeks prior to a markup and then for almost a month here on the floor of the Senate, we labored hard day and night to come up with a comprehensive immigration reform package. When all was said and done, some 35 votes were cast on that legislation, and there were over 60 votes in the Senate to move forward with comprehensive immigration reform. That was a month of struggle in this Chamber, trying to come up with a solution to deal with the very significant challenges we face with immigration.

The group that has been working with Senator KENNEDY, Senator KYL, Senator SPECTER, the Presiding Officer, and others who have spent so much time in trying to come up with a comprehensive bill that would allow us to deal with this issue and move it forward worked very hard over the last several months. So we have been on this legislation for a very long time. We were on this legislation for all of last week. There were 13 amendments that were made to the legislation during the week we had on this legislation last week.

At this point there are 14 pending amendments. We hope we will begin to vote on those amendments tomorrow morning and will continue through the rest of the day and through the rest of the week. It is my hope at the end of the day we will have an immigration reform package that is adopted by the Senate, and will then move forward.

I wish to make a comment on one of the attacks that has been made on this legislation by many Members around the country where they said what we are trying to do is give people amnesty. Well, when I looked up the definition of amnesty in the Merriam Webster online dictionary, it says essentially amnesty is a pardon. Amnesty is a pardon.

This is not a pardon. What we are calling for in this legislation is a far cry from a pardon. This is a probationary status people are being put in. I come from a law enforcement background. I spent 6 years as attorney general. I helped put thousands and thousands of people behind bars. I prosecuted gangs and white-collar crime, and made sure that murderers were serving their time in the prisons of my State. That is a part of what I did as a prosecutor, as a member of law enforcement.

In law enforcement we say: If you do the crime, you got to do the time; you got to pay the fine. Well, what is it we are asking people here to do? We are asking them to do a tremendous amount of work and activity to demonstrate that they are, in fact, entitled at some point down the road to a green card.

The first thing you are asking people to do under the new program we are setting up is that they have to come out of the shadows into the sunlight of society, and to register with the Government. That is not a requirement we make of any citizen in the United States, but it is a requirement we are going to make to have undocumented workers here in America, that they have to register with the Government and they have to do that and then go into a probationary period that is going to last for a very long period of time.

At the time they register, they have to pay a fine. Now, it is not a $5 fine, a $25 fine, a little slap on the wrist. You are talking about an accumulation of fines and processing fees and impact fees that at the end of the day is probably going to be somewhere in the neighborhood of $7,500 to $8,000 per person.

At the time they pay their penalty, they have to pay $1,000. After they pay their penalty of $1,000, they have to pay $1,500 dollars to get their Z card application, and then 3 years later they have to pay another $1,500, at 8 years of going through this purgatory where we require them during those 8 years to take English classes, to make sure they stay out of trouble with the law, to make sure they are gainfully employed. If they survive that 8-year period of purgatory, at that period of time they have to pay an additional amount of money in order to get their green card.

When you add up all of that money they have to pay, you are talking about somewhere in the neighborhood of $8,000. That is not amnesty. That is people having to pay a very significant fine and take on a very significant number of affirmative actions that ultimately, after waiting for a period of 8 years, might qualify them to get a green card.

For those who cry the word "amnesty" when we talk about immigration reform, they are continuing to play into the hands of those who want to make a political debate with no end. They believe if you label people who are for comprehensive immigration reform with the word "amnesty," somehow it will never get done. That is the do-nothing crowd. In fact, that is what happened in the House of Representatives last year, when in this body, in a bipartisan vote, Democrats and Republicans coming together, passed comprehensive immigration reform. The other body, the House of Representatives, then decided they did not want to take it up—not because of the national security issues that are at stake; not because of the economic security issues which might be dealt with in this legislation; not because of the human and moral issues which are at stake in the immigration reform debate, they did not want to take it up in the House of Representatives, the then Republican majority did not want to take it up in the House of Representatives simply because of the fact that they thought it was their trump card to keep the majority in the November elections.

So those who parade around the country with the shrill cry of "amnesty" are doing the American people a great disservice. What they are doing is they are playing politics and having politics trump the national interests. The national interests, which we are trying to serve in this legislation, to me are important, fundamental, simple, but they are interests which we cannot escape as the leaders of this country.

They are first securing our country. We came here as Members of the Senate because we want to protect America. We all say we want to protect America. Well, what more can we do to protect America than to make sure the borders of our country are, in fact, being secured? This legislation we now have in this Chamber will, in fact, secure our borders.

Those of us who come here to the Senate also say we need to do something to enforce our laws. One of the values we have as the people of America is we say we are a nation of laws.

What makes us different today than the circumstances we see happening in places such as Iraq, such as Lebanon, and other places? What makes us different here in the United States of America is we are a nation of laws. We enforce our laws. We pass laws here in the Senate, the House of Representatives, that are signed by the President, and then we have an executive branch that enforces the laws of America.

Well, they haven't been enforced very well. In fact, I think in the last several years we have seen the lowest number of enforcement cases that have been taken against employers who have hired people who were not authorized to be in this country.

What we have set up in this legislation is a program that will, in fact, make sure we are enforcing the laws of our Nation, and that that value of being a nation of laws is something we can celebrate.

Certainly the legislation before us as well deals with the reality of the 12 million undocumented workers who are here. We deal with the other issues that are part of the economic challenges we face in America. The 12 million people who are here working with undocumented status are providing very valuable assistance to the American people.

For every American who is watching the debate on immigration, they ought to ask themselves: Who is it that is cleaning your yard? Who are the landscapers of America today? Who is it that is working out in the meatpacking plants making sure you have the meat and produce that ends up on your table for your evening dinner? Who is it that is working out, in resort areas, making sure that not only your landscaping is being taken care of but the needs of your household are being taken care of? Who is out working in the homes of America making sure that the children of America are being taken care of? Who is it out there in America today making sure that the nurses' aides working in homes of Americans taking carry of our elderly are there?

Many of them are the undocumented workers of America. Most of those people today live very much in the shadows of our society. They live in the shadows of our society. They often are subject to exploitation. Often when they come from whatever country, they are subject to the kind of exploitation that is very un-American. What we are trying to do is move our immigration system from a system that does not work, from a system that is a system of lawlessness, of broken borders, to a system that is a lawful and orderly program for immigration in our country.

At the end of the day, my hope is as we debate the issues on amendments the rest of the week, that we in this Chamber, in this Senate, will move forward and we will say we are going to move with an immigration reform legislation that will address the issues of national security, that will address the economic security issues here in our country, that realize the human and moral issues that are very much at stake.

Let me conclude, before I yield to my colleague from Arizona, by reminding people about the moral issues which are very much at the heart of this debate issue. Last year when we opened the debate on immigration reform in the Senate, Senator MCCAIN, who has been an advocate for comprehensive immigration reform, talked about the number of people who had died in the desert in his State. He said at the time there had been 400 people who died in 2004. I believe 600 people died in 2006. He said: These are not just statistics; those are people who were found dead in the desert.

If I remember correctly, he talked about a young mother who was found dead in the desert holding her child, who also died, in her arms.

In my own church in the State of Colorado, our archbishop, Archbishop Chaput, has often spoken out about the moral issues which are at stake with respect to the immigration debate. He wrote a column that was widely published in the Catholic Register last year which he titled "Dying to Live." What he meant to say in that title, what he said in his article, is that people who are coming here to live the American dream were actually dying in our deserts as they came here to live the American dream.

It seems to me what we can do as a Senate, working with the House of Representatives, working with the President, is come up with a system of law and order that will give people an understanding of how our immigration system works, that will make sure our borders are secure, that will make sure we enforce our laws in the United States of America, and that will make sure we end the immorality that has been very much a part of our system of lawlessness and chaos we have made with immigration in our country.

I hope my Democratic and Republican colleagues will help us move forward as we address amendments through the rest of the week and to produce legislation that we can move forward to the House of Representatives.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Arizona.

Mr. KYL. Mr. President, I compliment the Senator from Colorado. He has correctly pointed out that there are moral, humanitarian, judicial, and fairness dimensions to this debate. The stories of people dying in the desert are well known to Arizonans because we are coming into the hot time of year. That is when it begins to hit home that there are people who, because of desperation on their part, seek to cross the desert, which is difficult under the best of circumstances, and they are frequently ill-prepared. The coyotes take advantage of them. They take their money and send them on their way without adequately preparing them to cross. The stories are heartbreaking, and there is a great deal of other crime—sexual assaults and other kinds of crime—that is perpetrated on people and has to stop. The best way to stop it is to get the border secure, find a legal way for people to come here, and help them to realize their dream.

People say we are a nation of immigrants. We are also a nation of laws. One thing that distinguishes us from other countries is that we have respect for law. I always use the example of the intersection on the street. When you have a green light and you drive through, you don't think about it. You know that because other people respect the law, you can drive through the intersection without worrying that someone else is going to run the red light and hit you. It is very rare that happens. Because we understand and respect law in our society, when we see law that is not enforced, we begin to wonder whether we are a society of law, and some people decide it is OK for them to begin to break the law in little ways. It is corrosive, when you drive down the street you see people whom you presume to be illegal immigrants congregating around a hardware store, looking for work in the morning, or you hear stories about people being picked up.

It is, frankly, hard to fool the American people. They know there are millions of illegal immigrants employed in the country today, and they don't like it. They don't like the fact that we can't control the border. It is corrosive to respect for the rule of law.

They say: Gee, it is nice not to be able to pay your taxes. Maybe I would like not to pay my taxes, too.

You don't want American citizens beginning to think the Government doesn't care about enforcing the law and that they should begin to disrespect and therefore not abide by the law. Yet that is exactly the kind of attitude that crops up when the Government is not careful about enforcing the law in a fair and just way.

Unfortunately, we have a law today that is not easy to enforce. It requires employers' cooperation in ways that make it very difficult. One of the reasons we need to work our hardest to pass a new bill is so that we have a law that can be enforced. It will be up to us and to the administration, whatever administration is in power, to see to it that it is enforced, but at least it has to be something we can work with.

When those who say: Let's just let the situation be by enforcing the laws today, that is the answer to the problem, my response is, the law today is very difficult to enforce and, as a result, we have to change it. That is one of the reasons for adopting a new law. Getting back to respect for the rule of law and recognizing the humanitarian aspects of this are two of the things that are not discussed enough.

I appreciate the Senator from Colorado bringing them up.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to respond to a couple of suggestions proffered before the Senate as it relates to those Senators who have amendments to offer to the comprehensive immigration reform legislation. I am compelled to do so because the way they are characterized ultimately demeans what should be a clear process of what is the greatest marketplace of ideas, the Senate.

The first item that I have heard several times is the suggestion that certain amendments are killer amendments. When one of our colleagues, particularly those who were part of constructing the bargain, suggests that a certain amendment is a "killer amendment," a killer amendment where the intention, the purpose, the main goal is to kill the legislation before us because they don't like it and they don't want to see it pass, maybe they are a part of the universe who believes we should just seek to deport everybody in the country, 12 million people, the greatest deportation in the history of mankind. Maybe it is those who believe we should spend $250 billion in order to accomplish that. But, regardless, there is a universe of individuals that clearly does not like this bill or the idea of comprehensive immigration reform, and they seek to have amendments that would in essence destroy the essence of the legislation.

I am chagrined to hear my distinguished colleague from Arizona, in a listing of amendments, suggest that my amendments on family reunification are killer amendments. I didn't know that family reunification rose to the level of being a killer amendment because unlike some of our colleagues who last year opposed comprehensive immigration reform, I was here advocating for and casting votes for final passage of a comprehensive immigration reform bill. Yet some who come to the floor now and suggest that certain amendments are killer amendments weren't there last year for comprehensive immigration reform. I do want to see comprehensive immigration reform. I worked for it last year and voted for last year's version. I spent countless hours in negotiation sessions this year to try to achieve a bill that I could support.

It is still my fervent hope that we will pass a comprehensive bill, one that is tough but also smart; one that provides security at our borders north and south because it is amazing to me how in this entire debate we never hear about security at our northern border. Yet last year approximately 50,000 people came across the northern border. I guess we are not worried about those people. But we do focus a lot on the southern border. We forget that the millennium bomber came through the northern border. There must be something about that northern border that is OK. The southern border is a little bit of a problem. I don't know what it is, whether there are different people crossing those different types of borders, but they are still crossing in an undocumented fashion. So I am for security at the northern and southern borders.

I am also one who understands, in terms of the comprehensive nature of this bill, the economic realities of our country; that it helps fuel our economy and drives it forward, and also to stop human trafficking, the use of people enslaved for certain purposes and exploitation. I want to know who is in America to pursue the American dream versus who is here to destroy it. That is real security.

In the pursuit, I heard a lot about the rule of law. I am for the rule of law. But how does the rule of law get promoted when we say to a U.S. citizen who has applied for their family member waiting abroad, waiting their time, following the rules, obeying the rule of law, that, in fact, they have an inferior right to someone who did not follow the rules, who did not obey the law, and who ultimately will receive a benefit superior to that U.S. citizen who is claiming their family member and waiting under the law and pursuing the law. I think it sends the wrong message about what the rule of law is all about.

Our amendment very simply says a U.S. citizen claiming their family member waiting under the legal process, waiting abroad, that their right should not be snuffed out like that under this bill in May of 2005, when those who have crossed the borders of our country through a process that is unchecked, undocumented, get a benefit January 2007. Break the law, you get a benefit January 2007; follow the law, the rule of law, obey it, your right is snuffed out in May of 2005. I think if we want to send a message about the rule of law, what we want to do is ensure that we put on an equal footing the right of a U.S. citizen claiming their family member, obeying the law, to give them the same opportunity as those who have not. That is what our amendment is all about. Killer amendment? Family reunification, rule of law, following the rules, a killer amendment?

I have heard a lot about family values in my 15 years in the Congress. It is interesting. The voices of family values don't have the same values when it comes to this issue. Clearly, this vote will be a test of those who say they are for strengthening families, for bringing families together, for understanding the very essence of how strong families make for strong communities, of how we want to bring families together. Family reunification is at the core of the amendment I have offered before the Senate and that I believe we will be voting on tomorrow.

I believe it is a false choice to suggest that this legislation cannot move forward and that, in fact, we will have a killer amendment simply because we want to give a universe of people who have obeyed the law, followed the rules, sons and daughters, mothers and fathers, children of U.S. citizens, a chance over time to be able to come in. It seems to me that is a false choice.

It is also a false choice, under the new point system that is being devised for future immigration, that this new point system, in which there is 100 points maximum score, well, yes, we need new workers who will be highly skilled. I believe we can reconcile that need. I am hoping that we will actually do a much better job of educating Americans who will be able to be the engineers, the scientists, the researchers, and developers; those in the new technologies who will fuel America's prosperity. But while we move toward making that a reality, sure I am for saying that, OK, we are going to subscribe a series of points toward those people who have the skills. But must it be largely at the exclusion of family reunification? Is there no significant value to the idea that when you have someone come that their family members are ultimately a significant part of the strength and vitality of the country, of the success of those individuals on behalf of the country?

Servicemembers, who are not United States citizens or were not United States citizens, in different branches of the Armed Forces of the United States, who were worthy of wearing the uniform of the United States, worthy of fighting for the United States, worthy of being injured and shedding blood on behalf of the United States, but not worthy—not worthy—of being able to claim their family members? Is that what our values have come to?

I believe under both our amendment that offers the opportunity for U.S. citizens to claim their family members and Senator CLINTON's amendment, which I have cosponsored with her, to have U.S. permanent residents to be able to claim their family members, if you are worthy to fight, then you are worthy to claim your family members.

It seems to me, isn't family worth 10 or 15 points in the 100-point system—and not with a barrier that says: Well, you get some points only if you reach a certain numeric number, and then the family is worth something. No. Families are worth something, it seems to me, from the very beginning, the very get-go.

In the 100-point system, 10 or 15 points is not worth going toward family? I think it is. If you are worthy of serving, you are worthy of claiming your family members.

Here is someone who served his country exceptionally well, I believe: Colin Powell. He served his country both as Chairman of the Joint Chiefs of Staff and as Secretary of State. Under this system we are debating in the Senate, his parents would not have made it to America and he would not have served the country as well as he did. We are talking about the future Colin Powells, as we debate this legislation today.

GEN David Petraeus is right now leading our efforts in Iraq—a different challenge. Under this legislation, his parents would have likely not have made it to this country and his service would not have been realized. We are talking about the future General Petraeuses.

Under this bill, the person who discovered the polio vaccine, Jonas Salk, and eradicated polio—his parents would not have made it to this country and we would not have been the beneficiaries of his genius. He would not qualify with that high-tech percentage and certainly would have gotten very little for family reunification as it is presently constructed. If he happened to be among those family members now being claimed by a U.S. citizen after May 1, 2005, he would be out of luck, his right to be here would have been gone, and we would have lost one of the great scientists of our time.

Thomas Edison. His is the effort that in fact has made this Chamber light up, our homes light up, our businesses light up. I am particularly proud of Thomas Edison, of Menlo Park, New Jersey. Under this bill—if we do not change it by that which are being described as killer amendments—we would not have had a Thomas Edison because his parents would not have qualified under this bill.

Bob Hope. He went across the globe making sure our service men and women—who were giving of their all—were entertained. He brought laughter to us. He brought laughter to them in some of the most difficult theaters in the world. Under this bill, it is likely we would not have had Bob Hope as a national treasure.

So it seems to me when I listen to the suggestion that amendments on family reunification, particularly those upholding the right of a United States citizen today, who has filed for his family member—and where that right has been snuffed out, yet someone who crossed the border illegally and did not wait their turn, follow the rules, and obey the law has a better position—that is not about the rule of law.

The second set of propositions I want to talk about—and I spent a lot of time with these Senators, and I appreciate enormously the work they did. I really do. I think there are many aspects of this bill that are very good. Certainly, the security aspect is out there, big time. There are a lot of elements of the security aspect of this bill.

There are aspects that certainly recognize the economic future of our country. There is certainly finding a pathway to earned legalization—and it is earned legalization. It is not amnesty. Amnesty is something for nothing. This is certainly not something for nothing. As a matter of fact, under this bill, if you happen to have a family of four in an undocumented status, by the time the process is finished, it costs you nearly $29,000, $30,000.

I was looking at the Federal Criminal Code. You can commit crimes on narcotics trafficking, you can commit crimes on possession of weapons, you can commit a series of crimes that have, as a maximum fine, $5,000. This is a civil penalty, and yet we are going to have people doing some of the harder jobs in America and their families of four paying about $29,000. That is not amnesty.

But even though I respect the incredible work of those 12 Senators who finally agreed to move forward with the bill we are debating today, 12 is not 100. It is not even a majority. No one has a monopoly on how to best provide for comprehensive immigration reform. Proponents say this now: that family reunification amendments are killer amendments or that any set of amendments may be killer amendments. But at the end of the day, when it does not go to the heart of security, does not go to the heart of employment verification, does not go to the heart of Border Patrol, does not go to the heart of employment verification, does not go to the heart of even a new system for determining who comes into the country under a new point system, does not go to the heart of violating the rule of law—but, in my mind, promotes the rule of law—I find it difficult that anyone can say those are killer amendments.

They may suggest it now in this context, but I am sure there will be a future piece of legislation in which they will be arguing on the other side, saying that as well intentioned as 12 Senators may be, it is not, in fact, even a majority of the Senate; it certainly is not 100.

This is the Senate. It represents, collectively, 300 million Americans. That means all of us come together on behalf of the Nation's collective will, its collective purpose, and its collective common good.

Now, in that respect, the bottom line is, when you have amendments that do not go to the heart of security, employment verification, Border Patrol, that do not go to the heart of the ability to follow the rule of law, that do not go to the heart of the very essence of worker protections, that do not go to the heart of employment verification, do not go to the heart of the undoing of the balance in the earned legalization system—my God, we are talking about people who are waiting under the law to come to the country in a legal process.

So I have to take strong umbrage to the suggestion that there is somehow a monopoly on how to provide for comprehensive immigration reform, and particularly when amendments that are being offered by some of us on family reunification are suggested to be killer amendments.

I want to see comprehensive immigration reform pass. A killer amendment is offered by someone who wants to see it not pass. I did not dedicate all this time and effort to try to change one of the Nation's critical challenges in a way that can be tough, can be strong, can be smart, can provide for our security, can fuel our economy, and, at the same time, end human trafficking, exploitation, and bring people out of the shadows into the light—to know who is here to pursue the American dream versus those who are here to destroy it—I did not spend all that time to try to kill legislation. I am seeking to improve it.

I hope our colleagues, who travel across the country and talk about family values, are going to join us tomorrow on that amendment. This institution is the greatest marketplace of ideas. That is what the Senate is about. It is in the clash of ideas that we hopefully come together and provide some of the best possible solutions to some of our greatest challenges.

I hope the amendments we are offering in that respect are not categorized as killer amendments but they are categorized as ideas within this marketplace to improve this legislation in a way we can all be proud of.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I commend my good friend, the Senator from New Jersey, BOB MENENDEZ. Since he has been in the Senate, he has brought a passion and a voice of reason to so many issues. It is a delight to have his voice heard in the Senate.

In every way, each of the 100 Members of this Senate brings our own personal history and our own personal perspectives to this debate on immigration. The Senator from New Jersey brings a tremendous sense of practical experience and personal knowledge, and a sense of how immigration has affected his family and his parents and his community in a way, perhaps, that is very unique in this Chamber. His contributions to the whole debate on immigration reform—not only here in the Senate this year but throughout his entire history in public service—are something we all very much appreciate. We hope to be able to work with him as we move forward and try to get to a final conclusion on this bill. His comments are comments which are not only eloquent, they are comments which are very much heartfelt by me and others in this Chamber.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, we continue to make significant progress as we move forward to getting to some final votes on this legislation.

Last week, we disposed of 13 amendments. In comparison, last year, there were approximately 35 amendments throughout the entire debate on comprehensive immigration reform. So last week we accomplished disposing of 13 significant amendments to the immigration reform legislation before us.

The unanimous consent request I will propound in a second will add an additional four amendments to this legislation.

AMENDMENTS NOS. 1167; 1163; 1238; AND 1166, AS MODIFIED

With that, Mr. President, I ask unanimous consent that it be in order to consider en bloc the following amendments, that they be considered and agreed to en bloc, and that the motions to reconsider be laid upon the table en bloc: Cantwell amendment No. 1167; Alexander amendment No. 1163; Cornyn amendment No. 1238; and Grassley amendment No. 1166, as modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1167

(Purpose: To authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. NORTHERN BORDER PROSECUTION REIMBURSEMENT.

(a) SHORT TITLE.—This section may be cited as the "Northern Border Prosecution Initiative Reimbursement Act".

(b) NORTHERN BORDER PROSECUTION INITIATIVE.—

(1) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(2) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(3) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(A) Prosecution and related costs.

(B) Court costs.

(C) Costs of courtroom technology.

(D) Costs of constructing holding spaces.

(E) Costs of administrative staff.

(F) Costs of defense counsel for indigent defendants.

(G) Detention costs, including pre-trial and post-trial detention.

(4) DEFINITIONS.—In this section:

(A) The term "eligible northern border entity" means—

(i) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(ii) any unit of local government within a State referred to in claluse (i).

(B) The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(C) The term "federally declined-referred" means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(D) The term "case disposition", for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

AMENDMENT NO. 1163

(Purpose: To establish an award to recognize companies for extraordinary efforts in English literacy and civics)

At the appropriate place, insert the following:

SEC. ___. PRESIDENTIAL AWARD FOR BUSINESS LEADERSHIP IN PROMOTING AMERICAN CITIZENSHIP.

(a) ESTABLISHMENT.—There is established the Presidential Award for Business Leadership in Promoting American Citizenship, which shall be awarded to companies and other organizations that make extraordinary efforts in assisting their employees and members to learn English and increase their understanding of American history and civics.

(b) SELECTION AND PRESENTATION OF AWARD.—

(1) SELECTION.—The President, upon recommendations from the Secretary, the Secretary of Labor, and the Secretary of Education, shall periodically award the Citizenship Education Award to large and small companies and other organizations described in subsection (a).

(2) PRESENTATION.—The presentation of the award shall be made by the President, or designee of the President, in conjunction with an appropriate ceremony.

AMENDMENT NO. 1238

(Purpose: To increased the authorization of appropriations for the Border Relief Grant Program)

On page 26, line 27, strike "$50,000,000" and insert "$100,000,000".

AMENDMENT NO. 1166, AS MODIFIED

(Purpose: To clarify that the revocation of an alien's visa or other documentation is not subject to judicial review)

At the appropriate place, insert the following:

SEC. ___. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking "There shall be no means of judicial review" and all that follows and inserting the following: "Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation, provided that the revocation is executed by the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all revocations made on or after such date.

Mr. SALAZAR. Mr. President, I would note that with the adoption of those 4 amendments, when you add them to the 13 amendments that were added to this legislation last week, we have now acted on 17 amendments that have been proposed to the Senate. We have a number of other amendments that are pending, and we encourage our colleagues to come forward with other amendments they may also have. We are also ready to move forward to schedule votes on additional amendments beginning tomorrow morning.

Mr. President, I ask unanimous consent that on Tuesday, June 5, when the Senate resumes consideration of S. 1348, the immigration legislation, that the time until 11:50 a.m. be for debate with respect to the Allard amendment No. 1189 and the Durbin amendment No. 1231, with the time to run concurrently on both amendments and divided as follows: 10 minutes each, the majority and Republican managers or their designees and Senators ALLARD and DURBIN; that no amendments be in order to either amendment prior to the vote; that the amendments be voted on in the order listed here; that upon disposition of the Durbin amendment, the Senate stand in recess until 2:15 p.m. in order to accommodate the respective party conference work periods; that there be 2 minutes of debate equally divided prior to the second vote and that the second vote be 10 minutes in duration, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, let me make a closing comment prior to adjourning the Senate for the day.

We begin our work on immigration reform legislation in this time after the work period for Memorial Day. We have a lot of work ahead of us in this week ahead. It is my hope we will be able to work together to get to a position where we will have a final vote in the Senate this week on immigration reform legislation.

We will hear, as this week continues, many personal stories about immigration, how the families of some Members of the Senate came into this country from different places. You will hear the stories which often tell us of immigration which has made us a rich country. I am sure we will hear the story of Senator DOMENICI and his parents and how his parents and his grandparents came to this country as immigrants—illegally at one point—and became part of the American dream. You will hear lots of those dreams told here as we deal with the issue of immigration reform.

For me, the issue of immigration is an important one for a lot of different reasons. Today, it is a very important issue for us because of the national security issues which are at stake. Unless we are able to fix our broken borders, I don't think any of us can say we are truly advancing the ball of national security for our country. The Presiding Officer knows well that as attorney general, the members of the law enforcement community hold ourselves up with pride to say we are different from other countries around the world because we honor the fact that we are a nation of laws and we uphold those laws in our country. That is integral to making this the great democracy we have in our country. So it is very important for us to move forward because we need to uphold those values which are so fundamental—the value of national security, the value of upholding a nation of laws. Those are fundamental values.

For me, the issue of immigration reform also has some history in my whole family because my family did not immigrate to this country as is often thought about with respect to many of the immigrants we have here in the United States, families who came here in the last generation or the last 100 years. My family settled the city of Santa Fe, NM, in 1598. That was some 409 years ago. It was a time when, for the next 250 years following 1598, the part of the Southwest which is now northern New Mexico and southern Colorado was in the hands of the Spanish Government through 1821 and under the sovereignty of Mexico from 1821 until 1848. So for 250 years, my family farmed and ranched on the banks of the Rio Grande River in northern New Mexico and the southern part of Colorado and were very much a fabric of that landscape of the Southwest, very much a fabric of those non-Native American settlers who came and who found the great American dream to be a true dream in the United States in later years.

In 1848, the treaty between the United States and Mexico was signed and Mexico ceded the northern part of its territory to the United States of America. At that time, those generations who came before me and my family were given a choice—a choice to become American citizens under article 10 of the Treaty of Guadalupe Hidalgo or, in the alternative, they could move some several hundred miles to the south to what had been a new border that had been created, now several hundred miles along the Rio Grande River, about 400 miles to the south of Santa Fe, NM, some 500 miles to the south of where our current ranch resides.

At that time, my family, like many families of the day and in other generations as well, made the decision that they would stay. They would stay because they knew that this land was their land and those communities were their communities, that those landscapes were their landscapes and that they would make it their home.

So for the generations in southern Colorado and northern New Mexico since 1848 until today, they continued to contribute greatly to the American dream in many different ways.

In my own case, many members of my family have served in the U.S. military and have contributed greatly to the American dream. My own mother and father came here to Washington in the early years of World War II. My mother worked in the War Department at the age of 19, coming from a village in northern New Mexico, and spending 5 years working in the War Department as part of that "greatest generation" which gave back so much to America to give us the kind of greatness we have had for the last 60-plus years here in the United States. My father became a soldier in the Army. He retired as a staff sergeant after having served his time in the U.S. Army.

There were other members of my family. My uncle Leandro, who is my mother's brother, 2 years older than my mother, gave his life in the soils of Europe defending this country's efforts in World War II as the United States of America saved this world from the hands of the Nazis and the hands of the fascists who would have turned civilization back to a place none of us ever wanted to go back to.

So today, as we stand here on the floor of the U.S. Senate debating what we should do with the immigration laws of this country, it is important to remember that this country has indeed come a long way, that we are, in fact, an America in progress, that the America in progress we have seen for centuries and for generations is one we must build upon. For us here in the Senate to simply accept what some would suggest—and that is that we do nothing with this issue of immigration—is, in my view, a dishonor to our country and to the responsibilities we have. It is an abdication of duty, for those of us who have taken the oath of office to uphold the laws of the United States and the Constitution of our country to make this country greater than it is today, for us to simply say that this issue of immigration is too tough for us to deal with and that all we ought to do is somehow ignore it or figure out ways of sidestepping it and go on to work on other issues.

I so much admire Senator HARRY REID because he has said to the Nation that he would hold the feet of the Senate to the fire as we deal with the issue of immigration. It may not be a comfortable issue for most people to deal with. It is a contentious issue. The phone calls and e-mails—and I am sure every Senator, both Democratic and Republican, has had their phones ringing off the hook for the last several weeks as we have dealt with this issue. Through the courage of Senator REID, he has said we will move forward with this issue, and we are dealing with the issue. Through the courage of other Senators, both Democrats and Republicans, we have said this is an issue we can tackle. Yes, there are tough amendments, and we are working our way through those tough amendments, trying to make this immigration legislation which is on the floor better legislation, perhaps, than what was introduced here at the beginning of last week, and we are making progress.

As I said, I think there are now 21 amendments which have been made to the legislation. There will be others we will make as the week goes on. But at the end of the day, America's greatness really depends upon chambers like this Chamber here, which holds the keys to the democracy of our country, and debating those issues which are difficult and getting us to a point of a conclusion to deal with these issues which are so fundamental to the 21st century of America. When we deal with this issue, what we will have done is we will have found solutions to the issue of a broken border that has been broken for a very long time. When we effectively deal with this issue, we will deal with the reality of the economic demands of the United States of America and how we treat people with the kind of humanity and morality we would expect of others.

It is true that when one looks back at the immigration history of this country, there have been chapters in that immigration history which have been very difficult and very painful for those involved.

From 1942 until 1964, there was a chapter in our immigration laws called the national Mexican immigration program, or the Bracero Program, in which people were brought into this country because there was a need for labor, and we had many of our men and women in uniform serving in faraway places, as those in my family were serving at that particular time, but because there was a need for labor in our factories and on our farms, people were brought to this country under a program. But it was a program that did not have worker protections, and the consequence of that program was that there were many people who suffered and who lived through a tremendous amount of pain because they did not have the protection of the laws of the United States of America.

Today, in the legislation we have brought forward, we have included the worker protections that will ensure these people are protected. At the same time, the legislation we brought forward recognizes the importance of the American worker because even under the temporary guest worker program, which is a controversial issue being debated on this floor, what we have said in that part of the legislation is that a job has to be advertised first to the American worker and that if an American anywhere is willing and ready to take that job, it will not be available to somebody who would come in under the temporary guest worker program.

So the economic issues, the national security issues, the human and moral issues which are at stake in this debate are some of the most important issues we face. I am hopeful that colleagues, working together in the Senate for the remainder of this week, will be able to come to a successful conclusion with respect to immigration reform legislation.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SALAZAR. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENTIAL REFERRAL REQUEST

Mr. LEVIN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Majority Leader HARRY REID dated June 4, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 4, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: Pursuant to paragraph 3(b) of S. Res. 400 of the 94th Congress, as amended by S. Res. 445 of the 108th Congress, I request that S. 1538, the Intelligence Authorization Act for Fiscal Year 2008, as filed by the Select Committee on Intelligence on May 31, 2007, be sequentially referred to the Committee on Armed Services for a period of 10 days. This request is without prejudice to any request for an additional extension of five days, as provided for under the resolution.

S. Res. 400, as amended by S. Res. 445 of the 108th Congress, makes the running of the period for sequential referrals of proposed legislation contingent upon the receipt of that legislation "in its entirety and including annexes" by the standing committee to which it is referred. Past intelligence authorization bills have included an unclassified portion and one or more classified annexes.

I request that I be consulted with regard to any unanimous consent or time agreements regarding this bill.

Thank you for your assistance.

Sincerely,

CARL LEVIN,
Chairman.

REPORT FILING

Mr. ROCKEFELLER. Mr. President I ask unanimous consent that a letter dated May 25, 2007, to Senator BYRD be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 25, 2007.

Hon. ROBERT C. BYRD,
President Pro Tempore,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: On behalf of all members of the Select Committee on Intelligence, we are filing the Committee's report on the "Prewar Intelligence Assessments About Postwar Iraq." The report was approved by a majority vote of the Committee at a meeting held on May 8, 2007.

Senate Resolution 400 of the 94th Congress (1976) charges the Committee with the duty to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to report to the Senate concerning those activities. Pursuant to this charge, the Committee undertook a multi-faceted review in February 2004 of issues related to intelligence produced prior to the Iraq war.

The report is in both classified and unclassified form. The classified report is available to members in the Committee's secure spaces. The classified report is also being provided to appropriately cleared officials of the Executive Branch. The unclassified report, which we are hereby transmitting, includes the Committee's conclusions and the additional views of Committee members.

Sincerely,

JOHN D. ROCKEFELLER IV,
Chairman.
CHRISTOPHER S. BOND,
Vice Chairman.

HONORING SENATOR TED STEVENS

Mr. ALEXANDER. Mr. President, last August, TED STEVENS and DAN INOUYE led a bipartisan group of Senators to China for a parliamentary visit. DAN, of course, was accorded great respect because of his winning the Congressional Medal of Honor during World War II. But it was TED STEVENS for whom the Chinese rolled out the red carpet. TED had flown with the Flying Tigers. He flew the first plane to land in Beijing after World War II ended, and the top Chinese leaders had not forgotten. They made more time for our delegation than they had for any other recent group of American visitors.

No one in our group, of course, was surprised to learn that TED STEVENS had flown risky missions and, for that bravery, earned the Distinguished Flying Cross. TED still has the cockiness, adventuresome spirit and attitude that distinguish most pilots. And he has the love of country that permeates those who fought in World War II. We see both qualities every day in the Senate.

For example, 2 years ago, when we were considering how to maneuver through five Senate committees legislation based on a National Academies report that would help America keeps its brainpower advantage, TED was both unconcerned about committee prerogatives and impatient about getting the job done. "Let's form a select committee," he said many times. "You be the chairman of it." He said this even though he was then the most senior Republican in the Senate and I was nearly the most junior. The Senate never formed that select committee, but TED made sure the legislation passed because he thought it was important for our country.

I was Legislative Assistant to Senator Howard Baker in 1968 when TED was appointed to the Senate. He hasn't changed much in all that time, even though he is now the longest serving Republican Senator. In his first year, he was pushing amendments that would help Alaska Natives maintain their fishing rights. This year, he is still busy working on legislation creating additional rights for Alaska Natives. And in the 39 years between, he has snagged every dollar that comes within 50 feet for his Alaskan constituents—and some dollars that were farther away than that.

TED STEVENS is, I would say, above all, an institutionalist in the United States Senate. In other words, he sees a unique role in our democracy for the Senate, and he is one of a handful here who is determined to respect that role and make it work.

I suppose TED will have opposition when he runs for reelection in 2008. But, if he does, I wouldn't want to be that person. Last week, walking side by side with him to vote, I took the escalator when we got to the Capitol and

TED literally ran up the stairs, two at a time.

It would be hard to identify a "More Valuable Player" in the U.S. Senate than TED STEVENS.

Mr. BUNNING. Mr. President, I would like to honor a colleague and a good friend, Senator TED STEVENS, for becoming the longest serving Republican Member of the Senate. I am honored to serve in the Senate with this great Republican.

TED STEVENS' career in public service began long before he became a U.S. Senator. He served in the U.S. Army Air Corps during WWII, practiced law in Alaska, worked in the Eisenhower administration, and served in the Alaska House of Representatives where he eventually became majority leader. He became U.S. Senator in 1968 and has served the State of Alaska in the Senate for over 39 years. His longstanding public service career truly demonstrates his devotion to this country.

Just like his famous Hulk tie, TED has a bullish tenacity that has made him one of the most effective Members in the Senate. He is a stalwart representative for his State of Alaska. Representing a State over 4,000 miles from the Nation's Capital, Senator STEVENS has sacrificed time with his six children and wife to serve in the Senate. Coming from a large family myself, I appreciate the strength and commitment his family has displayed over the years.

During my trips to Alaska, I always leave impressed by the spectacular landscape and TED STEVENS' hard work in his State. His work has helped many Alaskan towns receive clean running water and has enabled many children to receive a quality education. His persistence in the Senate also has provided Alaska with oil pipelines, which have brought tremendous revenue to Alaska and provided our Nation with a safe, domestic energy source.

TED STEVENS' work as a Senator has also gone beyond the borders of Alaska. During his 35-year tenure on the Appropriations Committee, he has tirelessly persevered to keep America ready and prepared. He has ensured our troops have the good equipment, training, and pay they deserve. His efforts have also ensured funds for military research on some of our Nation's most pressing diseases.

I thank Senator TED STEVENS for his leadership and contributions to public service for the people of Alaska and all Americans. I honor him not only for his length of service but more importantly, his quality of service. I wish him and his loved ones the best of health for many years to come, and I congratulate him on his outstanding achievement.

Ms. COLLINS. Mr. President, it is a great pleasure to offer my heartfelt congratulations to Senator TED STEVENS on becoming the longest serving Republican in Senate history. While this is a milestone to celebrate, the true cause for celebration is not TED STEVENS' decades of service to his party or to this Chamber but his lifetime of service to our Nation.

It is a record of service that began long before TED STEVENS came to the Senate nearly four decades ago, long before his contributions in the Alaska Legislature in the earliest days of statehood, long before he helped establish our 49th State at the Department of the Interior during President Eisenhower's administration. At just 19 years of age, with his country under attack and freedom in jeopardy around the world, TED STEVENS joined the Army Air Corps in 1943, flying support missions for the legendary Flying Tigers. That courage to take the risks and that willingness to step forward to meet the challenges are the foundation of his character and of his service.

I have been privileged to work alongside this Senator on the Homeland Security Committee. On every issue we confront, TED STEVENS demonstrates great knowledge and a total commitment to protecting our Nation and our people.

Alaska and Maine are separated by a great many miles, but our two States have much in common, including spectacular scenery, and rugged, self-reliant people. Our States also share a connection to the sea that is central to our history and our future. From the Magnuson-Stevens Fisheries Conservation and Management Act of 1976 to his work to better protect marine mammals, TED STEVENS demonstrates again and again a deep commitment to the hard-working people who sustain countless coastal communities and an abiding respect for the natural resources that bless us all.

Mr. CRAPO. Mr. President, I would like to honor an esteemed colleague with whom I have had the privilege of serving in this body for the past 9 years.

As many others have already observed, Senator STEVENS is an institution in Alaska, the Senate, and in the United States. Our President pro tempore, already the longest serving Republican in the Senate, served our Nation heroically in World War II and worked previously in the Justice and Interior Departments. In the latter position, Senator STEVENS was an instrumental part of bringing statehood to Alaska—the State of Alaska literally is partly his creation.

Senator STEVENS and I share concerns about issues important to America but particular to the Pacific Northwest. Our States, with vast Federal land holdings, play a key role in energy resource exploration and development crucial to building viable and plentiful domestic energy supplies. We share views on ensuring local and State governments and communities have primacy in handling matters of direct impact on them. Both Idaho and Alaska are home to thriving indigenous populations, and we both work to ensure that they have their voices heard in Congress.

Idaho and Alaska have other similar Pacific Northwest resource and environmental issues. Senator STEVENS shares my care for and attention to these issues. He is an advocate for work to restore salmon fisheries and rural community development. I have had the pleasure to work with him on promoting the Pacific Northwest Salmon Recovery Fund and drinking water infrastructure needs for rural Alaska. He is a tireless defender of the interests of Alaskans and one of the greatest tourism promotion resources for the State.

I have always appreciated Senator STEVENS' strong voice and steady leadership in the Senate. He has demonstrated an unwavering commitment to our military and against terrorism. He understands the enemies we face here and abroad and has spent many decades standing strong for his convictions, relentlessly pursuing funding for a strong military to defend our country and our heritage of liberty and freedom.

I admire Senator STEVENS' strong history of bipartisanship highlighted by his long friendship with the senior Senator from Hawaii, Mr. INOUYE. Their working and interpersonal relationship stands as a testament to what can be accomplished when we set party bickering aside and focus on our jobs to which we were elected—helping America remain the envy of the world.

We share an alma mater, and I am pleased to call him a colleague in the Senate. I am proud to honor the Senior Senator from Alaska, in his 39th year of public service as a Senator. Congratulations, and thank you for your service.

Mr. ENSIGN. Mr. President, I wish to honor Senator TED STEVENS of Alaska for becoming the longest serving Republican Member in the history of the U.S. Senate. Senator STEVENS is a true leader in the Senate. Whether he is making sure our soldiers have the best equipment in the field of battle or developing dynamic legislation to transform our Nation's communications laws, Senator STEVENS has always been a man of action.

Service to the United States and to his home State of Alaska has been Senator STEVENS' lifelong mission. To put his dedication to our country in perspective, Senator STEVENS has been a public servant for longer than I have been alive. At no stage of his career has he ever shied away from confronting the challenging issues of the day. In 1943, at the age of 19, he left college to answer the call of his country. Flying transport planes over the

Himalayas in support of the Flying Tigers of the 14th Air Force, First Lieutenant STEVENS proved himself as a leader. In recognition for his service and bravery, he was awarded several medals, including two Distinguished Flying Crosses.

Following the war, TED STEVENS returned to college where he received degrees from UCLA and Harvard Law School. In 1953, he was appointed U.S. attorney for Fairbanks. Three years later, he moved to Washington, DC, to serve in the Department of the Interior for President Eisenhower. In 1964, TED STEVENS was elected to the Alaska House of Representatives, and during his second term in office, he became the majority leader. In 1968, he was appointed to fill Senator Bartlett's seat in the U.S. Senate. In 1972, he was elected to serve a full term in that seat, and, as we know, the rest is history.

During the last 39 years, Senator STEVENS has done more for the people of Alaska and the United States than most could fathom. Always willing to address challenging issues in a bipartisan fashion, Senator STEVENS stands by his principles and does what he thinks is right regardless of which side of the aisle agrees with him. He led the charge for Alaska's statehood and has made remarkable contributions to the health and safety of the United States. As a testament to their belief in TED STEVENS' leadership, the people of Alaska have elected, and reelected, Senator STEVENS—never by less than 67 percent of the vote in any election.

When I came to Washington in 1994, it did not take me long to learn who TED STEVENS was and to admire him as a leader. When I joined the Senate 7 years ago, my admiration for Senator STEVENS grew. Who couldn't admire a man who dons a Hulk tie when he prepares for large legislative battles? On a serious note, since 2001, Senator STEVENS and I have worked closely on a number of important issues. For example, in 2005 when Senator STEVENS became chairman of the Committee on Commerce, Science, and Transportation, he recognized the need to address how to maintain U.S. competitiveness in today's global economy. I was honored that he selected me to chair the Subcommittee on Technology, Innovation, and Competitiveness. Through the work of this subcommittee, Senator STEVENS, myself, and others developed bipartisan legislation to maintain and improve our country's innovation in the 21st century. This legislation, the America COMPETES Act, recently passed the Senate by an overwhelming vote of 88 to 8. Senator STEVENS' leadership on competitiveness legislation serves as a good reminder of how he has addressed important issues in a forward-thinking manner throughout his six decades of public service.

Addressing the Nation's competitiveness is just one example of Senator STEVENS' innovative thinking. When he became chairman of the Committee on Commerce, Science, and Transportation, Senator STEVENS recognized that our communications laws were grossly outdated. Through a series of hearings, listening sessions, and a desire for bipartisan cooperation, Senator STEVENS developed a bill that would have encouraged competition in the communications market and fostered an environment conducive to future innovation. Although this bill did not become law, I am proud to have worked with Senator STEVENS on this important piece of legislation.

I greatly admire Senator STEVENS. He sets an example, for both Republicans and Democrats, of a successful Senator. He is a leader, a man of his word, and someone whom you know you can count on with nothing more than a handshake. I look forward to working with Senator STEVENS for many years to come and would like to congratulate him for a lifetime of accomplishments.

Mr. ENZI. Mr. President, it is a pleasure to be a part of this celebration of Senator TED STEVENS's service in the Senate. For those of us who know him, it is more than taking a moment to congratulate him as he becomes the longest serving Republican Senator in the history of the Senate. It is an opportunity to acknowledge all he has done to stand up for the State of Alaska. It is also a chance to take note of the example he provides of leadership and the way he has always put the needs of the people of Alaska at the very top of his work agenda in the Senate. That is why, in 2000, TED was named the Alaskan of the Century.

TED is a remarkable guy, and I don't think any Senator is more tied to the day-to-day life of the States we represent and the hearts of the people back home than he is. There are a lot of reasons for that, not the least of which is the certainty Alaskans have that the needs of their State are in good hands because TED STEVENS is championing their cause.

TED is one of our great environmentalists and it is a philosophy he puts into practice every day in thought, word, and deed. Whenever I think of him, I think of all he has done and continues to do to protect and preserve the natural beauty of Alaska. It is a wonderful State that I have been privileged to visit at TED's invitation. I have always said that God saved some of his best handiwork for Wyoming. Having seen Alaska, I think he did a good job there too.

If you ask me and those who have come to know him through the years, we will tell you that TED is a man of action. He says what he means and he means what he says. He works hard for the things he believes in, and in the end, I don't think anyone is better at getting results. That is because TED knows it is a lot more important to get things done than to get them said. You won't find him content to just give speeches. After all is said, and said with great force, TED puts his time and effort where his mouth is as he rolls up his sleeves and gets to work.

TED not only knows and loves the terrain of Alaska, he loves showing it off too. That is why he puts so much of himself into promoting the Kenai Tournament. This great Alaskan tournament gives all who take part a chance to enjoy the fantastic fishing of Alaska, but it is also a great fundraiser that helps provide the funds that are needed to restore and improve the habitat of the salmon in Alaska.

Here in the Senate, TED has also worked quietly on many bills that were drafted to preserve wild salmon. Whether it is protecting his home State on the floor or promoting it here and back home, TED STEVENS is the voice of Alaska.

Another thing Wyoming and Alaska share is our rural environment. TED understands the unique needs of rural life better than any Senator I know, and he has been a tireless worker on transportation and communication issues. He worked hard to preserve universal service so people in both our States would have phone service at a reasonable rate. That effort meant a great deal not only to the people of our States but to those who live in other rural areas across the United States as well.

As I have come to know TED, I have developed a great appreciation for his ability to pick up on the nuances and details of the issues we take up on the Senate floor. He is a fast study, and he is not afraid of any issue, no matter how complicated and complex it is.

Another thing we all think of whenever we think of TED is that distinctive voice of his. His voice has the same power that his words bring to the debate, and it is that unique way of speaking of his that gets everyone's attention and usually their agreement too.

Through his years in the Senate, TED has compiled an incredible record for the people of his State. He has won the hearts of Alaskans, and on election day, people from all over the State make it a point to vote for him. He is not just their Senator, he is also a bit of a superhero, too.

Speaking of superheroes, which are near and dear to TED's heart, in the comics, whenever Dr. Banner faces a difficult challenge that requires superpowers, he turns into the Incredible Hulk. On the Senate floor, if the Incredible Hulk faced a challenge that required superpowers of persuasion and reason, he would probably turn into TED STEVENS.

Congratulations, TED. We are proud of the record you have established in the Senate. Thank you for your leadership, the unique strengths and abilities you bring to our work, and most of all, thank you for the gift of your friendship.

Mr. GRAHAM. Mr. President, I am very pleased to help recognize Senator TED STEVENS as the longest-serving Republican in the history of the U.S. Senate. Senator STEVENS has represented the Last Frontier for nearly 40 years, during which he has become one of the most respected lawmakers and gentlemen in Congress. For a large majority of his time in Congress, Senator STEVENS served with my predecessor, the late Senator Strom Thurmond, the Senate's previous longest-serving Republican. Now that the record is broken, I am certain Senator Thurmond would be pleased to know his good friend, TED STEVENS, will carry on the great tradition of service to our Nation. I am honored to serve alongside Senator STEVENS and congratulate him on this momentous occasion.

Mrs. HUTCHISON. Mr. President, I wish today to congratulate Senator TED STEVENS on becoming the longest serving Republican Senator in U.S. history. Senator STEVENS has served in the Senate for over 38 years, and this milestone is a lasting tribute to his outstanding record for the people of Alaska and for the people of America. On a personal note, I have always enjoyed working with Senator STEVENS, and it has been a true privilege to collaborate with him on some of the most important issues facing our great Nation—including energy, healthcare, and national defense.

Senator STEVENS' service to the United States didn't begin when he stepped inside this Chamber; rather, his service began decades earlier—during some of the most harrowing days of World War II.

Senator STEVENS was part of the "greatest generation" who fought and won that global struggle for freedom—flying a C–47 in the China Burma India theater. Incredibly, over 1,000 of Senator STEVENS' fellow airmen died "flying the hump" and elsewhere in the Chinese Burma India theater—a sobering reminder of the high price of freedom. For his heroic efforts, Senator STEVENS later received two Distinguished Flying Crosses and two Air Medals, as well as the Yuan Hai medal awarded by the Republic of China.

After the war, Senator STEVENS completed his education at UCLA and Harvard Law School and then moved to Alaska, which was then a U.S. territory. In the city of Fairbanks, Senator STEVENS practiced law for several years, until he came to Washington, DC, to serve in the Eisenhower administration and also to lobby for Alaska's admittance into the Union—a mission that succeeded in 1959.

When Senator STEVENS returned to Alaska, he ran for—and won—a seat in the Alaska House of Representatives and later became house majority leader. Then, in December 1968, Governor Walter J. Hickel appointed him to fill a vacancy in the U.S. Senate. In 1970, the voters of Alaska ratified that choice by electing Senator STEVENS to finish that term in a special election and then reelecting him six more times, always by overwhelming margins.

Senator STEVENS' achievements are legendary in this Chamber—including, but not limited to, chairman of the Senate Rules Committee, chairman of the Senate Appropriations Committee, and President pro tempore of the U.S. Senate—putting him third in line for the Presidency from January 2003 to January 2007. For his many decades of service, Senator STEVENS has received and accepted numerous honors—including having the Anchorage International Airport named after him. Our entire country has been enriched and improved by his hard work, dedication, and leadership.

I say this not as a distant observer but as an up-close witness to his achievements. Back in 1993, when I first arrived in the U.S. Senate, I was one of only seven female Senators, and if the Senate was a men's club, then the Appropriations Committee was its inner sanctum. There was not a single woman on the Defense Appropriations Subcommittee, but that is where I wanted to serve.

I explained to Senator STEVENS—who was then the ranking member of the committee—that Texas has more Army soldiers than any other State, more Air Force air men and women stationed in Texas than any other State, and our defense industry builds everything from fighter aircraft to Army trucks to artillery systems to sophisticated electronics equipment for the Pentagon. Therefore, it was absolutely essential that a Senator from Texas serve on that committee. After some careful thought, Senator STEVENS agreed and welcomed me to the committee. Since that time, he has been a valuable mentor to me—not to mention a passionate advocate for Alaska and America.

And when I say passion, I really do mean passion. Senator STEVENS has been known to show dramatic performances on the Senate floor, keeping wandering eyes focused on the urgent issues that need to be addressed. One day, during a markup in the Senate Appropriations Committee, Senator STEVENS, who chaired the committee at the time, grew very animated and laid down the law. When a frustrated senior Senator told Senator STEVENS that "there was no reason to lose your temper," Senator STEVENS glared back and responded, "I never lose my temper. I always know exactly where I left it."

But if Senator STEVENS has a temper, he also has a compassionate heart. I will never forget when a group of protestors gathered outside of the Appropriations Committee conference to demand increased funding for breast cancer research.

One particularly agitated advocate got in Senator STEVENS' face and said, "If men were dying of breast cancer, you wouldn't think twice about increasing the funding." Needless to say, those words made quite an impact on Senator STEVENS but probably not what this advocate anticipated.

When Senator STEVENS walked back into the conference, he repeated the charge and then looked around at his mostly male colleagues. He knew that at least six of them suffered from prostate cancer. He also noticed that the bill they were considering didn't fund prostate cancer research. But thanks to the excellent suggestion of the woman in the hallway, he was going to advocate breast cancer research and prostate cancer research. Senator STEVENS was determined to become a leader on these issues, and over time, that is certainly what he has become.

For all of these reasons, and many more, it has been a true honor to serve with Senator STEVENS. I congratulate him once again on becoming the longest serving Republican Senator in U.S. history. I look forward to serving with him for years to come.

Mr. LUGAR. Mr. President, Senate colleagues of Senator TED STEVENS are grateful that a remarkable U.S. Senate historical landmark provides us an opportunity to honor one of the greatest Senators in history as he continues to supply vigorous and significant leadership for our country.

We recognize, today, that TED STEVENS has served longer than any other Republican Party Senator, and that record for longevity of service will continue to mount with each new day of Senate history.

I would like to believe that the early schooling of TED STEVENS at Public School No. 84 in Indianapolis was a strong foundation for his later success. I enjoyed School No. 84 for 2 years, a few years after TED had progressed.

Our lives came together again in 1976 when TED chaired the National Republican Senatorial Committee and I was the Indiana Republican candidate against a three-term incumbent.

Under TED's leadership, Jack Danforth, John Heinz, Jack Schmitt, Malcolm Wallop, Sam Hayakawa, John Chafee, ORRIN HATCH, and I were elected: a class of eight freshmen Republican Senators. The overall Senate count after the 1976 election was 61 Democrats, 38 Republicans, and Independent Senator Harry Byrd, thus highlighting TED's recruitment achievement.

But times changed, and Howard Baker became majority leader after the Republican majority was established in the 1980 election. When Howard retired 4 years later, five Republicans sought the majority leader position in an election procedure requiring the candidate with the lowest vote to retire after each ballot. Senators Jim McClure, PETE DOMENICI, and I retired in that order before Bob Dole, another Senate lion, defeated TED STEVENS in a close vote.

All of us rejoiced when the GOP won a Senate majority again and Senator STEVENS became President pro tempore of the Senate. In this role, he became even more vigorous in boosting the Senate's institutional role and in underlying the responsibilities of each Senator.

Throughout his unfailing attention to overall Senate duties, TED has been a Senator for Alaska on every day of every year. His legislative achievements that have boosted Alaska are legendary and continue during each appropriations cycle.

Alaskans recognized Senator STEVENS as the most prominent Alaskan of the 20th century in a poll taken in his State.

He also led Alaskan and U.S. Senate attention to the interests Alaska and the United States have in the Pacific Ocean and in prominent Pacific rim countries such as China, Japan, and Russia.

I have been privileged to attend Aspen Institute conferences with TED and to participate in legislative meetings with Chinese delegates that he has organized in Washington.

He has long been an advocate for health and physical fitness. This encourages his friends to observe that he has the opportunity to serve with us for many years to come.

I thank my good friend, Senator TED STEVENS, for his personal thoughtfulness and for so many great experiences, together, during his recordbreaking tenure in the Senate. I look forward to many new opportunities to be with him and to work with him for the benefit of our country.

Mr. SHELBY. Mr. President, I rise to honor a distinguished colleague, Senator TED STEVENS, who is celebrating a major milestone—today becoming the longest serving Republican in Senate history.

Appointed to the U.S. Senate in 1968 and elected to finish out the term 2 years later, STEVENS has since been reelected to the Senate six times, never receiving less than 67 percent of the vote in any election.

During his 38 years in the U.S. Senate, Senator STEVENS has been Chairman of four full committees and two select committees, assistant Republican whip, and the President Pro Tempore Emeritus.

As one of the most effective Senators, Senator STEVENS has been an ardent supporter of our national defense, serving as either chairman or ranking member of the Defense Appropriations Subcommittee since 1980. A champion of our Armed Forces, he has ensured that our servicemembers have the equipment, training, and pay necessary to be prepared to take on those who threaten our national security.

Mr. President, I congratulate Senator STEVENS on reaching this historic milestone today. I am honored to call Senator TED STEVENS my colleague but prouder to call him my friend.

Mr. VITTER. Mr. President, I rise today to acknowledge a man who has dedicated almost 40 years of his life to the service of his constituency. Senator TED STEVENS was appointed to represent Alaska in the Senate in 1968 and has done so in a way that the citizens of his State have reelected him six times since. Senator STEVENS is currently the longest-serving Senator in the history of our party and a steadfast representative for Alaskan conservative values.

As a young man Senator STEVENS served his country honorably during World War II. A member of the Flying Tigers of the Army Air Corps' 14th Air Force, he is also twice a recipient of the Distinguished Flying Cross for his heroism in aerial combat. Senator STEVENS is in excellent company as the first recipient of the Distinguished Flying Cross was Captain Charles A. Lindbergh, who also set a few records in his own time.

I am especially thankful for the work Senator STEVENS has done to help aid the people of Louisiana. Through his position as Chairman in the last Congress and currently Vice-Chairman of the Senate Commerce, Science, and Transportation Committee he has worked tirelessly on important legislation to our State. Especially noteworthy are the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act, which included provisions dedicated to the aid of the fishing industry in Louisiana following Hurricanes Katrina and Rita, and his essential support of legislation to get Louisiana its fair share of Outer Continental Shelf oil and gas revenues.

It has been an extraordinary experience to work with as accomplished a legislator as Senator STEVENS in my time in the Senate. I thank him for his service to the citizens of this great country.

Mr. WARNER. Mr. President, I rise today to speak about my long-time great friend, advisor, and colleague, Senator TED STEVENS of Alaska, who just became the longest serving Republican Senator in the 218 year history of the United States Senate.

I have worked with Senator STEVENS on a wide array of matters, but none more closely than national security and defense issues. Senator STEVENS and Senator INOUYE exemplify that extraordinary group of veterans, largely of World War II distinction and experience, that led the Senate I joined 28 years ago. They found the time to teach the new Senators, inspiring them to gain the experience to someday take their places of responsibility in the Senate. I owe a great deal of gratitude to that generation, and particularly to TED.

He has loyally served the men and women of the Armed Forces throughout his long Senate career, particularly through his leadership positions on the Senate Appropriations Committee.

My good friend has compiled a remarkable record on national security, ranging from complex issues of global strategy all the way down to the very basic pay and quality of life issues for the men and women in uniform and their families. His own distinguished record in World War II as an aviator provides special insights into military matters.

Military matters, however, are not the only field in which the senior Senator from Alaska has invested his time and passion. Senator STEVENS has also fought hard to find ways to meet America's energy needs, offering the extraordinary resources of his own State to meet these demands. I think back time and time again when Senator STEVENS has taken to the Senate floor urging his colleagues to fully address America's demand for energy. Dressed in his trademark "Hulk" tie, he was a sight to behold and quite a force to reckon with. If only Congress had listened to Mr. STEVENS a decade or two ago, not just limited to Alaska issues, but towards a broad world view on energy, America might not be so dependent on foreign oil today.

Senator STEVENS truly loves Alaska. I remember one codel trip in particular. A few years back, Senator STEVENS had escorted a small group of Senators, making stops along the way, up to Prudhoe Bay, one of the closest points to the Arctic. Senator Symms, our former colleague from Idaho, and I decided we had enough learning for the day. So, unwisely, we chose to play hookie and dashed from the group for an impromptu plunge in the frigid waters of Prudhoe Bay while the other Senators looked on in disbelief. We were quite a sight as we crawled ashore frozen to the bone.

Despite this experience, I am proud to say that Senator STEVENS hasn't held my rowdiness against me, as he has invited me back to Alaska over the years.

TED STEVENS is not only a great champion for Alaska, American energy, and our Nation's armed forces, but he is also a champion of the Senate. One of the most lasting legacies he has had on this special body, and one of the legacies he has imparted on me, is his remarkable record of work with new senators from both sides of the aisle. Throughout many years, Senator

STEVENS has voluntarily stepped forward to counsel new colleagues about the history and intricacies of the legislative process in the Senate.

I am particularly indebted to him for helping me. Therefore, Mr. President, it is my honor and privilege to today congratulate my good friend, Senator TED STEVENS, on becoming the longest serving Republican in the Senate. Carry on, dear friend.

TRIBUTE TO LYNN CLANCY

Mr. CONRAD. Mr. President, today I recognize and honor my friend Lynn Clancy, who retired in January after 20 years of service as my State director. He is a friend to me, and he is a friend to North Dakota.

Over two decades as my State director, Lynn touched the lives of thousands of North Dakotans. He handled countless casework requests and hundreds of speeches and appearances on my behalf. I could not have had a better ambassador.

Twenty years in itself is a lifetime of public service, but the 20 years that Lynn spent with me was really the culmination of a much longer career in service to the public. This is a man who genuinely lives on the tenant that it is best to do good to your fellow man. He devoted his life to helping other people.

Not many know this, but when Lynn joined my staff after my 1986 election, he was working as the right-hand man to the Catholic bishop of North Dakota, overseeing operations in the diocese. And that was after a long career serving North Dakota's farmers. So he came to work for me with an already long history of public service.

That public service began after Lynn graduated with an education degree from the State college in his hometown of Valley City. His degree in hand, Lynn left North Dakota for Turkey and England to teach high school on U.S. military bases.

After returning home to North Dakota, he went to work for the North Dakota Farmers Union, first as its education director and then assistant secretary-treasurer. About that time, he was elected to the North Dakota legislature as a representative from his hometown of Valley City.

Lynn later received an appointment as North Dakota's deputy commissioner of agriculture, before finally going on to work for the diocese. And that is where I found him.

Part of what drives Lynn is his affinity for the land, and his affinity for those people who are the stewards of the land. In North Dakota, those stewards are our farmers and our good friends, the first Americans.

Lynn shares a special bond with North Dakota's Native Americans. Leaders of the American Indian community liken Lynn's special qualities to that of a tribal elder. Over the years, he worked tirelessly to ensure that our tribes had equal access to all parts of our Federal and State government. His goal was always to make sure Native Americans were equal before the law.

In the 1990s Lynn was instrumental to the success of the Walking Shield Housing Project, which helped alleviate a housing crisis on the reservations of Spirit Lake, Fort Berthold, Standing Rock, and Turtle Mountain.

When he told me about his plans for retirement, Lynn said one of his greatest joys has been working closely with Native Americans, learning about their culture and experiencing their hospitality. So while it is true that Lynn is a naturally gentle and soft-spoken man, it is also true that North Dakota's Native Americans may not have a fiercer advocate than Lynn Clancy.

Lynn's devotion to the family farmer started with his own experiences on the farm where he lived and worked as a young man. Over the years, from his time with the Farmers Union to his leadership in the State agriculture department, Lynn became the "go to" person in North Dakota for any farm-related concern. Whether it was helping one farmer cut through the bureaucratic red tape, or helping organize a massive farm rally, Lynn showed patience, persistence, and skill.

Farmers and Native Americans shared that special place in Lynn's heart with one more thing—Marketplace for Entrepreneurs. Never were Lynn's passion, creativity, and dedication more evident than with Marketplace.

Today, Marketplace is North Dakota's signature initiative to develop the State's economy—the largest and longest running business development effort in North Dakota. But in 1988, it had much humbler origins. North Dakota farmers were suffering through a searing drought. The auction barns were buzzing while the grain silos went silent. Nothing was in as short a supply in North Dakota as hope.

Lynn gave our farmers hope. Lynn was the force behind making Marketplace possible year after year, creating an opportunity for farmers and others from around the State to gather and think of new ways to update their operations to reach new markets—and ultimately stay in business and stay on the land. Lynn's vision and determination were vital to the eventual recovery of many farmers and to making Marketplace the enormous success that it is today. That first Marketplace drew about 800 people. Today, thanks to Lynn, we draw more than 10,000 people. It is a tremendous success.

Hearing all this may lead you to ask how a man could devote so much of his life to service. The answer is that Lynn has faith. It is central to his life. He serves as an ordained Catholic deacon in the Bismarck parish. In March, he was appointed to the Rural Life Committee of the North Dakota Conference of Churches. And even in retirement, Lynn and his wife, Janice, are working long hours as volunteers.

In both his public life and his personal friendships, Lynn's fellowship, devotion, and loyalty set examples for us all. Whenever I needed him, he was there. Whenever North Dakota needed him, he was there. He lives his life in service, making other people's lives better.

WRITING CHALLENGE 2007

Mr. LEVIN. Mr. President, the Do the Write Thing Challenge, or DtWT, is a national program designed to give middle school students an opportunity to examine both the causes and the effects of youth violence. In this program, students work together through classroom discussion and writing to evaluate what preventative measures should be taken with an emphasis on personal responsibility. Since the program's founding in 1994, more than 350,000 students have participated within 28 different jurisdictions, including Detroit.

In 2006, more than 40,000 students submitted their essays, poems, plays, or songs to be considered in the DtWT writing contest. These students wrote about how violence impacts their lives and what they could do to prevent its reoccurrence. Students are also asked to make a personal commitment to carry out their ideas in their daily lives.

Each year, a DtWT committee made up of business, community, and government leaders from each participating jurisdiction reviews the writing samples and selects two national finalists, one boy and one girl from their area. I am pleased to recognize this year's national finalists from Detroit, Marcelle Walker and Brandi Baldwin-Gat, for their outstanding work and dedication to the prevention of youth violence.

Marcelle and Brandi have written very passionate literary pieces about how both gang violence and domestic violence have affected their lives and have influenced them to think practically about what could and should be done. They have conveyed a deep understanding of youth violence, and I am impressed by the maturity they have shown in their work and congratulate them on being selected as national finalists.

In July, Marcelle and Brandi will join the other DtWT national finalists in Washington, DC, for National Recognition Week. They will attend a recognition ceremony and have their work permanently placed in the Library of Congress. Also, they will have the opportunity to share their thoughts on youth violence with Members of Congress and other policymakers.

I know my colleagues join me in celebrating the work of all of the DtWT participants from around the country. I would also like to thank the DtWT organizers who make a commitment to facilitating open discussions about youth violence. Their work is an essential means to the development of local solutions to the youth violence problem in our nation.

With the tragedy of Virginia Tech fresh in our minds, I believe it is important we recognize the efforts of DtWT participants and organizers to help prevent such acts of violence. It is also important that we, as Members of Congress, support their efforts through our actions. I urge my colleagues to join me in supporting legislation that would help prevent youth violence by increasing police patrol on our streets, by increasing resources for school and community violence prevention programs, and by making it more difficult for children and criminals to acquire dangerous firearms.

I would like to take this opportunity to congratulate the New Jerusalem Full Gospel Baptist Church on its Founders Day. As the largest church in Genesee County, the NJFGBC has contributed over 43 years of committed service to the southeastern Michigan community.

In 1965, the New Jerusalem Full Gospel Baptist Church was founded as the Rose Hill Baptist Mission by a small group of Genesee County citizens at the home of Rev. L.W. Owens in Flint, MI. Seven days later, the mission was renamed New Jerusalem Missionary Baptist Church. The church grew steadily, and in 1968 a new and larger edifice was acquired to better accommodate the growing membership. While the congregation has undergone many changes and expansions throughout the years, it remained enthusiastically devoted to its activities and its service to the City of Flint. By the early 1990s membership had grown to more than 2,100, and the church was renamed the New Jerusalem Full Gospel Baptist Church.

In 1969, the Reverend Odis A. Floyd was unanimously elected pastor of the NJFGBC. As the grandson of the founder, Reverend Owens, Reverend Floyd has proven to be a charismatic leader of this passionate church community. In his many years of faithful service to the church, he has overseen numerous outreach programs, including Operation Blessing. This vital program is designed to provide food and clothing to those in need in the Flint community. Reverend Floyd also manages the New Jerusalem Intervention Ministry Team, which provides counseling and social work services to the less fortunate. Under Reverend Floyd's capable leadership, the New Jerusalem Full Gospel Baptist Church has become a powerful force for change in the Flint community. With over 30 years of dedicated leadership, Reverend Floyd has shown steadfast resolve and determination in his role as pastor of the New Jerusalem Full Gospel Baptist Church.

During its 43 years of existence, the New Jerusalem Full Gospel Baptist Church has made many important contributions to its community and has a rich tradition of serving Flint area residents, which is evidenced by programs such as Operation Blessing and the Intervention Ministry Team. I know my colleagues join me in commending the work of The New Jerusalem Full Gospel Baptist Church and Reverend Floyd for their many years of excellent work in the Flint community.

HONORING SMALL BUSINESS ACCOMPLISHMENTS IN VERMONT

Mr. LEAHY. Mr. President, I would like to share with my colleagues in the Senate the accomplishments of several Vermont entrepreneurs.

Each June, the Small Business Administration honors the best and brightest of each State's small business community. The entrepreneurial spirit in Vermont breeds many successful small businesses, and today I would like to congratulate the 2007 Vermont Small Business Person of the Year, Jack Glaser, president and cofounder of MBF Bioscience in Williston. Jack is one of the Green Mountain State's wonderful success stories, a University of Vermont graduate who worked with his family, especially his father, Dr. Edmund M. Glaser, to create and grow a successful business in Vermont.

It gives me great pleasure to congratulate Jack and everyone at MBF Bioscience. I ask unanimous consent that a Burlington Free Press article about Jack and the other 2007 Small Business Champions of the Year in Vermont be printed in the RECORD to commemorate their achievements.

There being no objection, the material was ordered to be printed in the RECORD.

[From the Burlington Free Press, Wednesday, May 30, 2007]

WILLISTON DEVELOPER OF BIOSCIENCE SOFTWARE WINS BUSINESS AWARD

Jack Glaser, president and co-founder of Williston-based MBF Bioscience, is the 2007 Vermont Small Business Person of the Year, the state's top Small Business Administration award.

Glaser, 45, of Williston, will be honored June 6.

Established in 1987, MBF Bioscience develops analytical software for biological research, including scientific software for performing brain mapping, neuron tracing and anatomical mapping. The company's software is used to research brain development and aging as well as Alzheimer's, Parkinson's, and Huntington's diseases.

The local business has grown from a home-based operation to a multinational company that employs 26 people. The company has satellite sales offices in Germany and Japan.

"It is very gratifying to be recognized for all of MBF's hard work and effort over the past 20 years. Our company is dedicated to helping researchers in their pursuit of understanding how the brain functions," Glaser said.

Joining Glaser at the Burlington waterfront ceremony will be eight winners of the Vermont Small Business Champion Awards: Carl, Michael and John Beauregard of Beauregard Equipment Inc.; Don Kelpinski, former director of the Vermont Small Business Development Center; Mark Blanchard of the Vermont Small Business Development Center; Mary Claire Carroll of Carroll Photos; Bruce Edwards of the Rutland Herald; and Janice Scruton of Cheap Kids II/Trendy Threads.

Beauregard Equipment is also the regional and state winner of the Jeffrey Butland Family-Owned Business Award.

ADDITIONAL STATEMENTS

RECOGNIZING IPSWICH HIGH SCHOOL

● Mr. THUNE. Mr. President, today I wish to recognize the Ipswich High School class of 1957 as they celebrate their 50-year class reunion.

The class of 1957 will celebrate this milestone occasion on June 8 to 10, 2007, in Ipswich, SD. Approximately 42 classmates plus spouses and guests are expected to attend the main banquet on June 9. This event is an important time to reflect on the many wonderful memories that the classmates have shared with one another over the years and to look forward to many more happy memories that they will create in the future.

It gives me great pleasure to rise with the Ipswich High School class of 1957 and to congratulate them on the celebration of this milestone anniversary.●

BORDEN'S 150TH ANNIVERSARY

● Mr. BOND. Mr. President, tomorrow at the Smithsonian National Museum of American History, Elsie the Cow will be present to celebrate the 150th anniversary of Borden Cheese.

Borden Cheese started in 1857, when Gail Borden began selling his patented condensed milk that allowed milk to last much longer than the 3 days it would currently hold in its natural state. This condensed milk was used in large ration amounts by the Union Army during the Civil War. Gail Borden's modernization of dairy practices in the "Dairyman's Ten Commandments" created a model for modern health department regulations.

Elsie the Cow entered the picture for Borden almost 90 years ago. Not only has she represented the face of Borden, but she also toured the Nation to support purchasing U.S. war bonds during World War II. Her support sold $10 million in war bonds.

Today, Borden is a member of Missouri-based Dairy Farmers of America, a 22,000-member farm cooperative. I am pleased to honor Borden and Elsie on their important anniversary.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on May 25, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2206. An act making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

Under the authority of the order of January 4, 2007, the enrolled bill was signed by the President pro tempore (Mr. BYRD) during the adjournment of the Senate, on May 25, 2007.

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on May 25, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 214. An act to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 1104. An act to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes.

H.R. 414. An act to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building".

H.R. 437. An act to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office".

H.R. 625. An act to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California; as the "Atanacio Haro-Marin Post Office".

H.R. 1402. An act to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building".

H.R. 2080. An act to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

Under the authority of the order of January 4, 2007, the enrolled bills were signed by the President pro tempore (Mr. BYRD) during the adjournment of the Senate, on May 30, 2007.

MESSAGE FROM THE HOUSE

At 2:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1585. An act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2316. An act to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.

H.R. 2317. An act to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 4, 2007, she had presented to the President of the United States the following enrolled bills:

S. 214. An act to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 1104. An act to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2061. A communication from the Under Secretary, Office of Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rural Economic Development Loan and Grant Program" (RIN0570-AA19) received on May 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2062. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Vice Admiral James M. Zortman, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–2063. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Broken Bow and Millerton, Oklahoma" (MB Docket No. 05-328) received on May 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2064. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Romney and Wardensville, West Virginia" (MB Docket No. 05-143) received on May 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2065. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television" (MB Docket No. 03-15) received on May 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2066. A communication from the Associate Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information" ((CC Doc. 96-115)(FCC 07-22)) received on May 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2067. A communication from the Legal Advisor to the Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Service Rules for the 698-806 MHz Band and Revision of the Commission's Rules Regarding Enhanced 911 Emergency Calling Systems, Hearing Aid-Compatible Telephones and Public Safety Spectrum Requirements" ((WT Docket No. 06-150)(FCC No. 07-72)) received on May 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2068. A communication from the Assistant Bureau Chief for Management, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of the Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3–17.7 GHz Frequency Band and at the 17.7–17.8 GHz Frequency Band Internationally, and at the 24.75–25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting Satellite Service" ((IB Docket No. 06-123)(FCC 07-76)) received on May 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2069. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Elephant Trunk Scallop Access Area Closure for

General Category Scallop Vessels" (ID No. 031307A) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2070. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to fraud by businesses or individuals that market advice or assistance to students and parents who may be seeking financial aid for higher education; to the Committee on Commerce, Science, and Transportation.

EC–2071. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Implementation of the Department of Energy's Cooperative Audit Strategy for its Management and Operating Contracts" (RIN1991–AB67) received on May 25, 2007; to the Committee on Energy and Natural Resources.

EC–2072. A communication from the Regulations Coordinator, Center for Medicaid and State Operations, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal State Financial Partnership" ((RIN0938–AO57)(CMS–2258–FC)) received on May 25, 2007; to the Committee on Finance.

EC–2073. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cancellation of Distributorship Agreement" (Rev. Rul. 2007-37) received on May 24, 2007; to the Committee on Finance.

EC–2074. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deductibility of Lodging Expenses" (Notice 2007-47) received on May 24, 2007; to the Committee on Finance.

EC–2075. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Distributions from a Pension Plan Upon Attainment of Normal Retirement Age" ((RIN1545–BD23)(TD 9325)) received on May 24, 2007; to the Committee on Finance.

EC–2076. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Strategic Plan for fiscal years 2007 through 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–2077. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2078. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of May 25, 2007, the following reports of committees were submitted on May 31, 2007:

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, without amendment:

S. 1538. An original bill to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 110–75).

By Mr. ROCKEFELLER, from the Select Committee on Intelligence:

Special Report entitled "Prewar Intelligence Assessments About Postwar Iraq" (Rept. No. 110–76). Additional and Minority views filed.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 239. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 236. A bill to require reports to Congress on Federal agency use of data mining.

BILLS AND JOINT RESOLUTIONS INTRODUCED DURING ADJOURNMENT

On May 31, 2007, under the authority of the order of the Senate of May 25, 2007, the following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER:

S. 1538. An original bill to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

ADDITIONAL COSPONSORS

S. 388

At the request of Mr. THUNE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 439

At the request of Mr. REID, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 442

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 453

At the request of Mr. OBAMA, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 522

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 556

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 556, a bill to reauthorize the Head Start Act, and for other purposes.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 673

At the request of Mr. SALAZAR, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 673, a bill to amend the Internal Revenue Code of 1986 to provide credits for the installation of wind energy property, including by rural homeowners, farmers, ranchers, and small businesses, and for other purposes.

S. 674

At the request of Mr. OBAMA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 674, a bill to require accountability and enhanced congressional oversight for personnel performing private security functions under Federal contracts, and for other purposes.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 773

At the request of Mr. WARNER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 823

At the request of Mr. OBAMA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S. 825

At the request of Mr. VITTER, his name was added as a cosponsor of S. 825, a bill to provide additional funds for the Road Home Program.

S. 911

At the request of Mr. REED, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KERRY), the Senator from Ohio (Mr. BROWN), the Senator from Delaware (Mr. CARPER), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 912

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 935

At the request of Mr. NELSON of Florida, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

At the request of Mr. THUNE, his name was added as a cosponsor of S. 935, supra.

S. 968

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 969

At the request of Mr. DODD, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. SMITH, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Florida (Mr. NELSON) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 975

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 975, a bill granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 986

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 986, a bill to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 999

At the request of Mr. COCHRAN, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1113

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1113, a bill to facilitate the provision of care and services for members of the Armed Forces for traumatic brain injury, and for other purposes.

S. 1181

At the request of Mr. OBAMA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. 1224

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1244

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1244, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 1263

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

S. 1323

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1323, a bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1337

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1345

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1345, a bill to affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary.

S. 1363

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1363, a bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes.

S. 1364

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1364, a bill to amend titles XIX and XXI of the Social Security Act to extend the State Children's Health Insurance Program (SCHIP) and streamline enrollment under SCHIP and Medicaid, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1391

At the request of Mr. NELSON of Nebraska, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1391, a bill to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1442

At the request of Mr. THOMAS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1442, a bill to authorize the Secretary of Homeland Security to establish new units of Customs Patrol Officers.

S. 1450

At the request of Mr. KOHL, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1450, a bill to authorize appropriations for the Housing Assistance Council.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1496

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1496, a bill to amend the Food Security Act of 1985 to include pollinators in certain conservation programs.

S. 1498

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1498, a bill to amend the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species, and for other purposes.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. RES. 85

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 85, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

AMENDMENT NO. 1151

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 1151 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1179

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 1179 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1182

At the request of Mr. THOMAS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1182 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1257. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1258. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1259. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1260. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1261. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1262. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1263. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1264. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1265. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1266. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1267. Mr. BINGAMAN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1268. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1269. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1270. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1271. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1272. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1273. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1274. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1275. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1276. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1277. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1278. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1279. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1280. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1281. Mrs. MCCASKILL (for herself and Mr. DODD) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1257. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASE IN FEDERAL JUDGESHIPS IN DISTRICTS WITH LARGE NUMBERS OF CRIMINAL IMMIGRATION CASES.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this section is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

(c) ADDITIONAL DISTRICT COURT JUDGESHIPS.—

(1) PERMANENT JUDGESHIPS.—

(A) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(i) 4 additional district judges for the district of Arizona;

(ii) 1 additional district judge for the district of New Mexico;

(iii) 2 additional district judges for the southern district of Texas; and

(iv) 1 additional district judge for the western district of Texas.

(B) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(i) by striking the item relating to Arizona and inserting the following:

“Arizona .... 16”;

(ii) by striking the item relating New Mexico and inserting the following:

“New Mexico .... 7”; and

(iii) by striking the item relating to Texas and inserting the following:

“Texas	
Northern	12
Southern	21
Eastern	7
Western	14”.

(2) TEMPORARY JUDGESHIPS.—

(A) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(i) 1 additional district judge for the district of Arizona; and

(ii) 1 additional district judge for the district of New Mexico.

(B) VACANCY.—For each of the judicial districts named in this paragraph, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this paragraph shall not be filled.

SA 1258. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DISTRICT JUDGES FOR THE DISTRICT COURTS IN BORDER STATES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern of California;

(4) 2 additional district judges for the northern district of California;

(5) 1 additional district judge for the district of Minnesota;

(6) 1 additional district judge for the district of New Mexico;

(7) 3 additional district judges for the eastern district of New York;

(8) 1 additional district judge for the western district of New York;

(9) 1 additional district judge for the eastern district of Texas;

(10) 2 additional district judges for the southern district of Texas;

(11) 1 additional district judge for the western district of Texas; and

(12) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the district of Arizona;

(2) 1 additional district judge for the central district of California;

(3) 1 additional district judge for the northern district of California;

(4) 1 additional district judge for the district of Idaho; and

(5) 1 additional district judge for the district of New Mexico.

For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—The existing judgeships for the district of Arizona and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c), such table is amended to read as follows:

“Districts	**Judges**
Alabama:	
Northern	7
Middle	3

“Districts	Judges
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	15
Southern	17
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3
Kansas	5
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	3
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	8
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3”.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, including such sums as are necessary to provide appropriate space and facilities for the judicial positions created by this section.

SA 1259. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 128, add the following:

(5) An evaluation of the positive and negative impacts of privatizing border patrol training, including an evaluation of the impact of privatization on the quality, morale, and consistency of Border Patrol agents.

(c) CONSIDERATIONS.—In conducting the review under subsection (a), the Comptroller General of the United States shall consider—

(1) the report by the Government Accountability Office entitled “Homeland Security: Information on Training New Border Patrol Agents” and dated March 30, 2007;

(2) the ability of Federal providers of border patrol training, as compared to private providers of similar training, to incorporate time-sensitive changes based on the needs of an agency or changes in the law;

(3) the ability of a Federal agency, as compared to a private entity, to defend the Federal agency or private entity, as applicable, from lawsuits involving the nature, quality, and consistency of law enforcement training; and

(4) whether any other Federal training would be more appropriate and cost efficient for privatization than basic border patrol training.

(d) CONSULTATION.—In conducting the review under subsection (a), the Comptroller General of the United States shall consult with—

(1) the Secretary of Homeland Security;

(2) the Commissioner of the Bureau of Customs and Border Protection; and

(3) the Director of the Federal Law Enforcement Training Center.

SA 1260. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 122(b)(2), insert “the Bureau of Land Management,” before “the National Park Service”.

In section 122(d)(1), insert “the Bureau of Land Management,” before “the National Park Service”.

In section 122(d)(2), insert “the Subcommittee on Public Lands and Forests and” after “including”.

In section 122(e)(3), strike “and”.

In section 122(e), redesignate paragraph (4) as paragraph (5).

In section 122(e), after paragraph (3), insert the following:

(4) Bureau of Land Management Land; and

At the end of section 122, add the following:

(f) ADDITION PERSONNEL.—

(1) FOREST SERVICE.—In each of the fiscal years 2008 through 2012, the Secretary of Agriculture, subject to the availability of appropriations, shall increase by not less than 50 the number of positions for realty personnel in the Forest Service, for purposes of—

(A) coordinating the submission to, and review by, the Office of Border Patrol and the Department of Homeland Security of proposals and other environmental documents, including environmental impact statements under the National Environmental Protection Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) processing realty actions on public land.

(2) BUREAU OF LAND MANAGEMENT.—In each of the fiscal years 2008 through 2012, the Secretary of Interior, subject to the availability of appropriations, shall increase by not less than 50 the number of positions for realty personnel in the Bureau of Land Management for the purposes described in paragraph (1).

(3) NATIONAL PARK SERVICE.—In each of the fiscal years 2008 through 2012, the Secretary of Interior, subject to the availability of appropriations, shall increase by not less than 50 the number of positions for realty personnel in the National Park Service for the purposes described in paragraph (1).

SA 1261. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 711. STUDY OF RADIO COMMUNICATIONS ALONG THE INTERNATIONAL BORDER.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to determine the areas along the international borders of the United States where Federal and State law enforcement officers are unable to achieve radio communication or where radio communication is inadequate.

(b) DEVELOPMENT OF PLAN.—Upon conclusion of the study described in subsection (a), the Secretary shall develop a plan for enhancing radio communication capability along the international borders. The plan shall include an estimate of the cost for implementing the plan and recommendations for how Federal, State, and local law enforcement officers can benefit from the plan.

SA 1262. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 125(a)(2)(C), after "States" insert the following: ", including consideration of whether the Department of Homeland Security should use the UAV Systems and Operations Validation Program funded by the Department of Defense to test unmanned aerial vehicle platforms and systems in civil airspace on a routine basis alongside manned aircraft".

SA 1263. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to Congress describing the actions taken by the United States and Mexico under this Act.

SA 1264. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . IMPROVED LAW ENFORCEMENT TRAINING.

(a) REQUIREMENT.—The Secretary, in coordination with the Director of the Federal Law Enforcement Training Center and the Commissioner of U.S. Customs and Border Protection, if appropriate, shall improve and expand the Federal Law Enforcement Training Center in Artesia, New Mexico (referred to in this section as "FLETC") and the Border Patrol Academy located at FLETC by—

(1) authorizing the construction of a detention facility for training purposes;

(2) developing, not later than 2 years after the date of the enactment of this Act, a plan to improve and expand such Border Patrol Academy, including—

(A) a plan to develop realistic scenario-based training; and

(B) an evaluation of new facilities, improvements, equipment, land, and other resources needed to carry out the plan to improve and expand the Border Patrol Academy; and

(3) developing, not later than 2 years after the date of the enactment of this Act and in consultation with appropriate partner agencies, a plan to expand and improve FLETC, including—

(A) a plan to develop realistic scenario-based training;

(B) an evaluation of new facilities, improvements, equipment, land and other resources needed to carry out the plan; and

(C) an evaluation of the entities that utilize any Federal Law Enforcement Training Center or other State or local law enforcement entities that would be appropriate to utilize FLETC.

(b) LANGUAGE ARTS PROGRAM AND FACILITY.—

(1) PROGRAM EXPANSION.—The Secretary shall expand the language arts program and facility at FLETC to provide training for the Department of Homeland Security personnel and law enforcement officers identified under paragraph (3).

(2) TRAINING REQUIREMENT.—

(A) HOMELAND SECURITY.—The Secretary shall—

(i) identify any employee of the Department of Homeland Security for whom foreign language education is necessary; and

(ii) require foreign language education for any employee identified under clause (i).

(B) LAW ENFORCEMENT.—The head of each executive agency shall—

(i) identify any law enforcement officer employed by such executive agency for whom foreign language education is necessary; and

(ii) require foreign language education for any law enforcement officer identified under clause (i).

(3) TRAINING.—Foreign language education for any individual identified under subparagraph (A)(i) or (B)(i) of paragraph (2) shall be provided through the language arts program and facility at FLETC.

(c) DEFINITIONS.—In this section—

(1) the term "executive agency" has the same meaning as in section 105 of title 5, United States Code, except that the term does not include the Department of Defense or the Department of State;

(2) the term "law enforcement officer" has the same meaning as in section 8331 of title 5, United States Code; and

(3) the term "Secretary" means the Secretary of Homeland Security.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 1265. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TRAVEL PRIVILEGES FOR CERTAIN TEMPORARY VISITORS FROM MEXICO.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall permit a national of Mexico to travel up to 100 miles from the international border between Mexico and the State of New Mexico if such national—

(1) possesses a valid machine-readable biometric border crossing identification card issued by a consular officer of the Department of State;

(2) enters the State of New Mexico through a port of entry where such card is processed using a machine reader;

(3) has successfully completed any background check required by the Secretary for such travel; and

(4) is admitted into the United States as a nonimmigrant under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

(b) EXCEPTION.—On a case-by-case basis, the Secretary may limit the travel of a national of Mexico who meets the requirements of paragraphs (1) through (4) of subsection (a) to a distance of less than 100 miles from the international border between Mexico and the State of New Mexico if the Secretary determines that the national was previously admitted into the United States as a nonimmigrant and violated the terms and conditions of the national's nonimmigrant status.

SA 1266. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 709 of the bill redesignate subsection (b) as subsection (c), and insert the following:

(b) ASSESSMENT TOOLS.—The Director of the United States Citizenship and Immigration Services, in consultation with the Secretary of Education, shall develop valid and reliable assessment tools to measure the progress of individuals—

(1) in the acquisition of the English language under subsection (a); and

(2) in meeting any other English language requirements in this Act.

SA 1267. Mr. BINGAMAN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Section 218A(i) of the Immigration and Nationality Act, as added by section 402, is amended to read as follows:

"(i) PERIOD OF AUTHORIZED ADMISSION.—

"(1) IN GENERAL.—Aliens admitted to the United States as Y nonimmigrants shall be granted the following periods of admission:

"(A) Y-1 NONIMMIGRANTS.—An alien granted admission as a Y-1 nonimmigrant shall be granted an authorized period of admission of 2 years. Such 2-year period of admission may be extended for 2 additional 2-year periods.

"(B) Y-2 NONIMMIGRANTS.—Aliens granted admission as Y-2 nonimmigrants shall be granted an authorized period of admission of 10 months.

"(2) Y-1 NONIMMIGRANTS WITH Y-3 DEPENDENTS.—A Y-1 nonimmigrant who has accompanying or following-to-join derivative family members in Y-3 nonimmigrant status shall be limited to two 2-year periods of admission. If the family members accompany the Y-1 nonimmigrant during the alien's first period of admission the family members may not accompany or join the Y-1 nonimmigrant during the alien's second period of admission. If the Y-1 nonimmigrant's family members accompany or follow to join the Y-1 nonimmigrant during the alien's second period of admission, but not his first period of admission, then the Y-1 nonimmigrant shall not be granted any additional periods of admission in Y nonimmigrant status. The period of authorized admission of a Y-3 nonimmigrant shall expire on the same date as the period of authorized admission of the principal Y-1 nonimmigrant worker.

"(3) SUPPLEMENTARY PERIODS.—Each period of authorized admission described in paragraph (1) shall be supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and, except where such period of authorized admission has been terminated under subsection (j), a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed the maximum applicable period of admission under paragraph (1).

"(4) LIMITATION ON ADMISSIONS.—

"(A) Y-1 NONIMMIGRANTS.—An alien who has been admitted to the United States in Y-1 nonimmigrant status for a period of 2 years under paragraph (1), or as the Y-3 nonimmigrant spouse or child of such a Y-1 nonimmigrant, may not be readmitted to the United States as a Y-1 or Y-3 nonimmigrant after expiration of such period of authorized admission, regardless of whether the alien was employed or present in the United States for all or a part of such period.

"(B) Y-2 NONIMMIGRANTS.—An alien who has been admitted to the United States in Y-2 nonimmigrant status may not, after expiration of the alien's period of authorized admission, be readmitted to the United States as a Y-2 nonimmigrant after expiration of the alien's period of authorized admission, regardless of whether the alien was employed or present in the United States for all or only a part of such period, unless the alien has resided and been physically present outside the United States for the immediately preceding 2 months.

"(C) READMISSION WITH NEW EMPLOYMENT.—Nothing in this paragraph shall be construed to prevent a Y nonimmigrant, whose period of authorized admission has not yet expired or been terminated under subsection (j), and who leaves the United States in a timely fashion after completion of the employment described in the petition of the Y nonimmigrant's most recent employer, from reentering the United States as a Y nonimmigrant to work for a new employer, if the alien and the new employer have complied with all applicable requirements of this section and section 218B.

"(5) INTERNATIONAL COMMUTERS.—An alien who maintains actual residence and a place of abode outside the United States and commutes, on days the alien is working, into the United States to work as a Y-1 nonimmigrant, shall be granted an authorized period of admission of 3 years. The limitations described in paragraph (3) shall not apply to commuters described in this paragraph.".

SA 1268. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 224, in the handwritten matter, strike "(9)(A)" and insert "(10)(A)".

On page 225, strike "such limitation" and insert "the limitations under clauses (i) and (ii) of paragraph (1)(D)".

SA 1269. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 602(a), strike paragraph (6) and insert the following:

(6) CLARIFICATION THAT NEWLY LEGALIZED ALIENS SHALL BE CONSIDERED "NOT QUALIFIED" ALIENS FOR PURPOSES OF FEDERAL PUBLIC BENEFITS.—

(A) IN GENERAL.—The restrictions on Federal public benefits for "not qualified" immigrants under section 401 of Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611)and on Federal means-tested public benefits under sections 402 and 403 of such Act (8 U.S.C. 1612 and 1613) shall apply to an alien whose status has been adjusted under this section—

(i) for a period of 5 years beginning on the date the individual obtains legal status under this section; and

(ii) until the individual adjusts to lawful permanent resident status.

(B) QUALIFIED IMMIGRANT.—After both conditions are met under subparagraph (A), an individual described in such subparagraph shall be treated in the same manner as other "qualified" immigrants who have met the 5-year period of ineligibility under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611 et seq.).

SA 1270. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—U.S. BORDER HEALTH

SEC. _01. SHORT TITLE.

This title may be cited as the "Border Health Security Act of 2007".

SEC. _02. DEFINITIONS.

In this title:

(1) BORDER AREA.—The term "border area" has the meaning given the term "United States-Mexico Border Area" in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-6).

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 03. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, public institution of higher education, local government, tribal government, nonprofit health organization, trauma center, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education;

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa));

(Q) trauma care;

(R) infectious disease testing and monitoring;

(S) health research with an emphasis on infectious disease; and

(T) cross-border health surveillance; and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.

SEC. 04. GRANTS FOR ALL HAZARDS PREPAREDNESS IN THE BORDER AREA INCLUDING BIOTERRORISM AND INFECTIOUS DISEASE.

(a) Eligible Entity Defined.—In this section, the term “eligible entity” means a State, local government, tribal government, trauma centers, regional trauma center coordinating entity, or public health entity.

(b) Authorization.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for all hazards preparedness in the border area including bioterrorism and infectious disease.

(c) Application.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) Uses of Funds.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to, in coordination with State and local all hazards programs—

(1) develop and implement all hazards preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate all hazard and emergency preparedness planning in the region;

(3) improve infrastructure, including surge capacity syndromic surveillance, laboratory capacity, and isolation/decontamination capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel;

(6) implement electronic data systems to coordinate the triage, transportation, and treatment of multi-casualty incident victims;

(7) provide infectious disease testing in the border area; and

(8) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

SEC. _05. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended by adding at the end the following:

“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.”.

SEC. _06. COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.

The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

(2) is alerted to signs of health threats, disasters of mass scale, or bioterrorism along the border area.

SEC. _07. BINATIONAL HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) In General.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational health infrastructure (including trauma and emergency care) and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) Report.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational health infrastructure and health insurance efforts.

SEC. 08. PROVISION OF RECOMMENDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–3) is amended by adding at the end the following:

“(d) Providing Advice and Recommendations to Congress.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concerning issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.”.

SA 1271. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 425(h), strike paragraph (3).

SA 1272. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. B-1 VISITOR VISA GUIDELINES AND DATA TRACKING SYSTEMS.

(a) Guidelines.—

(1) In general.—Not later than 6 months after the date of enactment of this Act—

(A) the Secretary of State shall review existing regulations or internal guidelines relating to the decisionmaking process with respect to the issuance of B–1 visas by consular officers and determine whether modifications are necessary to ensure that such officers make decisions with respect to the issuance of B–1 visas as consistently as possible while ensuring security and maintaining officer discretion over such issuance determinations; and

(B) the Secretary of Homeland Security shall review existing regulations or internal guidelines relating to the decisionmaking process of Customs and Border Protection officers concerning whether travelers holding a B–1 visitor visa are admissible to the United States and the appropriate length of stay and shall determine whether modifications are necessary to ensure that such officers make decisions with respect to travelers admissibility and length of stay as consistently as possible while ensuring security and maintaining officer discretion over such determinations.

(2) Modification.—If after conducting the reviews under paragraph (1), the Secretary of State or the Secretary of Homeland Security determine that modifications to existing regulations or internal guidelines, or the establishment of new regulations or guidelines, are necessary, the relevant Secretary shall make such modifications during the 6-month period referred to in such paragraph.

(3) Consultations.—In making determinations and preparing guidelines under paragraph (1), the Secretary of State and the Secretary of Homeland Security shall consult with appropriate stakeholders, including consular officials and immigration inspectors.

(b) Data Tracking Systems.—

(1) In general.—Not later than 18 months after the date of enactment of this Act—

(A) the Secretary of State shall develop and implement a system to track aggregate data relating to the issuance of B–1 visitor visas in order to ensure the consistent application of the guidelines established under subsection (a)(1)(A); and

(B) the Secretary of Homeland Security shall develop and implement a system to track aggregate data relating to admissibility decision, and length of stays under, B-1 visitor visas in order to ensure the consistent application of the guidelines established under subsection (a)(1)(B).

(2) Limitation.—The systems implemented under paragraph (1) shall not store or track personally identifiable information, except that this paragraph shall not be construed to limit the application of any other system that is being implemented by the Department of State or the Department of Homeland Security to track travelers or travel to the United States.

(c) Public Education.—The Secretary of State and the Secretary of Homeland Security shall carry out activities to provide guidance and education to the public and to visa applicants concerning the nature, purposes, and availability of the B–1 visa for business travelers.

(d) Report.—Not later than 6 and 18 months after the date of enactment of this Act, the Secretary of State and the Secretary of Homeland Security shall submit to Congress, reports concerning the status of the implementation of this section.

SA 1273. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In title V of the bill, strike section 505.

SA 1274. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 112, line 31, strike “The Secretary shall perform regular audits” and insert “Not later than 6 months after the date of the enactment of this section and annually thereafter, the Secretary shall conduct an audit”.

SA 1275. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 427. REPORT ON THE Y NONIMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—Not later than 2 years and 2 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act, and every year thereafter, the Secretary shall report to Congress on the number of Y nonimmigrant visa holders that return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TERMINATION OF Y NONIMMIGRANT VISA PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law or of this Act, if in any year the Secretary of Homeland Security reports to the Congress under subsection (a) that 20 percent or more of Y nonimmigrant visa holders do not comply with the return requirement under section 218A(j)(3) of the Immigration and Nationality Act, then—

(A) for the following calendar year, no new Y nonimmigrant visas shall be issued; and

(B) for such calendar year, section 218A of the Immigration and Nationality Act shall have no force or effect, except with respect to those Y immigrant visa holders described under paragraph (2).

(2) COMPLIANT Y NONIMMIGRANT VISA HOLDERS.—An existing Y nonimmigrant visa holder who is found to have been in compliance with the return requirement under section 218A(j)(3) of the Immigration and Nationality Act, at the beginning of any calendar year in which no new Y nonimmigrant visas are issued in accordance with paragraph (1), shall be allowed to continue in the Y visa program if the period of authorized admission of such visa holder has not expired.

SA 1276. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 223, line 11, strike "not exceed—" and all that follows through line 21, and insert the following: "not exceed 100,000 for any fiscal year; or" .

SA 1277. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 48, between lines 10 and 11, insert the following:

SEC. 204. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(J) CRIMES INVOLVING FIREARMS.—Any alien who has been convicted of—

"(i) a crime involving the purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code), for which the alien was sentenced to a term of imprisonment of more than 1 year; or

"(ii) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender),

is inadmissible.

"(K) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTIVE ORDERS; CRIMES AGAINST CHILDREN.—

"(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, for which the alien was imprisoned for more than 1 year, is inadmissible. In this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

"(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that constitutes criminal contempt of the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued, and has been imprisoned for more than 1 year for such offenses, is inadmissible. In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

"(iii) APPLICABILITY.—This subparagraph shall not apply to an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination by the Attorney General or the Secretary of Homeland Security that—

"(I) the alien was acting in self-defense;

"(II) the alien was found to have violated a protection order intended to protect the alien; or

"(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury.".

(b) WAIVERS.—Section 212(h) (8 U.S.C. 1182(h)) is amended—

(1) by inserting "or the Secretary of Homeland Security" after "the Attorney General" each place it appears; and

(2) by striking "The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)" and inserting "The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (A)(i)(III), (B), (D), (E), (F), (J), and (K) of subsection (a)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any conviction that occurs on or after the date of the enactment of this Act.

On page 48, line 36, insert "(including a violation of subsection (c) or (h) of section 924 of title 18, United States Code)" after "explosives.".

On page 83, after line 22, add the following:

SEC. 229. INCREASED CRIMINAL PENALTIES RELATED TO DRUNK DRIVING.

(a) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)), as amended by section 204, is further amended—

(1) by redesignating subparagraph (F) as subparagraph (L); and

(2) by inserting after subparagraph (E) the following:

"(F) DRUNK DRIVERS.—Any alien who has been convicted of 3 offenses for driving under the influence is inadmissible if at least 1 of the offenses is a felony under Federal or State law, for which the alien served more than 1 year in prison.".

(b) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) DRUNK DRIVERS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who has been convicted of 3 offenses for driving under the influence is deportable if more than 1 of the offenses is a felony under Federal or State law, for which the alien served more than 1 year in prison.".

(c) CONFORMING AMENDMENT.—Section 212(h) (8 U.S.C. 1182(h)) is amended, in the matter preceding paragraph (1), by striking "and (E)" and inserting "(E), and (F)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to convictions entered on or after such date.

SA 1278. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION . STATE COURT INTERPRETER GRANT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "State Court Interpreter Grant Program Act".

(b) FINDINGS.—Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the

guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 36 States have developed, or are developing, qualified court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

(c) STATE COURT INTERPRETER PROGRAM.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this subsection as the "Administrator") shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(B) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500.000 of the amount appropriated pursuant to subsection (d) to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this subsection.

(2) USE OF GRANTS.—Grants awarded under paragraph (1) may be used by State courts to—

(A) assess regional language demands;

(B) develop a court interpreter program for the State courts;

(C) develop, institute, and administer language certification examinations;

(D) recruit, train, and certify qualified court interpreters;

(E) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under subparagraph (B); and

(F) engage in other related activities, as prescribed by the Attorney General.

(3) APPLICATION.—

(A) IN GENERAL.—The highest State court of each State desiring a grant under this subsection shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(B) STATE COURTS.—The highest State court of each State submitting an application under subparagraph (A) shall include in the application—

(i) an identification of each State court in that State which would receive funds from the grant;

(ii) the amount of funds each State court identified under clause (i) would receive from the grant; and

(iii) the procedures the highest State court would use to directly distribute grant funds to State courts identified under clause (i).

(4) STATE COURT ALLOTMENTS.—

(A) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to subsection (d), the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under paragraph (3).

(B) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to subsection (d), the Administrator shall allocate a total of $5,000,000 to the highest State court of States that have extraordinary needs that are required to be addressed in order to develop, implement, or expand a State court interpreter program.

(C) ADDITIONAL ALLOTMENT.—In addition to the allocations made under subparagraphs (A) and (B), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under paragraph (3), an amount equal to the product reached by multiplying—

(i) the unallocated balance of the amount appropriated for each fiscal year pursuant to subsection (d); and

(ii) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under subparagraph (A), as those numbers are determined by the Bureau of the Census.

(D) TREATMENT OF DISTRICT OF COLUMBIA.—For purposes of this subsection—

(i) the District of Columbia shall be treated as a State; and

(ii) the District of Columbia Court of Appeals shall act as the highest State court for the District of Columbia.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each of the fiscal years 2008 through 2012 to carry out this section.

SA 1279. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 711. MODEL PORTS-OF-ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and welcoming international arrival process in order to facilitate and promote business and tourist travel to the United States, while also improving security; and

(2) implement the program initially at the 20 United States international airports with the highest number of foreign visitors arriving annually, as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of the enactment of this Act.

(b) PROGRAM ELEMENTS.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) assistance for foreign travelers once they have been admitted to the United States, in consultation, as appropriate, with relevant governmental and nongovernmental entities; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS FOR HIGH VOLUME PORTS.—Subject to the availability of appropriations, before the end of fiscal year 2008 the Secretary of Homeland Security shall employ not less than an additional 200 Customs and Border Protection officers to address staff shortages at the 20 United States international airports with the highest number of foreign visitors arriving annually, as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of the enactment of this Act.

SA 1280. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EB-5 REGIONAL CENTER PROGRAM.

(a) AUTHORIZATION.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "for 15 years".

(b) FEES.—

(1) PREMIUM FEES FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS.—Section 286(u) (8 U.S.C. 1356(u)) is amended—

(A) by inserting "except that the fee for petitions filed under section 203(b)(5) (8 U.S.C. 1153(b)(5)) shall be $2,000. The fee" after "$1,000,"; and

(B) by adding at the end the following: "Fees collected under this subsection shall be available to the Secretary of Homeland Security solely for the purposes of administration and operation of the immigrant investor regional center pilot program established under section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note).".

(2) REGULATIONS.—The Secretary of Homeland Security shall promulgate regulations to implement the amendments made by this subsection not later than 120 days after the date of enactment of this Act.

(c) CONCURRENT PROCESSING.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

"(n) CONCURRENT PROCESSING FOR EMPLOYMENT CREATION IMMIGRANTS.—If, at the time of filing a petition filed for classification under section 203(b)(5), approval of the petition would make a visa immediately available to the alien beneficiary, the alien beneficiary's adjustment application under this section shall be considered properly filed, whether submitted concurrently with, or subsequent to, the visa petition.".

(d) APPLICATION FEES.—

(1) IN GENERAL.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by adding at the end the following:

"(e) DESIGNATION FEE.—In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fee to apply for designation as a regional center under this section. The amount of the fee imposed under this subsection shall be $2,500. Fees collected under this subsection shall be deposited in the General Fund of the Treasury, in accordance with section 286(w) of the Immigration and Nationality Act (8 U.S.C. 1356(w)).''.

(2) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

"(w) IMMIGRANT ENTREPRENEUR REGIONAL CENTER ACCOUNT.—

"(1) IN GENERAL.—There is established in the General Fund of the Treasury a separate account, which shall be known as the 'Immigrant Entrepreneur Regional Center Account' (in this subsection referred to as the 'account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note).

"(2) USE OF FEES.—Fees collected under this section shall be available to the Secretary of Homeland Security solely for the purposes of administration and operation of the immigrant investor program established under section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note).

"(3) APPLICABILITY.—This subsection and the fees required by this subsection shall take effect for regional center applications filed after the date on which regulations have been published in final form to implement this subsection.''.

In section 502(b)(3) (amending section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), by striking '', by striking '7.1 percent' and inserting '2,800', and striking '3,000' and inserting '1,500';'' and insering a semicolon.

SA 1281. Mrs. McCASKILL (for herself and Mr. DODD) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 123, strike line 5 and all that follows through page 124, line 6, and insert the following:

"(1) EMPLOYERS.—

"(A) IN GENERAL.—Whenever an employer who does not hold Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment.

"(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.

"(2) CONTRACTORS AND RECIPIENTS.—

"(A) IN GENERAL.—Whenever an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not less than 5 years.

"(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.''.

ORDERS FOR TUESDAY, JUNE 5, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Tuesday, June 5; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time controlled by the Republicans and the remaining half of the time under the control of the majority; that at the close of morning business, the Senate resume consideration of S. 1348, the immigration legislation, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SALAZAR. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:15 p.m., adjourned until Tuesday, June 5, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 4, 2007:

DEPARTMENT OF THE INTERIOR

JAMES L. CASWELL, OF IDAHO, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE KATHLEEN BURTON CLARKE, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID H. MCCORMICK, OF PENNSYLVANIA, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE TIMOTHY D. ADAMS.

DEPARTMENT OF STATE

J. CHRISTIAN KENNEDY, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR HOLOCAUST ISSUES.

RODERICK W. MOORE, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY ANDPLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MONTENEGRO.

WILLIAM JOHN GARVELINK, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

DEPARTMENT OF JUSTICE

RONALD JAY TENPAS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE SUE ELLEN WOOLDRIDGE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANCIS H. KEARNEY III, 9443

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JONATHAN E. FARNHAM, 0083
COL. HUGO E. SALAZAR, 4820

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) CAROL M. POTTENGER, 3454

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) JEFFREY A. WIERINGA, 5245

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JEFFREY A. LEMMONS, 2314
REAR ADM. (LH) FRANK F. RENNIE IV, 3148
REAR ADM. (LH) ROBIN M. WATTERS, 8044

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KAREN L. WARE, 8863

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JEANETTA CORCORAN, 7277

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C.,SECTIONS 531 AND 3064:

To be colonel

RICHARD L. KLINGLER, 7221

To be lieutenant colonel

LAWRENCE C. LEVENTHAL, 1261
FERNANDO L. ORTIZ, 4557

To be major

CARLOS M. GARCIA, 4787

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

DEEPTI S. CHITNIS, 5042
CHARLES L. CLARK, 9721
DANIEL J. CONVEY, 9980
ROBERT L. CRONYN, 6485
DANIEL D. DUNHAM, 1738
ALEX EKE, 2238
MARK W. FAGAN, 8355
TODD S. KIMURA, 2687
TIMOTHY A. KUHLMAN, 4848
DOUGLAS D. LANCASTER, 5345
WILLIAM H. LOGAN III, 0070
JAMES C. LYONS, 0116
KENNETH L. MARQUARDT, 3633
RICHARD PADRON, 5802
DAVID C. SCHLENKER, 4210
DANIEL L. TREBUS, 8927
STEVEN R. TURNER, 9751
EDWARD J. VANISKY, 3183
STEPHEN WOLPERT, 0655
GIA K. YI, 5162

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

JAMES E. CARAWAY, JR., 7868
DAVID C. CAUSEY, 5336
DAVID B. CRARY, 7398
JUAN M. CROCKETT, 9076
DAVID L. DRUCKENMILLER, 9593
THOMAS R. EDWARDS, 1399
MARK E. FAIRBROTHER, 2163
MARC S. GAUTHIER, 8610
JEFFREY J. GIANNOLA, 5699
ROBERT K. GLASGOW, 3208
JOHN W. GRIESSEL, 9540
JAMES C. HARTZ, 7248
STEVEN C. HOKANA, 1110
IRA C. HOUCK III, 5885
PAUL K. HURLEY, 8535
MICKEY D. JETT, 3646
ROBERT W. LEATHERS, 0356
JOSEPH H. MELVIN, 0448
KELLY J. MOORE, 6630
MARK B. NORDSTROM, 6700
JAMES PALMER, JR., 4833
JAMES E. PAULSON, 9442
MARK A. PENFOLD, 7084
HARRY R. REED, JR., 3497
CHARLES E. REYNOLDS, 1162
PABLO J. RIVERAMADERA, 2006
RAYMOND A. ROBINSON, JR., 4229
PETER R. SNIFFIN, 1866
TIMOTHY E. SOWERS, 5312
MICHAEL L. THOMAS, 9002
TIMOTHY D. WALLS, 1913
WILLIAM S. WEICHL, 5601

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

JACOB W. AARONSON, 4660
DONALD W. ALGEO, 0557
SUE E. BAUM, 9264
ALEC C. BEEKLEY, 3021
GLENN T. BESSINGER, 4953
JOHN S. BIRCHFIELD, 1811
JAMES D. BISE, 8304
JOHN A. BOJESCUL, 1812
GREGORY T. BRAMBLETT, 8589
JAMES B. BRANCH, 2917
MIGUEL A. BRIZUELA, 5401
MARK C. BROWN, 3375
PETER J. BUCKLEY, 4915
CLAUDE A. BURNETT, 9320
BENJAMIN B. CABLE, 3112
WARNER W. CARR, 9434
ANNE L. CHAMPEAUX, 7913
AUSTIN H. CHHOEU, 0591
WANHEE CHOI, 2543
YONG U. CHOI, 2880
MICHAEL I. COHEN, 2676
PATRICK R. COOK, 2080
JIMMY L. COOPER, 4161
CORY N. COSTELLO, 3344
MICHEL A. COURTINES, 5836
EUGENE D. COX, 1276
WILLIAM P. CRUM, 4696
RUSSELL A. DAVIDSON, 4504
ALAN W. DAVIS, 2189
WILLIAM S. DEITCHE, 1050
VICTOR A. DEWYEA, 7264
BART M. DIAZ, 4618
KEVIN M. DOUGLAS, 8429
TIMOTHY J. DOWNEY, 5611
ANDREW E. DOYLE, 3157
GARY J. DROUILLARD, 8130
PETER M. DUNAWAY, 7010
DAVID M. EASTY, 4849
THOMAS G. ECCLES III, 3705
JOHN A. EDWARDS, 3543
KURT D. EDWARDS, 8291
MARY J. EDWARDS, 6536
APONTE M. FERNANDEZ, 3731
JOSEPH M. FLYNN, 5443
MICHAEL E. FREY, 5856
JASON A. FRIEDMAN, 8865
GEORGE D. GARCIA, 3312
DANIEL G. GATES, 6668
ALAN D. GATLIN, 1831
DENISE L. GOKSEL, 0661
GEORGE R. GOODWIN, JR., 3247
GEOFFREY G. GRAMMER, 6805
SHARETTE K. GRAY, 7860
JEFFERY P. GREENE, 1714
BRIAN C. GRIFFITH, 7613
TIMOTHY F. HALEY, 4385
DANIEL J. HALL, 0595
BONNIE H. HARTSTEIN, 5224
MATTHEW J. HEPBURN, 2551
DAVID S. HEPPNER, 0584
MICHAEL W. HILLIARD, 2265
JEFFREY D. HIRSCH, 6186
DARRYL S. HODSON, 9024
NANCY G. HOOVER, 0600
DANIEL P. HSU, 0077
HAROLD E. HUNT, 4155
MARC E. HUNT, 6684
THOMAS R. HUSTEAD, 6806
ROBERT E. JESCHKE, 9456
KARIN A. JOHNSON, 9445
DAVID P. JONES, 2586
JEFFREY A. KAZAGLIS, 8951
PAUL B. KEISER, 9156
WILLIAM F. KELLY, 0563
WILLIAM C. KEPPLER III, 4430
BOOKER T. KING, 2991
KEVIN KIRK, 1121
BERNARD J. KOPCHINSKI, 9213
JOSEPH F. KOSINSKI, 3891
TONYA M. KRATOVIL, 7801
ANDREW L. LANDERS, 7133
CHERYL L. LEDFORD, 5657
DAVID B. LEESER, 5640
WILLIAM LEFKOWITZ, 5519
MICHAEL J. LICATA, 6479
KENNETH M. LIEUW, 6059
ROBERT B. LIM, 7112
MARIA L. LINDENBERG, 5086
CHRISTOPHER T. LITTELL, 9928
STEPHEN R. LOWE, 2700
VINH D. LUU, 1837
LOUIS R. MACAREO, 6459
CHRISTOPHER B. MAHNKE, 1871
RICHARD G. MALISH, 3704
UMESH S. MARATHE, 0973
JOHN O. MARSHALL, 4198
BRYCE C. MAYS, 0368
JOHN P. MAZA, 9658
MARSHALL C. MENDENHALL, 4706
JERRY A. MICHEL, 7185
ROBERT L. MILLER, 0681
CURT A. MISKO, 7152
VINCENT P. MOORE, 8985
PAUL M. MORRISSEY, 9284
BRIAN P. MULHALL, 3134
CLINTON K. MURRAY, 3640
OTHA MYLES, 4450
ANGELA G. MYSLIWIEC, 5999
VINCENT MYSLIWIEC, 6454
JOHN J. NAPIERKOWSKI, 6225
KATHRYN R. ODONNELL, 7221
MARK P. PALLIS, 8815
NICHOLE A. PARDO, 9230
JASON D. PARKER, 0303
MICHAEL A. PELZNER, 9917
BEN K. PHILLIPS, 6043
ROBERT C. PIOTROWSKI, 1799
AARON C. PITNEY, 4177
MARK B. POTTER, 2810
REAGAN W. QUAN, 8864
KRISTOFER A. RADCLIFFE, 6214
SHON A. REMICH, 6131
MATTHEW S. RICE, 5966
JONATHAN D. ROEBUCK, 4695
RICHARD A. ROLLER, 2144
TROY W. ROSS, 8492
IDA M. SANTIAGO-MALDONADO, 4520
MICHAEL J. SEBESTA, 3353
HAN S. SHIN, 1535
ERIC A. SHRY, 3720
NITEN N. SINGH, 7451
CHAD M. SISK, 0552
MARSHALL H. SMITH, 4838
BENJAMIN SOLOMON, 3680
CHRISTOPHER B. SOLTIS, 1453
TRENT D. STERENCHOCK, 0908
TRACY K. STEVENS, 3850
DEREK J. STOCKER, 8914
KENNETH E. STONE, 7223
CHRISTOPHER W. SWIECKI, 3413
JOEL T. TANAKA, 7971
STEPHEN J. THOMAS, 3976
MARK TRAWINSKI, 3185
JULIE A. TULLBERG, 5444
JOHN J. VERGHESE, 0417
BRIAN K. VICKARYOUS, 6443
NICHOLAS J. VIETRI, 8656
MATTHEW J. VREELAND, 1771
ROXANNE E. WALLACE, 8250
SANDRA M. WANEK, 9032
ERIC D. WEICHEL, 4877
LORYKAY W. WHEELER, 6039
KEVIN R. WHITNEY, 2927
DAVID W. WOLKEN, 7953

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHARLES S. CLECKLER, 5585
PATRICK P. WHITSELL, 6947

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RANDY L. QUINN, 1756
SMITH S. B. WALL, 2926

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID A. ARZOUMAN, 1876
JAMES E. BATES, 6594
DAVID T. BUTLER, 8324
THOMAS E. FLUENT, 9179
RHETT H. HASELL, 9122
THOMAS J. HATTEN, 0625
MICHAEL K. HERRON, 3976
JOHN C. HOWARD, 7894
DAVID C. LU, 9664
MICHAEL J. MACDONALD, 6487
DANNY R. MALONE, 0798
OREN F. MILLER, 0477
ANGELYN MOULTRIELIZANA, 5415
RICHARD M. PINO, 2314
ROBERT R. POWERS, 4689
JEFFREY M. PYNE, 1414
DAVID S. REID, 2609
SCOTT STEELMAN, 7364
CLARK W. WALKER, 0339
HARRY J. WARD, 6817
GREGG WOLFF, 9640

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHRISTINA M. ALVARADO, 2844
MARY E. BACHKO, 9335
ANN M. DEVERS, 2430
BARBARA A. FORSTER, 9742
KEVIN A. HESSINGER, 7552
JERRY R. HILL, 1098
SUSAN L. JOSLIN, 1999
TERI L. KOHLHEIM, 7111
JOAN E. LEFKOF, 9043
LINDA L. MORRIS, 8888
MARY J. MULLEN, 0950
MARY C. RIGGS, 7452
MARIA B. SCHEIDEGGER, 7215
BRENDA L. SPACH, 5742
LAURA J. WESELY, 4315
JOHN ZDENCANOVIC, 5962

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KENNETH W. BOWMAN, 7801
ANDREW P. BYSTROM, 7461
GRAFTON D. CHASE, JR., 5404
DAVID W. FANALE, 3382
EDDIE D. HAMILTON, 6054
JEFFREY J. HARRINGTON, 0948
DEBORAH P. HAVEN, 8746
ERIC H. HUGHES, 8670
TIMOTHY J. JORDAN, 4684
DONALD W. KILMER, 8398
ROCKY R. MIRACLE, 4680
JOHN W. PERRETT, JR., 1793
DANIEL R. PIONK, 2663

SCOTT W. REED, 3064
GARY L. ULRICH, 6826

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

HSINGCHIEN J. CHENG, 7965
NANCY A. EVANS, 5172
JEFFREY L. EZEKIEL, 8896
ROBERT M. GRAY, JR., 3621
DAVID C. MCKAY, 3493
DANIEL E. SAKEL, 3711
MATTHEW R. SNYDER, 1490
DONALD Y. SZE, 7891
BRADLEY S. TROTTER, 3853

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

NORMAN J. ARANDA, 7929
MICHAEL M. EDWARDS, 7353
BREE A. ERMENTROUT, 5934
ELENA L. ESCAMILLA, 8901
LAWRENCE M. FRANGIOSA, 6480
KAREN M. GIBBS, 7004
JAMES B. MELTON, 7358
JOSEPH C. MISENTI, JR., 6794
JANIS D. MONK, 7243
SHAREN MONTGOMERY, 1499
CHARLES T. PASSAGLIA, 4313
ROBERT A. PORZEINSKI, 0465
SARAH E. SUPNICK, 5016

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PATRICIA A. BRADY, 1383
DEBRA C. COUTURE, 1515
EDWARD E. CRETARO, 4026
MARIE E. GANNON, 7342
MICHAEL J. HOLDRIDGE, 2685
DUANE J. PANGER, 9549
MICHAEL C. RADOIU, 3457
MELVIN D. SMITH, 2399

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

NATHAN L. AMMONS III, 9452
THOMAS L. BAUHAN, 0132
PAUL J. BRANSON, 4537
SPIRO C. COLAITIS, 3547
JAMES M. CONROY, 1743
ALAN W. FLENNER, 9710
SUSANNE C. OPENSHAW, 9555
DANIEL W. STEHLY, 9965

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 4, 2007, withdrawing from further Senate consideration the following nomination:

BRUCE P. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011, VICE CHESTER A. CROCKER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON MARCH 12, 2007.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, June 4, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 5

9 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine executive stock options, focusing on the Internal Revenue Service (IRS) and stockholders information.

SD–342

10 a.m.

Energy and Natural Resources

To hold hearings to examine the preparedness of the Federal land management agencies for the 2007 wildfire season and efforts to contain the costs of wildfire management activities.

SD–366

Judiciary

To hold hearings to examine the federal role to work with communities to prevent and respond to gang violence, focusing on S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs.

SD–226

2:30 p.m.

Judiciary

To continue hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence.

SD–226

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JUNE 6

9:45 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine cracks in the system, focusing on one tuberculosis patients's international public health threat.

SD–192

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine paying for a college education, focusing on the role of private student lending.

SD–538

Environment and Public Works

Business meeting to consider S. 506, to improve efficiency in the Federal Government through the use of high-performance green buildings, H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, H.R. 798, to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy, S. 635, to provide for a research program for remediation of closed methamphetamine production laboratories, and S. 1523, to amend the Clean Air Act to reduce emissions of carbon dioxide from the Capitol power plant.

SD–406

Judiciary

To hold hearings to examine patent reform, focusing on the future of American innovation.

SD–226

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine the impact of climate change on water supply and availability in the United States.

SD–366

JUNE 7

9:30 a.m.

Armed Services

To hold hearings to examine the nomination of Lieutenant General Douglas E. Lute, USA, to be Assistant to the President and Deputy National Security Advisor for Iraq and Afghanistan.

SH–216

Energy and Natural Resources

To hold hearings to examine alternative energy-related uses on the outer continental shelf, focusing on opportunities, issues, and implementation of Section 388 of the Energy Policy Act of 2005 (Public Law 109–58).

SD–366

Indian Affairs

To hold oversight hearings to examine transportation issues in Indian country.

SR–485

10 a.m.

Environment and Public Works

To hold hearings to examine the views of religious organizations regarding global warming.

SD–406

Judiciary

Business meeting to consider S. 720, to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty, H.R. 692, to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to orderthat the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty, S. 535, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, S. Res. 171, memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland, S. 185, to restore habeas corpus for those detained by the United States, S. Res. 82, designating August 16, 2007 as "National Airborne Day", S. Res. 173, designating August 11, 2007, as "National Marina Day", and the nominations of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, and Robert James Jonker, to be United States District Judge for the Western District of Michigan.

SD–226

2 p.m.

Judiciary

To hold hearings to examine S. 453, to prohibit deceptive practices in Federal elections.

SD–226

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold joint hearings with the House Science and Technology Committee's

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Subcommittee on Investigations and Oversight to examine the investigation of the National Aeronautics and Space Administration Inspector General.

SR–253

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the acquisition organization of the Department of Homeland Security.

SD–342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JUNE 12

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the Universal Service Fund, focusing on assessing the recommendations of the Federal-State Joint Board.

SR–253

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine assessing telework policies and initiatives in the Federal Government.

SD–562

JUNE 13

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs, Department of Defense, and Department of Labor cooperation on employment issues.

SD–562

10 a.m.

Rules and Administration

To hold hearings to examine nominations to the Federal Election Commission.

SR–301

JUNE 14

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine public safety and competition issues, focusing on the 700MHz auction.

SR–253

JUNE 27

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending legislation.

SD–562

CANCELLATIONS

JUNE 6

9:45 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine enhancing college access through Department of Education programs.

SD–124

POSTPONEMENTS

JUNE 12

2:30 p.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine United States trade relations with China.

SR–253

SENATE—*Tuesday, June 5, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable MARY LANDRIEU, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, whose love upholds and sustains us, thank You for revealing Yourself to us through the faithfulness of the people we see each day. Today, we think of our Senators who labor for liberty. Thank You for their dedication. Thank You, also, for our doorkeepers, who use exceptional diplomacy to assist the visitors who seek to view the legislative process. Thank You for our Senate pages, who remind us that we can excel in serving even in life's morning and that You are honored by youthful enthusiasm.

We express our gratitude for the many staffers who serve with unsung heroism behind the scenes. Bless all who serve You faithfully and whose work helps make our lives meaningful.

Lord, we pause this morning to remember our friend and colleague, Senator CRAIG THOMAS. Console us, console his family, and console his staff during this time of grief. We pray all this in Your comforting Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARY LANDRIEU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
.PRESIDENT PRO TEMPORE,
Washington, DC, June 5, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

REMEMBERING SENATOR CRAIG THOMAS

Mr. MCCONNELL. Madam President, a visitor to the rodeo in Cheyenne, WY, just last summer would have seen a strong, confident, 73-year-old man holding the reins under a cowboy hat riding past the grandstand with a smile. A few weeks earlier, visitors to rustic Cody, WY, would have seen the same tough cowboy riding down Sheridan Avenue in the Cody Stampede Parade. Just a few days ago, a tourist here in Washington, getting an early start on the monuments, could have seen CRAIG LYLE THOMAS racing off 395 near the 14th Street Bridge in another kind of Mustang on his way to the Capitol for a hard day's work.

In recent years, CRAIG THOMAS led an effort here in the Senate to honor the deeds and the spirit of the American cowboy, and his very full American life came to a sad end last night. We, his friends and colleagues, remember him as the modern-day embodiment of the cowboy ideals he celebrated and loved.

He was raised on a ranch just outside Cody, the rodeo capital of the world, in the Big Horn Basin, a windy town in the northwest corner of the Cowboy State. He grew up in the shadow of Heart Mountain to the north and Carter Mountain to the south and under the memory of Cody's founder, William Frederick Cody, known to history and to schoolchildren from Butte to Boston as Buffalo Bill.

He was a humble man with an adventurous spirit from a lonely corner of the country who put his family, his country, and his State above all else. He served as a marine from 1955 to 1959, retiring as a captain. He married a woman with a generous heart. My wife Elaine is a good friend of Susan's, and one of the joys of Elaine's time in the last few years was being invited out to Susan's school to speak to her students.

CRAIG was the proud father of four children—Lexie, Patrick, Gregg, and Peter—who today mourn their father's death.

CRAIG was as much at home on horseback, roping, and ranching, as he was in a committee hearing room. How many times he must have daydreamed about being back home, out of a suit, with a rope in his hand and a steer in his sights.

CRAIG had served in public office 22 years when he fell ill at a church service with Susan last November in Casper. Shortly after that, the people of Wyoming elected him to his third term in the Senate, with 70 percent of the vote. A born fighter, CRAIG's doctors said he would be back here in January. He beat their predictions by a month. He was here in December. CRAIG suffered quietly over the last half year, as all of us hoped for the best. It wasn't to be.

Every year, CRAIG pressed for a day that would memorialize the iconic status of the cowboy in American history, a day that honored their courage, hard work, honesty, and grit. I can think of no better way of honoring that spirit than by honoring this man who embodied it to the fullest. By his devotion to family, country, constituents, and friends, CRAIG LYLE THOMAS showed us what it means to be an American. He embodied the best ideals of a Wyoming cowboy and made the Senate and those who had the privilege of knowing him far better for it.

We mourn with Susan, CRAIG's children, and CRAIG's staff here in the Senate. We honor them today, too, for their model of professionalism and caring concern they have shown over the last difficult months. We will miss CRAIG terribly, his calm toughness, his drive, and his cowboy spirit, but we are consoled by the thought that he will ride again, restored in body and flashing a smile as he goes.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

REMEMBERING SENATOR CRAIG THOMAS

Mr. REID. Madam President, I appreciate the remarks of my distinguished counterpart. I think his words convey how we feel about CRAIG THOMAS.

Madam President, we hear it often said that this is a Senate family, and it is times such as these when we do realize we are a family, a very small family of just 100—99 today.

I can remember early last December I called and talked to CRAIG in the hospital, and he said: I am getting better. And he was. He did get better. It just didn't last, and we all feel so bad about that.

I remember CRAIG THOMAS for his legislative efforts. Wyoming, like Nevada, is a public land State. Wyoming

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

has a lot of public land issues dealing with Federal agencies. I see his colleague here, MIKE ENZI, and I can remember working with them on an issue which, to most people, seemed like not much, but to the two Senators from Wyoming and to the Senator from Nevada, it meant a lot. We were dealing with a place called Martin's Cove, and even Senators from Utah were called in to see if we could resolve this, and we were able to resolve it eventually. But CRAIG was really tough when it came to public lands issues.

I can remember, as can Lula, whom we all know, CRAIG THOMAS' persistence on a piece of legislation on an issue dealing with the potash of a mining company in Wyoming. He would ask us if we had been able to get it cleared. If he asked us once, he asked us 50 times, and we eventually got it cleared. I worked hard on this side for that for a couple of reasons: First, it was the right thing to do, and second, CRAIG wanted it so badly. So we were able to work that out.

I will miss CRAIG THOMAS. CRAIG THOMAS was the kind of person with whom I liked to deal. He told you how he felt—he wanted this done; he didn't want that done. I recognized that he was very proud of being a Senator.

I would have to say, however, that he was just as proud of being a marine. His Marine Corps service was certainly commendable. He was in the Marine Corps in the late 1950s, 1955 to 1959. He went in as a private and came out as a captain. He was a graduate of the University of Wyoming with a degree in agriculture, and that is why he was one of the leading experts in the Senate—in the Congress, I should say—on agriculture and, of course, issues affecting rural communities.

Madam President, I will ask for unanimous consent in just a few minutes to do away with the votes we had scheduled this morning and reschedule them for later this afternoon so people have the opportunity to come and speak about CRAIG. And those who aren't able to come, there will be a time set aside where we will recognize the service CRAIG THOMAS rendered to the State of Wyoming and to the country.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the previous order governing the consideration of the immigration legislation be delayed until 2:15 p.m. today and the time between 2:15 p.m. and 3:30 p.m. be divided equally between the managers and the amendment proponents, with the votes occurring beginning at 3:30 p.m., with all other provisions of the previous order remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business until 12:30 p.m., with Senators permitted to speak therein, after Senator ENZI completes his remarks immediately following mine, for up to 15 minutes each—Senator ENZI can speak for whatever time he feels appropriate—that at 12:30 p.m., the Senate stand in recess until 2:15 p.m.; that upon reconvening, the Senate resume consideration of S. 1348, the immigration legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOMENT OF SILENCE IN MEMORY OF SENATOR CRAIG THOMAS

Mr. REID. Madam President, I ask that the Senate now stand for a moment of silence in recognition of Senator CRAIG THOMAS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Moment of silence.)

Mr. REID. Madam President, I ask that you now recognize Senator ENZI.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

REMEMBERING SENATOR CRAIG THOMAS

Mr. ENZI. Madam President, when my plane touched down last night, I received an e-mail that told of the fate of a great man. It was a tremendous surprise to me. I just completed a week in Wyoming of explaining to people that he even timed his chemotherapy so he didn't have to miss votes, and what a tough and strong man he was.

CRAIG THOMAS was a marine at heart, but he was a cowboy in his soul. He was quiet, he was focused, he was independent, he was hard-working. He loved the Senate and he loved the Marines and he loved his horses. The flags have been lowered, and there is a great deal of sadness in our hearts today as we mourn his loss and celebrate his life. I have had a lot of thoughts, but I haven't had a chance to put them together. They come gushing back, together with a lot of tears.

For those of us from Wyoming, CRAIG THOMAS was more than just our Senator. He was our voice in the Senate, and he was never one to back off from a fight, especially when he was battling for two things most dear: what was best for Wyoming and what was best for America.

CRAIG had long Wyoming roots, and he was very proud of them. He grew up in Cody and became friends with Al Simpson. Later on the two of them would serve together in the Senate. After he graduated from the University of Wyoming, he immediately began his service to the country he loved. He joined the Marine Corps. I am convinced that experience helped to shape his character and molded his destiny. I think his steely resolve and firm will took shape during those days that helped guide him and prepare him for the battles that would come later in his political life.

When CRAIG's service in the Marine Corps was through, he began what was to be his life's work, which was serving the people of Wyoming to ensure their best interests were taken care of and their needs were addressed.

His first efforts for Wyoming brought him to the Wyoming Farm Bureau and the Wyoming Rural Electric Association.

He was proud of his service with both of these organizations. It kept him actively involved in issues that meant a great deal to him and, more importantly, it kept him in touch with the people of Wyoming and their day-to-day problems. It also set him on the road to doing anything and everything he could to make life easier for his fellow citizens in Wyoming.

I remember the days we served together in the Wyoming House. I was a mayor and had municipal electrical experience. He was with the rural electric association. We worked a lot of electrical bills together at that time. We could bring in both perspectives, find the middle ground, and make sure all of the people, rural and urban—I use the term "urban" for Wyoming rather loosely, but urban—would be able to have low-cost and consistent electricity.

Nobody knew energy or electricity better than CRAIG. That led him to run for the Wyoming House. DICK CHENEY was appointed Secretary of Defense, and CRAIG ran for it and won his seat. It was not an easy victory, but it showed what a fighter and battler he was as he took on that challenge, which was done in a relatively short period of time. The executive committee just has a few days to select candidates, and then there is a very short time for an election for the position in the Wyoming House. He used his usual toughness, went around the State, talked to everybody, and won that election.

Incidentally, the person he ran against in the primary, Tom Sansonetti, became his chief of staff, which shows how people get along in Wyoming.

To no one's surprise, CRAIG focused on Wyoming issues in the House and he was reelected. Then when Malcolm Wallop decided to retire, CRAIG was such a popular choice he didn't have any opposition in the primary. He did face another battle in the general election, but once again his fighting spirit prevailed and he found a way to win. Interestingly enough, the person he defeated in the general election was a very popular Governor of Wyoming who was just ending his term. That Governor was later appointed Ambassador to Ireland by President Clinton. To CRAIG THOMAS's credit, the hearing was scheduled for that ambassadorship before the papers ever got to the Capitol. Ambassador Sullivan did a fantastic job in Ireland.

He won the Senate seat, and 2 years later I ran for the Senate and serve. He is one of the few Wyoming residents who ever served both in the House and in the Senate. It has not been a tradition in Wyoming to move from the House to the Senate. I was elected and then got a chance to work with him again. He was a remarkable man of vision on how to make Wyoming and our country better places to live. He spent a good deal of his time traveling Wyoming. He was one of the most ardent travelers we have ever had in the Senate, going back virtually every weekend, traveling to a different part of the State, talking to people and trying to get their vision for the future.

One of his efforts on that was called Vision 2020. He challenged the people of Wyoming. He stretched the people's imagination on what our State ought to be like in the year 2020. That was in 1998, but we are getting a lot closer to 2020, and I think the State is moving toward the vision that he predicted at that time. It was a goal he cherished and fought for. Many of the things he envisioned, or the people of Wyoming envisioned, have been achieved through his efforts on the Senate floor.

CRAIG THOMAS will long be remembered as one of Wyoming's toughest and fiercest advocates. CRAIG knew that much of our work gets done in committees, so he pursued those committees that would help him fight for Wyoming in the Senate. He served on the critical Finance Committee. He was a staunch fiscal conservative, and he believed very strongly that people in Wyoming and across the Nation know better how to spend their hard-earned money than does the Federal Government. He used his position on the committee to lighten the tax burden and to make our Tax Code more fair.

He was the ranking member on the Indian Affairs Committee. He served as chairman of the National Parks Subcommittee where he was a tireless advocate for our park system. I think he visited most of the parks. Earlier, when our Republican leader was talking about horseback, it was even possible sometimes to see him with the park policemen on horseback taking a look at the parks of the Capitol.

I would mention also that usually when you saw him on horseback you also saw his wife Susan on horseback. She was a tireless traveler and an outstanding campaigner and another person who searches for the visions of Wyoming. In parades, they always rode horses. They had special saddle blankets that helped to say who they were—as if people in Wyoming wouldn't know who they were. I would mention that she was thrown from a horse a couple of times, too. Bands and horses don't always go well in hand. But, as CRAIG always said, she was the real campaigner in the family. She actually liked it. She does a marvelous job for our State, as well as did CRAIG.

CRAIG was very active on all of the agricultural issues and international trade, particularly country-of-origin labeling. He supported our cattlemen with grazing rights and responsible environmental quality incentive programs for runoff issues. He has worked tirelessly to get changes in the Endangered Species Act. He realized that was a national program with national goals and it should not punish individuals or counties or even the States, and that there ought to be responsibility at the Federal level.

With energy, he was the lead sponsor of our soda ash royalty relief bill. He was the lead sponsor on the recreational fee demonstration program that allowed the national parks to keep a higher percentage of the receipts that were received on public lands where they were collected, and he specifically made efforts to include section 413 of the Energy Policy Act, which authorizes Federal cost-share for the building of a coal gasification project above 4,000 feet. That would help get a clean coal plant built in Wyoming, which would prove the technology with Wyoming coal at high altitude. We have huge resources of coal. We ship over one-third of the Nation's coal—over 1 million tons a day.

The reason we ship so much coal is because it is very low sulfur. He was providing a mechanism to be able to have some assurance that coal gasification of this clean coal would be included in projects that we did in the United States. It would help to prove the technology at high altitude and show its viability and would make a difference for all the United States in all their energy in the future.

He was also instrumental in writing the electricity title of EPAct. Recently, his efforts to get a coal-to-liquids section of whatever Energy bill we will be debating, although unsuccessful thus far, advanced the debate to the furthest point it had moved.

During the last FAA reauthorization, CRAIG was very instrumental in radar upgrades for the Jackson airport, which was imperative for the growth of the city and airport, especially related to tourism. I think Jackson is the only city in Wyoming that has long distance direct flights. Most of them come through Salt Lake or Denver or Minneapolis. But Jackson actually has flights that come from Houston and Atlanta direct.

He also did a lot for Wyoming with two big transportation authorization bills to ensure that the large land area, low-population States, received a fair amount of highway funding. As I mentioned, on fiscal issues he was a staunch conservative who believed the people knew how to spend their money better than the Federal Government.

A few months ago, CRAIG shared his medical situation with us. He was in for another difficult fight, but he was used to them. He has been a battler all his life. He took the fierce determination that he learned as a marine and brought it to this latest battle against leukemia. Unfortunately, it was a battle this great fighter was not to win.

Although that last battle of his life was lost, there were so many victories in his life that we will long remember. CRAIG died as he lived, with his spurs on, fighting for Wyoming to the very end. I am sure we all have our favorite instant replay memories of CRAIG and his unique style.

I have always believed you can get a lot done if you don't care who gets the credit. That was CRAIG—never one to seek the limelight or to draw attention to himself. He was the one working in committee to assure that the voices of the Wyoming people and America were heard and heard clearly.

For me, I will always remember CRAIG's spirit, for his spirit in life was a great illustration of the spirit of Wyoming. His life became a living portrait of the American West. He saw the world from the saddle of his horse and from under the brim of his cowboy hat. He was proud of Wyoming and Wyoming was proud to be represented by him.

CRAIG was my senior Senator. He was my confidant and mentor. But most of all, he was a very good friend. Diana and I will always feel appreciation for the fact that CRAIG and Susan made us part of their family. Our prayers are with Susan and their family during these difficult times.

I will miss him. But because he was such a special presence in my life and the lives of so many others, I have a long list of instant replay memories I will always cherish of him: the times we were out on the campaign trail, the legislation we worked on together and, more importantly, the impact he had on my life personally, as he had on so many others.

Wyoming is a different place today because of this great loss of ours. There is great sadness in the State and also great joy as we celebrate the life of one of our special citizens. He was with us for all too short a time, but he will never be forgotten.

I received a book called "give me Mountains for my Horses," by Tom Reed. But what I always ask for is that they give us men to match our mountains and our horses—and that would be CRAIG.

I want to share just a little piece of this because I know that CRAIG is already riding in a far better place. It says:

> There is a taste to this place, this time. Nothing is behind you. Everything is ahead. But you don't really think about what is ahead, you only think of now, for this partnership you have entered into is one of the moment, of now. Now has you in a saddle on a bay horse, heading up a trail of pines and spruce and mountain, of stream and meadow.
>
> Behind you, connected by only your hand and a lead rope but carrying everything important to you, is another bay horse, an almost identical match to the one you are riding. You call them nicknames as if they were human compadres, drinking buddies. You cluck and coo and talk to them as if they give a damn about what you have to say. You think they do and maybe, just maybe [they do].
>
> Right now they are stepping out, heads nodding, down the trail and through the stream and all you have to do is ride. So you ride.
>
> That evening as dusk brings the mosquitoes out of the willows—the same dusk that put the horse flies to bed—you choose a camp. It is a good place, save for the bugs, with room for the horses in the broad, deep green meadow and camp back against the lodgepoles and your kitchen down a ways. So you ease off the bay's back and stretch your muscles with that stiff-good, worked-hard feeling, and you begin to unload the packhorse, talking to him, thanking him. In a while he has on his hobbles and is out there with his buddy, snorting contentedly in the tall grass and swishing a long, coal-black tail at the mosquitoes.
>
> It goes like this for days, the ride, the squeak of the saddle leather, the smell of dust, the taste of it on your tongue. The smell of horse sweat and your own and the soft muzzles nuzzling you after a long day. Good camp after good camp. Muscles turning hard. Eyes becoming sharp for wildlife. And riding, always riding.
>
> One evening a big sow grizzly and her cub cross a broad meadow far out there. A tough gal, rambling, giving you and your horses a wide berth. But still the binoculars sweat in your hands and your mouth is dry.
>
> "Boy, what a beautiful animal."
>
> The next morning a moose walks the same path. You have not seen another human in days but there's a jet contrail reminding you that yes, this is the modern world. You ride.

CRAIG loved the modern world. He worked hard in this body. He would have liked to have been out there in those mountains on those horses enjoying the smell and the sounds. Now he is riding. Ride on my friend, ride on.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business up until the time of 12:30 p.m., with Senators permitted to speak up to 15 minutes each.

Who seeks recognition. The Senator from Oklahoma.

REMEMBERING SENATOR CRAIG THOMAS

Mr. INHOFE. Madam President, I got a very early phone call from my daughter in Italy. Of course, their time is 6 hours ahead of ours, and they heard about CRAIG before we did.

I have listened to some of my colleagues talking about CRAIG. You know, there are some people you have more in common with than others. I can recall CRAIG and I both came to the House of Representatives about the same time. Then we both decided we would run for the Senate in 1994. That was a decision we made. We talked to each other and we decided that that would be the best thing for us to do and perhaps we would be able to articulate our concerns a little bit more.

He was a marine, I was in the Army. We had a lot in common. I think it was MITCH MCCONNELL or perhaps HARRY REID this morning who talked about his calm toughness, his way of expressing himself. I have always been very envious. I would come down, and I would watch CRAIG THOMAS on the floor. He would say things as antagonistically, as offensively as I would, except people loved him when he said it and they hated me when I said it. I was never able to master that. I watched him day after day, month after month, and year after year being able to do that.

I think MIKE ENZI is right when he said CRAIG THOMAS was the voice of the Senate. Let me correct Senator MCCONNELL on one thing he said. I chaired the Environment and Public Works Committee when CRAIG THOMAS was on that committee. This morning MITCH MCCONNELL said he was as much at home on a horse as he was in a committee meeting. Well, let me correct you because he was much more at home on a horse than he would be in that committee meeting. I can remember seeing him staring off, and then I would go over and visit while some people were testifying, perhaps on the other side, and he would tell me his stories. He was a real cowboy. A lot of us ride horses in parades; he was a real cowboy and such a great guy.

Many years ago, I was mayor of Tulsa. We had our annual meeting in Ketchum, ID. I was flying a plane up there, when we were weathered in in Saratoga, WY. Saratoga, WY, is a town that Lewis & Clark came through at the bend of the river. I fell in love with that town. For the next 7 years that I served in the capacity of being mayor, I always purposefully stayed in Saratoga, WY.

I went up to him in the House of Representatives in the 1980s, and I said: CRAIG, you know when I was in—when I would stop, make my stop in Saratoga, WY, and stay at the Wolf Hotel—I might add, I would stay at the Wolf Hotel in the presidential suite; it was the only one with a bathroom in it. I told him almost everyone I would run into on the streets of Saratoga, WY, reminded me of CRAIG THOMAS. These are salt-of-the-earth people, wonderful people, people I learned to dearly love.

Kay told me this morning, when we heard about CRAIG, she said: You probably forgot this, but when you were in voting on the day that we had the spouses dinner, that was 2 weeks ago today, on Tuesday, I saw him walking across the parking lot while I was waiting for you to vote, and he was walking a little slower than usual. I said: Hey, handsome. And his whole face lit up. And he came over and he embraced Kay. That is the way that he was to a lot of people. So let me say this to Peter, Paul, Patrick and Lexie and Susan. Susan, you have some people you have heard from this morning who dearly love you and would love to have some way of comforting you. We know how difficult it is. We will pray for you, for your kids. I have to say this also, I do not think it has been said yet about CRAIG.

CRAIG THOMAS was probably the most consistent Member of the Senate prayer breakfast because he was always there. MIKE ENZI knows this because he is the chairman now. He was always there. I give the Scripture at this thing. So we knew that if we did not see CRAIG THOMAS anyplace else during the week, we would see him at the Senate Prayer Breakfast.

The Senate Prayer Breakfast is similar to a lot of these things. It is based on Acts 2:42. Acts 2:42 is the genesis of these meetings you do on a regular basis. You get together and you do four things: eat together, pray together, fellowship together, and talk about the precepts of Jesus together. We talked about the precepts of Jesus together every Wednesday morning.

That is the comfort I had with CRAIG THOMAS. Some people, you wonder if they are going to be there. But THOMAS you didn't wonder, you knew. So, CRAIG, all I can say is, this is not goodbye, this is, "We will see you later."

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition? The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, it was with great sadness that Catherine and I learned of Senator CRAIG THOMAS' passing last night. The people of Wyoming have lost a tireless advocate and a skilled leader. Those of us in the Senate have lost a true friend and a genuine inspiration.

CRAIG and I remained close throughout our time as colleagues. I visited with him on matters pertaining to resource development and ranches probably more than any other Member of the Senate. These weren't visits concerning legislation, but simply to share experiences and to get advice.

Although CRAIG came to the Senate much after I did, he possessed a wealth of knowledge, particularly about the West. I had the privilege of marrying into a family with small ranches in Arizona. CRAIG and I talked often about horses, the problems facing ranches and cowboys, and how they can endure in today's economy.

In each of the past several years, CRAIG has introduced a resolution designating a National Day of the American Cowboy. More than any other member of this body, CRAIG recognized there is more to cowboys than roping, riding, and branding. From the Wild West to the Last Frontier, cowboys have long symbolized the spirit and determination which makes our Nation great. It was my pleasure to help sponsor CRAIG's resolutions, and this year, on July 28, we will pay special tribute to a man who truly embodied the American cowboy.

CRAIG was always mindful of the best interests of other Western States. As a Senator from Wyoming, he represented a State with a great many problems in common with those of us from Alaska. CRAIG was renowned for his legislative efforts regarding national parks. His efforts to improve rural health care greatly benefitted his constituents and continue to serve as a model for our Nation.

Above all, I remember working with CRAIG on resource issues related to coal, oil, and land management. He was steadfast in his efforts to increase domestic energy production. He fought to secure funding for a coal gasification plant in his home State, and he also supported exploration and development in the Arctic National Wildlife Refuge.

To deal with CRAIG THOMAS was to deal with a gentleman, a person who had absolute knowledge of the topics he spoke on. You couldn't talk to him without becoming aware you were talking to a marine. As far as I am concerned, marines have something special about them—an absolute steadfastness, honesty, and integrity. CRAIG exemplified these qualities.

It is hard for me to realize he is now gone. Just before I left to go home this past recess, I stopped CRAIG and told him we are praying for him and to hang in there. Our great friend Susan Butcher also died of leukemia. She went through the same process CRAIG did. He told me he was going to stick with it. He thought he was going to be able to beat it. Everyone who met with CRAIG in the period after he was diagnosed with leukemia had to admire his courage, his absolute courage.

CRAIG's concept of life impressed me most. He lived life to the fullest. He had a wonderful family, four wonderful children, and a wonderful wife in Susan. He was also the essence of a Westerner. I have known many Westerners in my day, but never one who was as consummate a Westerner as CRAIG Thomas. The people of Wyoming were blessed to have him representing their interests. Whenever he went home, CRAIG traveled throughout his State, from one small community to the next. We compared notes about how Wyoming residents faced problems similar to those of the people of Alaska.

With CRAIG's passing, the Senate has lost a great leader in terms of Western values. But we have also lost a man who was a friend. He had the qualities everyone cherishes in a friend. And as the Senator from Oklahoma has said, he was very devout. You couldn't talk to CRAIG without realizing he had tremendous faith in our Maker. He was guided by this faith, and it kept him going during the past few months.

It is also hard to understand that leukemia is such a violent disease. This year alone, more than 44,000 Americans will be diagnosed with leukemia. The type of cancer which afflicted CRAIG, acute myeloid leukemia, has a 5-year survival rate of just 21 percent.

If there is anything I would add to what is going to be said today, it is that we must do more. We must do more to prevent this disease. We must learn as much as possible, and apply as much research as possible, because very few people survive their tremendous battle with leukemia. Of all people, I really believed CRAIG might. When I left for the Memorial Day recess, I had a good feeling—CRAIG was going to make it. He told me he would soon start another round of chemotherapy, but because of his strong faith, he had no fear of what lay ahead.

I hope the Senate takes a lesson from CRAIG THOMAS' attitude as he faced this adversity. After being diagnosed with leukemia, CRAIG faced trials and tribulations we can hardly imagine, and we will remember him as an example of a man with great moral strength and great faith in God. In honor of his memory, it is my hope we will join together and find a way to apply more funds to research leukemia, whose devastating impact has now taken a good friend from our Senate family.

This morning, the Casper Star-Tribune published several individuals' recollections of CRAIG. One of his former staff members, Liz Brimmer, said, "In unassuming and generous ways, he did more for Wyoming, more for Wyoming people, than most people knew. His positive spirit permeated every interaction. Fiercely loyal and generous of spirit, CRAIG was funny and tenacious all in the same moment . . . He loved people and loved to make a difference. What better mark of a man?" I wish I could find words as eloquent and as fitting to describe this extraordinary Senator.

We all mourn his death, and we send our love and best wishes to his family. Susan had a husband, and his children had a father, without equal. CRAIG THOMAS was a family man through and through, and I am deeply saddened by his passing.

When I thought about him this morning, who he was and what he meant to the Senate, a few words came to mind. In a place of great debate and heightened political excitement, CRAIG THOMAS was always a gentleman. That says something. It certainly is something we will remember. In a time and place where we often raise our voices in anger and emotion, CRAIG THOMAS was always soft spoken, but he was always heard. In a time when many of us fail even our own standards in terms of integrity, he was a man of high integrity, honorable and humble. In a place where many show weakness, he always showed strength, that quiet strength of a Wyoming cowboy.

I thought about his last battle with cancer. You could tell, when you saw him on the floor or passed him in the hallway, the therapy had taken its toll on him personally. Yet there was always a smile on his face, a determination to overcome the odds, and a very optimistic and positive word when you asked him how he was doing. Those are the things I remember about CRAIG THOMAS.

We serve with many people. They come and go. The annals of history do not record them all as great, but each one of us is lucky to be here and lucky to develop the friendships and relationships we do. Politically, CRAIG THOMAS and I were worlds apart. There might not be any starker contrast in voting records than CRAIG THOMAS and mine, but it didn't make much difference when it came to his friendship and his personal relationship. I am going to miss him. I am going to miss that Wyoming cowboy who had the Remington bronzes in his office that I walked by and looked at every time I came down the corridor. I will miss his smile and his courage. But I am going to be reminded by his example of how we can all be a little bit better in what we do here in the Senate.

I extend my sympathies to his wife Susan, his family, his staff, and all of his friends. He was truly a great Senator. I was honored to count him as a friend.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Madam President, I ask unanimous consent to address the Senate as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. In the third chapter of the book of Ecclesiastes, the Bible teaches us that there is a time for everything: a time to live and a time to die, a time to reap and a time to sow. Last night became the time that CRAIG THOMAS left us. For that we are all sorry and extend our sympathy to Susan and all his family and the people of Wyoming. But for all of us today and for years to come, it will be a time for us to reap the benefits of having known CRAIG THOMAS, having benefited from his service as a colleague in the Senate, but for the people of Wyoming as a great servant to that State. I don't know if there are two finer people who ever served the Senate than MIKE ENZI and CRAIG THOMAS. To have a matched set of rock-solid, quiet but humble, and strong men to serve a State is quite a unique privilege for that State and a unique privilege for all of us who serve.

On this sad occasion of the passing of a great Senator and a great friend, I know I will benefit and reap for years to come from the service, the passion, and the integrity of CRAIG THOMAS.

I honor his life.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Madam President, I rise to address the Senate in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MARTINEZ. I am saddened by the passing of a good friend, Senator THOMAS. I express my condolences to his family, the people of Wyoming, Senator ENZI, and to all of us who knew him and loved him. I have not served long with Senator THOMAS. It was a joy to hear this morning how he was described by Senator ENZI, who has known him for a long time. My memories of him are as someone who always was kind, always friendly, offered me a helping hand on my first days in the Senate. I know he has been described as an authentic cowboy. I certainly always viewed him as that. He seemed to be the real deal, the real McCoy.

I remember speaking before the break with the Senator, telling him how good he looked. Of course, he already knew he was headed back to another bout of chemo, but he didn't dwell on that. He was telling me that he was feeling good, and he did look good. He looked a lot better than he had been, and we were all encouraged. He certainly believed in that assessment as well.

In the last few months, he has been "down the road" from us, and he has been responsible for the candy drawer, a little Senate tradition. As we were talking before the break, standing there, he was commenting on his pride in the Wyoming taffy candy he had introduced to the candy drawer. He was a Wyoming promoter to the very end.

I relish the good memories. I know we are all sad today at this incredible loss. My heart goes out to the members of his family. We will do all we can to support all those who loved him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Madam President, on behalf of Kathy and myself, we send our deepest condolences and expressions of sympathy to Susan and her family on CRAIG's passing. Susan and CRAIG were good friends of ours. Susan is and CRAIG still is. They are special people. They are people whom you like to call friends, the type of people who are there. And they had a special relationship. I don't know how many votes we cast together. It was a lot. CRAIG arrived 2 years after I had. We would walk out of this Chamber together very often, and Susan, because she was here in Washington, would almost always be right out there, right outside the door, with a great smile to greet us, even though we probably just lost the vote.

CRAIG was special because, as has been mentioned and said so well by his partner Senator ENZI and his colleagues, Senator MCCONNELL, Senator INHOFE, Senator STEVENS, Senator ISAKSON, Senator MARTINEZ, and the Democratic leader, Senator REID, and Senator DURBIN, everybody respected him. You may not have agreed with him, but you could not help but respect him. He was quiet but accomplished and understood the issues. He was a man of inordinate common sense. When he would look at an issue, he would cut through all the puffery, all the theater, of which there is a fair amount around here, and he would get to the essence of the question. Then he would bring common sense to the question. Yes, it was common sense born out of a philosophy, which is our side of the aisle, which is conservative, but it was a common sense that cut across ideology most often because it was usually so obvious what the conclusion would be as presented by CRAIG.

I had the great good fortune—I don't know how it happened, but it was good fortune for me—to end up spending almost every Tuesday lunch, where we do policy, and almost every Wednesday lunch, where we do steering and get together as Members of the Republican Senate to discuss whatever is happening, to sit beside CRAIG. We sort of gravitated to each other. That is sort of ironic, me being from New England and him from Wyoming, but I think there is a certain, hopefully, identity of our approaches to events. I am certainly proud to say that. The great fun about sitting beside CRAIG was that not only did he have this wonderful common sense, but he had an extraordinary sense of humor. He would listen to statements made, often by our leadership—I do not wish to be disparaging here; I am simply being kind—and he would make some smiling, thoughtful comment that was usually fairly humorous and a touch irreverent about comments made by our leadership as to what we should be doing. You couldn't help but laugh because he was a person who had a sense of self, a sense of humor, a focus on what was right and what was wrong and what life should be about.

This disease attacked him, but honestly, you couldn't convince him that it attacked him. You would ask him how he was doing. He would say: I am OK. Even though you knew he was going through extraordinary pain, you would never, ever—at least I never, ever—hear him complain. He was a genuine marine in that sense.

He will obviously be missed around here. He was a low-key person who had a high-level impact. I will certainly miss him. I will miss him at those lunches and I will miss seeing Susan outside the door.

To Susan and his family, Kathy and I say: He was a great friend, and we will miss him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLARD. I rise to honor my friend CRAIG THOMAS, the Senator from Wyoming who passed away last night, and to express my sympathy to Susan, his wife, and to his family and to the people of Wyoming. Joan and I and my staff feel we have had a very special relationship with CRAIG and Susan and his staff.

Two weeks ago the Senate passed S. Res. 130 declaring July 28 as National Day of the American Cowboy. This was the last piece of legislation Senator THOMAS pushed through the Senate. It is so true to his spirit. Senator THOMAS was himself a cowboy, a roper. He understood that as a symbol of the American West, cowboys represent much more than men on horses. They stand for courage, determination, hard work, and respect for nature. They stand for the West itself and for those who wish to protect and preserve it.

His work on the Energy and Environment Committees was a testament as well to his belief that the land we have been blessed with needs stewardship and care, and that those who live on and work with the land are often the best at doing so. CRAIG tried to take care of the land, especially the Wyoming he loved so much. This connection with the West, his concern for land management, and the way of life of those who lived on the land, should be his legacy. CRAIG rode forward into the end of his life so bravely that most of us never knew how bad his health was. He told us he was seeking treatment, but the end came quickly and, for him, stoically.

It was always a pleasure serving with Senator THOMAS—first in the House of Representatives, then in the Senate, where we collaborated on a whole range of issues. The proximity of our home States and our shared interest and passion for natural resources and energy issues provided many opportunities to partner on legislative efforts.

During the 2001 anthrax attack on the Hart Senate Office Building that pushed several Senators out of their offices, I was happy to offer Senator THOMAS and his staff space in my office for several months until his office was deemed safe again. During that time I was able to get to know him and his staff even better.

I offer my condolences now to his staff. He was the type of man who was not just a boss but a friend as well. I know they are hurting. He will be remembered for being the quintessential Wyoming cowboy, a gentleman with quick wit and humility of spirit that endeared him to his colleagues and made him a joy to us all.

Any man who can list cowboy, United States marine, husband, and father on his life's accomplishments lived life well. The Senate has lost a gentle giant who served his State and Nation with honor and distinction. Joan and I are keeping Susan and the family in our thoughts and prayers. I will miss my friend, CRAIG THOMAS.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I ask to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I first note the presence on the floor of the distinguished Senator from Wyoming, Mr. ENZI. I note also present in the Senate is a beautiful bouquet of flowers on the desk that was occupied by the other Senator from Wyoming, Mr. CRAIG THOMAS.

I want to say to Senator ENZI, first, we will all have an opportunity in the next few days and weeks to speak about the Senator who was your colleague who left us last night, and we all will have an opportunity to speak with you and see you on more occasions than this to express to you our heartfelt sorrow for the loss of your colleague.

You will suffer a lot of things that will be downers during your life in the Senate—and because we all live our lives, things happen, go up and go down—but I am quite sure you will not have an opportunity to suffer any more severe a loss than the loss of your colleague who was at the same time a cowboy, a marine, a Senator, a father, and, clearly, a husband.

He had a wife named Susan. Everybody who knows her loves her. My wife loves her. I called my wife early this morning, after I heard, and I was so pleased she answered the phone herself because I thought: Where will I get her? We may get caught up in the maze of today and maybe I will not be able to talk to her until tomorrow, or maybe Nancy will not be able to talk to me. But, sure enough, it was at 8:30 this morning I was able to talk to her.

Her first words, after knowing who I was, were words coming out of her mouth saying: He did a good job for Wyoming, didn't he? I said: You bet. Then: I am sure, not knowing the rest of his life, he must have done a good job in a lot of other areas. Probably he was a good husband—to which there was no answer because that was not intended as a question. He obviously was a wonderful man. Quiet, sort of unassuming, but he was a very involved Senator, especially when it came to Wyoming.

Very early on, as he worked his way from the House, where he replaced DICK CHENEY, over to the Senate, where he had been elected, he decided he would work for his State. You did not hear of him a lot on national news because he was busy doing what he thought was best for him as a Senator, and that was, representing that great State of Wyoming. What a State that is, and what a Senator they had.

From my standpoint, I served with him on two committees. The one I know the most and remember the most is the one we served the longest on: Energy and Natural Resources, which the occupant of the chair has served on with us. But when it came to this man, he frequently worked with Democrats on serious issues because he wanted to get things done.

If there is one thing I noticed as we worked together, shoulder to shoulder on this committee, it was that he was impatient because he did not understand when we wasted time and he did not understand why we were doing some certain things. He would ask: Why don't we get on with what we are supposed to do? What are we talking about this for? This is not policy. We are talking about a bunch of little things we ought not be involved in. I think I remember that more than anything else: Can't we get on with it?

I remember he was burdened with the fact there is a substance in his State called trona. The other Senator from Wyoming might know about it. He must know about it. Apparently, they were having competition in the world, and he thought the royalties were too high. I don't know. Anybody who served on the committee must have heard the word "trona" because he was all over that issue, wanting to get somebody to listen to him about the unfairness of it and to help solve it.

I did not get to serve with him on the Finance Committee and other committees he served on, but it would be my guess he was the same way on all of them, that he showed up when he should and did his job as best he could, and that when the chips were down, you could count on him. When the chips were down, he did what he said. He voted the way he would tell you. He worked the way a dedicated person works.

For me and my wife, on this day, shortly after his death, I want to say in the Senate that Wyoming sent us a true man. I do not know whether it was the marines who made him a man or what it was, but he was truly different. He was tough minded. He was quiet. But he was impatient, and he wanted to get good things done.

I am positive his relatives and his great State will never forget him. He will be remembered by them, just as we remember him. He will leave them, and they will have a big void, without a question, because a giant part of their lives leaves. That goes for Wyoming, and that goes for his wife Susan and their children. I think there are four of them. I did not get to meet them. But if they are like their mother and father, they could not help but be great.

With that, I say goodbye to the Senator, and I extend my sorrows to his wonderful wife, and, hopefully, I will be part of whatever ceremony there is for us to send him on his way.

May God bless his family and him, and may whatever he aspired to get done, get done by others who follow him because he set such a wonderful basis to get those things completed for his State.

I thank the Senate and I thank the junior Senator from Wyoming for the kind man he is. I will be seeing him, and I say to the Senator, if I can help you during these times, please call on me. I am available.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Madam President, the thoughts and prayers of my wife Charlene and myself are with Susan today and their four children, as we think about CRAIG THOMAS, our dear friend, our colleague, a man who has been such a wonderful presence in our lives in the Senate.

Much has been said, and quite correctly so, about Senator THOMAS as a cowboy, and certainly he was, and his rich heritage of experience in the Marine Corps, as he volunteered to serve his country after college. But I want to stress two or three things that perhaps have not come to the attention of Senators in the same way this morning.

one of which is that CRAIG THOMAS was a person who was vitally interested in the Far East. He served for a period of time on the Foreign Relations Committee, and during that period of time, as I recall, was either the subcommittee chairman or heavily involved in hearings and in working with our Ambassadors to countries in Asia.

For a variety of reasons, because CRAIG always sought opportunities to serve Wyoming in whatever committee assignments seemed most appropriate at the time, his service on the Foreign Relations Committee was not a long one, but he continued that service by holding breakfasts in his office. I was privileged to be invited to those breakfasts in which famous people from abroad, especially the Far East, were his guests. These are ladies and gentlemen he had met during his foreign travels or during his work in Wyoming in which they might have been of value to his State.

It was an extraordinary set of experiences. I stress "experiences" because there were many of these breakfasts. I encouraged him to continue on. I enjoyed the fellowship of the people he brought together as well as Senators he brought into an orbit of understanding about the Far East, through his own ministry in this case.

I have been impressed in addition—speaking of breakfasts and the fact that Senator THOMAS was a regular at the Aspen Institute breakfasts that are held right here in the Capitol on Wednesdays and Thursdays frequently throughout the legislative year. I am advised as many as 24 of these breakfasts are held on the subjects which the Aspen Institute Congressional group is focusing.

Among the things on which the group has been focusing in recent years has been problems with Russia and the Balkans and developments in Eastern Europe, the problems certainly in education generally as a subject for our schoolchildren in this country, problems in Latin America, the problems of the environment and energy, and, appropriately, problems in Asia and especially China in the Far East.

I noticed CRAIG THOMAS, when it came to these breakfasts, usually was there on time and listened to the lecture or the paper that was being given by the speaker, and that he frequently proceeded on, perhaps, to another breakfast or another appointment without severely questioning either other Members of Congress or the speaker at the time, but was intensely interested. Because we frequently saw and listened to the same people, this led to many rich conversations which I was privileged to have with him. I would ask him: What did you think? What were your impressions of that speaker today? He always had some very concise impressions.

But a third thing I simply want to mention, in addition to these breakfasts, is the sense of good humor with which those impressions were cast. He had his own unique sense of humor, and yet it was clearly there and very much a part of the personal association each one of us enjoyed with the Senator.

Likewise, that sense of humor was shared by Susan, appropriately. I can remember so many times outside the door to this Chamber Susan would be standing there at about 6:30 at night or some such time. It was obvious she and the Senator were going to dinner or had some activity. But one of the delightful things was that so many of us had been visiting with Susan over the years. We had a lot to say to her and she to us, always with a wonderful sense of humor, with a sense of the work we are about, how unusual to some this schedule seems, how absurd it may be to others, someone who had her own vocation as a very remarkable teacher and someone who understood the needs of children.

It is not surprising that CRAIG would attend the Aspen Education Conferences in addition to his far-flung interests in Asia and most importantly, obviously, the land use issues and the remarkable ability of people to make a living off the land in his home State. It was finally in that capacity that I enjoyed the best conversations with CRAIG THOMAS because he was deeply interested in agriculture, as I am. We come from very different kinds of agriculture, yet there was a profound understanding of the challenges and the joys of people who make their living from the soil; likewise, from the husbandry of animals and the combination of forestry, and even the mineral uses of lands—much more abundant, I must say, in the State of Wyoming than in Indiana. But we both understood the nature of that income, the nature of the challenge, and the importance of State and Federal legislation as it pertained to those farmers. So I will miss those conversations especially because that is a heritage of land in which both of us have been involved in our families, and I suspect his will continue.

Our thoughts are with the family today. We are never prepared for such a day. That is why many of us perhaps are rambling on occasion in our thoughts as we collect them about this outstanding Senator and wonderful friend. But it truly is a privilege to have this opportunity on the floor of the Senate to pay tribute to my dear friend CRAIG THOMAS.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. HAGEL. Madam President, this is a sad day for all of us. Wyoming and the Senate have lost CRAIG THOMAS. He was a neighbor. He was a friend. He was an individual whose life was committed to his country and his State.

Often, when he would refer to my State of Nebraska, he would say: Oh, yes, that State of Nebraska; that is where Wyoming sends all of its wind. He said other things as well. Many times, he and Senator ENZI were responsible for stealing Nebraska's water. Other than those obvious flaws, CRAIG THOMAS was one of those unique individuals whom we have heard his colleagues speak of this morning. None have exaggerated in their descriptions of this remarkable man. He, as has been noted, was a marine. He was a straight shooter. He was born and raised on a ranch in Wyoming. When you add all of that up, what else could he be but a straight shooter?

He worked hard, as has been noted here this morning. Chairman LUGAR outlined some of the participation of CRAIG THOMAS on the Foreign Relations Committee where I, too, had an opportunity to serve with him. No one was ever better prepared when he spoke, more knowledgeable of the subject matter, and more a joy to be around because he never lost the most important element of each of us; that is, a humanness, the human dynamic. He had a special humanity that is not always easy to retain in this town and in this business. But that is what CRAIG THOMAS was, and I think that is what most of us admired most about him.

If service to America is one of America's highest and most important values, then CRAIG THOMAS's legacy speaks volumes because that was his life. Lilibet and I offer our sympathy and our prayers to Susan and to the family. He served with great distinction and always put others first.

One last comment about a memory of CRAIG THOMAS for me. In 1996, when I was campaigning for my first elective office to the U.S. Senate and when there was a very legitimate question of whether I was worthy of election and whether I could win, CRAIG THOMAS flew over from Wyoming to central Nebraska and spent a day campaigning with me in 1996. CRAIG was the first U.S. Senator to help me, to come into my State, and that day I spent with him talking about water issues, agricultural issues, the Marine Corps, and service to our country inspired all who were around him. I noted that those ranchers and those water resource specialists and others whom we visited on that campaign tour that day responded to him in a way that was rather special. I later learned through my almost 11 years in the Senate why people responded to him in such a special way.

We will miss him. He leaves our institution, his State, and his country better than he found them.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, we will miss CRAIG THOMAS. CRAIG THOMAS would want it to be said that he was a conservative. He enjoyed expressing conservative views on this floor. He enjoyed expressing conservative views in our Energy Committee on which we served together, and the Senator from Louisiana and I served with Senator THOMAS. He kept his feet firmly planted on the ground in Wyoming from which his conservatism came. He obviously well represented the people of Wyoming because he barely noticed there was an election last year. When CRAIG THOMAS ran, he was elected by an overwhelming margin.

CRAIG THOMAS was a conservationist. He was chairman of the National Parks Subcommittee during the time I served on the Energy Committee, and he enjoyed that very much. I am not a bit surprised because he took great pride in the fact that Yellowstone, a great, premier park—I can say that even though we have the Great Smokies in Tennessee—but Yellowstone, which has such a special place in the hearts of all Americans, CRAIG THOMAS took special pride in his jurisdiction of that responsibility. He was honored by the National Parks Conservation Association a couple of years ago. CRAIG THOMAS was awarded the singular honor of the National Parks Conservation Association for his stewardship of our national parks.

CRAIG THOMAS was no-nonsense. That came from several places, I suspect. One was, as the Senator from Nebraska noted, he was a marine. One was that he was a cowboy, a real cowboy. I saw Senator INHOFE talking about him in that respect. Another reason is he came from Wyoming. I see that Senator ENZI from Wyoming is here. Wyoming citizens, I have noticed, don't waste words. They think about them before they say them, and they often don't say them. They don't feel a need to fill every vacuum with a string of words, which is an unusual characteristic on the floor of the U.S. Senate, but CRAIG THOMAS was such a person. I think, in fact, he grew up in Wyoming, came from Wyoming, lived in Wyoming, kept his feet planted in Wyoming, and helped contribute to that nononsense approach to life he had which enriched the Senate.

CRAIG THOMAS was also interested in working across party lines. Earlier this year, Senator LIEBERMAN and I and others began a breakfast on Tuesday morning at 8 o'clock for those Senators who had time to come, not for the purpose of passing legislation but for the purpose of getting to know each other better across party lines so that we could perhaps come to solutions more quickly in other areas. It was interesting to see who came to that breakfast. We all are busy. We all have tremendous demands on our time. We started off with 40 Senators of both parties. Sometimes it got to be 10 or 12 or 14. But almost every Tuesday morning at the bipartisan Senators' breakfast, CRAIG THOMAS was there, and he always had a contribution to make. He was there 2 weeks ago, in the week before our recess, which is why it was such a surprise to learn that he died yesterday, because when he was there, he sat quietly, but you could tell he had something to say, and he finally said it before he left. The subject was immigration. He had some questions, and he had some comments. He looked the perfect picture of health. He looked as if he would last forever. That was the last I saw of CRAIG THOMAS.

We are a family here in the Senate. We say that often to one another, but it is true. We have breakfast together, as we did this morning at the bipartisan breakfast or as we will tomorrow morning at the Prayer Breakfast where we will remember CRAIG THOMAS. We have lunch together, which we are about to do, Republicans on one side and Democrats on the other. We have committee hearings and meetings all day long and little visits, and then in the evenings, if that weren't enough, why, we get together and we go to receptions for each other. That is how we live our lives here. So it is a surprise to us to suddenly find ourselves without CRAIG THOMAS, whom we saw at breakfast, whom we saw at lunch, whom we saw at committee meetings, and whom we saw in the evenings. We will miss him, but we greatly respect his presence here in the Senate for such a long period of time.

When he got sick last year, we heard that he was soon doing fingertip pushups again. So all of us thought—at least I thought—well, CRAIG is going to be fine. He is going to be fine. But, as will be the case with each of us, in the end, his life has come to a conclusion. It has been a life of public service, one I greatly respect.

To Susan and to his family, Honey and I offer our sympathy and our respect for his life. We will be thinking and praying for them, and we will be remembering how much joy our friend CRAIG THOMAS brought to the U.S. Senate.

Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I appreciate the opportunity to say a few words about CRAIG THOMAS. He was a friend of mine and of all of us in the Senate. His death is a shock to this institution and to all of us. I heard the news this morning on the radio, as many of us did, I believe, and I was genuinely shocked to hear that he had died. My last encounter with him was the week before we had our recess where I had the chance to be with him in the Energy Committee, and he was there and very much participating in that committee hearing. He had a great deal to say, as he usually did, and an interest in what was going on.

I think the first thing that comes to my mind about CRAIG is that he was an example of courage in the face of adversity. I have seen several interviews recently where I was very admiring of Elizabeth Edwards and the tremendous example she is presenting for the entire country about carrying on in the face of adversity after having been diagnosed, as she has been. I think the American people appreciate that, and understandably. I appreciate it, and I am sure everyone who is aware of her circumstance appreciates it greatly.

The same can be said about CRAIG THOMAS. CRAIG was diagnosed with leukemia shortly before his reelection this last fall, and I think everybody had to know that this was not a minor illness that was easily overcome. CRAIG took it in stride. He was here working in the Senate. He went through the chemotherapy and he was back, regaining his strength, and all of us admired that. All of us admired the way he faced that adversity, and he did all that he could, all that was humanly possible, to overcome that adversity.

I had the good fortune to serve with CRAIG on two committees, including the Energy Committee, where he was chair of the National Park Subcommittee. He took a great interest in issues affecting not only national parks but our public lands generally and, of course, our energy issues as well. I also had the good fortune to serve with him on the Finance Committee. The chairman of the Finance Committee this year appointed a new Subcommittee on Energy and Natural Resource Tax Issues. I was fortunate to be named chair of that, and CRAIG was named as the ranking member. So he and I spent a lot of time together, both in the Energy Committee and in the Finance Committee, sitting in hearings and talking about the agenda of the committees and generally interacting.

I had the other great good fortune of taking a trip last year that Senator WARNER and Senator LEVIN sponsored—a trip to Iraq and Afghanistan, in April of 2006, with CRAIG THOMAS. CRAIG and I were both invited to be on that trip. So I spent time with him and interacted with him in Afghanistan and in Turkey, where we made a short stop, and also in London, where we met with some British defense officials.

Three things came through to me that I think are my recollection of CRAIG THOMAS: First, his decency as a human being. When you are with a person for a substantial period of time, you get a sense of their decency as a human being. I have spent a lot of time with CRAIG THOMAS in this Senate and on that trip to which I just alluded. I can vouch for his basic decency. He was always considerate, always civil, always concerned about the feelings of others and the reaction of others.

The second characteristic I would allude to is his ability to ask tough questions. CRAIG liked to think of himself as a conservative. I would characterize him, as much as anything, as sort of a skeptic. Whenever the experts were telling us what the solution to a problem was, or what their analysis of a problem was, he was one who would stand back and say: Wait a minute, let's question some of that expert advice and expert analysis that you are giving us. That is very much needed by people in public office. You need people who will ask the tough questions, and CRAIG THOMAS asked the tough questions.

Third is the characteristic that others have spoken of here—that he was a straight shooter; he was straightforward in his view of the issues. You didn't have to guess what CRAIG thought about an issue. He would tell you, and it was a heartfelt view that he was expressing. So this is a very great loss to this Senate, to the people of Wyoming, and to the country. I consider him to have been a superb public servant. The people of Wyoming were extremely well served by him, the country was well served by him, and this Senate was well served by having him as one of our distinguished members.

I extend my condolences to Susan and the family and, of course, to all of the people who are friends of his in his home State. He will be fondly remembered in this Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise this morning with a very heavy heart, like all the rest of my colleagues, about the loss of our dear friend CRAIG THOMAS. CRAIG was such an inspiration in such a quiet way to all of us, a guy from the true Wild West, the great State of Wyoming. He had such an easy manner about him that is so indicative of a lot of people who come from that part of the country. It was indeed a privilege and a pleasure to have the opportunity to serve with him.

I had a number of interests in common with CRAIG. First of all, we served on the Agriculture Committee together. In the past 2 years, as chairman of the Agriculture Committee, CRAIG was one of those guys I called on from time to time to seek his advice and counsel because in the area of Wyoming and in the western part of the country, they grow different kinds of crops than what we grow in the Southeast. CRAIG was always willing to give his time to talk to me about the thoughts of farmers and ranchers in his part of the country and what we needed to do from a policy perspective on the Agriculture Committee relative to his farmers and ranchers that would also be beneficial to my farmers and ranchers. I cannot overemphasize the value of that kind of relationship with a Member of this body.

I grew up in my law practice and in the rural electrification business. CRAIG was a strong advocate of rural electrification and the REA program and had been involved with it in Wyoming for decades. We had the opportunity to talk about this issue and long-term policy relative to providing electricity and other assets to people in rural America, and whether it was rural Wyoming or rural Georgia made no difference. CRAIG was an advocate of making sure that people in rural America all across our great country had the opportunities that folks in the urban parts of America have. I had a special opportunity to work with CRAIG.

Earlier, I heard folks talk about CRAIG's love for the country and his love for the land. We were both outdoorsmen. He used to ride a horse a lot, and I like to shoot a shotgun at quail, pheasant, and a few other things that I have been blessed to be able to do over the years. We talked about our enjoyment of the outdoors on any number of different occasions.

CRAIG was the chairman of a major committee during the last Congress. He was in charge of an issue that has been very near and dear to my State, an issue of designating property with a heritage designation in Georgia. I worked on this for about 6 years. We got right up to the brink last year, and all of a sudden we ran into a roadblock. CRAIG, as chairman, said, "Saxby, here is the problem." Then he went through it and explained the very complex side of the issue that I had never thought of before.

What it made me realize about CRAIG was that he was a lover of the land of America, irrespective of whether it was in Wyoming, Georgia, or the State of New York. He wanted to make sure future generations had the same opportunity to enjoy lands as our generation and previous generations have had the opportunity to do. Once he explained his position to me, we again worked through the issue. It took us a little longer than I wanted it to, but I had to be patient because CRAIG was very thoughtful. I knew his thinking was the right way of thinking on any issue like this, particularly with the designation of heritage areas, because there are other connotations to it than just saying we are going to leave this land for future generations.

CRAIG was such a great ally in this process. At the end of the day, I remember when he gave his consent through a unanimous consent resolution. He and I sat right here near one another. He used to sit right there, and he moved behind me here. We sat across the aisle, and we had a long conversation that night about this particular piece of property for which he had now come to have a great appreciation. It is something that Georgians and America are going to enjoy for generations to come, and it simply would not have happened without CRAIG THOMAS.

Lastly, the desk that is right behind my desk is one of the more notable desks on this side of the aisle in this great institution because it is our candy drawer. His desk is our candy drawer. Of course, Rick Santorum from Pennsylvania had that desk in the two previous Congresses, and he kept it full of candy. CRAIG could not wait to get that desk when Rick left the Senate. Now, when a lot of us walk into the Senate door, the first thing we do is open that desk drawer to see what kind of candy CRAIG has put in there for us. He has never failed us. It was always a delight of his to be able to make folks happy, and this was a simple and easy way to encourage and get a smile on the faces of Senators as we walked in the door.

CRAIG's wife Susan is such a great lady. I don't know his sons, but Susan is such a wonderful person. Again, as this body is such a small body, we all become friends regardless of our political differences. At the end of the day, we are a family, and we truly do have Susan and all of her other family in our thoughts and prayers as they go through what we know is a very difficult time.

CRAIG and I also had in common the fact that we were both cancer survivors. I went through a process about 3 years ago, and CRAIG was one of the first ones to come to me and give me his thoughts and encouragement, which I really respected and greatly appreciated. That is the kind of family thought process that we go through here.

So as we reach this day when CRAIG has lost that last battle—and, boy, did he ever fight good ones through the years. He fought this one very well, too. But as we think about him today, knowing his love of the outdoors in our conversations about his riding horses—even riding horses with the Capitol Police on the grounds of the Capitol—I am always going to have those very fond memories of CRAIG THOMAS as a great friend, a great Member of this institution, and a truly great American. We know he is riding off into the sunset for a better life even as we speak today.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I had the great privilege of presiding this morning. I got to listen to my colleagues come to the floor to pay tribute to our friend, an outstanding Senator and a wonderful man, CRAIG THOMAS from Wyoming.

So many things were said this morning, but I wanted to add a few more. First of all, as I sat in the chair to listen to the tributes, I want to give a compliment to the Senator from Wyoming, who spoke on behalf of his colleague. I have heard many tributes in the 10 years I have been in the Senate but, to me, it was one of the most beautiful tributes that a partner and colleague has made for another. Senator ENZI will continue to carry on the great traditions of the State, and I am sure he, as we all have, will be inspired by his friend that we lost. It was evident in his heartfelt and beautifully executed remarks this morning.

I wanted to rise as a Member who served with Senator THOMAS on the Energy Committee, someone who worked fairly closely with him, although we are not of the same political party, to reiterate just a few things about his character.

This life we choose to live in public life is not the easiest life to live, and sometimes it is harder on our families than it is on us individually. It is a life that we choose because we want to serve our constituents. We believe we can do that job.

I heard so many of our colleagues rise to pay tribute to the Senator but mention Susan, his wife, that I wanted to restate for the record how inspirational their relationship has been to me and to many of us. Not only did Susan wait for him, many times outside of this door, to greet him always with a smile or encouragement, they often were able to travel together as a couple, to share both the joys and the burdens of this life. I think it is a tribute to both of them and particularly to CRAIG THOMAS, who shared his life in such a special way with his spouse, which stands as an inspiration to us all, and Susan to him.

I also wanted to say what a strong and steady voice, an unflinching champion for Wyoming he was, in fact, even in the twilight of his life, within the last few weeks, as was mentioned by some of us who were with him at the Prayer Breakfast, some of us who were with him at the bipartisan conference, and some of us who were with him in one of his last Energy Committee meetings. I recall the memory of his voice, although weak in body, strong in spirit, fighting for Wyoming, talking about coal, talking about a new energy policy, talking about how the country depended so much on the resources of Wyoming and how he was determined to continue to fight and provide that point of view on our committee. So on the Energy Committee we will miss him, always there, always on time, always steady, always strong, and never forgetting the State he came to represent and did so, so completely and so consistently.

Finally, some of us have mentioned the inspiration he has been to us in terms of his quiet and gentle spirit, knowing that he was facing a very difficult time, with his time perhaps not that long to be here. As many of our colleagues have said, however, he never complained. He always said how well he was feeling and how much better and how thankful he was for his doctors, for his family's support, and he was always thanking us for being there when we could.

I wish to mention the strength of his spirit in having come to terms and making peace in his life, that God was his friend. He had a great faith in God Almighty. It was evident by the way he walked, not agitated and not nervous, not anxious and not afraid, but basically the quiet confidence of a person who was at peace with God and with whatever God would have in store for him. I think those of us in the Senate family, for all we remember of him—as a cowboy, as a marine, as a Senator—we will always remember the last few weeks of that quiet confidence of a man who knew why he was born and where he was going. That was our good friend CRAIG THOMAS.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I come to the floor today to join my colleagues in tribute to the memory of a wonderful friend, Senator CRAIG THOMAS from Wyoming. For me, CRAIG THOMAS was not only a member of the Senate family, he was a neighbor to the north. Because of the similarities between Wyoming and Colorado in terms of the rural nature of our States, Senator THOMAS and I had the opportunity to work on many matters during the time we both served in the Senate. I wish to comment on two or three of those issues which were very important to us as we worked on them together.

I always saw Senator CRAIG THOMAS as someone who was truly a fighter for the land, water, and people of this Nation, and the people of the State of Wyoming. I remember very clearly the debate we had in the Senate Energy Committee and the National Parks Subcommittee, which he chaired, about whether we were going to abandon the hundred-year principle that had guided the conservation philosophy of our national parks. It was Senator CRAIG THOMAS who, at the point of the spear, made sure that the conservation doctrine of our national parks' policy remained intact.

I also remember the leadership role Senator THOMAS took in the last several years when there were efforts to try to sell off our public lands in order to make that part of the deficit reduction for our Nation. While he was a true fiscal conservative, he also understood the importance of the legacy of our public lands, protecting our public lands, and making sure those public lands were not used simply for deficit reduction. It was through his leadership that we were able to turn back the efforts of those who wanted to sell off the public lands of our Nation.

I wish to also comment with respect to Senator THOMAS's efforts for rural America.

There are some significant differences between the Senate family and the House family. I think the House of Representatives, because of the makeup of that body—many of them come only from metropolitan and urban areas. Here in our Chamber, many of our Senators represent States that are very rural in nature, and there are very few States that are as rural as that great State of Wyoming. So it was natural for Senator THOMAS to be a champion for rural America, and it was my honor to join with him in working on a number of other things where we stood together and said that the America that had been forgotten by so many, rural America, was never going to be forgotten on the floor of the Senate. It was in that vein that Senator THOMAS took a leadership role, along with our good friend, Senator LARRY CRAIG from Idaho, to make sure we were doing right with payment in lieu of taxes so that those rural communities in the West, which are so dependent upon payment in lieu of taxes because so much of our land is owned by the Federal Government, that we would be providing them with the kind of compensation needed to keep them afloat.

It was also in that regard that I had the honor of joining Senator THOMAS last year and Senator CRAIG in moving forward with the creation of the Office of Rural Veterans Affairs. That is because Senator THOMAS understood that there was a great disparity in how veterans were being treated in the urban-suburban areas of our society and those in rural communities. The fact is that the VA had done a study that demonstrated the great disparity in health care services that were forthcoming from the VA to those veterans who lived in the urban communities as opposed to those who lived in rural communities. So it was his effort and his leadership that helped us lead to the creation of the Office of Rural Veterans Affairs.

Finally, his work on the Agriculture Committee. When I think about Wyoming, a State that I often travel, a State where I have often worked, I think about its natural resources and I think about its people, but I also think about its agricultural base. Certainly, Senator CRAIG THOMAS will always be remembered for his great advocacy for agriculture and making sure we have sustainable agriculture here in our Nation.

I would like to thank Senator THOMAS for the contributions he made to my State, even though I am a very new

Senator here in this body. We worked on a number of different issues. It was through his leadership that we were able to hold hearings and move forward on legislation that created the Sangre De Cristo National Heritage Area, the Clark County National Heritage Act legislation, the Rocky Mountain National Park Wilderness Act, and the Betty Dick Resident Protection Act, and I could go on and on listing a whole host of other matters that were moved forward because of the advocacy of Senator THOMAS.

Lastly, I would say this: We get to know each other in a number of different ways here on the floor of the Senate and while working together. I fondly remember traveling with Senator REID and with Senator THOMAS to Iraq and spending 8 or 9 days with him in that troubled part of the world. I remember the conversations about his yearning for a more peaceful and stronger world, where we would create a legacy for our children that was a legacy of peace for the world.

I was honored to often go to the Prayer Breakfast on Wednesday mornings and listen to the speakers. I knew CRAIG THOMAS was a man of faith and that he was doing the duty of the people of this country and the duty of the people of Wyoming.

So from his neighbor to the south, I conclude by simply saying that I am proud of that cowboy. I am proud of CRAIG THOMAS, and I am proud of the contributions he made not only to the State of Wyoming but the contributions he made to this Nation.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Wyoming.

I am sorry, the Senator from Idaho.

Mr. CRAIG. Madam President, today I take that comment with respect and honor because I am here, like many of my colleagues, to join in speaking about the loss of Senator CRAIG THOMAS, a friend from the neighboring State of Wyoming.

Over the course of years in working with CRAIG on the floor of the House and here in the Senate, I must tell you that notice of his death late yesterday evening was a real loss to me and my wife Suzanne. And I say to his wife Susan and their four children that we stand in quiet prayer for strength for you through this difficult time in the loss of a truly marvelous American.

The Senator from Colorado just mentioned the word "cowboy," and I oftentimes, when at a gathering with CRAIG, if the opportunity arose where we were both speakers and I was to introduce him—and that happened on several occasions—I would say: And now, ladies and gentlemen, let me introduce the cowboy from Wyoming. And he would stand with a big smile on his face because he viewed that as a statement of respect. I think we westerners, who work closely together on issues that are uniquely western, appreciate and understand that expression.

CRAIG came to the House in 1989, just as I was leaving the House, so I got to know him then. And, of course, when he came to the Senate and came to the Energy and Natural Resources Committee, where we both grew in seniority, we began to work very closely together on so many issues that were important to the West but also issues that were important to the Nation.

CQ, Congressional Quarterly, in its Political Profiles of American Politicians, said this about CRAIG, and I think it is so typical of the man. They said:

> While Thomas pursues his State's interests, he does it in a quiet, methodical way that has made him remarkably few enemies after nearly two decades in Congress. Known for his courtesy and diplomacy, even on bitterly contested issues, he is no pushover.

That is the CRAIG THOMAS whom we all got to know. He could be tough in his position. He knew exactly where he was on almost all issues, and he very seldom gave ground. But he would give ground when he knew it would bring the issue to resolution. Now, I say that is the art of a talented policymaker, and CRAIG THOMAS, representing his State of Wyoming and the Nation, was truly that.

He filled big shoes. When he came to the House, he filled the shoes of the departing DICK CHENEY, and, of course, when he came over here, he filled the shoes of Malcolm Wallop, who was well known here as a very clear conservative and often very partisan Member of the Senate. But in filling those shoes—and more importantly, he brought his own boots—he made his own mark for his State and for the Nation. So whether it was park issues, whether it was natural resource issues, whether it was differences between that boundary line that sometimes is fairly indistinguishable out West between Idaho and Wyoming, CRAIG THOMAS served the citizens of his State extremely well.

Oftentimes known as an open, multiple-use advocate, as both he and I are on the utilization of our public lands and their management, when it came to Yellowstone National Park and the Grand Teton National Park, they were something special in CRAIG's mind. Oftentimes I would say: CRAIG, you are siding with the environmentalists on that issue.

He would laugh or smile and say: LARRY, nothing is too good in protecting Yellowstone National Park and the Grand Teton. They are the crown jewels in the Nation and they are a major part of my State.

While we were very seldom in disagreement, there were times when there was a bump-up now and then, as is typical amongst all of us who serve in the Senate, even though on most issues we found great compatibility.

I am one amongst all who will miss CRAIG THOMAS. He was a friend of longstanding, a colleague. His wife Susan and my wife Suzanne had become good friends over the years, as so many of us do while working in the Senate. His life is taken from us and from the citizens of his State and from his family at a time when CRAIG THOMAS was serving his State and his Nation well.

Again, to his wife and children, we are going to miss CRAIG a great deal in the Senate. I, personally, as a friend, will miss CRAIG THOMAS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I, too, rise today to pay tribute to our fallen friend, the distinguished Senator from Wyoming, Mr. CRAIG THOMAS. My wife Tricia and I were greatly saddened this morning when we rose and found out that CRAIG had lost his battle with this form of leukemia. The four of us have been together many times, socially and in business settings. We have had some great experiences together in other parts of the world. We were so sad to learn he had passed away. It was heightened by the fact that he seemed to have done so well after his first round of treatment. It was a great pleasure to come on the floor over the last couple months and see him looking better every day. He seemed to feel good. So I was personally excited that he was going to whip this thing. That was his attitude, as a true marine. He was fighting a battle to win.

He brought to the Senate a special down-to-Earth Wyoming wisdom, reflective of the unique part of the country he represented so well. Cody, WY, where he was born, is a special place. CRAIG was the epitome of the people in that part of our great country. In a legislative body of sometimes showboats, lightning rods and mavericks, CRAIG was an engine of the Senate. He was not flamboyant. He didn't try to be. He kept plodding along, trying to find a way to get the right results and help the Senate do its job.

I have learned over the years there are some people in life, and some Members of the Senate, who are tried and true, who can be depended on no matter what the issue is. CRAIG THOMAS was one of those. He kept the Senate on point when we strayed from the big picture—with his goodness, his common sense, and his affable manner. It is very easy to get fired up and lash out at an institution where we all come from so many different backgrounds and are so passionate sometimes about issues. But CRAIG kept it cool, kept a level head, and kept moving forward. When we drifted off message, when we were too much into the weeds with our competing agendas, he didn't complain or rail or make demands to fix it, he rounded up several of his colleagues, came to the floor, and before long he had a way of helping us get back on track.

His resilience and self-reliance were emblematic of the open range country in which he was born. He was Wyoming to me, in all its rugged zest for community, Nation, and faith.

I was particularly interested in hearing our colleague, Senator LARRY CRAIG, from Idaho, talk about his love of the outdoors, of Yellowstone, and his effort to preserve and improve that great national park. It was one of the things he truly did love. He didn't talk about himself very much, but he spoke eloquently about the quality-of-life issues of his mostly rural West neighbors. He was, after all, a farmer. That is what he got his degree in, in college—agriculture.

Of course, he served his country for 4 years in the Marines. That was kind of how he approached his job in the Senate. He came to get things done, to get results for Wyoming, and the Nation. He was on the right committees to do that. He was on the Energy Committee, and I tangled with him, one time in particular I remember, on the Energy Committee. I came away knowing that, when you get in a tussle with CRAIG THOMAS, you better bring your lunch because it will not be quick. It will take a long time to work it out. But work it out we did.

He also served on the Finance Committee, where I had the pleasure of serving with him. He provided, again, good, solid, calm counsel and participation. It was that self-reliance, that selflessness that diverted our attention from the tragedy his family was facing over recent months. But that is how he wanted it. He was riding the Senate range, keeping us on the trail, and helping us to stay with the big picture, to improve the quality of life of all those we represent.

Tricia and I extend our love, our thoughts, and our prayers to Susan, their children, and CRAIG's loyal staff. We have lost a solid statesman, and we will dedicate ourselves to keeping his spirit of goodness alive in the Senate for all of those to come.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, this is a sad time for the Senate. As we continue with the important business of the Nation, we pause for a few moments to think about our common loss of one of our kindest, most dedicated, and most thoughtful colleagues, Senator CRAIG THOMAS of Wyoming. All of us have our own private memories of our relationship with CRAIG. Mine is of him as a kind of silent leader, kind of an atypical character, if you will, in the Senate.

When I got here 4½ years ago, someone alleged—and this is a broad characterization—someone said: Welcome to the Senate, a place that has 100 large egos and 200 sharp elbows.

I think what that person forgot to do was account for somebody such as CRAIG THOMAS, who was never jockeying for the headlines and spotlight but always focused on his work and quietly, every day, made a difference.

I learned firsthand in recent months, as I began working with a number of Senators on this side of the aisle, trying to encourage their active participation in the floor debates, CRAIG understood it is open debate and discussion in this, the world's greatest deliberative body, that protects and extends democracy. Indeed, every week as we met, Senator THOMAS would simply ask: What can I do, JOHN? It is that fundamental desire to serve the public, the most basic and fundamental question of all that best characterized Senator CRAIG THOMAS: What can I do?

He was a defender of American values. From his service in the Marine Corps to his time in the House and the Senate, he served with courage and integrity. Nowhere was that more apparent than in the way he served and handled his final illness. You never would have known that he had been through chemotherapy or that he was not feeling well. The only way you would know is because his hair had fallen out as a result of the chemotherapy. It was almost back in its original form. But you never would know from his attitude, which was always upbeat, always positive, never looking for sympathy but simply, day in and day out, doing his dead level best to represent the people of Wyoming in the Senate.

He was known as one of the people's most staunch advocates, leading the charge against Government waste and always fighting higher taxes.

In many ways, Senator THOMAS was an example to all of us. In an environment that can sometimes turn too nasty, his friendly demeanor and his dedication to his country was always a reminder that public service is more than a duty, it is a privilege. It can be conducted in a way that does not turn political adversaries into personal enemies. It can be done without bitterness, without anger, and with dignity.

I know CRAIG was honored to be able to represent the State of Wyoming and that the State of Wyoming was privileged to be served by such a man. Wyoming and the Nation now mourn the loss of this great Senator, this great patriot, this fine husband and father, and this good man. He left an indelible mark on the Halls of the Senate and America in general. He will be missed.

For Susan and all the Thomas family, Sandy and I say to you, you are in our thoughts and prayers, as I know you are in the thoughts and prayers of countless millions of people all across this great land. In these trying times, we are all comforted by the strong faith in God that CRAIG exemplified, as well as the enduring legacy he left and his positive impact upon the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I listened to my colleague from Texas. I come to the floor to add a word about my friend whom we have lost, Senator CRAIG THOMAS. CRAIG was from the State of Wyoming. He was from the northern Great Plains. Last evening, when I heard he had died, I spent a lot of time thinking about CRAIG and about this place.

Most Americans see the partisanship. This is actually a political body, so it is not unusual there would be some partisanship. What most Americans never have the opportunity to see is the friendship. This is a small community of 100 Members of the Senate, men and women who come from every part of our country who are elected to serve. There is a great deal of friendship that exists in this Chamber, even in the middle of all of the politics that exists in our political system.

Senator CRAIG THOMAS was an interesting and a wonderful man. I have had, especially the last 6 months, an opportunity to work very closely with him. I knew him as a Member of the House of Representatives. I knew him as a Member of the Senate and a colleague in both the House and the Senate. But the last 6 months we worked together, I as chairman of the Indian Affairs Committee and CRAIG THOMAS as vice chairman of the Indian Affairs Committee. We sat next to each other, hour after hour, hearing after hearing, and I got to know a lot about CRAIG THOMAS that I had not previously known.

His word was his bond. He was quick with a smile. A quiet man in many ways, he cared deeply about his home State of Wyoming and cared deeply about the future of his country.

CRAIG was a proud son of the American West who never, ever forgot about the people he represented. His commitment to American Indians, and especially and particularly to those living on the Wind River Reservation in Wyoming, was evident as I worked side by side with him on the Indian Affairs Committee, as was his strong support for Indian health care and for all of the other services to Native Americans.

I was pleased to have the opportunity to work with him and to get to know him and to admire his work. In recent months, of course, Senator THOMAS faced some very challenging health care issues with a very challenging illness. He met those challenges with courage and with grace. He never complained. I never heard him complain. In fact, it was just about 3 weeks ago at a hearing that I turned to him and said: You look great. You really look terrific. He said: I feel good. I feel great.

He was a person with that kind of attitude. What a wonderful contribution to the Senate. I think all of us here will miss a terrific friend.

Let me end as I started by saying this is a political body. I know most Americans see the evidence of that politics, so they see sometimes the politics and the partisanship. What most Americans never have the opportunity to see is the friendship that exists on the floor of the Senate. Yes, even between those who from time to time are adversaries in debate but who understand each other and are friends with each other.

I had the privilege of working with Senator THOMAS for many years in the House and in the Senate, and particularly in the last 6 months as chairman and vice chairman of the committee. I will miss him dearly. I considered Senator CRAIG THOMAS a friend. My thoughts and prayers today are with his wonderful family as well.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I join my colleagues in paying tribute to our friend and colleague, Senator CRAIG THOMAS. I always said if I got into a tough situation—using the allegory, a gunfight on Front Street in my hometown of Dodge City, KS—I would want CRAIG THOMAS by my side. I also knew that he would be there.

In that regard, it was only 2 weeks ago that he and Susan, his wife, corralled a group of supporters for me and we talked about his personal battle. He was confident. As Senator DORGAN has indicated, he looked good. And we joked with him of no longer being a member of the folliclely challenged caucus.

His turn for the worse and sudden passing comes as a great shock to all of us. We served together in the House where, as in this body, he was always a voice of reason, a man of trust, decency, and commitment. Just this morning he was described by a fellow colleague as a "lovely man," a description that does not quite jibe with CRAIG, a rough-hewn rancher with a gentle, quiet Wyoming demeanor, but it is a term that is true to the man.

I do not know of anyone who did not like or respect CRAIG THOMAS. In this day of rough and tumble public service and the Congress overflowing, it seems, in a cauldron of partisan discontent, CRAIG transcended all of that.

In the end, the only thing any of us who have the privilege of public trust has going for us is our word. CRAIG THOMAS set the gold standard in keeping his word and our trust and our admiration.

The Senate, Wyoming, and our Nation have lost a steady hand and a man who did much for his special State. He was dependable in the finest sense of the word. He never sought the center ring or the spotlight; that was not his style. He was the epitome of a workhorse, not a show horse.

I remember and I treasure our times together, especially when I first came to the Senate. We both agreed the length of a conversation does not tell anything about the size of the intellect. We also agreed that no matter who says what, you should not believe it if it does not make sense. CRAIG made sense. He did not need decorated words to make his meaning clear. He spoke Wyoming, and Kansas for that matter.

CRAIG would take the floor during morning business, and in his calm, reasonable manner then discuss an issue of the day. And you sort of had to sit on the edge of your seat and lean forward, and as they say in his beloved Marine Corps, listen up. He talked softly, he talked low, he talked slowly, and he said a whole lot without saying too much.

To some of us in this body he was, and is, a fellow marine. In this case, Semper Fidelis, always faithful, is most appropriate. As I said, if anyone faced trouble in their life, the one person you would want by your side would be CRAIG THOMAS. I shall miss him greatly as a personal friend, confidant, and supporter.

Both of the offices I have occupied in the Senate were previously occupied by CRAIG. I just thought if they were good enough for CRAIG, I would fit right in. There is a short book by Bix Bender called, "A Cowboy's Guide to Life." In it, he describes the code of the West and urges men of this common background to write it in hearts, to stand by the code, and that it would stand by you. Ask no more and give no less than honesty, courage, loyalty, generosity, and fairness.

Madam President, CRAIG THOMAS embodied that code. Now, while our minds are full of sorrow and our hearts certainly heavy with his loss, CRAIG would not want that. In this regard, the words of Helen Steiner Rice come to mind as our thoughts and prayers are with his supporter, friend, and his wife Susan; his sons, Patrick and Greg; and his daughter Lexie.

When I must leave you
for a little while,
Please go on bravely
with a gallant smile
And for my sake and in my name,
Live on and do all things the same.
Spend not your life in empty days,
But fill each waking hour
in useful ways.
Reach out your hand
in comfort and in cheer,
And I in turn will comfort you
and hold you near.

Bless CRAIG THOMAS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, we did not think, coming back to the Chamber a week after we had all gone our separate ways back to our States, that we would come back with one of our Members not here. There is a drape over CRAIG THOMAS's chair and a beautiful flower arrangement.

But all of us who go through the day-to-day workings of the Senate, working with our constituents at home, the pressures which we all know we feel being 24/7 in a job that we love, but we all know the stresses and strains and therefore we bond because of the similarity of experience. So when we all said goodbye at the end of last week, we did not expect to come back and have one fewer Member. So I want to rise today to express my sadness for the passing of Senator CRAIG THOMAS and to express my deepest sympathy for his wife Susan, their family, and the people of Wyoming.

Senator THOMAS served in Congress for 18 years, 6 years in the House and 12 years in the Senate. He had just been reelected to his third term. But his service to the United States did not begin when he came to the nation's capital. It began in the Marine Corps, where he served from 1955 to 1959. Then he went back to Wyoming to work at the Wyoming Farm Bureau and then the Rural Electric Association. Later, he began a career in public service, winning an election to the Wyoming House of Representatives. Five years later he won a special election to succeed then-Congressman DICK CHENEY as a Member of the U.S. House, and 5 years after that in 1994, then-Congressman THOMAS won election to the Senate.

CRAIG THOMAS used his real-life, rural background to champion a positive agenda for America's rural community. As a former chairman of the National Parks Subcommittee, CRAIG THOMAS authored legislation to provide funding and management reforms to protect America's national parks in the 21st century.

He was honored by the National Parks and Conservation Association with their William Penn Mott, Jr. Park Leadership Award. As a senior member of the Senate Finance Committee, Senator THOMAS was instrumental in vital issues such as Social Security, trade, and tax reform. He was co-chair of the Senate Rural Health Caucus.

These are impressive accomplishments, but Senator CRAIG THOMAS, the man, was just as impressive. Every time I called CRAIG to fill in for me when I was vice chairman of the Republican Conference, he was there. He was on the executive committee as the vice chairman of the conference. CRAIG was the one I turned to the most to chair a meeting if I could not be there. He would talk on the Senate floor about the specific issues that we were wanting to focus on at the time.

He was so well liked by everyone in this Chamber. I cannot imagine anyone ever saying they did not like CRAIG THOMAS. His wife Susan is a very special lady as well. She works with children who have disabilities. She has made that her life-long mission. She is so loved and respected in the teaching community for the great work that she has done.

So when all of us learned about CRAIG THOMAS's illness late last year, we all thought: Gosh, he is going to be a fighter. He is going to do so well. And he did. He did do well. He fought it with immediate chemotherapy. He came back with less hair than he started with in the month of November, but we knew, as we were watching him progress, that he was looking better and better and his color was getting better and better. Then when we all left last week, some knew he was going back for another round of chemo. Many of us did not know. But no one in our body realized how serious it was.

Yesterday, God did call him home. At the moment that he was called, his wife Susan; his sons, Patrick and Greg; and his daughter, Lexie, were all there with him. So our prayers shift now from recovery to comfort, and we hope his family knows and the people of Wyoming know what a mark he made on this body. He will be remembered, and he certainly is where the angels are because of his good nature and his good deeds. We wish Susan and the family our condolences and our best wishes, and we hope all of us will be able to have the good memories when time begins to heal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Madam President, I join my colleagues in expressing my heartfelt condolences to Susan, the entire Thomas family, and the people of Wyoming over the passing of our dear friend Senator CRAIG THOMAS. We have lost one of the truly great statesmen from this body who always had a kind word and a smile for me in the hallway or here in the well or in this body and anyone else he came across during the day. He had a wonderful way of calming people down and making people feel at home. I personally felt a kinship with Senator THOMAS. Our offices were not merely located in the same corner of the third floor of the Dirksen building, we were neighbors in every sense of the word. We also had the distinction of serving together on both the Senate Finance and Energy committees. Not a day would go by that we didn't share a ride in the elevator or cross pathways in the hall or stand and visit with our staffs together.

We also both came from rural States with similar needs, and we worked together to address many of the same issues the citizens of Wyoming and Arkansas face. As one of the cochairs of the Senate rural health care caucus, Senator THOMAS was a true leader and a fighter, consistently fighting to improve access to health care for rural communities, especially for seniors. We worked on several issues together to make sure our rural constituents had a voice on health care and many other important issues. Senator THOMAS and I also were delighted to work together to improve tax fairness for the numerous disabled veterans who served our country with dignity and honor and call Arkansas and Wyoming their home.

Senator THOMAS was a tireless advocate for Wyoming and fought to ensure that the interests of his State were always protected throughout the legislative process. I can't tell you how many times I saw different constituent groups from Wyoming lined up in the hallway to visit with their very respected Senator. He was always accessible and always made time for folks who traveled so far to see him. But he also made time to visit with those who were there in the hallway, oftentimes my constituents or staff members. He was never in too big of a hurry that he couldn't stop and take the time to visit with someone, to share with them a kind word or listen to what was on their mind or in their busy schedule.

He has a tremendous staff. They all reflect the Senator's good nature. Working with his staff so closely in the neighborhood of the third floor of Dirksen, they exemplify the courage and kindness of this incredible Senator they have served.

He was a tremendous public servant, and he served our Nation courageously as a United States marine. He was a true gentleman and one of the kindest and most genuine people you would ever meet.

I am truly saddened by the loss of my friend, and my thoughts and prayers are with his dear wife Susan and the entire Thomas family. This Senate body, the State of Wyoming, and the American people have been truly blessed by his life and his service.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I ask unanimous consent to speak about the passing of our colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I was deeply saddened to learn last night that Senator THOMAS had lost his courageous battle against leukemia. Over the years, CRAIG and his wife Susan have become very good friends to both me and my wife Lucy. I will greatly miss him in this Chamber and, more than that, as a friend.

Senator THOMAS and I cochaired the rural health caucus. We have worked closely, along with our staffs, on rural health care issues. You couldn't find a more decent and honorable person than CRAIG THOMAS. He is from Wyoming; I am from North Dakota. We didn't always agree politically, but we always got along. I always felt I had a friend in CRAIG THOMAS.

On health care, he and I partnered over several years to produce comprehensive legislation to improve reimbursement levels for health care providers in rural areas. During the legislation that passed on comprehensive drug legislation, there were provisions included to, for the first time in many years, improve reimbursement for rural providers. It is not well known in the country or perhaps even in this Chamber that rural institutions often get one-half as much to provide the same treatment as more urban institutions. Senator THOMAS and I focused on those issues in the Finance Committee. Much of the legislation that was included in the comprehensive drug legislation to for the first time address that unfairness in reimbursement was legislation Senator THOMAS and I had offered.

We spent hours and hours together agreeing on the elements of these legislative packages. Our staffs worked closely together. They became friends.

This week we were planning to introduce together the latest version of our comprehensive rural health care legislation. This week will be a poignant one for me and my staff as we consider what might have been.

In the Senate Finance Committee, CRAIG and I worked closely together on other issues that are important to our States. We had a shared interest in the impact of trade on U.S. agriculture, whether it was unfairly subsidized foreign sugar or the Japanese and Koreans unfairly blocking exports of American beef. We also shared a deep interest on energy policy because Wyoming is an energy State, as is North Dakota. We worked together to boost transmission capacity and to support clean coal technologies and to develop coal to liquid fuel technologies.

I can tell you CRAIG THOMAS was a determined and principled Member of this body. He had real convictions. They were never far from his heart. CRAIG THOMAS was somebody who cared deeply about the people of Wyoming and the people of this country. He also was someone who could understand that others might have a different point of view. While CRAIG THOMAS might not agree with you, he was willing to listen. He was always willing to debate, but to do it in a gentlemanly way. I knew many times when CRAIG and I were debating legislation we were going to introduce, there were simply places he wasn't going to go. He was not going to go against certain deeply held principles. But he was willing to have a discussion about how we might accomplish the goal. That is something I admired deeply about CRAIG THOMAS.

He was a tenacious advocate for improving health care for the many rural communities in his State and across the country. He was a fierce fighter for the people of Wyoming. Nobody could ever doubt that. He brought that same strength and tenacity to his fight with leukemia. Although he must have been in pain in the last several weeks, he never let it show. In fact, one of the last conversations I had with him was right here in the corner of this Chamber. I asked him how he was doing. He was upbeat and positive. I sensed he was on the mend. So it was a real shock to me to find out last night that we lost him. He continued to the very end to pursue his goals with courage and strength and as a true gentleman. We will miss CRAIG THOMAS as a friend and a colleague. We will miss that wry sense of humor. We will miss his ability to find amusement in the daily workings of this body.

Most of all, we will miss his quiet smile and that twinkle in his eye, because all of us know that is the CRAIG THOMAS who became our very good friend.

Lucy and I express our deepest condolences to Susan and to his four children and to the larger THOMAS family. We also take this moment to express our condolences to his very dedicated, loyal, and highly competent staff. CRAIG THOMAS had around him people with the same qualities he demonstrated, people of quiet dignity and people of real competence who worked very hard for the people of Wyoming and this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I thank the distinguished Presiding Officer for allowing me to come over at this point in time. I shall take but a few minutes to address the Senate and the American public about the passing of a dearly beloved colleague with whom I and other Members of this great Senate have shared a friendship through the many years.

Each of us is deeply saddened at the passing yesterday evening of this valued friend and colleague. I first came to know him in 1995, when he took the seat of Malcolm Wallop. I had known Malcolm Wallop very well, still know him quite well. He was a very strong-minded, able, tough U.S. Senator, tough in the sense that he was a man of resolute convictions.

We wondered who would take his place. CRAIG THOMAS took Senator Wallop's place, and I think even Senator Wallop, were he here today to address the Senate, would agree he has followed in the footsteps of many great Senators who have come from the great State of Wyoming.

He also served as a Marine officer from 1955 to 1959. He entered as a private and was released as a captain. I say, with a sense of humility, I entered the Marine Corps as a private and parted, many years later, as a captain. Therefore, we had a special bond.

But he was able, through the years, to carry on I think one of the great attributes of the Corps—taught to all of us—and where I failed, he succeeded. I used to have a nickname for him. I called him: Ramrod. He did not have to say "I was a marine" because you could tell by the way he walked, the way he carried himself, and the way he had his chin always projecting. That is the way we were taught in the Marines. It fell by the wayside with this humble Senator, but it never left the posture of that great marine and great Senator.

As marines served over the past 5 years on the tip of the spear around the world, all of our marines, particularly in Iraq and Afghanistan of recent, it was helpful for the Senate to have Senator THOMAS's perspective in looking out for our marines in a very special way.

He was very active in the Marine Caucus, meeting for breakfast at 0800 in the morning, getting together, talking about years past, years present, and years in the future. Each year, the Commandant of the Marine Corps would come over, and, quite understandably, the job fell to Senator THOMAS, which he loved, to introduce the Commandant of the Marines.

I refer then to our Marine Corps Hymn, which all of us sing. And I quote one stanza:

> Our flags unfurl'd to every breeze,
> From dawn to setting sun.

The Sun has set on this great marine, and that is how I shall always remember him. Whatever the challenges facing us in the Senate, he was steadfast, unruffled, and committed to the task at hand, like the marine he was and always will be in our memories.

It is interesting, another characteristic of marines—our good friend, Conrad Burns, being one, and to some extent myself—we tend to be rather gregarious, somewhat undisciplined and rough and ready. But Senator THOMAS was a very quiet man, very introspective in his thinking, with a smile on his face. But he could project his persona without some of the other attributes we marines pride ourselves in.

He chaired the Senate Rural Health Caucus. I am a member of that caucus, and I stop to think—I do not know how many are members of it—it was an effective caucus. We got together particularly on issues of medical care and how, through the past decades, that care has shrunk in the rural areas because of the lack of young men and young women going in and practicing medicine and accepting the hardships and indeed the less pay the rural areas have. But he left his hallmark trying to encourage better medical care in those regions, which are in every State of our Union.

We both loved fishing. How many times we talked about trout fishing. He always said to me: John, I have a very special stream, almost untouched, largely unknown, but I will take you there someday, and you will experience a trip you will never forget. I have missed that trip.

His constituents, his loving family, and, above all, his wife Susan are in our thoughts and prayers. I ask colleagues to stop and think on those evenings when we got our evening engagements and we were, fortunately, going to be accompanied by our wives, that Susan would stand watch at the door of the Senate. I can see that spot. As you approach the Chamber, it is on the left, right there next to the column. I would always see her and wave a "hello."

So I say to her and her family, thank you for sharing in our lives the richness of the life of your CRAIG THOMAS.

From one marine to another, I simply say: Fair Winds and Following Seas to you, sir. Semper Fi.

Mr. AKAKA. Madam President, I am deeply saddened at the passing of my dear friend, Wyoming's senior Member, Senator CRAIG THOMAS. We have lost a truly dear and courageous Member of this body, whose absence will be felt. I had the pleasure of serving with Senator THOMAS for many years, both in the U.S. House of Representatives and here in the Senate since his election in 1994. I found him to be a true statesman, of great character, with a passion for serving others.

He grew up on a ranch in Cody, WY, and never forgot his roots, as he continuously advocated for rural communities and our natural resources. He graduated from the University of Wyoming with a degree in agriculture, and served our country proudly for 4 years in the Marines.

During his tenure in Congress, he forged a distinguished legislative record on issues as diverse as public land management, agriculture, fiscal responsibility and rural health care. It was a great pleasure and honor to serve with Senator THOMAS on the Senate Subcommittee on National Parks, both when he was chairman and I was the ranking member, and most recently, when our roles were reversed this Congress. Working with Senator THOMAS was a joy and privilege due to his positive and optimistic attitude. We were able to accomplish many notable things during our tenure together, as we always worked in a bipartisan manner, putting the needs and challenges of the parks and public lands before all else.

I also had the privilege of working with Senator THOMAS on the Indian Affairs Committee. As the ranking member of the committee, he took seriously his responsibility to address the needs of our country's indigenous people. Knowing of the challenges faced by our Native communities throughout the country, he worked tirelessly to improve their quality of life.

I extend my heartfelt condolences and deepest aloha to Senator THOMAS's wife Susan and their four children. They should be proud that he lived a full and purposeful life, and had a positive impact on the lives of so many. He will be sorely missed. Our prayers and support are with them as they walk down this difficult path.

Mr. BUNNING. Madam President, words cannot express how sad I am that my good friend CRAIG THOMAS passed away last night. We will all truly miss his tenacious advocacy on issues, his incredible sense of humor, and his upstanding character and integrity. The Senate will not be the same without him.

I have known CRAIG for almost 20 years. I first became friends with him when we both served in the House of Representatives. We continued our friendship in the Senate, where I had the great fortune of serving with him on both the Senate Finance and Senate Energy Committees.

CRAIG was a tireless advocate for Wyoming issues. He was an effective leader in energy, public lands, tax, trade, health, and rural community issues. We stood side by side on many issues, and I always felt we could accomplish any project because I had CRAIG by my side.

He and I worked closely on energy issues in both committees. CRAIG was skilled at keeping his eyes on the details that mattered to the people back home in Wyoming. Recently, we worked together on a small issue in the landmark Energy Policy Act of 2005 that he helped craft. We learned that western coals, because of their naturally low sulfur content, would be excluded from certain clean coal programs for failing to remove the high percentage mandated by the bill. This was one of those little things that slipped by many people but not CRAIG. We have already fixed the problem in the Tax Code and are now working to do the same in the Energy Committee. It was the little things he did for the people of Wyoming that made him such a great Senator for his State.

CRAIG also pushed to make sure that both his State and the Nation had an effective energy policy. Just a couple of weeks ago, CRAIG and I sponsored an amendment during markup of the Energy Committee biofuels bill to attempt to push coal-to-liquids technology into reality. THOMAS believed this would help both the people of Wyoming by providing more jobs and cheaper energy costs and would help the Nation by reducing our reliance on Middle East oil. And although this amendment failed in committee, his dogged determination showed through because he planned to continue fighting this issue on the Senate floor.

My thoughts and prayers go out to his wife Susan and his children, Lexie, Greg, Patrick, and Peter. They have shown incredible courage and strength the past few months.

I am honored to have known Senator THOMAS. He impacted all of our lives and will be sorely missed.

Ms. MURKOWSKI. Madam President, I appreciate this consideration. I realize we must move to the legislation before us, the issue of immigration, but I wanted to take just a few minutes this afternoon to stand in tribute to my friend, to our friend and colleague, Senator CRAIG THOMAS.

I think it is fair to say that this is very difficult for all of us here in the Senate. It has been described that we are a family. We are friends. My neighbor Senator THOMAS and I have sat on this back row together for this past year. I sit next to him in the Energy Committee. I sit next to him in the Indian Affairs Committee. He is a friend and a man whom I will miss very deeply. To learn this morning of his passing leaves me truly with a hole in my heart. I can't imagine the depth of loss the family and his wife Susan are feeling at this point.

We recognize that we were privileged to serve with a truly incredible man. I haven't served with him as long as many of my Senate colleagues. I came to know him really from a very personal perspective. I was fascinated with the fact that he is a true cowboy. I have always kind of thought that cowboys never die. He was claimed by a very terrible disease, a very terrible cancer, leukemia. Alaska mourned the loss of a young woman just last year who was claimed by leukemia. She was a world-famous dog musher. In Alaska, we say dog mushers, real famous dog mushers never die, either. So, again, my heart is very heavy.

When I got up this morning and saw on my BlackBerry the news of Senator THOMAS, there was a second BlackBerry that came to me from one of the pages who served here in the Senate just last fall. She was one of the winter pages. I was very touched by the note she sent to the head of the page program, and she forwarded me a copy of it as well. I want to read just a paragraph from her e-mail to me because I think it reflects how Senator THOMAS touched the lives of so many—not just his colleagues and not just the people of Wyoming but a young 16-year-old page from Alaska. She wrote:

> My class and I witnessed some of the stages of Senator Thomas' sickness, but we never witnessed him getting upset or angry because he was feeling down and overtired due to his symptoms and treatments.
>
> Senator Thomas was a cheerful man, always smiling and personable, even when he was not being approached. He did not have to address us at all; we were pages, mere peons in the infrastructure of what we know as the Senate. Yet, every time he entered the Senate, he warmed the room with his smile and a warm glow that protruded gently from his kind eyes. When he would speak to us, he did so with the utmost respect and thoughtfulness, truly treating us as equals. He never looked down on us, and I believe that is why his memory has stayed with me and will continue to do so in the future.
>
> What made Senator Thomas remarkable, aside from all this, was that at the end of the day when we were at our lowest point and we felt so tired we couldn't help but frown, he was the one that no one ever caught frowning. He was a great Senator, and from what I have had the chance to witness firsthand, a great man. I am deeply sorry for this loss, and I hope that this e-mail will attest to that. His actions and his kindness were not lost on us.

This was signed:

> With utmost respect and deepest sincerity,
> Former U.S. Senate Page, Lily George
> From Anchorage, AK.

I thought it important to share that e-mail with my colleagues because, again, Senator THOMAS was one who generated warmth with everybody he reached out to, whether they were pages or Senators or people in the airport. We will miss him very deeply here in the Senate.

Mr. BOND. Madam President, today we pay tribute to Senator CRAIG THOMAS, whom we unfortunately lost to cancer last night.

Our thoughts, prayers, and sympathy go out to his wife Susan and their children during this difficult time.

I had the opportunity to work closely with Senator THOMAS on the Environment and Public Works Committee.

He was a leader in the energy, agriculture, water resources and agricultural issues that affected his State.

I highly respected his low-key, behind-the-scenes manner of getting things done.

He was forward looking: he believed that "clean technologies" were a solution both to environmental pollution and to our dependence on foreign oil.

On the Finance Committee, he was a dependable vote for fiscal sanity, tax simplification and cutting spending.

It is said around here that there are "work horses" and "show horses." By that measure Senator THOMAS was certainly a work horse. He did not aggressively seek the limelight. Instead he worked quietly and diligently, with integrity, to get things done for Wyoming.

We will miss his knowledge, competence, and his friendship.

Mr. COCHRAN. Madam President, I am deeply saddened by the death of my friend, Senator CRAIG THOMAS of Wyoming.

CRAIG THOMAS was a popular figure in his home State of Wyoming, winning a third term last November with 70 percent of the vote. He was known both at home and in Washington as honest, hard-working, decent, and effective.

He came to the Senate in 1989 through a special election to fill the vacancy left by DICK CHENEY, who had been named Secretary of Defense. He won that race with 52 percent of the vote. By the year 2000, Senator THOMAS's popularity had soared, and he won reelection with 74 percent of the vote—one of the largest margins of victory in Wyoming history.

Senator THOMAS's record of public service reaches back well before his tenure in the U.S. Senate. Prior to his election to the Senate, he served 5 years in the Wyoming Legislature, and four years in the U.S. Marine Corps.

His positions on the Finance Committee, Energy and Natural Resources Committee, and Environment and Public Works Committee allowed him to be an advocate for issues such as conservation and fiscal conservatism. He was a champion of issues of concern to rural America such as affordability and access to quality health care services.

Senator THOMAS's home State of Wyoming is not unlike my State of Mississippi, and we often worked side-by-side on issues that face our States. He fought to improve the quality of life for the people of Wyoming and was a strong advocate for the agricultural sector of our economy. He was tireless in urging the importance of public land management and conservation of our natural resources.

CRAIG THOMAS will truly be missed in the U.S. Senate. He reflected great credit on this body. It is my hope that the spirit of fairness and decency he represented will continue to be highly valued in the Senate as a mark of our continued appreciation of him and his exemplary service to our Nation.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Madam President, I rise today to pay tribute to a dear colleague and a tireless advocate for the people of Wyoming, Senator CRAIG THOMAS.

Muhammad Ali once said, "Service to others is the rent you pay for your room here on Earth." Senator THOMAS paid his rent in full.

No truer to his State could a man be than CRAIG THOMAS was. Born and raised on a ranch outside of Cody, WY, he grew up in the Wyoming public school system, attended the University of Wyoming, served as president of the Wyoming Farm Bureau, general manager of the Wyoming Rural Electric Association. He served in both the House and Senate and returned to his State every weekend, visiting hometowns and parks, never losing sight of his constituents and their needs.

His commitment to this country led him to serve with great distinction in the U.S. Marine Corps from 1955 to 1959. Before being elected to the U.S. Congress, he held office for 5 years in the Wyoming State Legislature, where he got his start in politics. And throughout his distinguished political career, CRAIG THOMAS became known for his leadership on issues so critical to the well-being of Wyoming, issues like rural health care access, fiscal responsibility, and the protection of our Nation's park lands. As cochair of the Senate Rural Health Caucus, he urged Congress to continue its support for rural health programs like the Community Health Centers Program, which provides services to over 16 million people living in underserved areas. This is only one of the many legacies he leaves behind.

I am sorry I could have not served longer with Senator THOMAS. My memories of him are as a kind, quiet, and humble man. He commanded enormous respect from us all, and had a clarity of vision that did not go unnoticed. In the face of a life-threatening illness, he returned to work this year with the conviction of a cowboy who knows that if you get thrown from a horse, you have to get up and get back on. His courage throughout this tremendous battle will continue to inspire those of us who follow him.

On this sad occasion of his passing, Michelle and I extend our deepest condolences to the members of his family, especially his wife Susan and his four children, to his staff, and to the people of Wyoming. I join my colleagues and fellow Americans who are praying for them and mourning their loss during this time of grief.•

Mrs. FEINSTEIN. Madam President. I rise to honor the memory of Senator CRAIG THOMAS, who passed away last night, Monday, June 4, at National Naval Medical Center in Bethesda, MD.

I knew Senator THOMAS—as we all did—as a quiet gentleman, and a dedicated advocate for the people of Wyoming.

My heart goes out to his wife Susan and to their four children.

Senator THOMAS died of acute myeloid leukemia, which he had been fighting for several months.

All of us are familiar with Senator THOMAS' courage, because we saw it here, in the Capitol, and on the floor of the Senate.

He came here to do his duty, even though he was fighting a disease that would ultimately take his life. That is the mark of true courage—not at all surprising, coming from this son of the American West.

Senator THOMAS was raised on a ranch near Cody, WY. He attended public schools, and graduated from the University of Wyoming at Laramie, earning a degree in agriculture.

After college, he served 4 years in the Marine Corps. Then he went on to become vice president of the Wyoming Farm Bureau, and general manager of the Wyoming Rural Electric Association.

He served 5 years in the Wyoming State Legislature. In 1989, he was elected to the House of Representatives in a special election to replace DICK CHENEY, who had been named Secretary of Defense. He was elected to his first term in the Senate in 1994.

Senator THOMAS was reelected to his third term last year, with 70 percent of the vote.

Here, Senator THOMAS was a strong voice for the people of his home State.

This included working to improve health care opportunities for rural families, work he pursued as a senior member of the Senate Finance Committee, and as cochair of the Senate Rural Health Caucus.

Senator THOMAS served as chairman of the National Parks Subcommittee, and his work was recognized many times by the National Parks Conservation Association.

The organization honored him with its William Penn Mott Jr. Leadership Award, and with the National Parks Achievement Award.

I had the distinct pleasure of working with Senator THOMAS on some issues close to my heart.

Earlier this year, he was part of a bipartisan coalition that joined with me, and with Senator KAY BAILEY HUTCHISON, to extend the sale of the breast cancer research stamp, which has raised $54.9 million for breast cancer research.

Last year, Senator THOMAS joined with me to cosponsor legislation to award the Congressional Gold Medal to His Holiness, the Fourteenth Dalai Lama, in recognition of his message of compassion and peace.

And Senator THOMAS and I collaborated on a plan to use Wyoming Powder River Coal to produce cleaner electricity, which would be sold to Western States, including California.

Senator THOMAS served Wyoming and the Nation well. He will be greatly missed.

Mr. HATCH. Madam President, I rise today to pay tribute and bid farewell to my colleague and friend, my neighbor from the great State of Wyoming, Senator CRAIG THOMAS.

CRAIG brought a quiet dignity to this august Chamber. He was a Senator with the heart of a cowboy. We all knew that he would rather have been on horseback in the Wyoming prairie than in Washington, DC, but this was where the people of Wyoming needed him to be. Indeed, all citizens of America benefitted greatly from his presence in Washington, DC.

CRAIG was the champion of rural America. He quietly but tirelessly fought for the hard-working people of rural America, the people who provide us with food and energy, the woolgrowers, the cattlemen, and the farmers. If ever there were a question on agriculture, CRAIG was the man to see. During his tenure in the U.S. Senate, we all relied heavily on Senator THOMAS's expertise and leadership on agriculture, rural development, and many other important topics debated by this body.

We served together on the Senate Finance Committee where he would often entertain us with his stories and experiences. I truly enjoyed listening to him and hearing about his great State of Wyoming. CRAIG had a way of dealing with the complex issues facing the Finance Committee that was very direct and meaningful. He had a way of distilling the complex tax, trade, and health care issues down to their core and ensuring that real people, with real concerns were addressed by the policies created in the Finance Committee.

I have had the distinct privilege of sitting next to CRAIG in committee meetings, in briefings, in lunches, on the floor, and in several other settings, and I can tell you he was always a gentlemen. He was always a caring legislator, and he was always a true and loyal friend.

CRAIG earned great stature and prestige in the time he spent as a leader in the U.S. Marine Corps, the Wyoming Farm Bureau, the Wyoming State Legislature, the U.S. House of Representatives, and the U.S. Senate. I am honored to have served beside him for so many years in the Senate, and I will miss my friend dearly.

I join with my colleagues in offering my condolences to Senator THOMAS's family, especially his widow, Susan. My thoughts and prayers are with them on this day as we mourn the loss of a great Senator but celebrate the life of our great and dear man. The people of Wyoming will certainly thank Susan and the rest of the THOMAS family for sharing their beloved CRAIG with them, and I believe the entire Nation would join with me in thanking Susan for sharing her great husband with us. He represented the good people of Wyoming in such a capable and dignified manner, and I know they are going to miss him. In fact, the entire Nation is going to miss him.

In this instance, I believe it is appropriate to quote the beloved cowboy song and say to CRAIG, "Happy trails to you, till we meet again."

Mr. CRAPO. Madam President, I was deeply saddened to hear of the sudden passing of my colleague from Wyoming, Senator CRAIG THOMAS. The loss we all feel at his passing is tempered by the happy memories I have of working with him on so many issues of mutual interest. His efforts and his leadership on the panels on which we served together the Senate Finance Committee, Senate Agriculture Committee, and Senate Environment and Public Works Committee—will remain foremost in my memory. I particularly admired his staunch advocacy for the needs of rural communities and farmers. CRAIG brought a special passion and expertise to issues affecting ranching families. His focus on their unique needs spanned the trade, economic, environmental, and public lands management issues of rural communities.

CRAIG brought to Congress his vision for the needs of Wyoming and rural States, and he became a strong advocate of effective resource and energy policies. I am pleased to have partnered with him in applying technologies to improving our Nation's energy generation. Although he lived his life modestly, he became a leader in national park stewardship, and the American people owe him a debt of gratitude for his promotion of the underserved National Park System. I also appreciated his long and thoughtful counsel on ways to update the Endangered Species Act.

In recent months, CRAIG took a prime role on the Finance Committee in working to simplify the Federal Tax Code and improve entitlement and health care assistance to the least fortunate. As one who took to heart the importance of protecting the taxpayers' dollars, CRAIG was a strong proponent of restoring the sustainability of our Nation's welfare system. And CRAIG understood that economic development in rural States like Wyoming was inextricably linked to trade promotion that ensured open and fair markets abroad. I will miss his stalwart and consistent advocacy for farming communities as the Senate considered trade legislation.

As a man who represented a small State in population, CRAIG towered large over the landscape of thoughtful conservative Members of Congress. I think a fitting tribute and legacy to our late friend would be to adopt his resolution making July 28 National Day of the Cowboy. My thoughts and prayers are with CRAIG's family and friends. I will miss my good friend and colleague.

Mrs. MURRAY. Madam President, last night, the State of Wyoming lost a fine statesman and a true gentleman with the passing of Senator CRAIG THOMAS. Senator THOMAS was a strong advocate for his State and its interests. He fought hard for his priorities, and I especially admired his tireless advocacy for our Nation's beautiful parks and wilderness. He also worked hard for the priorities of rural Wyoming and indeed all of rural America, fighting hard to improve health care infrastructure.

Senator THOMAS dedicated his life to serving his country and his State. After graduating from the University of Wyoming, he joined the Marines and began his long career of service. Even when faced with his final battle with cancer, he continued to fight on for Wyoming and serve with distinction.

But the Senate lost not only an outstanding advocate but a wonderful person. More than anything, I will remember Senator THOMAS as a man who carried himself with dignity and who treated all of his colleagues with respect, despite party differences. More than any debate, committee hearing or piece of legislation, it is his warm smile that I will remember most. I know he did a fantastic job representing the State of Wyoming, and I am honored to have known and worked with him.

My thoughts and prayers are with his family and friends during this difficult time.

Mr. BYRD. Madam President:

I saw the sun sink in the golden west
No angry cloud obscured its latest ray.
Around the couch on which it sank to rest
Shone all the splendor of a summer day.
And long though lost to view, that radiant light
Reflected from the skies, delayed the night.
Thus, when a good man's life draws to a close,
No doubts arise to cloud his soul with gloom,
But faith triumphant on each feature glows,
While benedictions fill the sacred room;
And long, long do men his virtues wide proclaim
And generations rise to praise his name.

It is with deep sorrow—deep sorrow—that I note the passing of our colleague Senator CRAIG THOMAS of Wyoming. He was my friend. He always passed here and I would say: How are you doing today, Cowboy?

First elected to the Senate in 1994, Senator THOMAS was twice reelected to the Senate by some of the widest margins in his State's history, one time reaching 75 percent of the vote. It is hard to beat that.

As has already been mentioned today, he was one of the very few people from Wyoming to have represented his State in both houses of the Congress, over there and over here. Here in the Senate, I found him to be a most considerate and patient colleague. He was always willing to step aside for another Senator who sought recognition. He was a nice man, a very quiet man with a radiant smile, staying out of the spotlight, working behind the scenes, always ready to cooperate and work with others for the good of our country. He was a good, decent human being.

Yes, we represented different political parties. Yes, we sometimes held different political views, and we came from vastly different parts of the country, but we shared important common interests and objectives. With his State of Wyoming being the No. 1 coal-producing State in the Nation and my State of West Virginia being No. 2, I always appreciated his support for clean coal technologies and legislation that promoted the use of coal. I always appreciated his interest in and support of our country's beautiful and magnificent national parks. As chairman of the National Parks Subcommittee on the Energy and Natural Resources Committee, he sponsored legislation that both protected and promoted these national treasures.

Just as this former marine dedicated his life to his country, he dedicated his career in the Senate to improving the quality of life for rural America. As co-chairman of the Senate rural health caucus, he worked tirelessly to improve the quality of rural health care. He was truly a fine Member of this institution and a great American who will be missed by his colleagues, certainly by me, and by the people of Wyoming.

I express my sincere condolences to his wife Susan, to his sons and other members of his family, to his staff, and to the people of Wyoming. All of us will miss Senator THOMAS. But we will always retain our very fond memories of him, CRAIG THOMAS. Bless his soul. May God bless him.

I repeat these few verses in his memory:

Let Fate do her worst,
There are relics of joy,
Bright dreams of the past,
Which she cannot destroy;
Which come, in the night-time
Of sorrow and care,
And bring back the features
That joy used to wear.

Long, long be my heart
With such memories filled,
Like the vase in which roses
Have once been distilled;
You may break, you may shatter
The vase, if you will,
But the scent of the roses
Will hang round it still.

Goodbye, CRAIG. I will miss you. But we will meet again on that far shore where the roses never wither and the flowers never fade.

Mr. KYL. Madam President, I am going to have a statement printed in the RECORD, but I did wish to say something this evening before the evening is over about our colleague, CRAIG THOMAS. CRAIG was a wonderful friend of all of us. In my case, being a fellow Westerner, I had a special affinity for CRAIG. He was a fellow I could talk to—without talk. Particularly a cowboy such as CRAIG can communicate with you in a real Western way that doesn't require a whole lot of "jibber-jabber," as he would say.

CRAIG was a man of the earth. He really was a cowboy, and a good one at that. He took that kind of set of Western values, of not talking a whole lot but meaning what he says and saying what he means, into the political life. When he came to the Senate, I think everyone appreciated that quality in him.

By the way, I would say he reminds me of my colleague, the Senator from Alabama, in that regard. You never have any doubt about where the Senator from Alabama stands and you never had any doubt about where Senator CRAIG THOMAS stood. That is a quality we need in our public officials today.

CRAIG's wife Susan is a wonderful friend of mine and of my wife Carol. Our hearts go out to her and their family tonight. But she does have, at least, I think, the solace in knowing that people all over this country—not just from their home State of Wyoming—have tremendous respect for the achievements of her husband CRAIG and the way in which he handled himself as a Member of the Senate, never letting an ego take over what he understood to be his primary responsibilities.

He was quiet and he was humble. He was serious and he was very hard working. He stood up for the interests of the people of his State. He was a great patriot for the United States of America. But he never took himself so seriously that he gave even a hint of pomposity or being someone who didn't understand where he was grounded.

We will miss CRAIG THOMAS immensely. We will never forget him as a loyal friend, a patriot, and someone who was quintessential in the way he represented his area of the United States and, in particular, his constituents in the State of Wyoming.

I thank the Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator KYL for his good remarks. I thought perhaps tomorrow I would have the ability to focus on our loss, but I will attempt tonight to say a few words about our colleague, CRAIG THOMAS. I loved CRAIG THOMAS. He was a person who came from the West. He understood where he came from. He understood the values with which he was raised, and he reflected those daily in his work in the Senate without ever bragging about it or talking about it. People just knew it. He was a man of character and integrity, a man who, as Senator KYL indicated, never allowed personal ego to interfere with his commitment to serve his constituents and his Nation.

We had a visit to Iraq together not too long ago. Things had not been going well. He would ask penetrating questions. He would ask: When are the Iraqis stepping up and how much are they doing so? How long do we continue to put our troops at risk if they are not carrying their load?

He did it in a way that was sincere and raised fundamental questions of great importance.

CRAIG liked issues. He believed in a series of principles that made America great. He cared about those principles. For a time, he volunteered to come to the floor and be a part of a message team for the Republican Senate Members and spent a good bit of time at it—over a year or two. During that time he would articulate the basic premises and values that I think are foundational for the Republican Party and for most Americans.

I would say to our wonderful friend Susan, our prayers and our sympathies are with you. We can only imagine the loss you have sustained. We have watched in these past months the courage that CRAIG had displayed as he suffered from the terrible disease that he had. We saw the strength that he had, his refusal to stay at home but his determination to be at work. I had several examples of it in which I talked to him, and I said it is not necessary for you, you need to rest up. He knew he was susceptible to infection. But he was determined to fulfill his responsibilities as a Senator and he did so in a way that all could be proud.

He ran the race and he fought the fight. He served his country with great skill and ability. Our respect and love is extended to the family and our prayers are with him and the family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I am aware of the hour of the recess, and I will be very brief. But I wished to come and express my condolences to the family of Senator THOMAS and to share for them, spread upon the pages of the CONGRESSIONAL RECORD, the fact that a faithful member of the weekly Senators Prayer Breakfast was Senator THOMAS.

The gathering is private, Senators only. All Senators check their egos and check their partisanship at the door and join together as friends in a spiritual setting.

What a delight it was for this Senator to share that collegiality with Senator THOMAS on a weekly basis in the proceedings of the Senate. For that friendship, that collegiality, I am especially grateful.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CARPER). Morning business is closed.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

Cornyn modified amendment No. 1184 (to amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.

Dodd/Menendez amendment No. 1199 (to amendment No. 1150), to increase the number of green cards for parents of U.S. citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals.

Menendez amendment No. 1194 (to amendment No. 1150), to modify the deadline for the family backlog reduction.

McConnell amendment No. 1170 (to amendment No. 1150), to amend the Help America Vote Act of 2002 to require individuals voting in person to present photo identification.

Feingold amendment No. 1176 (to amendment No. 1150), to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

Durbin/Grassley amendment No. 1231 (to amendment No. 1150), to ensure that employers make efforts to recruit American workers.

Sessions amendment No. 1234 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act by preventing the earned-income tax credit—which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government—from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Sessions amendment No. 1235 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act by preventing the earned-income tax credit—which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government—from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Lieberman amendment No. 1191 (to amendment No. 1150), to provide safeguards against faulty asylum procedures and to improve conditions of detention.

Cornyn (for Allard) amendment No. 1189 (to amendment No. 1150), to eliminate the preference given to people who entered the United States illegally over people seeking to enter the country legally in the merit-based evaluation system for visas.

Cornyn amendment No. 1250 (to amendment No. 1150), to address documentation of employment and to make an amendment with respect to mandatory disclosure of information.

Salazar (for Clinton) modified amendment No. 1183 (to amendment No. 1150), to reclassify the spouses and minor children of lawful permanent residents as immediate relatives.

Salazar (for Obama/Menendez) amendment No. 1202 (to amendment No. 1150), to provide a date on which the authority of the section relating to the increasing of American competitiveness through a merit-based evaluation system for immigrants shall be terminated.

The PRESIDING OFFICER. Under the previous order, the time until 3:30 this afternoon shall be for debate with respect to amendment No. 1189, offered by the Senator from Colorado, Mr. ALLARD, and amendment No. 1231, offered by the Senator from Illinois, Mr. DURBIN, with the time equally divided between the managers and the amendments' proponents.

Who yields time? The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I see Senator ALLARD on the floor to move forward with his amendment, and we will be using the time between now and 3:30, obviously, for debate on the subjects.

I understand the Senator from Alaska wishes to take—how long would the Senator like?

Ms. MURKOWSKI. Three minutes.

Mr. SPECTER. Mr. President, I yield 3 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

(The remarks of Ms. MURKOWSKI are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time? The Senator from Colorado is recognized.

AMENDMENT NO. 1189

Mr. ALLARD. Mr. President, I rise in support of amendment No. 1189 which strikes the supplemental schedule for Zs. We are scheduled, I understand, to vote on it around 3:30 or so. So I wish to take a few moments to talk about my amendment, which I think addresses a great inequity in the bill, one that rewards lawbreakers over law abiders. Ironically, this inequity is in the same section of the bill that rewards would-be immigrants based on merit. To be clear, I strongly support ending chain migration. I think the bill moves us in that direction, and I think that is great, and then moving us to a system of merit-based immigration. However, I believe all applicants under the merit-based system should be on a level playing field.

By now, I believe most of us are familiar with the bill's merit-based system which awards points to immigrants based on criteria such as employment, education, and knowledge of the English language. What many of us may not know is the enormous advantage the bill's point system gives to people who have violated our immigration laws relative to people who are seeking to enter this country legally. I am referring to this so-called supplemental schedule for Zs which my amendment strikes. This separate schedule awards up to 50 bonus points—points that are unavailable to people who have never broken our immigration laws—to holders of Z visas seeking permanent status.

Holders of Z visas are defined as lawbreakers in the bill. In fact, this bill specifically requires that an alien prove that he or she broke the law in order to even be eligible for the Z visa. In effect, this supplemental schedule rewards people who enter the country illegally. Worse yet, it disadvantages other qualified people who seek to enter this country legally.

The bill's stated purpose of adopting a merit-based system is that the United States benefits from a workforce that has diverse skills, experience, and training, and I happen to agree. I am simply not convinced that a history of breaking the law contributes to this goal more than education and actual experience on the job. So my amendment simply strikes the special schedule that makes people who have violated our immigration laws eligible for 50 percent more points than anyone else. Z visa holders would, however, still be eligible for up to 100 points under the regular schedule—the exact same number as anybody else. We should not reward those who have broken the law, and we certainly should not punish those who have abided by the law.

Now, an argument that has been made against this amendment is that somehow or other it will strike at the heart of the AgJOB provisions. My amendment does nothing to limit the number of agricultural workers. The number of H–2A agricultural visas remains uncapped. Under current law and under the bill, there is no numerical limitation on agricultural visas. Even though it is unlimited, only about 35,000 H–2As are issued each year. If this bill passes, anywhere from 12 million to 20 million illegal aliens will instantly gain legal status. The question is: Are those people not able to fill these agricultural jobs? Of course they are.

My amendment addresses people who are applying for citizenship, not work, under the new merit-based system. It puts applicants for citizenship on a level playing field whether they worked in agriculture, whether they worked in construction, whether they worked in tourism, or whether they worked in any other industry. On the one hand, you say you want a merit-based system in the bill, and on the other hand, you say you want to give preferences to certain classes of people. My argument is simply that you can't have it both ways, and my amendment simply levels the playing field.

I urge my colleagues to support this amendment to level the playing field under the merit-based evaluation system, which I think is a good idea. I would urge my colleagues to vote for the Allard amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Senator from Colorado for his amendment and for his analysis. I understand the reasoning and the point behind what he is seeking to do.

The preference, which is contained in the proposed legislation, was structured in an elaborate arrangement with what has been accurately called the very fractional coalition. In order to get certain other concessions in the bill, it was deemed necessary to give this preference to the agricultural workers. You can justifiably raise an issue as to why give a preference to agricultural workers, and the answer, although not very satisfactory, is because it is part of an interwoven accommodation on many provisions of the bill. That is why, as one of the managers of the bill, I am constrained to object and to urge my colleagues to vote against the amendment.

Mr. ALLARD. Mr. President, I understand and appreciate the ranking member's position on this particular piece of legislation. This part of the bill is not well drafted, and I hope we can get this amendment passed and then send a message to the conference committee that this part of the bill needs to be worked on so that we don't allow people who are here illegally an opportunity to step ahead of those citizens who have come here legally. If we can adopt my amendment, then I think the will of the Senate gets clearly expressed to the conference committee, and hopefully the problem with the drafting that has occurred with this section of the bill can be straightened out and preserve the compromise that the ranking Republican from Pennsylvania is striving to hold on to.

Mr. SPECTER. Mr. President, on the issue as to the contention by the Senator from Colorado that they are moving ahead of people who are here legally, factually I believe that is not so. The bill is structured to clear up the backlog of all of those people who are waiting now, and they will have their status resolved in an 8-year period—those who are following the procedures which are legal at the present time.

It is after that occurs that the 12 million undocumented immigrants will come in, and then there will be points preference for those among the illegals who are here, who are the farm workers. I do not believe we are putting anybody who is here illegally ahead of those who are here legally.

Mr. ALLARD. If I may respond, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. This is where the issue comes up. It is not exactly clear in this paragraph where it provides supplemental points for citizenship, or when in time it begins to apply. If it gets applied in one way in the bill, then the argument my colleagues make is probably valid. But if it gets put in another place in the bill, my arguments apply. This is where we have a drafting problem within the bill.

My hope is that with the adoption of my amendment we will call this to the attention of the conference committee, and this can be rectified when we go to conference.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is the seventh day that we have been on this legislation. We voted on 17 amendments. There are 13 others pending to the bill. We will be voting on those very soon.

Over the past week, as the Senate has been in recess for Memorial Day, we witnessed a healthy debate across the country as Americans across the political spectrum have expressed their views on this legislation. Some support our legislation, others oppose it. With all of the editorials and newspaper articles and phone calls from the constituents, one theme occurs loud and strong: Americans know our immigration system is broken and they want us to fix it. This week we have a chance to meet that challenge for the good of the Nation.

We have a bipartisan bill before us. It has the support of the President. I believe when we complete the debate in the Senate we will adopt it. It enforces our borders; it cracks down in the workplace by going after employers who hire illegal workers; it brings the 12 million families who are here out of the shadows; it speeds up the reunion of families waiting legally in line who otherwise may never make it here; it sets up an immigration for the future that continues to reunite families, while stressing our Nation's economic needs. That is our program. It is strong, practical, and it is fair.

I know the Senator from Illinois is looking to address the Senate. First, I want to speak briefly on the Allard amendment.

The Allard amendment seeks to strike a blow at one of the central pillars of comprehensive immigration reform, which is the earned legalization program for undocumented people who are working and contributing in the United States. Virtually every demographic snapshot of the American public supports a practical solution for bringing the undocumented population into the light of day. The tough and practical solution contained in the bill requires undocumented workers to pay hefty fines and penalties, undergo background checks, clear up back taxes, learn English, continue working for a period of years in a probationary status, and go to the back of the line. Only after 8 years, after getting right with the law and proving their commitment to becoming Americans, are these workers provided an opportunity at legal permanent residence.

The Allard amendment seeks to nullify that shot at the American dream. It does so by eliminating the separate point schedule included in the bill for Z visa holders and the agricultural job applicants. The point schedule for Z visa holders and AgJOB applicants is designed to determine when they can apply for permanent residence, not whether they can apply. Eligibility to apply for permanent residence is earned by complying with tough requirements. I just mentioned them—paying fines, working hard, learning English, going to the back of the current line, and reentering the country legally.

The intent of the Allard amendment is to require undocumented immigrants to compete with other future intending immigrants under the new merit-based system. There are two different merit systems, one for the temporary and one for agriculture. The amendment of the Senator from Colorado eliminates the one designed for agricultural workers. But given the merit-based system and the strong preference for the highly educated, this amendment is an attempt to keep the undocumented workers from ever obtaining permanent residence.

The educational profile of the undocumented workforce is such that these workers will never, ever be able to compete in a meaningful way for the pool of merit-based green cards. As such, if it were to pass, the amendment would create a permanent underclass of lower skilled workers living here in legal limbo indefinitely without the rights or opportunities afforded to legal permanent residents.

Similar situations are played out in other countries, resulting in highly problematic, even disastrous consequences. That is not the American way. I hope people will vote no on the amendment.

Mr. President, the aspect of this legislation that deals with the agricultural workers is called the AgJOBS bill. Senators CRAIG and FEINSTEIN are two of the principal sponsors. I have been a long-time sponsor. We are talking about agribusiness primarily in California but also in other parts of the Nation. We are talking about an agreement that was worked out between the farm workers and the agribusiness. These are two groups of people who have been at each other's throats for years. I was here when we abolished the Bracero Program, basically the exploitation of workers in the United States. It was a shame and a stain on the American workforce ethic. Then we had, over a long period of time, with the leadership of Cesar Chavez, an attempt to get justice for probably about 900,000 agricultural workers, who do some of the toughest work that is done in this country. No question, half of them are undocumented—probably 600,000 or 700,000 is the best estimate we have. They have been able to work out an agreement between agribusiness and these farm workers, which we basically included in this bill.

What we were saying, basically, under the earlier provisions is that they would be able to gain the opportunity for getting a green card in 5 years. Under this legislation, it is 8 years they have to wait. They have to demonstrate that they have worked hard in the agricultural sector. They have to demonstrate that they paid their taxes and that they are attempting to learn English, and they have to meet all of the other requirements. At the end of that time, this legislation says to those people who have been a part of our system that they will have some opportunity to get a good deal of credit for working in agriculture in America.

The amendment of the Senator from Colorado strikes that provision. So these individuals who will be competing with the other provisions that have been put into this legislation for the more skilled—there are provisions in there for lower skilled, but it is basically for the higher skills. This undermines the core part of this kind of agreement that was made. There are a number of provisions in this legislation we have spelled out. There is border security and the local law enforcement, which are important; and there is AgJOBS, the DREAM Act, which the Senator from Illinois has fought for and made sure was important. There are other very important features in this legislation.

What we would basically do with the Allard amendment is say we are going to change the mix, change the system. We have worked out a system saying agricultural workers are important. They have been able to work out their agreement. There were 67 Members of the Senate who signed on, Republicans and Democrats. We basically incorporated that, although we have extended the time for those workers. The effect of the Allard amendment, as I read it, is that we are saying that is not an agreement that we are going to continue to be committed to. We are going to say those undocumented workers are going to have to compete with those who are more highly skilled.

This legislation is a balance between the AgJOBS, the DREAM Act, and the fact that we are going to permit those 12½ million people who are undocumented now to live here without fear of deportation and continue their jobs and give them, if they meet these other requirements after 8 years, in the next 5 years the possibility of getting a green card, and 5 years later be able to get citizenship with a long time in between, with heavy fines. The Allard amendment would undermine this understanding and agreement in a way that will disadvantage in a significant way the agricultural workers and other low-skilled individuals in this whole process.

I think in that sense, as the Senator from Pennsylvania pointed out, it would be unwise and unfair from a policy point of view.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Agriculture Coalition for Immigration Reform saying:

> We write to urge your opposition to the Allard amendment . . .

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGRICULTURE COALITION FOR
IMMIGRATION REFORM,
June 5, 2007.

DEAR SENATOR: we write to urge your opposition to the Allard amendment #1189, scheduled to be voted on late this morning.

By striking the merit point schedule for Z-visa workers, the amendment would have the practical effect of eliminating incentives for all workers subject to the merit system, including farm workers, from providing the work necessary to sustain our economy in the future. Retaining the experienced agricultural labor force is essential to stabilizing the farm labor crisis while consular capacity and farmworker housing are built over a period of several years to allow agriculture to rely more heavily on a reformed H–2A program.

This amendment directly undermines the merit point system, which is critical to the successful implementation. of Title VI. Title VI is essential to American agriculture in ensuring a stable and legal agricultural workforce.

ACIR urges that you oppose this amendment. We also have letters from Colorado agricultural groups opposing this amendment.

Thank you for your support for fixing America's broken immigration system and solving the worsening farm labor crisis.

Sincerely,

LUAWANNA HALLSTROM,
ACIR Co-Chair, Harry Singh & Sons, CA.
CRAIG J. REGELBRUGGE,
ACIR Co-Chair, American Nursery & Landscape Assn., DC.
JOHN YOUNG,
ACIR Co-Chair, New England Apple Council, NH.

Mr. KENNEDY. Mr. President, I see the Senator from Illinois. I will take a moment, if we have time, to go through this excellent letter that expresses reservations and opposition to the Allard amendment.

Mr. DURBIN. Mr. President, it is my understanding that I have been allocated 18 minutes to speak on behalf of amendment No. 1231.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I would like the Chair to notify me when I have spoken for 8 minutes, and I will reserve time for Senator GRASSLEY who will also come to the floor.

AMENDMENT NO. 1231

This immigration bill is long overdue. Our immigration laws in America have failed us. Since 1986, when President Reagan issued amnesty, we thought for a long time we had laws on the books that would stop the inflow of workers from overseas. We were wrong. Up to 800,000 come into our country each year. Three-fourths of them stay. When you do the math over a 20-year period of time, you realize how we ended up with 12 million undocumented workers in America.

Our immigration system has failed. Let me salute Senators KENNEDY, SPECTER, and all those who worked on trying to rewrite these laws.

You can turn on the television any afternoon or evening and hear the screamers on the cable channels telling you how terrible it is that we are considering this law. Think for a moment. Those people screaming about this effort are endorsing what we currently have—a broken down, failed system that is unfair to the workers of America, unfair to our Nation, and unfair to those who were here working as part of our economy.

What Senators KENNEDY and SPECTER are trying to do is fashion a way through this madness to a law that will work. Are we sure it is going to succeed? Of course not. We cannot be sure. This is just the best of a human effort. But what they have tried to do is build into this concept basic principles. One of those principles that I think should be the bedrock of our discussion is this: Under this bill, we will have hundreds of thousands of new people coming into the United States each year to work. The arguments are made that we need them to pick crops that Americans don't want to pick. I think that is a fact. Also, we need them to fill jobs that many Americans don't want to take. Go to any packinghouse, whether it is a meat or poultry house in America—I know a little bit about that; that is the way I worked my way through college. Those are tough, dirty, hot jobs—and you will find many undocumented workers there because, frankly, people don't absolutely want to work in these places. We need to bring in these workers to fill jobs that Americans are not going to take.

Then there is another level of workers, those who have skills that we need in this country. When Bill Gates of Microsoft says: I need the opportunity to bring in software engineers so Microsoft can expand its production operations in America, and if you don't give me that chance to bring in foreign engineers, I am going to have to put a production facility overseas where I can find the same engineering talents, well, I want those jobs in America. I want those production facilities in America. I am willing to listen to his request for H–1B visas.

Whether we are talking about AgJOBS, jobs in these packing houses or jobs in Silicon Valley, we should have one guiding principle, and the guiding principle is this: Hire Americans first. Hire Americans first.

Under this bill we are considering, the guest workers who come in are subject to that requirement. Someone cannot ask for a guest worker to take a job if there is an American that will take that job first. But there is a glaring loophole. The loophole says: If the

Secretary of the Department of Labor announces there is a labor shortage in an area, then they waive the requirement to look for American workers first. But we, in this bill, fail to define what a labor shortage is. What does it mean? It means a lot of employers will be off the hook. They will be able to bring in guest workers and never ask an American to take the job. I don't think that is right.

Senator GRASSLEY and I have introduced this amendment. It eliminates this loophole, eliminates this labor shortage exception, and makes it the hard-and-fast rule when it comes to guest workers that we must hire Americans first. I hope my colleagues will take a look at this and consider it.

Let me say a few words about the H–1B visa. Senator GRASSLEY and I took a look at these H–1B visas. These are special visas with specialty talents to come in because there are not enough Americans with those talents. We took a look at those H–1B visas and, unfortunately, there are some companies that are gaming the system. There have been exposes across America where these so-called H–1B brokerage houses have been created. These are not high-tech companies looking for people with H–1B visas. These are companies, by and large in India, that try to bring in Indian engineers to fill jobs in the United States.

The H–1B visa job lasts for 3 years and can be renewed for 3 years. What happens to those workers after that? Well, they could stay. It is possible. But these new companies out of India have a much better idea for making money. They send the engineers from India to America to fill spots—and get money to do it—and then after the 3 to 6 years, they bring them back to India to work for the companies that are competing with American companies. They call it their outsourcing visa. They are sending their talented engineers to learn how Americans do business and then bring them back and compete with those American companies. Is that what we have in mind here? Is that our goal, to create more opportunities for people to create businesses around the world to compete with us? I think not.

Senator GRASSLEY and I are trying to tighten up the H–1B visa. We wish to make sure that only those who are absolutely necessary are brought in, and, first and foremost, that we fill job vacancies with Americans who are out of work and Americans who are graduating from schools and developing the skills that are needed. Our first responsibility, whether it is in guest workers or H–1B visas, is to hire Americans first.

The amendment the Senate will consider in a short period of time, No. 1231, which Senator GRASSLEY and I have offered, applies to the guest worker program. But it comes down to this basic concept, and I hope my colleagues will support me: Shouldn't this new guest worker program include the same protections for American workers? I think they should. Otherwise, in the future, we are going to see companies advertising that no Americans need apply for these jobs. We don't want that to occur. We wish to make it perfectly clear that companies doing business in the United States must first give priority to American workers; that they are bound by law to do that.

Plain and simple, that is what the Durbin-Grassley amendment will do. This amendment is supported by the labor community, including the AFL–CIO, the Laborers' Union, the Teamsters, and the Building Trades.

Mr. President, I ask unanimous consent that a letter from the AFL–CIO supporting the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, May 24, 2007.

Sen. RICHARD J. DURBIN,
Washington, DC.

DEAR SENATOR DURBIN: On behalf of the AFL–CIO, I write to offer strong support for your "Recruit Americans First" amendment to the Secure Borders, Economic Opportunity, and Immigration Reform Act (S. 1348). Your amendment would prevent employers from avoiding compliance with the bill's domestic worker recruitment requirement.

S. 1348 would require employers to recruit workers from the domestic workforce before hiring guest workers under the new Y guest worker program. However, this recruitment requirement would be waived if the Secretary of Labor determined that there is a labor shortage in the occupation and geographic area in which the employer seeks guest workers. The bill does not specify any standards to be employed in making this determination, which would be left solely to the discretion of the Secretary. The Durbin amendment would strike this waiver so that all employers petitioning for Y guest workers would be required to recruit workers from the domestic workforce before hiring Y guest workers.

Thank you for your continued efforts to improve the pending immigration reform bill.

Sincerely,

WILLIAM SAMUEL,
Director,
Department of Legislation.

Mr. DURBIN. Mr. President, I urge my colleagues to support this amendment, and I reserve any time remaining for Senator GRASSLEY, who will be coming to the floor shortly.

The PRESIDING OFFICER. The Senator has consumed 7 minutes 25 seconds.

Mr. DURBIN. I reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the quorum time be equally divided between opposing sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the pending amendment, offered by the Senator from Illinois, is unnecessary because American workers are fully protected under existing law. This amendment would simply slow down the process, have a 90-day delay, require advertising, which is unnecessary, and would thwart the efforts of people undertaking important activities to get necessary workers.

The current statute and regulations provide that:

> The Secretary of Labor must determine that there is a shortage of U.S. workers and that the hiring of foreign workers will not adversely affect the wages or working conditions of U.S. workers similarly employed in the following occupations: physical therapists, registered nurses, and aliens of exceptional ability in the sciences or art.

Now, there can hardly be any doubt, as it is a matter of common knowledge, about the shortage of registered nurses. That is illustrative of the kinds of jobs which can be filled not to the detriment of American workers because there has been a determination made that in these categories there are no workers available. With regard to the category of aliens of exceptional ability in the sciences or art, the regulations specify the following:

> Include college and university teachers who have been practicing their science or art during the period of their immigrant petition and who intend to stay in the same occupation in the United States.

Another category provided under the regulation:

> Applicant with exceptional ability is one who possesses a level of expertise above that which would normally be encountered in the field.

Now, while that is a generalization, it can certainly be sensibly applied. The regulation further provides that:

> Applicant would need to provide evidence of the applicant's widespread acclaim and international recognition by recognized experts in the alien's field, such as the Nobel prize.

What we have in effect at the present time is a system which is adequate to protect the American workers. The Senator from Illinois is no more concerned about the protection of the American workers than the Senator from Pennsylvania, but the question is how we get there. What this amendment essentially does is to delay the process. The nurse example is perhaps the best. It is well-known that we have an insufficient supply of nurses in this country. If we have somebody who is not an American citizen, an alien, who is qualified to be a nurse, why not make that nurse available to a hospital which needs a nurse? Why not make that nurse available to a nursing home which needs a nurse, rather than have a delay and have advertising?

If the system offered by the Senator from Illinois works, they do no better than what the Secretary of Labor has undertaken to do. The Secretary of Labor can be trusted to be interested in protecting American workers, but there is a determination that there is a shortage. So this amendment is not only unnecessary, it would be counterproductive.

Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand I have 8 minutes; is that correct?

The PRESIDING OFFICER. It is now 7 minutes, due to the quorum call.

Mr. KENNEDY. If the Chair will notify me when I have 3½ minutes, I would appreciate it.

Mr. President, I support the amendment offered by my colleague from Illinois. I think it makes a needed change in the legislation, one that will help provide additional protection for American workers, and I thank him for calling the issue to our attention.

The amendment is very simple. It would require every employer who wants to bring guest workers into the country to advertise for and recruit American workers first. This is a general principle that has been agreed to, certainly by me and my colleagues, and one that I am sure most Members of the Senate would support.

Senator DURBIN's language ensures this principle is implemented fairly and effectively with respect to all employers who are looking for more workers. Specifically, it eliminates an exception in those areas where the Department of Labor has determined there is a shortage of U.S. workers in the occupation and area of intended employment.

The shortage occupation idea relies on an exception in existing law which applies to green cards but not in the temporary worker context. So I agree with Senator DURBIN that in the context of ensuring that temporary workers do not unfairly compete with Americans, we do need an exception to this rule. This legislation is based upon the principle that guest workers should only be brought in if Americans cannot be found to fill these jobs, and what better way to ensure this is the case than to require all employers advertise these positions broadly.

I know there are some Members who might say that since this exception only applies when the Department of Labor says there is a shortage of workers to fill these jobs, that we shouldn't require employers to advertise. I would argue the opposite: Because we know employers are seeking more American workers, they should easily be able to meet the requirements under these laws.

I mean, the fact remains you might have a shortage in a particular area or region designated by the Department of Labor, but there may be hospitals in those areas that have more than they need; with other hospitals having less. If those other health facilities are looking, they are probably investing in trying to find additional workers and are probably advertising in any event. This makes sure they are going to give the first opportunity—and there are other requirements in the legislation that give the first opportunity to Americans to be protected.

It doesn't seem to me this would be onerous or more costly. It may be, for example, that elsewhere in the country there are Americans who are willing to fill these jobs. Maybe there are groups of Americans who have traditionally been overlooked or discriminated against who will want to know of these opportunities so that they can have a fair chance. For all these reasons, I support the amendment, and I urge my colleagues to do so as well. I think it makes a good deal of sense, and I would hope that it would be accepted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator has consumed 3½ minutes.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I wish to speak on the bill for 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, I would like to discuss amendment No. 1231. I cosponsored this amendment with the senior Senator from Illinois to protect American workers. The amendment would require employers who intend to hire foreign workers to first recruit and find Americans to do the job.

The bill before us creates a new guestworker program, known as the "Y" visa program. I support this guestworker program. In fact, I voted to keep this program in the bill when the Senator from North Dakota offered an amendment to strike it.

I have consistently said that I support new and expanded avenues for willing workers to enter the United States and work for employers who need them.

Our country's employers want to hire legal immigrants. They need a better program, and one that allows nonseasonal or nonagricultural workers to come here.

We have programs—such as the H-2A and H-2B visas—to bring in willing workers. But, there are some jobs that don't fit these categories. For example, in Iowa, we have meatpacking and egg processing facilities that require low-skilled workers. Yet they do not have a legal channel to bring in workers. Our existing visa categories don't help them. The "Y" visa program will.

But, the bill is flawed in that it doesn't require these employers to first recruit Americans. Companies who use the "Y" visa program should try to find U.S. workers first.

How can anyone argue against that? Why not offer the job to U.S. citizens before bringing in more foreign laborers?

Under the bill, employers who use the "Y" visa program may be required to recruit U.S. workers through their State agencies, job sites, and trade publications.

Some employers will be required to "first offer the job with, at a minimum, the same wages, benefits and working conditions, to any eligible United States worker who applies, is qualified for the job and is available at the time of need."

But, as throughout this entire immigration bill, there are waivers, exceptions, and ways of ducking out of such requirements. The authors of this bill make it seem as though Americans will be recruited first. However, these requirements are at the discretion of the Secretary of Labor. The Secretary can decide who has to fulfill these requirements.

The Durbin-Grassley amendment will ensure that all employers who use the "Y" visa program are looking first at U.S. citizens before looking abroad. I think that is what we all want. We should agree to this amendment for the sake of American workers.

The PRESIDING OFFICER. Who seeks time?

Mr. GRASSLEY. Since nobody is seeking the floor, I suggest the absence of a quorum and ask that time be charged against all sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, we are drawing to a close here. I have most of the time, I believe. I want to make a few comments on my amendment and then yield 1½ minutes to Senator KENNEDY. I think he needs that to wrap up arguments on his time. I will be glad to yield him that time.

My amendment strikes the supplemental schedule for Zs. Basically this section of the bill provides an advantage for those who came in illegally in applying for citizenship, as opposed to those who came legally.

This is a question of basic fairness. I know there is debate related to one part of the workforce as to another part of the workforce. I am not concerned about that. I am concerned about this as a basic fairness issue. I believe this supplemental schedule for Zs rewards those who came here illegally, and could disadvantage those who came legally. I am here to ask that the Members of the Senate support my amendment, because the bill's stated purpose of adopting a merit-based system is that the United States will benefit from a workforce that has diverse skills, experience, and training.

I happen to agree with that. However, I am simply not convinced that a history of breaking the law should contribute to this goal more than education or even experience. So my amendment simply strikes the special schedule for Z visas that allows people who have violated immigration laws eligible an additional 50 points. Z visa holders would, however, still be eligible for up to 100 points under the regular system, the exact same number as anybody else.

I urge my colleagues to join me in voting for the Allard amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his graciousness in yielding a minute and a half.

I am opposed to the Allard amendment. We have in this legislation very important commitments to, one, the AgJOB workers, and we have also said for the 12 million: If you pay the fines, you go to the back of the line, you work hard, you demonstrate you are going to be good citizens for the 8 years until all of the line is cleared up, and we have a way for dealing with these individuals to permit them at least to get on the path for a green card and eventually citizenship.

The Allard amendment changes all of that framework. Under the Allard amendment, we were basically saying to those who are working in agriculture, because as his amendment shows, they get a big chunk of points on this kind of thing, that that would be eliminated, and that agricultural worker who has been playing by the rules, who is a part of the AgJOB's bill, will lose out in any kind of competition in terms of green cards and the opportunity to move on into citizenship, because the other one will have the skills, will have the points, and those agriculture workers and the other lower skilled workers will not have the opportunity to do so. It will change the framework of the bill in a very important way. I know he is looking for equity in terms of all workers here to be able to start a new day. We have worked long and hard in terms of the ag workers in terms of how we are going to treat the undocumented, how we are going to treat newer workers. We have worked that out.

It seems to me that is the fairer way. We can look to the future with the new merit system, but we ought to be able to meet our commitments, which this bill does, to those who have been a part of this system and are playing by the rules, and to whom we have made a commitment.

I hope his amendment would not be accepted.

I think the time has about expired, Mr. President.

Mr. ALLARD. Mr. President, on amendment No. 1189, I would ask for the yeas and nays, and yield back my time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time has been yielded. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 62, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—31

Alexander
Allard
Bond
Bunning
Burr
Byrd
Coburn
Conrad
Corker
Cornyn
DeMint
Dole
Dorgan
Ensign
Enzi
Grassley
Gregg
Hutchison
Inhofe
Landrieu
McCaskill
McConnell
Nelson (NE)
Pryor
Roberts
Rockefeller
Sessions
Shelby
Sununu
Thune
Vitter

NAYS—62

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Craig
Crapo
Domenici
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Hatch
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Reed
Reid
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—6

Brownback
Dodd
Johnson
Lieberman
McCain
Obama

The amendment (No. 1189) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1231

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on the Durbin amendment.

Mr. DURBIN. Mr. President, this immigration bill will offer an opportunity for hundreds of thousands of people to come to the United States and go to work. But I believe there should be one guiding principle behind this bill: First offer the jobs to Americans. Those who are unemployed, those who are developing the skills should have the first chance to fill these jobs.

Senator GRASSLEY and I have a bipartisan amendment which eliminates the loophole and makes it a requirement, when it comes to guest workers, that the jobs first be offered to Americans to fill. I think that is a reasonable starting point for any debate on immigration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment would simply delay unnecessarily the hiring of important people, such as registered nurses. We currently have an elaborate system, where the Department of Labor makes a determination that there will not be a loss of American jobs in certain special categories and that it will not depress wages.

This will simply impose a 90-day waiting period. For example, a registered nurse who is needed in a hospital would have to wait 90 days. There would be the expense of advertising.

The purpose of this amendment is already satisfied under existing law to protect American jobs, and the amendment ought to be defeated.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question occurs on agreeing to amendment No. 1231, offered by the Senator from Illinois, Mr. DURBIN. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr.

JOHNSON), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 22, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—71

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Coleman
Collins
Conrad
Corker
DeMint
Dole
Dorgan
Durbin
Ensign
Feingold
Feinstein
Grassley
Harkin
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Tester
Thune
Vitter
Voinovich
Webb
Whitehouse
Wyden

NAYS—22

Alexander
Allard
Bennett
Bond
Cochran
Cornyn
Craig
Crapo
Domenici
Enzi
Graham
Gregg
Hagel
Hatch
Hutchison
Kyl
Lott
Martinez
Roberts
Specter
Sununu
Warner

NOT VOTING—6

Brownback
Dodd
Johnson
Lieberman
McCain
Obama

The amendment (No. 1231) was agreed to.

Mr. REID. Mr. President, I would like to enter a unanimous consent request, but I will wait until Senator McCONNELL, the Republican leader, arrives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to a number of my colleagues today—in fact, within the past hour or so. There has been a concern by the minority that there have not been enough votes on this bill.

Keeping that in mind, I am going to propound a unanimous consent request that would allow 20 votes. I will outline it as follows: I ask unanimous consent that at 5:45 today, the Senate vote in relation to Senator KENNEDY's alternative to Senator CORNYN's amendment No. 1184; that immediately upon the conclusion of that vote, the Senate vote in relation to Senator CORNYN's amendment No. 1184.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, Mr. President, I agree in concept with what is being proposed by the majority leader, and that is that we start voting on pending amendments. The amendments mentioned in the unanimous consent request are all amendments that were proposed prior to the recent recess of the Senate. So I am in favor of moving forward and allowing our colleagues votes on the various proposals, many of which have been offered some time back.

I do not agree with the implication that, at that point, we would then be finished with the bill, or that further amendments would be limited. Many of my colleagues on this side of the aisle have been patiently waiting to get amendments in the queue. Some have waited on the floor for long periods of time only to be told there would be an objection to their amendments being called up.

I propose to the majority leader that we allow the managers to continue to set up votes on pending amendments. I even encourage Senators on this side of the aisle to keep their remarks quite short in order to process additional amendments.

I think it is premature to file cloture on this bill and cut off debate on amendments. If we can continue to let the managers work in good faith on setting votes on the amendments, we will have given this important national issue an opportunity for the kind of fair process that it deserves. Therefore, I object.

The PRESIDING OFFICER. Objection is heard. The majority leader is recognized.

Mr. REID. Mr. President, I am going to propound another request. Based upon my distinguished colleague's statement, that we have spent a lot of time on this immigration bill—and every minute of it has been deserved. As Senators will recall, the vehicle that was brought to the floor was the bill that passed the Senate Judiciary Committee last year. It was believed that by spending more time on a bipartisan basis a substitute could be reached, and that was done. We now have before the Senate a substitute amendment that has been bipartisan in nature, with 10 Senators, Democrats and Republicans, having worked this out. Mr. President, we have had a number of votes. Keep in mind the substitute amendment that is now before the Senate is a result of a number of things, not the least of which is all the work that went into the bill that did not go forward last year.

We had numerous votes, and the Democrats and Republicans who put together the substitute took all that into consideration when they came up with the substitute. So we don't need the same number of amendments we had last year.

I think we should have amendments, and I am going to propound a request. This does not limit amendments or limit amendments in the future. As we all know, once cloture is invoked, all germane amendments are subject to votes following that cloture vote during the 30 hours. So we have today, Tuesday, Wednesday, and you will see that we would also have Thursday under one of the proposals I am going to offer. But my concern is, when is enough enough? We have a number of considerations here that are so important to our country. I recognize the importance of immigration, and I am going to do everything I can to make sure people feel they have had an alternative to the substitute that was offered. But there has to be a limit as to the amendments Senators offer.

Mr. President, I ask unanimous consent that tomorrow the Senate vote in relation to Senator SESSIONS' amendment No. 1235; further, that the Senate vote in relation to the Feinstein amendment No. 1176; further, that the Senate vote in relation to the Inhofe amendment No. 1151; further, that the Senate vote in relation to the Cornyn amendment No. 1250; further, that the Senate vote in relation to the Menendez amendment No. 1194; further, that the Senate vote in relation to the Clinton amendment No. 1183; further, the Senate vote in relation to the Sessions amendment No. 1234; further, that the Senate vote in relation to the Dodd amendment No. 1199; further, that the Senate vote in relation to the McConnell amendment No. 1170; further, that the Senate vote in relation to the Lieberman amendment No. 1191; further, that alternative Democratic and Republican amendments be in order in relation to each of the above amendments, and that the time for each vote be set with the concurrence of both leaders and both floor managers.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object for the very same reason I just stated a few moments ago, the majority leader indicated that amendments that were germane would be voted on postcloture. Of course, that is only if they are pending. One of the problems we have had is getting an adequate number of amendments pending. The best way to go forward—I remind our colleagues, and certainly my friend the majority leader, that it was I on the day I was chosen Republican leader who said this Congress ought to do big things, and I mentioned two. One was Social Security. It appears to me that we are not getting anywhere on that. The other was immigration. I commend the majority leader for turning to it, but the minority is not going to be shut out.

This is a big, contentious, complex matter. We had well over 20 Republican amendments the last time this issue was before the Senate. The best way to process this bill is not for the majority to try to stuff the majority—that won't happen, I assure you—but, rather, to go through the process in an orderly way. And with this kind of rhetorical back and forth, it continues to waste time that could be used in offering, debating, and voting on the maximum number of amendments, which would allow us to get to the point where we can get cloture on the bill and to final passage. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, the reason here is a little unusual. We have 12 amendments pending. After these are voted on, other amendments will be offered and should be offered. There is no reason to cut off what we have talked about here as being the only amendments.

Mr. President, I ask unanimous consent that if cloture is filed today on the substitute amendment, it not ripen until 6 p.m. Thursday, June 7.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, would the majority leader restate the consent request?

Mr. REID. I am happy to do that. I ask unanimous consent that if cloture is filed today on the substitute amendment, it not ripen—there not be a vote on it—until 6 p.m. Thursday, June 7, rather than Thursday morning. That would give us another day.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, we have tried to set up 20 votes in relation to amendments, including Democratic and Republican alternatives. We also tried to vitiate the need for a needless second cloture vote on the bill itself, if the substitute amendment is ever adopted. Lastly, we tried to delay the cloture vote until Thursday evening so Members would have more time to debate and dispose of amendments.

Each effort, I am sad to report, was objected to by our Republican colleagues. So as far as I am concerned, they are in no position to complain that they did not get votes on amendments prior to cloture. We offered them votes.

First of all, in this part of my presentation, I want to express my appreciation to those who have worked so hard on this bill, and I hope they will continue to work on this bill. I made a suggestion, and here it is. If they can come up with something better, more power to them.

I have devoted a lot of the Senate's time to this measure, not only this year but last year when I was working with Senator Frist. It is an important piece of legislation. The immigration system is broken and needs to be fixed. We have an obligation to the American people to do that. Do I think whatever we come up with will be perfect? No. But we have, with the help of the President, the opportunity to take this matter to the House, have them work on it, and then again with the President's assistance get to conference and come up with something that would be better than what we passed out of the Senate.

I hope my Republican colleagues are not going to use this as an excuse that they have not had enough amendments offered. That really is not fair, and it is wrong. I say again that I appreciate the work of the managers. Senator KENNEDY has worked very hard to work his way through this bill, as have Senators KYL, SESSIONS, CORNYN, and people who may not be in support of the bill but at least have tried to improve it.

Mr. President, there is one thing I didn't ask. My staff informed me that I did not ask this: I ask unanimous consent that if the substitute amendment is agreed to, the bill be read the third time, and the Senate vote, without intervening action or debate, on final passage of S. 1348, as amended.

I have a premonition that there may be an objection to that.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, of course, the way to handle this would be to make sure that the germane amendments that are pending get votes postcloture. The majority leader could agree to a consent that it be in order to call up germane filed amendments postcloture, which would be very comforting on this side of the aisle. I understand the position he is in. He would like to move this bill and, I assume, have his Members exposed to the fewest number of votes they don't want to cast. I have a significant number of Members over here who feel very strongly that before they would allow us to wrap up this bill, these amendments need to be considered.

At the risk of being redundant, the best way to do that is for the managers to keep processing amendments as rapidly as possible, to get consent that it be in order to call up germane filed amendments postcloture, which would be comforting to Members on this side of the aisle. Until we decide to operate in that fashion, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, one person I did not compliment—and it is my negligence—is the Senator from Pennsylvania, the ranking member of the Judiciary Committee, former chair of the Judiciary Committee, who has worked very hard on this legislation.

Mr. President, what we have heard are buzz words for this bill is going nowhere. I think that is too bad. As the day progresses, I hope people have a change of heart and that we can work on amendments that can be voted on. Certainly, we don't need my approval for whatever amendments should be voted on.

We are going to file cloture on the bill today. There are a number of exigencies present in the Senate, and we have to move on. The Republican leader has been told by some Senators that more amendments would help. Most of the people who want more amendments have no intention of voting for this bill no matter what we do.

I have made my statement. The Republican leader has made his statement. I hope the managers can figure out a way to move on. Before the close of business today, I am filing cloture.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, at the risk of unnecessarily delaying the discussion, the key to finishing the bill is to have votes on an adequate number of amendments. A number of amendments on this side are being offered by people who may well vote for an immigration bill. I certainly would like to vote for an immigration bill in the Senate. I did vote for such a proposal last time we went through this process in the previous Congress. I would like to be able to do so again. But we are going to insist on fundamental fairness.

This measure may well be the only significant accomplishment of this Congress. Surveys out in the Washington Post today indicate that there is a declining support for the new Congress, which is a considerable implication that the American people have noticed that we are not doing much in this Congress. Let me repeat, it is not my desire for this Congress to have a record of virtually no accomplishment, and a good significant accomplishment would be to get the right kind of immigration bill out of the Senate. It is still my hope that will be achieved. This is only Tuesday afternoon—just Tuesday afternoon. There is plenty of work time left this week, and I think we ought to get about offering, debating, and voting on the essential amendments to this bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, my counterpart, the distinguished Senator from Kentucky, said this is a 2-week bill, and we are in the second week of this bill.

I will also state—and I am not as much of a poll watcher as my caucus would tell me I should be—that the polls also show the Republican Members of Congress are not as well thought of as Democratic Members of Congress.

As far as success, I think we have done pretty well this past 6 months. We now have a bill that has been signed by the President where, for the first time in 10 years, we give a raise to the people who need it worst, the people who rely on the minimum wage. Keep in mind that 60 percent of those who draw a minimum wage are women. For the vast majority of those women, that is the only money they have for themselves and their families.

We have tried for 3 years to get disaster assistance for farmers, and we were able to get that. That is now signed into law. The President has made many trips to the gulf, but in this supplemental bill, which we forced the President to sign, we now have monetary relief for people in the gulf affected by Katrina.

We were able to extend the SCHIP program for children's health care. That is a significant accomplishment. That will take care of things until October. We were also—in the legislation that the President signed, that we forced—able to get more than he gave us in the supplemental appropriations bill. We had more money for the troops in Iraq and Afghanistan—$4 billion more for medicine and veterans' benefits.

We have been trying for years to get money for homeland security. In this bill, we got it, a billion dollars for homeland security that has long been necessary.

Within the next week or two, we are going to have a conference report that will come forward, sending to the President legislation on stem cell research that will give hope to millions.

I worked, in fact, as late as yesterday with the distinguished Republican leader, and I think we are in a position where we can come up with a satisfactory conference report on ethics and lobbying reform.

So I think we should not be denigrating the work of this Congress and the things we have been able to accomplish, which has been done on a bipartisan basis. We have had to push and pull a little, getting motions to proceed on various pieces of legislation that were necessary, but we were able to do that. So I don't think it is time to denigrate or belittle the Congress based on the polls we have seen.

I repeat, let us not get into poll watching, because if you look at the polls, Democratic Congressmen, Democrats generally, are scored much higher than Republicans. But I repeat, I don't follow polls. I think we should be doing a lot more by what we feel is right to do than what polls show.

I hope the immigration matter can move along. I think the two leaders of the Senate have stated how we feel about this, and now we turn it over to the good hands of our experienced managers.

The PRESIDING OFFICER. The minority leader.

Mr. McCONNELL. Mr. President, we probably shouldn't prolong this any further, because this is keeping us from handling amendments on this bill, which we desperately need to do, but we haven't had a major immigration reform bill in 21 years. So far on this bill we have had nine rollcall votes. By any objective standard that is not nearly enough. Let us proceed to work on the bill, and, hopefully, we can get somewhere during the course of the week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I tried to offer an amendment on May 24, before the week's recess, and I was asked by Senator KENNEDY if I would withhold and he would make every effort to allow me to have a vote on my amendment on Social Security for Z visa holders on the first day back, which is today.

Now, I know there have been intervening circumstances, and I am not saying there is any blame here. However, I am asking that we set a time for the vote on my amendment No. 1302, which has been filed but which I was asked to withhold offering. Now I wish to have a time certain, if possible, where we can have a vote on that amendment.

I have to say I have now seen this body operate. What happens on a bill such as this, that is very complicated and long, and especially when you are writing the bill on the floor rather than taking it through the committee process, there are a lot of amendments which are legitimate amendments, yet the distinguished majority leader said he was going to file cloture on the bill tonight. That would ripen on Thursday.

I have three amendments. One is on Social Security protection for America, from any person who works illegally to get credit on Social Security when they are working illegally; another one on the future flow of Y visa holders; and then I have an amendment for people to return home before they come back and become legal guest workers in our country. So those are three amendments I am giving everyone notice I believe are very important, they are productive, they are positive, and they are an effort to make this a bill that Americans will see is the right approach to handling the chaos we have with illegal immigration in our country. I don't want to be squeezed out by cloture or by time deadlines.

If we take 4 weeks on this bill and it becomes a better bill that all of us can support, those who wish to have comprehensive reform, 4 weeks, with the effect this is going to have in the next 25 years for our country, that is nothing. So I hope I will be able to offer my three amendments and get votes on them at some point.

I want to be able to protect my rights, and I want to ask if I could have a time certain to vote on the first Social Security amendment, No. 1302, if that would be possible.

Mr. REID. Mr. President, one of the things I think the managers should do is see if they can get a list of amendments, germane amendments, the minority wants. We have a few on our side. It is at least worth a try to see if we can come up with a list of germane amendments. I ask Senator KENNEDY and Senator SPECTER to see if they can come up with a list of germane amendments that Members think they want to vote on. We already have, as I said, 12 or so pending, and we will take a look at that. I am not even sure the 12 pending are germane. We don't know that either.

Anyway, they can see if they can come up with a list of germane amendments, whether that is three, four, five, whatever it is, and we will take a look at that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am delighted to deal with the amendment of the Senator from Texas. We have to figure out the order. This is the side of the Republicans now. Senator CORNYN has been waiting, and waiting patiently. The Senator from Texas did mention this. We had contacted the Finance Committee, since it is dealing with Social Security, to see whether they would be able to go, and I hope they will do that and dispose of it very rapidly. The other measures are not in the Finance Committee and we would be glad to deal with those. But dealing with Social Security is the Finance Committee's jurisdiction, and they had some views on that.

I hope we might be able to do the Cornyn amendment. The leader had asked me if we could do the DeMint amendment after the Cornyn amendment. There may be one on our side dealing with health insurance which we would be prepared to do. It is fine with me. I am here and I am ready to go with these amendments, so I will make every effort to get the Finance Committee, and I will stay here with the Senator from Texas until we are able to get this disposed of this evening. I will give you that, as far as I am concerned.

Mrs. HUTCHISON. Let me say I am happy for the Finance Committee looking at it. I wish this whole bill had gone through committee so we would know exactly where we stand. If they are for it, great. If they are against it, let us debate it. But let me ask if I could have at least a unanimous consent to bring up the amendments that are filed, No. 1301 and 1302—those are the two Social Security amendments—and then lay them aside, so that at least they are here and I know they will be disposed of.

Mr. KENNEDY. Absolutely.

Mrs. HUTCHISON. My third one, the one that requires the return home, has not been offered yet but it will be germane. We are still trying to work with Senator KENNEDY, Senator KYL, and all the Senators who are involved in this process to try to get a consensus on that return home amendment. So it has not been filed.

If I could ask unanimous consent to bring up amendments Nos. 1301 and 1302, after which I would be happy to set them aside, to make them pending before cloture.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I have given assurance to the Senator from Texas, but I wish to see if we can have a short time. She will retain the right to make that request, but let us see if we can't work out the time now with the Finance Committee. Could we try that before getting consent? Because there has been some question about others who wanted to add a number of amendments on both sides, and we are trying to at least dispose of some of those that are on the list. I will give the assurance that this legislation, at least if I have anything to do with it, is not going to pass or be considered or closed out to the Senator from Texas, because, as she has pointed out, she raised these and we gave assurance she would get them. We were prepared on that Thursday evening, as we were running out of time to do the supplemental and to get the Finance Committee over.

The Senator mentioned, before the majority leader left, that she wanted to offer that, and I regret I had not gotten the Finance Committee members over here. They were marking up I think the CHIP program earlier in the day. That is my only reservation about setting aside now, because there has been objection on both sides to adding more until we start to dispose of some of the underlying amendments.

I will certainly try to get the clearance and work with the Senator and do it within the next few hours, if the Senator would withhold that and give us an opportunity to try to work through that. The Senator is quite correct that we have given her those assurances, and I intend to keep my word to the Senator.

Mrs. HUTCHISON. I thank the Senator.

Mr. President, I will attempt to work with the Senator from Massachusetts.

The PRESIDING OFFICER. Is the request withdrawn?

Mrs. HUTCHISON. I will withdraw the request, yes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have been asked, on behalf of the Senator from South Carolina, Mr. DEMINT, to seek unanimous consent to move to have a time for amendment No. 1197.

Mr. CORNYN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I ask unanimous consent for the DeMint amendment, No. 1197, to be pending.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object, let me point out, if I may, that amendment No. 1184, which I filed and called up 13 days ago, has yet to receive a vote on this immigration bill. This amendment would ban felons on the legalization path set forth in the underlying bill. It astounds me this could be in the least bit controversial, but I have been denied an opportunity for an up-or-down vote on that for the last 13 days.

Now that I hear the majority leader intends to file cloture, it is clear what the pattern is, and that is to try to move this bill through without an opportunity for Senators to be given the chance to introduce, call up, debate, and then vote on important amendments. So I will object.

I likewise object to the scheduling of any other votes on the bill until I am given an opportunity to have an up-or-down vote on amendment No. 1184. I add that I have offered to my colleagues the possibility we could enter into some sort of time agreement to debate and to vote on the amendment. I am told there is a side-by-side amendment that is being considered. I was told it would be made available to me at 4 o'clock this afternoon. It would have been the second side-by-side amendment that had been proposed. I have yet to see it.

I have tried to be patient, and indeed I have been patient. I have tried to work with my colleagues to let the process move forward, but it is clear to me now, since the majority leader says he intends to file cloture, there is not going to be an opportunity to fully debate and offer amendments to this bill; that the majority leader intends to try to force this bill through, denying Senators an opportunity to have a chance to offer amendments, to have those amendments debated, and have those amendments voted on.

I must employ whatever tools the Senate rules give me to insist upon my rights. I will do that by objecting to this and the schedule of any further votes until such time as we are able to enter into some sort of agreement for the disposition of amendment No. 1184.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I understand the point of the Senator from Texas, and I agree with him. He has been very patient. Some of the rest of us have been patient, too. We are waiting for that side-by-side so we can proceed.

The purpose in the unanimous consent request was not to have a vote on DeMint but just to have it pending so that it would be in line for a vote postcloture since it is germane, so I renew my request.

Mr. KENNEDY. Mr. President, reserving the right, I just mentioned to the Senator from Texas that there has been an objection. I would like to go to the Cornyn amendment—we have the side-by-side—get started, debate it, and vote on it tonight. That is what I would like to do. If necessary, we will do something over here in the meantime, come back, and deal with the Senator from Texas. We are ready to go. We have a side-by-side. We can get into general descriptions about that, but why don't we get started on the Cornyn amendment.

I was asked earlier whether we would agree to debate and dispose of the DeMint amendment, and we said fine. But if we are now going to add more and more amendments on this—I agree with those who say let's get to work. Let's do the Cornyn amendment at this time. Respectfully, as I said, we were ready to deal with the DeMint amendment 10 minutes ago. Even now, if we want to debate it and vote on it and dispose of it, we are ready to go. But that isn't it, it is now to just be filed. How can we do that if we object to the Senator from Texas filing?

Why don't we go to the Cornyn amendment, I ask Senator SPECTER. We will be helpful and try to get the amendment of Senator DEMINT up. We are not trying to close him out. We can deal with that later this evening. I am glad to do that later this evening. We are set to go. It deals with health insurance. I am familiar with the issue. I am ready to go on it. We can deal with Cornyn. In the meantime, we can go to the Finance Committee and find out what we want to do with the amendment of the Senator from Texas, and then the leader asked us to try to dispose of DeMint. We were prepared to go ahead with the Sessions amendment that deals with the ITC that the Senator from Alabama wanted earlier.

It is not our problem with this. We are ready to go. We are ready to debate and vote. I hope we can go ahead with the Cornyn amendment and the Senator will give us a little time to get this worked out about whether we are going to add and stack additional amendments up. I haven't got anything against the DeMint amendment. I saw it. I think it is a legitimate amendment.

Could we ask consent that we go to the Cornyn amendment?

Mr. SPECTER. Mr. President, although it was a long time ago, I believe I have the floor?

The PRESIDING OFFICER. The Senator does have the floor.

Mr. SPECTER. I am glad to reassert that. I didn't want to say "regular order" and interrupt the Senator from Massachusetts.

I understand there may be an objection. I want to protect Senator DEMINT's rights and ask unanimous consent that his amendment be pending.

The PRESIDING OFFICER. Is there objection? The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, reserving the right to object, without unnecessarily repeating myself, I have been waiting 13 days for a vote on my amendment. I am afraid if I consent to this unanimous consent request, it is going to continue the pattern of avoiding my amendment, which would ban felons from getting Z visas under this underlying bill. I think that is something with which the American people, and hopefully the vast majority of the Senate, would agree. This amendment is well taken. It is a good thing. Let's not allow people—those who have had a chance, who defied the law, who thumbed their nose at our courts—to gain the advantages we are otherwise going to confer on people under the Z visa.

I will object. As I indicated, I am willing to offer an alternative unanimous consent request that once I am shown the side-by-side amendment that I am told the majority has in mind, that they would like to offer as an alternative to my amendment No. 1184, I will be willing to enter into a time agreement with 2 hours equally divided to debate and then to vote on my amendment tomorrow. I will not enter into a unanimous consent agreement to debate an amendment side-by-side which I have not seen and which has been 13 days in the making. I think my request is a reasonable one. I am trying to work with my colleagues here but, frankly, I do not feel as if it has been a two-way street. That is my unanimous consent request.

The PRESIDING OFFICER. The objection was heard.

Mr. KENNEDY. Could the Chair restate? Is it the request of the Senator that we consider the Cornyn amendment? We are making available now the side-by-side. It is basically similar to the other one but in greater detail. Is it the request of the Senator that we go to his amendment now, we have a 2-hour debate on it, and that we vote on the side-by-side? Is that the Senator's request?

Mr. CORNYN. Mr. President, the Senator is correct with the exception that I agree we can have the vote tomorrow. If there is no objection to my unanimous consent, I am glad to accommodate Senator DEMINT or other Senators to allow them in the interim to call up other amendments. I would like to have a time locked in for a vote on my amendment—which would then have been pending for a full 2 weeks without a vote—tomorrow morning. I would like to see what the amendment looks like before we leave today.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, if I understand the request of the Senator, he wants to be able to have 2 hours on the Cornyn amendment to be voted on tomorrow morning. Hopefully we can debate this this evening. I am more than glad to make the side-by-side available. I certainly support the request.

If we can have it more precise, is it just sometime in the morning? Are we going to debate this this evening? I would like to try to get it so at least the leadership and Members know. This is a very important amendment. We want to make sure they are aware—what is the desire of the Senator? That we debate it this evening and we let the leaders set the time for the vote tomorrow but we spend at least 2 hours on the Cornyn amendment and the side-by-side and at some time designated by the leadership we vote on it tomorrow morning at an appropriate time?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think, in response to the inquiry, I would like to see the amendment before I begin the debate. What I propose is to see the amendment tonight and be prepared when we come into session tomorrow morning to begin that debate. The chances are we will be able to yield some time back, but I am proposing 2 hours, evenly divided, and then to schedule the vote sometime before noon tomorrow morning at a time agreed upon by the bill managers and the leadership.

Mr. KENNEDY. Mr. President, we are making that available. I strongly support it and urge it, as I understand the Senator isn't proposing that exactly at this moment but intends to do so, pending the examination of the amendment. I certainly support that process. We will wait. It is not being propounded at this particular time, as I understand it, until he has a chance to look at it, but that would be the intention about the way to proceed. We will make available to him the side-by-side and then hopefully have an opportunity to propose the consent agreement sometime in the very near future. We then would maybe proceed to consider the DeMint amendment, and we will in the meantime get ahold of the Finance Committee to deal with the Senator from Texas, to check with our side to see whether we have an intervening amendment. That is what I would hope. But I hope very much we are going to continue to do the business of the Senate this evening.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think we are making some progress. I accept the invitation of the Senator from Massachusetts. Let's talk and write this up. Then we can make sure we are all on the same page. The fundamental agreement would be a 2-hour time agreement to debate this tomorrow morning, with a vote no later than noon tomorrow at a time mutually agreed upon by the leadership and the bill managers. I think we can come to some agreement on that basis.

With that, based on that understanding, then, I will be glad to remove my objection. I withdraw my objection to proceeding with the DeMint amendment, and I withdraw my consent request for the time being.

The PRESIDING OFFICER. The request is withdrawn. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I see the Senator on the floor. I was going to try to see if we could not get Senator DEMINT over to do that in a timely way. It is on health insurance. We will do it in a timely way. In the meantime, we are working with the Finance Committee to try to be able to deal with the Senator from Texas. I would like to try to do that. I was going to suggest the absence of a quorum. I will not do so.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 1174

Mr. THUNE. Mr. President, I also have a germane amendment that I have been trying for some time to get called up and get pending. I ask unanimous consent that amendment No. 1174 be made pending. I am happy to set that aside or discuss it now. I would like at least to get it in the queue so at some point it could be voted upon.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, we have the Hutchison amendment. I have no intention to try to exclude the Senator. We are making a note at this particular time—we have been trying to cooperate. We have been trying to get an amendment up for the last hour or so. But there were others on our side who wanted to offer theirs, and at least our leaders wanted us to try to dispose of the underlying ones before we add one. I will reluctantly object to it, but I give personal assurances we will do everything we can to get it up in a timely way, but at this time I have to object to that consideration.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President, I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, the amendment I just tried to call up, amendment No. 1174, was objected to, and I hope at some point we can get agreement to allow it to be put into the pending status that will allow it to be voted on at some point. But since we are on the bill, I would like to speak to the amendment.

Amendment No. 1174 is a very straightforward and simple amendment. What it does is it removes a loophole in the underlying bill that allows noncriminal illegal immigrants to obtain immediate legal status before any of the border security measures set out in this bill are deployed and inserts language that prohibits probationary benefits from being issued to an illegal immigrant before the effective date triggers are implemented.

Despite what the proponents of the bill are saying, the immigration proposal before the Senate would give illegal immigrants immediate legal status upon enactment by providing legal immigrants with the opportunity to apply for a probationary Z visa or, as it is labeled in the bill, a "Probationary Authorization Document." Illegal immigrants can obtain immediate legal status because of a huge exception set out in the very first sentence of this very large bill. This exception makes the trigger requirements of beefed-up border security and internal security irrelevant, in my view. It is an exception that I believe swallows up the rule.

This exception completely undermines what is supposed to be a key principle of the bill, and that is that no legalization of the illegal immigrant population in this country can occur until the border security and workplace enforcement provisions in the bill are certified as funded, in place, and in operation.

My amendment simply does away with this section by striking it from the underlying bill and inserting language that prevents any probationary benefit from being issued before the "effective date triggers" are implemented.

Not only does this bill provide for immediate legal status for illegal immigrants before any of the border security measures in the bill are deployed, it also provides that illegal immigrants will be able to maintain legal status in this country even if the border security measures in this bill are never deployed.

The very first sentence of the bill says the probationary benefits conferred by section 601(h) are exempt from the trigger requirements of 20,000 Border Patrol officers and 670 miles of vehicle barriers and fencing and other enforcement measures.

Section 601(h) says an illegal immigrant who files an application for a Z visa shall be granted probationary benefits in the form of employment authorization. The provision also says the illegal immigrant may not be detained, nor an unauthorized immigrant.

Once an illegal immigrant applies for the Z visa; provides evidence that they were in the country and employed before January 1, 2007; pays up to $1,500 in processing fees and a $500 State impact assistance fee, as well as a $1,000 penalty, that individual will receive a probationary authorization document if he or she passes all appropriate background checks or the end of the next business day, whichever is sooner. That means the illegal immigrant will legally be in this country before any certification that 20,000 Border Patrol officers have been hired and 670 miles of vehicle barriers and fence have been constructed.

Interestingly, illegal immigrants would not even have to pay the entire initial $1,000 penalty set out under this bill. They would have to immediately pay the $1,500 for a processing fee and a $500 State impact assistance fee, but these are merely fees, not penalties.

Another principle of this legislation is supposed to be that illegal immigrants are justly punished for breaking the law before obtaining legal status. The bill, in section 608, allows illegal immigrants to put 80 percent of the penalty on an installment plan, meaning that an illegal immigrant would only have to pay $200 initially in penalties when they apply for a probationary Z visa.

So an illegal immigrant could pay a paltry $200 penalty when they apply for a probationary Z visa and have immediate legal status conferred upon them by the next business day if nothing turns up in a background check. This does not amount to an adequate consequence for breaking our laws, nor does it put illegal immigrants at the back of the line. To make matters worse, no additional fence or other border security measures have to be deployed before this happens.

Mr. President, what makes matters even worse is that even if the triggers are never met, the probationary legal status never expires. As the bill states clearly on page 291, line 17, all of these things: The immediate legalization, the trigger mechanism being made pointless, and the never-ending probationary legal status occur because of this loophole in the very first sentence of the bill.

I would simply argue that loophole needs to be closed, and that is what my amendment would do. Those who have broken our laws to come here will be given immediate legal status, even before additional security fences are constructed or desperately needed Border Patrol officers are hired. This does not sit well with most of the people I represent in South Dakota from whom I am hearing every day on this issue. They are not happy with this bill as written.

My amendment represents an effort to ensure that the trigger requirements in the bill are met before any legalization occurs by eliminating the exception for "probationary benefits" and ensuring that no probationary benefit for illegal immigrants can be issued until the trigger mechanisms in this bill are implemented.

Mr. President, we are a nation of immigrants. We are a nation of laws. We should be rewarding those people who have followed our laws, who have played by the rules, and not putting those who have entered the country illegally in front of them. Before any effort is made to deal with the 12 million illegal immigrants in the country, we first must secure the border.

Despite claims to the contrary, the bill in its current form would give illegal immigrants immediate legal status before any further border security measure is deployed. My amendment would fix this flaw in the bill. I would hope, Mr. President—I would also add that Senator GRASSLEY from Iowa is a cosponsor of this amendment.

I hope we will have an opportunity at some point to debate this, to vote on it, because I think this is a fundamental flaw in the bill that needs to be corrected. It is a loophole which I think completely undermines the whole intention of this bill; that is, to make sure that certain conditions are met before the legalization process is allowed to move forward. This, as I said, is a very straightforward, simple amendment, one that I think is very understandable to people across this country. Certainly I think it makes sense to people I represent in the State of South Dakota.

I hope at some point those who are managing this bill will allow this amendment to be called up, to be made pending, and ultimately to be voted on.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1197 TO AMENDMENT NO. 1150

Mr. DEMINT. Mr. President, I call up amendment No. 1197.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1197 to amendment No. 1150.

Mr. DEMINT. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require health care coverage for holders of Z nonimmigrant visas)

At the end of subsection (e) of section 601, add the following:

(9) HEALTH COVERAGE.—The alien shall establish that the alien will maintain a minimum level of health coverage through a

qualified health care plan (within the meaning of section 223(c) of the Internal Revenue Code of 1986).

Mr. DEMINT. Mr. President, I rise today to highlight one of the most important domestic issues this country is facing, and that is rising health care costs. I think it is also important to point out that nearly 10 million noncitizens are uninsured according to the September 2006 U.S. Census report on the uninsured.

Since no hospital can legally deny a person health care because of their immigration status or inability to pay, my amendment would help prevent that cost from being shifted to the American taxpayers in the form of uncompensated care. Since about three-fourths of all uncompensated care costs are paid by taxpayers in the form of national and State programs, it is imperative the Senate pass my amendment that would require Z visa holders to maintain a minimum level of private health coverage.

Under this amendment, minimum health coverage would be defined as a high-deductible health care plan. It is my firm belief these visa holders should take some responsibility for their own health care and avoid burdening American taxpayers when they have medical problems.

By requiring Z visa holders to have a minimum level of private health insurance, it will help keep individuals off public assistance and out of the emergency rooms. According to the Economic Research Initiative of the Uninsured, immigrants as a group are nearly three times more likely to be uninsured than native-born U.S. citizens.

I am almost certain some of my colleagues will say it is not possible for these visa holders to afford a private health insurance plan. In fact, there are plenty of high-deductible policies available on the individual market that are affordable, with an average cost of about $116 a month. Furthermore, these plans have seen only a 2.8-percent increase on an annual basis compared to 8 percent for all other types of health plans. This low rate of increase is another reason high-deductible health plans are affordable to those with lower incomes.

It is also important to point out that by having their own high-deductible health plans, visa holders will be able to keep their policy regardless of their employer. Many employers who want less expensive labor will likely help their employees pay for these high-deductible policies.

Mr. President, it is also important to point out that there is a precedent for this type of action. In 1993, the Department of State issued regulations requiring students entering the United States under exchange visas to have health coverage. This amendment would only extend this policy to Z visa holders.

What is most troubling to me is that this legislation before us does almost nothing to stem the rising costs of uncompensated care. If we do not pass my amendment, the growing cost of uncompensated care currently at $41 billion per year will only be exacerbated.

Supporters of this bill will point to the State Impact Assistant Grant Program that is established in the legislation. This grant program would be funded through fees paid by the immigrant, and it would be administered by the Federal Government to repay States for health and education expenses.

However, even the bill language suggests, through a sense of the Congress, that this will not be enough to solve the problem of illegal immigrants using our health care services at a cost to the American taxpayer.

Our country is spending $2 trillion per year on health care. While my amendment does not address the entire problem, it does address the problem of noncitizens using our resources at a cost to the American taxpayer. In my opinion, there are many problems with this legislation. But I believe this amendment will at least improve upon this extremely flawed bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I can have the attention of the Senator from South Carolina.

His amendment will maintain a minimum level of health coverage through a qualified health plan in the meaning of 223(C) of the Internal Revenue Code. Is that right?

Mr. DEMINT. Right.

Mr. KENNEDY. That is the health savings accounts?

Mr. DEMINT. Generally, high-deductible plans are accompanied by the health savings account.

Mr. KENNEDY. So if they had other kinds of health coverage at all, they still would not be—unless they have this particular coverage, the high deductible, they would not be able to make—adjust their status.

Mr. DEMINT. This is the minimum level as established by the high-deductible policies. Certainly, more comprehensive plans would fit in the context of the amendment.

Mr. KENNEDY. Is the Senator aware now that the undocumented or aliens are not eligible for any of the Medicaid proposals at the present time?

Mr. DEMINT. For the first 5 years, that is correct. But that does not mean they cannot access any of our health clinics, emergency room services, and a lot of uncompensated care can be directed at the current group of illegal immigrants in our country.

Mr. KENNEDY. Why did the Senator select just this particular health coverage rather than being able to participate in HMOs or other kinds of programs?

Mr. DEMINT. Well, we are establishing a minimum level, which the minimum would be the high-deductible policies, often accompanied by health savings accounts. This does not prevent an immigrant from having a more comprehensive plan, an HMO. But the point of the amendment is not to mandate a comprehensive plan but to establish a minimum level of coverage, which is more affordable particularly to low-waged workers.

Mr. KENNEDY. What is the estimate that the Senator has for this coverage? What is the estimate that they would have to pay out for this coverage?

Mr. DEMINT. The average of high-deductible plans is $116 a month. I will just say as an aside, I just bought a high-deductible plan for my 22-year-old daughter at $65 a month. This, obviously, leaves some to be paid by the workers themselves. But it avoids the high-risk cost of a worker who may have complicated, very expensive problems, for that whole bill to land on a hospital, which often happens.

Mr. KENNEDY. If there are preexisting conditions—how does this amendment affect preexisting conditions?

Mr. DEMINT. Well, we do not specify. It may be something we want to cover in an additional amendment. But many States, as you know, now have high-risk pools which are available to all workers in the State regardless of immigration status.

This certainly may not cover every possible problem. But if we are going to issue Z visas, I think the point is that they become an asset to our economic environment in this country, and certainly if they are uninsurable that may suggest that they are not a viable worker as well.

Mr. KENNEDY. Well, we have 47 million Americans who don't have coverage at the present time. But you want to insist that anyone, these undocumented are going to be mandated individual coverage in order to be able to adjust their status?

Mr. DEMINT. Obviously, the uninsured are a problem, and many of us are working on ways to solve that. It is one thing to ask American taxpayers to help take care of their fellow citizens. It is another thing to ask Americans to help assist those from all over the world. Certainly, our hearts go out to anyone with health problems, but we cannot ask the American taxpayer to subsidize low-wage workers for employers who are using them in this country.

Mr. KENNEDY. Of course, CBO studies which have been released in the last few days show that immigrant workers contribute much more in terms of taxes than they use in terms of services by about $24 billion over the estimate of the length of this plan.

Mr. DEMINT. There is obviously a lot of research that refutes that. The Heritage Foundation has come out with quite an extensive study that suggests the low-wage workers, undereducated immigrants in this country today, cost an average of $19,000 a year more in taxes than they pay. This group, as a whole, over the next three decades will cost $2.4 trillion to the American taxpayer. So there is a lot of research that suggests that undereducated, low-skilled workers are going to be a net loss to the American taxpayer.

Mr. KENNEDY. I have heard studies quoted. Generally, around here we use Congressional Budget Office figures for actions in the State. They reach a rather dramatically different conclusion than the studies the Senator has mentioned.

Mr. DEMINT. Certainly, the Senator will agree it should not be the obligation of the American taxpayer to subsidize low-wage workers for employers. Frankly, I believe if we ask these immigrants to pay their fair share, employers are more likely to hire American workers in the first place rather than lower wage workers who are actually being subsidized by the taxpayer. This health plan is one idea to ask these immigrants and their employers to carry the fair load and not to dump the cost of health care on other workers in this country.

Mr. KENNEDY. Of course, the workers themselves have to contribute $550 as part of their cost anyway, their contribution to the State. In terms of consideration of covering any of the costs, that was sort of put into the legislation itself, in terms of the additional fees and additional fines as well, that addition to help offset any of the expenses that would be carried in the State itself.

Mr. DEMINT. I think the Senator obviously knows—and the bill language suggests—this is a small token of what the real costs are, not only for health care but education, daycare, and other services that are often used by these immigrants. Again, to ask these immigrants or their employers if they would like to assist in paying $100 or a little more a month to keep them from becoming a burden to the taxpayers is a small thing to ask for someone who is taking advantage of the opportunities in this country.

Mr. KENNEDY. It is important to get health care and health care coverage for all who do not have it. The real issue is the best way to pursue that. That is something we have to take a look at.

I see the Senator from West Virginia is here and wishes to address the Senate on an important matter about our friend and colleague from Wyoming.

I yield the floor and thank the Senator.

Mr. DEMINT. I thank the Senator.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from West Virginia.

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1267, AS MODIFIED, TO AMENDMENT NO. 1150

Mr. BINGAMAN. Mr. President, I call up amendment No. 1267 and note that I have a modification of that amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. OBAMA, proposes an amendment numbered 1267, as modified, to amendment No. 1150.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Section 218A(i) of the Immigration and Nationality Act, as added by section 402, is amended to read as follows:

"(i) PERIOD OF AUTHORIZED ADMISSION.—

"(1) IN GENERAL.—Aliens admitted to the United States as Y nonimmigrants shall be granted the following periods of admission:

"(A) Y-1 NONIMMIGRANTS.—An alien granted admission as a Y-1 nonimmigrant shall be granted an authorized period of admission of 2 years. Such 2-year period of admission may be extended for 2 additional 2-year periods.

"(B) Y-2 NONIMMIGRANTS.—Aliens granted admission as Y-2 nonimmigrants shall be granted an authorized period of admission of 10 months.

"(2) Y-1 NONIMMIGRANTS WITH Y-3 DEPENDENTS.—A Y-1 nonimmigrant who has accompanying or following-to-join derivative family members in Y-3 nonimmigrant status shall be limited to two 2-year periods of admission. If the family members accompany the Y-1 nonimmigrant during the alien's first period of admission the family members may not accompany or join the Y-1 nonimmigrant during the alien's second period of admission. If the Y-1 nonimmigrant's family members accompany or follow to join the Y-1 nonimmigrant during the alien's second period of admission, but not his first period of admission, then the Y-1 nonimmigrant shall not be granted any additional periods of admission in Y nonimmigrant status. The period of authorized admission of a Y-3 nonimmigrant shall expire on the same date as the period of authorized admission of the principal Y-1 nonimmigrant worker.

"(3) SUPPLEMENTARY PERIODS.—Each period of authorized admission described in paragraph (1) shall be supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and, except where such period of authorized admission has been terminated under subsection (j), a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed the maximum applicable period of admission under paragraph (1).

"(4) LIMITATION ON ADMISSION.—

"(A) Y-2 NONIMMIGRANTS.—An alien who has been admitted to the United States in Y-2 nonimmigrant status may not, after expiration of the alien's period of authorized admission, be readmitted to the United States as a Y-2 nonimmigrant after expiration of the alien's period of authorized admission, regardless of whether the alien was employed or present in the United States for all or only a part of such period, unless the alien has resided and been physically present outside the United States for the immediately preceding 2 months.

"(B) READMISSION WITH NEW EMPLOYMENT.—Nothing in this paragraph shall be construed to prevent a Y nonimmigrant, whose period of authorized admission has not yet expired or been terminated under subsection (j), and who leaves the United States in a timely fashion after completion of the employment described in the petition of the Y nonimmigrant's most recent employer, from reentering the United States as a Y nonimmigrant to work for a new employer, if the alien and the new employer have complied with all applicable requirements of this section and section 218B.

"(5) INTERNATIONAL COMMUTERS.—An alien who maintains actual residence and a place of abode outside the United States and commutes, on days the alien is working, into the United States to work as a Y-1 nonimmigrant, shall be granted an authorized period of admission of 3 years. The limitations described in paragraph (3) shall not apply to commuters described in this paragraph.".

Mr. BINGAMAN. Mr. President, I wish to briefly describe what this amendment does. I understand there is not a plan to have a vote on this amendment this evening, but I wish to explain briefly what this amendment does.

There are three programs in the underlying bill that are related to so-called temporary workers. One of them is the new guest worker program. That is the program we amended the provision of 2 weeks ago when we reduced the number of people eligible to come into the country under that program each year from a number of 400,000 to 600,000 down to 200,000.

This current amendment, amendment No. 1267, I have called up again deals with that same guest worker program. It tries to make the program more workable. The underlying bill says if a person comes into this country under that program, that person is eligible to get a visa for 2 years to work here, then is required to leave for 1 year, then is eligible to come back again for another 2 years, then is required to leave for another year, then is eligible to come back again for another 2 years, and then is required to leave permanently. So it is what I have come to refer to as the 2-1-2-1-2 structure of this guest worker program.

Frankly, it does not make a lot of sense. It does not make a lot of sense from the point of view of employers or employees—guest worker employees—

or American workers who might also want to apply for those jobs or similar jobs.

Let me explain what I have in mind.

As regards an employer, if someone came into my office in the Senate and said: I have a great proposal for you. I would like to work for you for 2 years and then I am going to take off for a year, and then I will come back again and want my job back for another 2 years, and then I am going to take off for another year, and then I am going to come back and want my job back for another 2 years, I would not hire such a person. It would not make any sense. You need continuity in your workforce. You do not want people coming and leaving for substantial periods of time. So from an employer's perspective, this makes absolutely no sense.

From the employee's perspective, if you are one of the guest workers, what are you supposed to do during the year you are not permitted to stay in this country? You are supposed to go back to your home country. Why would we believe that person would be able to support themself and their family during that year when they are not working here? They have to find a job there. When they leave there, obviously, that employer's employment situation is disrupted. So that does not make sense from the point of view of those guest workers.

It does not make sense from the point of view of American workers who might want these jobs. These are generally thought of as construction jobs. These are not agricultural jobs we are talking about, and they are not seasonable jobs. They are permanent jobs. It is just that by the provisions of this bill, we are suggesting let's take a permanent job and try to make it temporary by kicking people out of the country every 2 years. So that is the only thing temporary about these jobs.

This does not make sense from the point of view of American workers either. American workers who want to work in these construction positions will find there is a constant flow of entry-level workers coming back into this country every year saying: OK, I know I was here before. Now I am back again. I am starting at the bottom of the ladder again. Pay me the entry-level wage, and I will take any job you have.

So the upward pressure on wages in that construction industry is eliminated. There is no upward pressure. You have this very large group of entry-level workers coming back every year. This does not make good sense.

My amendment simply says, let's do what we did last year. We passed a bill last year. We had good bipartisan support for it. Basically, the bill, last year, said: Let's do one 3-year visa, and let it be renewed for a year. What I am proposing in my amendment is, let's do a 2-year visa. Let it be renewed twice. Then the 6 years is up.

So we are not changing a lot of other aspects of the bill. I know there are some in this Senate who think we should change other aspects. In fact, I think we should as well. But I am not trying to do that in this amendment. I am saying let's at least eliminate this 1-year hiatus that is built in between each of these 2-year visas we are providing for in this guest worker program.

To me, this is eminently sensible. It is something we ought to do. Governor Napolitano wrote an op-ed piece in the New York Times on June 1 of this year, and she said the following:

> The proposed notion that temporary workers stay here for two years, return home for a year, then repeat that strange cycle two more times makes no sense. No employer can afford this schedule—hiring and training, only to have a worker who soon will leave. It will only encourage employers and workers to find new ways to break the rules.

What we are doing is setting up a system that will encourage workers to overstay their visas. Much of the illegal immigration problem we have in this country today is not because people have sneaked across the border—although there are many of those—it is because people have come here legally and overstayed their visas, and they are now illegally living in this country.

If you ever wanted to have a system that would generate more people coming here and illegally overstaying their visas, we have designed it in this bill. So my amendment tries to correct that to some extent. It says once they come here and go to work, they are given a 2-year visa. They can renew that two times and work the full 6 years. So it maintains the 6-year limit that the sponsors, the architects of this legislation, have intended, but it makes a lot more sense in the way it works.

Let me mention one other aspect which I think is crucial; that is, we need a system that is workable. We do not have the capacity today—we, the Federal Government—to keep track of people who leave the country. We can keep track of the ones who come in, but if you ask the Immigration Service how many of those who come in are still here, they do not know. We do not have the capacity today to track the people who leave.

So we are setting up a system where we have 200,000 a year coming in. Two years later that 200,000 is supposed to leave. The next year 200,000 more people come. Two years later that group is supposed to leave. We have no way of implementing this system and ensuring it is being complied with. So the whole thing is assuming a capacity and a capability that the Federal Government does not have today.

It would be much simplified if we were to adopt the amendment I have offered. I hope my colleagues will support the amendment. It would improve this bill significantly.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, to give some information to the Members, as I understand, Senator HUTCHISON and the members of the Finance Committee are meeting. As a point of information, the Senator from Texas, Mrs. HUTCHISON, and staff are meeting with the Finance Committee staff to consider those particular proposals. We have given the assurance to her that the Senate will address those issues at some time, but since it was just dealing with Social Security, although there are provisions in here that deal with Social Security, it is entirely appropriate that we ought to have the Finance Committee work on that.

The Senator from New Mexico has offered an alternative on the temporary worker program that is a serious amendment, and we could, if we are—we will have to find out what the pathway is between voting on one side and voting on the other, to be able to consider that, but that is an important alternative to what is the underlying legislation. I know there is going to be some response to that from Members very shortly.

On the amendment of Senator DEMINT, he had indicated he was going to come to the floor to offer it. We were hopeful we might be able to consider that and have a vote on that later on as well.

At the present time, we are trying to work to see if we cannot find a situation where we can get two votes, one from the Democratic side and one from the Republican side, on measures that have been included on that list that have been talked about earlier, and the Members of the staffs on the Republican and Democratic side are working to see if we can't refine the list of different amendments to see what might be acceptable and then what might be germane and see if we can't refine this list. So that, I know for people outside the Senate, doesn't sound like much of an explanation about what is going on, but it is important and often produces additional motions here in the Senate. So we will have more information on this.

A very brief word on the DeMint amendment. His amendment requires a high deductible health insurance for each undocumented; otherwise, they would not be able to proceed with their earned legalization program which includes payments of the fines, demonstration of the work product, the investigations that show they have not had challenges in terms of the law, and the series of requirements that are out there. He would add to this the additional expenditures which would be necessary for coverage with a high deductible health insurance.

There are several points to mention here. First of all, in the underlying legislation, we have included a payment, some $500, that will be paid by each of the 12.5 million immigrants who are out there, many of whom will adjust their status. If they pay that $500, that is in excess of $1 billion—$1 billion that will be paid to those high-impact States, which is not insignificant, to help offset any of the kinds of utilization of these individuals in terms of the services within these various States. That is not insignificant.

Secondly, all of us are hopeful of trying to get universal coverage for people in this country, but we know we have 47 million who don't, and the ones who don't, it isn't that they don't want to have health insurance, it is because they cannot afford it. When you look at these individuals whom we are talking about, the undocumented and their income, we are talking about individuals who are earning $8,000, $9,000, $10,000 a year. If they have the adjustment of the status, they are going to be part of the whole kind of American system, hopefully, and meeting the other kinds of requirements, and therefore their enhanced opportunities are going to be there so they will be able to afford health care in the future. But making the requirement now will only state to those individuals to keep them in the shadows. It is one more barrier that is going to prohibit them from being involved.

A final point—and I ask unanimous consent to have this material printed in the record—the utilization of these health care facilities as we have seen in the most recent study, particularly in the State of Texas, which shows that, by and large, these are individuals who are younger, have used these health emergency centers very rarely. We have the studies that have been done, particularly the most recent one in Texas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL REPORT, DECEMBER 2006

UNDOCUMENTED IMMIGRANTS IN TEXAS: A FINANCIAL ANALYSIS OF THE IMPACT TO THE STATE BUDGET AND ECONOMY

* * * to develop an estimate of the fiscal impacts to 14 Texas border counties. In addition to sheriff's offices, they calculated costs to the following offices for each county:

District Attorney
District Court
District Clerk
County Attorney
Court at Law
Justice of the Peace
Indigent Defense
Adult Probation
Juvenile Services

They also included an estimated emergency medical care cost, but their estimate included costs for both offenders and non-offenders who are undocumented immigrants. The Comptroller's report includes a separate calculation estimating Texas health care costs for undocumented immigrants, so these costs were subtracted from the U.S./MBCC estimate.

The U.S./MBCC estimated that the cost to these 14 border counties was approximately $21.5 million. Of that amount, sheriff's offices accounted for approximately 60 percent of expenditures for undocumented immigrants. Applying this ratio to the figure calculated for sheriff's office costs produces an estimate of $81.7 million for costs related for processing and incarcerating undocumented immigrant offenders for the 15 highest SCAAP grant recipients. These 15 counties received 88 percent of the 2005 SCAAP money awarded to Texas counties; $81.7 million divided by 0.88 produces an estimated total cost of $92.9 million.

This figure represents a conservative estimate, as the SCAAP grantees represent 95 of Texas' 254 counties and 87 percent of the state's population. Some of the remaining counties also may incur criminal justice costs related to the processing and incarceration of undocumented offenders. For example, five of the 14 border counties included in the U.S./MBCC study did not submit SCAAP applications in 2005.

Total estimated costs for education, health care and incarceration are detailed in Exhibit 13.

VI. ECONOMIC BENEFITS

This section analyzes two issues: the economic impact of undocumented immigrants in Texas, including their contributions to state employment, wages and revenues over a 20-year period (2005 through 2025); and the contributions of undocumented immigrants on Texas government revenues.

ECONOMIC IMPACT

The Pew Hispanic Center estimates that between 1.4 million and 1.6 million undocumented immigrants resided in Texas in March 2005. To achieve a conservative estimate, this analysis relies on the lower boundary of this range.

Using 2000 Census data for the number of foreign-born residents in Texas counties, it is possible to estimate how many undocumented immigrants reside in each of Texas' 24 Council of Government regions, based on the assumption that immigrants are distributed in the same proportion as the foreign-born. Based on an age profile of foreign-born immigrants into the U.S. from Mexico, it is possible to further disaggregate the estimates into age and gender groups.

These data then can be put into the Comptroller's Regional Economic Model, Inc. (REMI) model to investigate the impact of undocumented immigrants on the Texas economy. This is accomplished by instructing REMI to act as if these immigrants were to suddenly vanish from Texas and then to examine the degree to which the underlying economic forecast for the state and for each region would be affected. The implicit assumption is 1.4 million undocumented immigrants have employment and spending patterns consistent with Hispanics in Texas with similar age and gender profiles.

To gauge the economic impact of undocumented immigrants, one additional change must be made in the REMI model. Because REMI is a general equilibrium model, it tries to compensate for changes in a variety of ways. In the case of workers eliminated from a region, the model assumes new workers will be recruited to make up for their loss.

While this is an expected "real-world" result, a true test of the effects of unauthorized immigrants would be seen only if the REMI model were prevented from importing additional workers into the state in compensation.

The model eliminates the impact of all undocumented immigrants on the Texas economy. Some in-migration was allowed, but drawing in new Hispanic in-migrants in numbers disproportionate to their share of the indigenous population in the U.S. was prohibited. Effectively, this shut off return in-migration from Mexico and other Latin-American countries.

Model Results

Probably the easiest way to summarize the contribution of undocumented immigrants to the Texas economy is to consider the percentage changes that might occur in various economic indicators as a result of their removal. (As a yardstick, it should be noted that 1.4 million people account for slightly more than 6 percent of the total Texas population.)

Exhibit 14 and 15 summarize the changes in key economic indicators, and summarize the economic impact. Without the undocumented immigrant population, Texas' work force would decrease by 6.3 percent. This decline is actually somewhat lower than the percentage of the work force actually accounted for by undocumented immigrants, since REMI assumes some additional immigration would occur to replace the workers lost. The most significant economic impact of losing undocumented workers would be a noticeable tightening in labor markets.

This tightening would induce increases in wages, as indicated by a rise in average annual compensation rate. Wage rates would rise by 0.6 percent in the first year and stay above the forecast rate throughout the entire 20-year period.

While pay increases can be viewed as a positive social and economic development, when they rise due to labor shortages they affect economic competitiveness. In this case, it would be expressed as a modest decline in the value of Texas' exports.

The remaining broad economic measures all point to an initial impact of undocumented immigrants of about 2.5 percent in terms of the value of production and wages in the Texas economy. Eliminating 1.4 million immigrants would have resulted in a 2.3 percent decline in employment, a 2.6 percent decline in personal income and a 2.8 percent decline in disposable personal income in 2005. This change also would generate a 2.1 percent decline in the gross state product (GSP), the broadest measure of the value of all goods and services produced in Texas.

While none of these changes are surprising, the one finding that may appear unusual is the persistence of the decline. If no in-migration were possible other than from natives or authorized immigrants, employment would remain 2 percent below the baseline forecast 20 years later. The impact lessens over time, but remains sizable throughout the 20-year forecast period.

The primary adjustment the model makes to compensate for the loss of these undocumented migrants is initially a rise in the wage rate, which would induce some new in-migration into Texas and some additional participation in the labor force from current residents. Moreover, with wages rising relative to capital, there would be some substitution of capital for employees so the need for additional workers is lessened through productivity increases. But the fact that the Texas economy cannot adjust completely to the loss of this labor through these changes and retain its competitiveness ultimately means that relative to the rest of the world the cost of production in Texas is higher, making our goods less competitive in the international marketplace and decreasing the size of the Texas economy.

Regional Distribution

Assuming that the current distribution of unauthorized immigrants is similar to the distribution of the foreign-born population in Texas from Central America and Mexico, as detailed in the 2000 Census, the economic impact of unauthorized immigrants varies substantially across Texas. As detailed in Exhibit 16, the loss of 1.4 million undocumented immigrants from the work force would produce work force declines ranging from 22.7 percent in the South Texas COG region (the Brownsville-McAllen area) to 1.7 percent in Southeast Texas (the Beaumont-Port Arthur area).

Generally, undocumented immigrants have the highest economic and demographic impact in the Border region, but they are a factor in the state's more urbanized areas as well. In all but one case (the Middle Rio Grande COG), Border COGs would see work force declines in excess of 20 percent (the Rio Grande, Lower Rio Grande and South Texas COGs). Even in the Middle Rio Grande COG (including Laredo), the work force impact of undocumented immigration is more than double that in the Houston-Galveston COG.

Other measures of economic impact are distributed similarly. Estimated population, employment and GSP declines would be highest along the border but also high in large metropolitan areas elsewhere in the state. The least affected regions in Texas would be those along the Louisiana and Oklahoma borders.

By 2025, a good portion of the work force and population changes would lessen, but in all regions the employment and gross regional product declines would remain sizable, indicating that the economic impact of undocumented immigrants is unlikely to be replaced by other economic changes (Exhibit 16).

Revenues

Estimating state government revenue attributable to undocumented immigrants is a difficult undertaking because any calculations must be based both on limited data and a number of significant assumptions about spending behavior. A review of the literature found several studies on undocumented immigrant impacts, but none that could be used as a model for Texas. Primarily, these studies focused on the impact of all immigrants, regardless of legal status, and the analyses focused on federal or state income tax revenue. Since Texas has no income tax, any estimate of state tax revenue must be based on its mix of consumption and business taxes.

Texas state government receives revenue from a wide variety of sources, but these generally can be grouped as tax collections, federal funding, licenses and fees and all other sources of revenue. In fiscal 2005, $29.8 billion of the state's total revenues of $65.8 billion came from tax collections. Federal revenue contributed $22.8 billion and licenses, fees, fines and penalties accounted for almost $6.2 billion. Other sources, such as interest income and lottery proceeds, generated the rest.

For the purposes of this analysis, major tax sources were analyzed to determine if a significant portion of collections could be attributed to consumer spending. Similarly, some major sources of revenue from fees and fines were identified as appropriate to the analysis. Sources of revenue excluded from the analysis include federal revenue and all other sources that could not be attributed directly to consumer behavior. While the state generates revenue from literally hundreds of taxes and fees, this estimate is based solely on revenue sources reflecting spending by undocumented immigrants.

State revenues included in the analysis, can be grouped in five categories: consumption taxes and fees, lottery proceeds, utility taxes, court fees and all other revenue. In addition, local school property tax revenue is estimated. Consumption tax revenue totals are composed primarily of revenue from the sales tax, motor vehicle sales and use tax, gasoline tax, alcoholic beverage taxes, cigarette and tobacco taxes and the hotel tax.

Estimated revenue for each tax is calculated based on information from two sources. The Pew Hispanic Center produces data on average income and demographic characteristics of undocumented immigrants nationwide (again, no detailed demographic data are available at the state level). The estimate of annual average family income used in this analysis is $27,400. In addition, data from the Comptroller's tax incidence model shows the tax impact for households at the estimated average income level.

State utility tax revenue mostly comprises the gas, electric, and water utility tax and this estimate uses the same basic data on average income along with the final incidence impact for this tax. Similarly, local school property tax revenue is based on the same data and the incidence specific to the school property tax.

Estimated lottery revenue is based on a Lottery Commission study of the percent of the population that plays lottery games and the average amount spent by each income level. Court costs and fees were calculated on a per capita basis since they are largely unrelated to income.

"All other revenue" consists of a number of smaller consumer taxes and fees that may well include some amounts paid by undocumented immigrants, but for which no data exist to base an estimate. The largest of these sources is higher education tuition; other sources include state park fees and the fireworks tax. This estimate assumes that undocumented immigrants contribute to the state through these revenues at the same rate as for the major consumption taxes and fees except for higher education tuition and fees. These contributions were calculated in proportion to higher education student enrollment.

As shown in Exhibit 17, estimated fiscal 2005 revenue to the state from undocumented immigrants in Texas is about $1.0 billion, or about 3.6 percent of the $28 billion in state revenue considered in this analysis. In addition, an estimated $582.1 million in school property tax revenue can be attributed to undocumented immigrants, or about 2.9 percent of the statewide total. Undocumented immigrants, thus, contributed nearly $1.6 billion in estimated revenue as taxpayers in fiscal 2005.

VII. CONCLUSION

The immigration debate has become more heated in 2006. Congressional hearings were held across the U.S. to discuss the impact of undocumented immigrants on the economy and the culture. At the same time, two distinctly different pieces of legislation were voted out of the U.S. House and Senate.

The Comptroller's office estimates the absence of the estimated 1.4 million undocumented immigrants in Texas in fiscal 2005 would have been a loss to our Gross State Product of $17.7 billion. Also, the Comptroller's office estimates that state revenues collected from undocumented immigrants exceed what the state spent on services, with the difference being $424.7 million (Exhibit 18).

The largest cost factor was education, followed by incarceration and healthcare. Consumption taxes and fees, the largest of which is the sales tax, were the largest revenue generators from undocumented immigrants.

While not the focus of this report, some local costs and revenues were estimated. State-paid health care costs are a small percentage of total health care spending for undocumented immigrants. The Comptroller estimates cost to hospitals not reimbursed by state funds totaled $1.3 billion in 2004. Similarly, 2005 local costs for incarceration are estimated to be $141.9 million. The Comptroller estimates that undocumented immigrants paid more than $513 million in fiscal 2005 in local taxes, including city, county and special district sales and property taxes. While state revenues exceed state expenditures for undocumented immigrants, local governments and hospitals experience the opposite, with the estimated difference being $928.9 million for 2005.

Mr. KENNEDY. So at the appropriate time, I hope the DeMint amendment would not be accepted. We might have more time to consider it, if the Senator wants to, when we have more of our colleagues here later, prior to the disposal of it. I was sort of hoping we could see a continued movement on several of these amendments, but we are being told now we have to have this clearance from the leadership on some of these measures, but we are hopeful we will announce to our colleagues very shortly what the plan is for the rest of the evening.

We are prepared to stay here, remain here and go through to dispose of these amendments. We have made important progress in the past. We have some important amendments which are pending. I think Senator SPECTER and I and the others who are interested in this—I see my good friend from Colorado, Senator SALAZAR, and others who are more than willing to have a good discussion about these amendments, and we would welcome the opportunity to have the Senate express itself with votes. That is certainly our desire. We wish to see continued progress on this extremely important legislation.

As one of those with others who has been a part of this process, we want to try. We know it is complicated and difficult. We know there are strong emotions. But I think all of us, after the period of this Memorial Day recess, understand full well the American people are expecting us to take action. They know that failure is not an alternative. They know it is complex. They know there are great emotions. There are a good many who know nothing out there—people who distort, misrepresent, misstate the legislation, and then differ with it, and that has certainly been done with regard to this legislation. We have, at least to date, had good debates and discussions on substantive matters, and the Senate has reached conclusions on a number of these matters. It is certainly our desire to continue that process to work with our colleagues on both sides of the aisle to continue.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to commend those who have worked on the immigration bill. I know their hearts are in the right place and they have attempted to come together to solve a very critical issue for our country and they are to be commended for their efforts.

I understand that if we call up an amendment, it will be objected to, and I think that is unfortunate. As the country sees, if we are going to have an immigration bill, then we need to have a real, full debate on all aspects of that bill and each Senator should have opportunities to offer amendments.

I think the bill has a lot of good in it. I think a lot of positive things have come through. However, there are two or three critical errors I believe that are incorporated in the bill. Quite frankly, one of them is the bill's plan, in terms of guest workers and managing the load of the Z visa holders. There is not the capability out there right now to do that.

I have an amendment which creates a real trigger, and that is what everybody in this country wants.

The reason there is a stir in the country about immigration today comes from the very fact that we have had laws on the books that we haven't enforced. When you have a free society and you have laws on the books that are not enforced, you get all sorts of untoward expectations that come about out of that. The No. 1 expectation that has come out of that is the American people don't trust us when it comes to immigration. I believe we have to earn back that trust. The way we earn back that trust is to secure the border. The way we earn back that trust is to enforce employer verification. The way we earn back that trust is internal enforcement.

The goals, as I said, of those who have worked hard in putting this bill together are admirable. However, the trigger is anything of a trigger, and it is something that would not accomplish its purpose.

I ask unanimous consent at this time that the pending amendment be set aside and amendment No. 1311 be called up.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I was in consultation. Could the Senator restate his request? I apologize to him.

Mr. COBURN. Amendment No. 1311.

Mr. KENNEDY. The Senator chooses to call up his amendment.

Mr. President, reserving the right to object, what we were attempting to do is, as we have been moving from one side to the other, Republican and Democrat, to have the introduction of amendments on both sides. That is what we would like to do. We have had a flurry right now of amendments. I hope we get an opportunity—I think, quite frankly, there are more amendments on that side than on this side, as a factual matter.

What they have tried to do is match amendment for amendment on both sides. That has been what they have tried to do through the day today. Whether that will be the way it will be in the future, I don't know. As I mentioned, there are more amendments on that side. So, obviously, we are going to have to deal with more. At the present time, they are trying to match one side with the other side in terms of amendments. So I hope that if we have amendments on this side, the Democrats would notify us so we can match them up and propose them together.

I necessarily have to object at the present time. I hope we will not have to object when we get our final list. To try to maintain at least that balance, which was at least the way we were attempting to proceed, I have to do it at the present time. I will do everything in my power to make sure that, having done so, his amendment will certainly be considered in a timely way so it doesn't work to his disadvantage.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma is recognized.

Mr. COBURN. I trust the Senator's integrity. But it is unfortunate for the American people, and also for the Senate, that we use a ruse that we have to have offsetting amendments be heard, when the fact is we are going to bring this amendment up, and we are not going to debate it tonight. The fact is it is going to be objected to being called up and being in the queue.

That overshadows the fact that I know the Senator would like to have a full and fair debate on this bill, but it seems we cannot get together to allow that. I will come back multiple times tomorrow to offer this same amendment and try to get it up. It is unfortunate that the body has to work this way tonight because we don't want to truly, in fact, allow all of the amendments on this bill.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

NATIONAL HUNGER AWARENESS DAY

Mrs. LINCOLN. Mr. President, I rise today to bring to my colleagues' attention and remind them that today, June 5, 2007, is National Hunger Awareness Day. As a founder of the Senate hunger caucus and an original cosponsor of the legislation, I express my heartfelt belief that this cause deserves our full attention.

We all move very fast in this world on Capitol Hill. We sometimes forget that outside the beltway bubble there are a lot of hard-working families, as well as other families that may not be quite so blessed, in terms of their everyday needs being met.

The resolution that established National Hunger Awareness Day allows for food collection. That is one thing we are doing on Capitol Hill today. We are doing a food collection for the needy, where Members and their staffs can bring food to my office, as well as the offices of the other hunger caucus cochairs, Senator SMITH, Senator DOLE, as well as Senator DURBIN. I appreciate the willingness of my colleagues to participate in such a very important effort.

Our collection drive has been going on for several weeks, and we will soon be providing the food donations to the U.S. Veterans, a charity based in Washington, DC, that assists homeless veterans with food and housing during their recovery. Certainly, as we recognize the diversity in the homeless community and those who suffer from food insecurity, as well as poverty, we must not forget, particularly in this time, the number of veterans in our great Nation, those who served our country so bravely and courageously in a time of need, and what a perfect time right now is to be able to recognize that on National Hunger Awareness Day.

I have worked with my Senate colleagues to draw attention to this issue because hunger and poverty are not just global issues; they are so pervasive that we all have some experience with them in our local communities, whether it is work we may do with our own houses of worship or whether it is something we do with our community-based organizations or community support activities. But we all can find a way where we recognize how pervasive poverty, and particularly hunger, is in this world.

Worldwide, 3 billion people—nearly half the world's population—live on merely $2 per day. In our Nation alone, almost 38 million Americans struggle day in and day out to find adequate nutritional food. More than 13 million are children living in households that are food insecure.

That brings it home to me from several different directions: As a daughter raised in a seventh generation Arkansas farm family, watching my dad take an incredible sense of pride in being able to produce crops he knew would feed his fellow man, taking pride in being efficient and effective with what he produced, and knowing what he could do would help sustain his fellow man. To look out on the crops and those farmlands I grew up on, and to think that 13 million children are living in households that are food insecure, with all of the plenty and the bountiful life we have in this great country, breaks my heart. Then I think of myself as a mother of twin boys who are about to turn 11 years old, and I look up and think to myself how grateful I am to be able to know they will get a nutritious meal; to see them when they come home from soccer practice and look up at me and say, "Mom, I'm starving," and how blessed I am to be able to go to a cupboard and provide a nutritious snack to them; yet to think about other mothers across this globe who are not so fortunate, who have to look into the eyes of their own children and say there is nothing here for you, nothing to eat, nothing to nourish your body or your mind or your soul in the form of food.

We can do better than that. I feel blessed I have never had to experience what it is to suffer from hunger. But I have tried to put myself in the shoes of those mothers who look into the eyes of their children and have to give them that answer.

Now, in conjunction with National Hunger Awareness Day, I have also recently elected to accept the food stamps challenge and live on an average food stamp program payment of $1 per meal. I went to the grocery store the other day, and I went down those aisles looking at what I could find that was economical and nutritious that I could prepare and would have the time to prepare, not just for myself, which I am the only one in my household doing the challenge, but nonetheless, to think of the time that working parents would have to spend to figure out how to put together a nutritious meal for them and for their children on $1 per person per meal. It is my hope that my participation in this event will not only create awareness in myself but also for others in highlighting the difficulties that millions of Americans living at or near the poverty line face each and every day. In addition, I hope to increase my understanding of the limitations of the Food Stamp Program and the importance it plays in assisting the food insecure and the hungry by experiencing what it is like to live it firsthand, to be looking for those foods and what you can afford on $1 per meal.

We had a woman—a very courageous woman—who came and testified before the Senate Agriculture Committee on the Food Stamp Program. She brought with her her son who is 11 years old, similar to my boys, who sat there. She said: You know, I don't make it a habit of discussing financial issues in front of my young son, but this is so important to me, to point out that I work hard at a full-time job, and I still do not make enough money to provide for my family. I still am able to accept food stamps. She said: But look at what I have to do to manage that.

Then I looked at her testimony and realized that not only was she caring for her own son, she was volunteering with the PTA, the Cub Scouts, and the local library. She was helping her community also, helping raise all those children. Yet she was still subjected to living in food insecurity.

We can do better than that. As a Member of the Senate Agriculture Committee, I wish to ensure that we do improve the delivery and maintain the integrity of nutrition programs when we consider the farm bill later this year. I wish to also make sure we maintain the integrity of our ability in this great Nation to produce a safe and abundant and affordable food supply. We pay less per capita than other countries across the globe. Yet we still see that working families are living in food insecurity. Over 60 percent of the farm bill budget pays for important initiatives that directly provide food and nutrition assistance, such as the Food Stamp Program, the fresh fruits and vegetables program for schools; and we are finding now that oftentimes for those children that may be the only access they have to fresh fruits and vegetables; a farmer's market program for low-income seniors, among others, that we are striving so hard to not only eliminate food insecurity but to make sure we are working hard to provide for all Americans, for the needs that exist.

We must continue to fund these important programs, and we must look for new and innovative ways to ensure that Americans do not go hungry. I know that when I worked downtown, there was a man regularly at the front door of the office building I would go into. He would sit there, usually with a cigarette and a bottle and, you know, I felt so driven, both by my faith and simply my human nature, and I knew that in my life on this Earth, I should never, ever want to see another human being going hungry. That is when I decided to start giving out food coupons—not giving out dollars but making sure my fellow man—doing all that I could do, so he and others would not go hungry if I were there.

In the coming weeks and months, I encourage my colleagues to become more aware, more educated, and more informed about the effect of hunger and poverty and to find out what impact you can have in your State and in your community. I encourage all Americans to do that. Think about the difference it makes—those 13 million children living in food insecurity—how much better they could perform in school if they weren't hungry; how less likely they would be to get sick if they were getting nutrition; how much more confident they would be in who they were and who they could become if they knew that their country was there to nurture them in the most basic and essential need: food.

There is no quick solution to this problem. Government alone cannot provide all the answers. We know that. As we look across these strong communities in our country and we see food banks sponsored by our faith-based organizations and the outreach of volunteers that provide Meals on Wheels and all kinds of other programs, we know that Government cannot do it all. But we also know that, as Americans and as an American family, the values we hold dear are values of being a good neighbor. That is a critical part of what this is all about. Together, we must work to reach out to organizations in our communities that are committed to this cause and develop a public-private partnership that provides resources and the manpower to combat food insecurity in this country.

Yes, we must teach our children. We must teach our children to become engaged in recognizing food insecurity, poverty, and hunger where it exists and to recognize that they, too, have a responsibility.

I noticed my son the other day when he came home, and he said: Mom, I am responsible for bringing some lunch meat to school because our student government is going to provide sack lunches to the homeless shelter out here in our community. The student government got together and made the lunches and put them together and then delivered them where they could visit the individuals they were actually helping, assisting, and giving notice.

In closing, I would like to leave my colleagues with just a few thoughts. I know many of you all read the same Scripture I do. First and foremost, I believe my faith calls me, and it calls all of us, regardless of faith, to care for those who are less fortunate; to feed the poor and the hungry. I can tell you I am proud that our current nutrition program works toward that goal, but does it do enough? No. We can all do more. We can all do more in reaching that goal.

Today, on National Hunger Awareness Day, we need to begin by asking ourselves what more can we do to eliminate hunger and poverty in our community and in our world. It has been said: To those to whom much is given, much is required. We live in this great country. Such a blessing to each and every one of us. The opportunity to do for our fellow man is an incredible responsibility. To us, much has been given, and much will be required in giving back.

I appreciate my colleagues' attention to this issue, and I ask each and every one to reflect on what it is that we can do collectively as a government that reflects the values of who we are as an American family and what each of us has to do individually that reflects the values that we hold dear. One of the things we must remember, hunger is something that has a cure. There are many diseases and many things we debate on the floor of this body for which we don't yet have a cure. We don't know how we are going to solve those problems. Hunger has a solution and it has a cure and it is our responsibility to strive hard each and every day to find that cure for our fellow man.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to commend my colleague from Arkansas, the senior Senator from Arkansas, for the passion that she has shared with us that she has had for some period of time about the plight of the hungry.

Indeed, she is accurate in pointing out that in the ancient Scriptures there are over 2,000 references to the poor. And, indeed, she quoted very accurately from the Book of Matthew, where one of the great admonitions is to do it unto the least of these, my brothers and sisters, and one of those admonitions: When I was hungry, you fed Me. So I thank her for that.

Having just come back from Africa, participating in a number of the world food programs there, I would note a food program is not only necessary there because of the obvious, the starvation and the drought, and so forth, but now, with the President's new initiative and additional funding on the HIV/AIDS plague, in the administering of the antiviral drugs which have had some very positive effect, we find they won't work because the patients can't tolerate them if they are hungry. So now a program worldwide of joining the two.

But the Senator from Arkansas has spoken so eloquently about hunger at home, hunger among us, and there is no reason in America, in the year 2007, that we should stand idly by and turn a blind eye to the needs around us among the poor. I thank her for her comments and her passion that she brings to this subject.

Mr. DURBIN. Mr. President, I rise today in honor of National Hunger Awareness Day and to give voice to the difficult reality that exists for more than 35 million people in the United States—the experience of hunger.

In a society as civilized as ours, basic sustenance should be a guarantee. If children—or adults—are hungry in America, that is a problem for all of us.

Yet hunger continues to affect the lives of millions of families, including over 14 million children who live below the poverty line.

In the past few years, there have been multiple efforts to make "hunger" disappear—not as a troubling reality for millions, but as a term in surveys and press releases.

Every year, the USDA issues a report that measures Americans' access to food, and it has consistently used the word "hunger" to describe those who can least afford to put food on the table.

But starting in 2006, hunger facts and figures began to disappear and were replaced by measures of "food security," a more scientifically palatable term.

Yesterday, the Washington Post reported on the proposed administration budget cuts to the Survey on Income and Program Participation—the only large-scale measure of the impact of Medicaid, food stamps, school lunches, unemployment and other safety net programs for the poor.

All these efforts put forth the false notion that nobody's hungry in America.

But despite the fact that we don't use words and we don't use numbers, the presence of hunger is ever so clear.

We can see it in the faces of children at school who have not had a decent meal since yesterday's school lunch. We can see it in the families at food pantries showing up a day earlier than normal because their monthly pay is not stretching as far it once did. We can see it in the loving parent giving up their own meal to make sure their child has something to eat at night.

In a land that prides itself as the land of plenty, we cannot hide the fact that we need to do a better job at making sure everybody has at least enough to eat.

Each hungry child that we allow suffer chips away at the moral strength of our country. This land of opportunity—and the American dream—should not allow for 37 million of its people to live in poverty, to live hungry.

Our moral strength, our commitment to our community is a foundation of our country. The well-known American journalist, Bill Moyer, just last week put it best when he said:

> It's right there in the Constitution—in the Preamble: "We, the People"—that radical, magnificent, democratic, inspired and exhilarating idea that we are in this together, one for all and all for one.

And he was right, this is the "heart of democracy" and more importantly, it is the heart of humanity. As Bill says, the prayers we say are prayers for all of us: "Give us this day our daily bread." And his is the most important message that should inspire us today: "We're all in this together; one person's hunger is another's duty".

Hunger is a problem for all of us. I hope that we all work together to fulfill our duty to end hunger in our Nation and the world.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, I rise to speak today on the occasion of National Hunger Awareness Day.

Hunger and poverty are among the great moral challenges confronting our society. Hunger and poverty require us all to respond—because our society can be judged by how we treat our most vulnerable citizens. If there is a child out there who has done everything she has been asked and still has to say no to the college of her dreams, that makes a difference in our lives, even if it is not our child. If there is a senior citizen who has to go bag groceries because some company broke their promise about his pension, that matters to us, even if it is not our grandparent. If there is a veteran who has been wounded in this war, and ends up back here on the streets picking through a dumpster for food, that diminishes the patriotism of every American.

This week the Food Research and Action Center, FRAC, has released its annual study: "State of the States: 2007." This important research highlights levels of hunger, poverty and the use of federal nutrition programs nationally and in each State.

This report and its findings underscore why we must continue the push in Congress to strengthen proven antihunger measures such as the Food Stamp Program. We have made progress over the last few decades in combating extreme hunger in our communities. But the work is not over. In Illinois, for example, more than 150,000 households are hungry, and many more families live at the margins and are at risk of becoming hungry. We can do better. That is why I have joined my friend DICK DURBIN in pushing to strengthen antihunger measures in this year's farm bill, and I will continue to support vital programs that can reduce hunger in our communities. The Food Stamp Program, for example, helped an average of 26.7 million Americans each month last year, while on average the USDA has estimated that every Food Stamp dollar generates approximately $1.80 in economic activity. And for many families, Food Stamp support is vital during their transition from TANF to employment. This is the kind of nutrition and antipoverty program Congress should be enhancing and investing in.

I am also proud to be a cosponsor of S. 1172, the Hunger Free Communities Act, which was introduced by Senator DURBIN and enjoys strong bipartisan support. This measure would improve and strengthen Hunger-Free community grants that aide our frontline antihunger organizations, as well as establishing much needed, hunger-focused research efforts within USDA and setting national goals for reducing hunger.

Other Federal nutrition programs, such as the National School Lunch Program, Women, Infants and Children, WIC, and the Commodity Supplemental Food Program, CSFP, offer critical support to some of our Nation's neediest citizens. After all, how can we expect our children to be productive and attentive at school when they haven't had breakfast or lunch?

I have learned from my time in Washington that hunger is one of those issues that every politician likes to talk about. What is harder, it seems, is to follow through and take substantive steps to eradicate hunger in our communities. That is why I am grateful for the close support and collaboration of our many friends and outside groups that are at the frontline of combating hunger and raising the profile of this issue every day. They hold us accountable for ensuring our deeds match our words.

I hope that my colleagues will continue to join in this important moral endeavor of addressing the most basic needs of our brothers and sisters—and strengthening our Federal nutrition programs.●

WILLIAM CLIFTON FRANCE, JR.

Mr. NELSON of Florida. Mr. President, we have been mourning the loss of our colleague today, and I have had the opportunity earlier this morning of sharing with the Senate my comments concerning the life of Senator THOMAS. Indeed, America is mourning another one of her great sons, and that is the past president of NASCAR, the one who built NASCAR into what it is today, the No. 1 motor sport—one of the greatest of all sports now, with 75 million followers—and that is Bill France, Jr., who died just a few days ago.

Bill France is one of those great American success stories. He learned from his father, way back in the old days when he was tending to a gasoline station in Daytona Beach, FL, where he got the idea of starting to race stock cars. The first races were rather rudimentary because they went on that beautiful hard-packed sand of Daytona Beach. They would go down the beach for quite a distance, turn, come up on a road that is today called Highway A1A—and back then it was a dirt road—go down that a distance, turn back on to the beach, and continue the circular drive using the beautiful Daytona Beach. Of course, that graduated into the building of the Daytona Speedway, until we now have this NASCAR being America's No. 1 form of motor sports for 75 million fans.

Bill France, in building this sport, not only started to improve the Daytona International Speedway, but his International Speedway Corporation oversaw other raceways, such as Darlington, Talladega, and others. Bill France followed in the footsteps of his dad, Bill Sr. He was a big man, 6 feet 5 inches. Bill Sr. was the founder and the first president of NASCAR. The France family lost Bill Sr. some number of years ago. I had the privilege of knowing Mr. France, Sr., and then see his son bring this sport into the prominent position that it is among all sports in the entire world.

William Clifton France. The France family mourns his loss. The Senate's condolences go out to Betty Jane and his daughter, Lisa France Kennedy; to his son, Brian France; and to the entire France family. America has lost one of her great citizens, but America is the better for the great things that Bill France has built.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, a number of things continue to be revealed as we analyze this monumental piece of legislation which purports to comprehensively reform immigration law in America and, indeed, any comprehensive reform bill would be extensive because it is an incredibly complex subject with many moving parts, many legal niceties and complexities, all of which, if we are going to have a system that works, need to come into place.

It has been stated repeatedly by those who have proposed and promoted the legislation which is before us today that this legislation will secure the border and we will have a lawful system of immigration in the future. Those claims have been made repeatedly. The proponents have said they are going to have additional Border Patrol agents, and so forth. Indeed, the PowerPoint that the White House used to make their presentations early on promised to "secure U.S. borders" and "not to repeat the 1986 failure."

Others are saying the same thing. One of the Senators who is involved in the process said, "I am delighted we are going to secure the border." Another Senator said, "This legislation will finally accomplish the extraordinary goal of securing our borders." Another said, "The agreement we just reached is the best possible chance we have to secure our borders. In this legislation we are doubling the border patrol: we are increasing detention space." Another Senator said, "This will restore the rule of law. Without the legislation, we will have anarchy." Another one said, "We started out with 18,000 additional border patrol officers. We will increase the detention capacity." And so on and so forth. Even our former Governor Jeb Bush and Ken Mehlman wrote an op-ed in the Wall Street Journal and said, "It will make sure our borders become secure."

"We have had broke borders in this country for 20 years." That is the truth. "It is time we get them fixed." That is the truth.

Then they add, "And this bill will do just that."

Okay. There are many more I could quote along that line. But I hope, therefore, that every member of our body who understands the Congressional Budget Office and the work that organization does, how it is designed to analyze statutory language in our legislation to give us a budget score and other analysis of what that legislation is all about, they made a tremendously significant announcement yesterday, one that is quite frightening and all of us should pay attention to.

According to the Congressional Budget Office, the new Senate bill will only reduce net annual illegal immigration by 25 percent. It will add 550,000 visa overstays to the illegal population by 2017, and up to 1 million visa overstays by 2027.

In the section titled "Effects on the United States Population," the CBO states, and I quote their article, their report:

> CBO estimates that implementing those requirements [enforcement and verification requirements] would reduce the net annual flow of illegal immigrants by one-quarter.

Twenty-five percent. Then they go on to note the problem with visa overstays, in addition, saying this:

> Other aspects of the legislation are likely to increase the number of illegal immigrants, in particular, through people overstaying their visas from the guest worker and H-1B programs.
>
> CBO estimates that another 1.1 million people would be added by 2017 as a result of the guest worker program, about half of them authorized workers and dependents, the remainder the result of unauthorized overstays. That figure would grow to 2 million by 2027.

What I want to say to my colleagues is—and those people who have worked hard on the bill to try to create a piece of legislation that politically they think can be passed, and they worked together with special interest groups and everybody but the U.S. Border Patrol, and everybody but the American people who had an interest in immigration, they all plotted on how to write this thing up so they can eliminate political problems and split babies in half—all of that is supposed to create a system that first and foremost would create a lawful system of immigration, would eliminate the illegality and create border security.

Now we have the Congressional Budget Office telling us that at best it is only going reduce illegal immigration 25 percent. As a price for that, we are supposed to grant amnesty to 12 million people who are here, provide options for chain migration to continue for 8 years, denying during that time highly competitive people from all over the world who want to come here an opportunity to come here, and delay some of the things in the bill that I think are positive and ought to become law.

I want to tell my colleagues once more, think about this as you consider whether you can justify supporting the legislation. Because if it is going to reduce the illegal flow into this country by 25 percent, and actually through the guest worker program is going to allow more people to overstay, then we have got a problem. You see, visa overstays are already nearly 40 percent of the illegal population. Those are people who come into the country legally, they stay here through their allotted time; they just do not leave when the time is up. They stay, they overstay.

Under the plan we have here that has a temporary guest worker program, that would have after the first year some 400,000 temporary workers here at a given time, their parents could come to visit them, their spouses could come to visit them. Even spouses could come to visit if the spouse does not certify they intend to return and stay in their home country; a real tipoff that they intend to stay illegally in the United States if they are not entitled to stay; they want to stay illegally. So I think those are matters that are important to us.

I also note there is a glaring omission in the trigger language of the legislation, and that omission is the U.S. exit visa, the U.S. visa exit portion. In other words, when you come into the country with a biometric card, you are approved to work as a temporary worker at some place, and you do your duty, you are supposed to stay 1 year, a season, you are supposed to stay 2 years, and then return. What happens when you return or do not return?

Ten years ago we required that by 2005, we have a recording system that records your exit from the country, like you may have when you go to work and you record your time clock out when you leave work. Therefore, we know if the person who came left when they were supposed to leave, and you know if they did not.

That is not in the bill. That is not required as a part of the requirement before the amnesty takes place. I wanted to share that with my colleagues. I think it should cause a great deal of uneasiness for all of us. It makes you wonder how committed the drafters of this legislation—and frankly, a lot of lawyers and people with experience in immigration and some of them not even Senators, were deeply involved in all of this in writing the legislation. I am not sure everybody caught all of these things. We are just now hearing what is in the bill, frankly.

So however they drafted it, whoever wrote this in, time and again you see provisions in the bill—and I have listed 20; we will soon have 25 loopholes of this kind and nature that I think indicate the drafters were not as committed to enforcement as they have suggested. Oftentimes, as I noted, drafters are not the Senators who did not do all of the fine-printing themselves.

I want to note one thing in the CBO report. It has been stated more than once.

Mr. President, I see the majority leader here. I can delay other activity. I wanted to raise this issue. I would be glad to yield to him. I will wrap up and say one more thing.

It was repeatedly noted that the score by the Congressional Budget Office indicated the bill had minimal cost to the taxpayer over the first 10 years. Now we knew without dispute that in the second 10 and even in the decades that go beyond that, the cost surges. But even in the first 10, they said there would be little, if any, cost. But if you read their latest report in detail, you will note that is only true if you consider Social Security taxes paid by those people who are legalized under this bill.

But, you see, that should not be counted and will not be counted in a budget situation, because the money paid to Social Security is set aside for that person's retirement. If they pay into Social Security now, they are going to draw it in retirement later. That is an off-budget matter. That is a Social Security matter. That income should not be counted. When you eliminate that money for Social Security, you come out with a $33 billion cost in the first 10 years of this legislation, according to our own Congressional Budget Office. Those numbers will surge in the decades to come.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ.) The majority leader.

Mr. REID. Mr. President, for the benefit of all Members, we are very close, we hope, to having two votes. It should be momentarily, in the next 10 minutes. It might be better.

We are trying to work out something on the McConnell amendment and the Feingold amendment. We have been very close to that for some time now. I am told we are very close to it now. We also have staff, both majority and minority staff, working on setting up about a dozen votes for tomorrow on amendments that are pending.

As everyone knows, I offered earlier today to have the staffs work to find out what votes the minority has that they feel would be germane postcloture, so maybe we can come up with a finite list of those. We are willing to be reasonable, but we do have to move this along.

I have had a number of Members say to me: Well, let us take another week or two on this bill; it is worth it. I know how people feel about this bill. We are not spending another week or two on this bill. It is Tuesday. We still have Wednesday, Thursday, Friday to finish this bill, could work into the weekend if necessary. This is an important bill, but we need to finish it. We need to finish this. That is why cloture will be filed tonight. I have offered a unanimous consent request so we would not even have to vote on it Thursday morning; we could vote on it Thursday night. I have also suggested if people are serious about moving this bill, we only need the one cloture vote on a substitute. That is the way it normally works, anyway; you don't have to turn around and vote on the bill itself. Rarely does that happen. That would only be if someone is trying to stall this matter.

I hope we can dispose of a lot of amendments. I hope tomorrow or the next day we could vitiate the request for cloture and have final passage on the bill. We want to be reasonable. That is why the staffs have been instructed to try to work on a way to get from here to there.

But this stage has been very difficult, because a lot of people who want to offer most of the amendments are people who have no intention of ever voting for this bill, no matter what happens. We are still going to process their amendments. They have a right to their amendments as does anyone else, even though their definition of improving the bill is, I guess, relative.

Mr. President, we still do not have anything here yet.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, as I understand the procedure the leader has been exercising, it is only one or two amendments are allowed to be placed in the pending category, and if one attempts to bring up an amendment, leadership objects.

I tried to bring up an amendment Friday, and there was an objection to make it pending. I tried to bring up an amendment Monday. There was an objection on a very—we are sort of being slow walked. I would ask the leader, would he allow us to bring up a substantial number of amendments and get them pending, so if he files for cloture and got it, you would have a chance to get those amendments voted on? If they are not pending, we will not get to vote on them.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Alabama, he has two amendments that are pending now.

We have found in weeks past, months past, it is important to dispose of amendments that are pending; otherwise, you wind up that the person who offered the last amendment controls what goes on here on the floor. There have been a number of additional amendments that have been filed today. As I indicated, staff is now working on a procedure to dispose of all of the pending amendments, have votes on those tomorrow.

As I have said earlier today, in fact a few minutes ago again, often here in the Senate, when we come to situations such as this, we say: Okay, let's get a list of finite amendments. How many amendments do you want to offer? Then we try to work that out. It is a little difficult to do, because any one Senator can stop that. But we are trying to come up with a finite list of amendments. The two managers, Senators KENNEDY and SPECTER, have worked on this, and their staffs are working on this, along with mine. Right now there is an effort to move this forward. I hope we can do that.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1170

Mr. DURBIN. Mr. President, there is an amendment that has been filed and may be considered this evening, which I think is extremely important. I wish to speak to it. It is the McConnell amendment, offered by the Republican leader, amendment 1170, to the immigration bill.

This amendment has very little to do with this immigration bill, but it is one of the most important issues any Congress could ever consider. It is about Americans' right to vote.

The right to vote is the most fundamental right in a free and Democratic society. In fact, in Reynolds v. Sims, the Supreme Court called it "preservative of other basic civil and political rights."

I think that is fair warning to all of us that when we consider the McConnell amendment, we should understand this is not just another amendment. This amendment goes to the heart of our franchise as Americans. It goes to the heart of our democracy. We have come a long way in our country on the issue of voting rights. Last year, we reauthorized the historic Voting Rights Act, the landmark act passed in 1965 safeguarding the right to vote for millions of Americans who had been denied that fundamental right for generations. The amendment offered by Senator McCONNELL to this immigration bill will undermine the Voting Rights Act. It will restrict voting rights in America. It will diminish the voting rights of our American citizens, particularly minorities, the poor, the elderly, and the disabled. That is a historic decision. This is not another commonplace amendment; it is an amendment of great moment.

I might add, the McConnell amendment is opposed by nearly every major civil rights group in America today. The McConnell amendment, simply stated, would require that all Americans bring a government-issued, current, valid photo ID with them when they vote. The idea may sound reasonable on its face until you look closely.

The fact is, many Americans don't have a photo ID. Twelve percent of Americans don't have a driver's license. Who are those 12 percent? By and large, they are minorities, the poor, the elderly, and the disabled. A 2005 University of Wisconsin study showed that over 50 percent of African-American and Hispanic adults in Milwaukee don't have a valid driver's license. The McConnell amendment will have a disproportionately negative impact on these groups. It will diminish their right to vote.

Second, the McConnell amendment may be on its face unconstitutional. The State of Georgia passed a photo ID law in 2005, and it was struck down by the courts. A Federal district court judge said it constituted a modern-day "poll tax" and was presumptively unconstitutional. An appellate panel of three judges, including two Republican appointees, agreed. What gave rise to the Georgia photo ID law? Was there a history of election fraud in that State? No. The Georgia secretary of state said she was unaware of a single documented case in recent years of fraud through impersonation of a voter at the polls.

Cries of voter fraud are heard over and over again. It is one of Karl Rove's inspired strategies to keep raising this issue. But these are phantom cries. Look at the numbers. Since 2002, 196 million votes have been cast in Federal elections. Do you know how many voter fraud convictions there have been from those 196 million votes? Fifty-two out of 196 million. Most of these were for vote-buying and voter registration fraud, neither of which would be stopped by a photo ID.

Sadly, and cynically, photo ID laws are being pushed by some for partisan reasons.

Seventh Circuit Judge Terrence Evans wrote, while dissenting in a recent Federal case that upheld a photo ID law in Indiana:

> Let's not beat around the bush. The Indiana voter photo ID is a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic. We should subject this law to strict scrutiny . . . and strike it down as an undue burden on the fundamental right to vote.

We have recently learned about the troubling role played by partisan political appointees at Alberto Gonzales's Justice Department in clearing the Georgia photo ID law. According to press reports, the career staff at the Justice Department made a recommendation to object to the Georgia photo ID law because they believed it would have a discriminatory impact on minority voters. But the career employees at the Department of Justice were overruled by the political appointees of the President and Alberto Gonzales.

One of these political appointees, Bradley Schlozman, was rewarded by receiving a U.S. attorney appointment in Kansas City, MO—job well done for Mr. Schlozman. He went to Kansas City and decided he would continue to pursue the Karl Rove strategy of voter fraud. By any objective measure, Mr. Schlozman was unqualified to be a U.S. attorney. As he testified earlier today at a Senate Judiciary Committee hearing, Mr. Schlozman had never worked as a prosecutor and never even tried a case. But by embracing this phantom voter strategy of Karl Rove in Georgia, Mr. Schlozman earned his stripes and was promoted. In the eyes of Karl Rove, Kyle Sampson, and Monica Goodling, he was a "loyal Bushie."

I was proud to cosponsor a resolution in 2005 by my colleague, Senator OBAMA. The resolution condemned the Justice Department's approval of the Georgia photo ID law and expressed the sense of Congress that requiring a photo ID in order to vote places a discriminatory burden on voting rights. The McConnell amendment is an attempt to impose the Georgia photo ID law on America. This measure was debated and defeated in 2002 when we enacted the Help America Vote Act. It should be defeated again now.

I realize the photo ID requirement was proposed a few years ago by a bipartisan commission. But since that commission report was issued, new research conducted for the bipartisan Election Assistance Commission has shown that photo ID requirements reduced turnout in the 2004 election by 3 percent. It showed that with voter ID requirements, Hispanics were 10 percent less likely to vote and African Americans 6 percent less likely. Is that what we should do in Congress—create barriers for minorities to vote?

The McConnell amendment is unfair and unconstitutional. I urge my colleagues to oppose it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the time until 7:20 this evening be for debate to run concurrently with respect to the McConnell amendment No. 1170 and the Feingold amendment No. 1176, with the time equally divided and controlled between Senators McCONNELL, FEINGOLD, or their designees; that no amendment be in order to either amendment prior to the vote; that each amendment must receive 60 affirmative votes to be agreed to; that if they do not receive 60 affirmative votes, then the amendment be withdrawn; that the amendments be voted in the order listed in this agreement; and that there be 2 minutes equally divided prior to the second vote and that the second vote be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that when the Senate resumes consideration of S. 1348 tomorrow, June 6, there be 2 hours of debate equally divided and controlled between Senators KENNEDY and CORNYN or their designees, with the time to run concurrently on the Cornyn amendment No. 1184, as modified, and a Kennedy amendment relating to the same subject, with no amendments in order to either amendment prior to the vote; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the Kennedy amendment, to be followed by a vote in relation to the Cornyn amendment, with 2 minutes of debate equally divided prior to the second vote, and with the above occurring without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I would hope this would set the process in order that we can work through all these amendments. The staffs have been working, lining up other amendments, for votes on those. This is the third time now I have asked for a list of finite amendments. We hope they will be germane amendments but finite amendments. We will see if we can have a period of time that we ask for those. When that time arrives, those would be all the amendments that would be available on this bill. We have done that on many previous occasions. I hope it works.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, a group of Senators who constructed this bill have been meeting and are trying to follow the plan that the majority leader has just articulated. We would ask the cooperation of all those who have amendments to be in a position to move promptly tomorrow with time agreements to see if we can't show sufficient progress tomorrow to see the light at the end of the tunnel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1176

Mr. FEINGOLD. Mr. President, I urge my colleagues to support amendment No. 1176. This amendment contains the language of S. 621, the Wartime Treatment Study Act, a bipartisan bill I have introduced with my friend from Iowa, Senator GRASSLEY.

This amendment would create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II. This amendment would help us to learn more about how recent immigrants and refugees were treated during World War II.

The United States fought a courageous battle against the spread of Nazism and fascism. But we should not let justifiable pride in our Nation's triumph in World War II blind us to the treatment of some Americans by their own government.

Many Americans are aware that during World War II, under the authority of Executive Order 9066 and the Alien Enemies Act, the U.S. Government forced more than 100,000 ethnic Japanese from their homes and into relocation and internment camps. Through the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980, this unfortunate episode in our history finally received the official acknowledgment and condemnation it deserved.

But that same respect has not been shown to the many German Americans, Italian Americans, and European Latin Americans who were taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps. This amendment would simply create a commission to review the facts and circumstances of the U.S. Government's treatment of German Americans, Italian Americans, and other European Americans during World War II. It is time for a full accounting of that sad chapter in our history.

A second commission created by this amendment would review the treatment by the U.S. government of Jewish refugees who were fleeing Nazi persecution and genocide and tried to come to the United States. German and Austrian Jews applied for visas, but the United States severely limited their entry due to strict immigration policies, policies that many believe were motivated by fear that our enemies would send spies under the guise of refugees and by the unfortunate antiforeigner and anti-Semitic attitudes that were, sadly, all too common at that time.

It is time for the country to review the facts and determine how our immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany.

It is urgent that we pass this legislation. We cannot wait any longer. The injustices to European Americans and Jewish refugees occurred more than 50 years ago. Many of those who were harmed are no longer with us, the rest are very elderly.

Americans must learn from these tragedies now, before there is no one left. These people have suffered long enough without the comfort of an official, independent study of what happened to them, and without knowing that this Nation recognizes their sacrifice and resolves to learn from the mistakes of the past.

This amendment does not call for reparations. All it does is ensure that the public has a full accounting of what happened. I urge my colleagues to join me in supporting the bipartisan Wartime Treatment Study Act as an amendment to this immigration legislation.

The PRESIDING OFFICER. Who yields time?

The Republican leader is recognized.

AMENDMENT NO. 1170

Mr. McCONNELL. Mr. President, as we move forward on this immigration bill, we need to make sure we protect voters and the 15th amendment by protecting against illegal voting. The Constitution maintains that voting is a privilege reserved for U.S. citizens. Noncitizens do not have this right. Those who don't abide by our laws are not free to influence our political process or our policies with a vote.

The bipartisan Carter-Baker Commission on Federal Election Reform proposed requiring photo ID cards to ensure those who are voting are the same people as those on the rolls and that they are legally entitled to vote.

Photo IDs are needed in this country to board a plane, to enter a Federal building, to cash a check, even to join a wholesale shopping club. If they are required for buying bulk toothpaste, they should be required to prove that somebody actually has a right to vote.

Some have said this legislation penalizes those who are unable to afford a photo ID. In fact, it establishes a grant program to provide no-cost photo IDs to those who cannot afford them.

ID cards would reduce irregularities dramatically. In doing so, they would increase confidence in the system. An overwhelming majority of Americans support this attempt to ensure the integrity of our elections.

An NBC News-Wall Street Journal poll, last year, showed that 62 percent of respondents strongly—that is strongly—favor requiring a universal, tamperproof ID at the polls. Nineteen percent said they mildly favor IDs. Twelve percent were neutral.

Add that up, and you have over 80 percent who think this is a good idea. America is very accustomed to showing a photo ID to do virtually anything.

Ninety-three percent of those who were asked for their opinion were either undecided or in favor of implementing the control, as I indicated.

Two dozen States already require some form of ID at the polls. That is 24 of our States. Almost half of them already have this requirement.

My amendment simply establishes a Federal minimum standard that is consistent and allows States wide flexibility in determining the kind of ID required.

We need to harden antifraud protections at the polls to protect the rights of all voters. Voting is the cornerstone of our democracy, and we must preserve its integrity.

I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, this week, the Senate is debating how to reform our Nation's immigration policies, and while this is a contentious debate, there is one point I think all sides agree upon—U.S. citizenship is a prized possession. The most fundamental right afforded to us as U.S. citizens is the right to vote. I am disturbed that there is an amendment being offered on this bill that seeks to limit citizens' access to that right.

Senator MCCONNELL has offered an amendment that requires U.S. citizens to show identification before they can exercise the most important right afforded them by the U.S. Constitution. Proponents of this bill argue that this identification is necessary to combat voter fraud. In fact, before the last elections in 2006 we heard a great deal about the threat of voter fraud.

This administration staked a lot on that so-called threat. We have learned in recent months that such a threat just did not exist. The St. Louis Post-Dispatch said it best, when, in an April 17, 2007 editorial, the paper called this whole "voter fraud" issue a "snipe hunt": "In a snipe hunt, gullible kids are taken out to the woods, handed sticks and gunny sacks and told track down the elusive snipe. Meanwhile, their pals, who know a snipe is a bird of marsh and shore and generally found nowhere near the woods, yuck it up."

Well, in this snipe hunt, the Senate is supposed to fall prey to the ruse that there are folks out there just lining up on election day to fraudulently cast their vote and we in the Senate and in Congress need to get our sticks and gunny sacks ready, so we can snare some of these fraudulent voters. Well, let me tell you, I am not going to fall for it.

Because the facts say something different. A 5-year study by the Election Assistance Commission shows that voter fraud is almost non-existent. A report from the Missouri Secretary of State shows that no one in the State tried to vote with a fake ID in 2006. The Carter-Baker commission said that in 2002–2004 fraudulent votes made up .000003 percent of the votes cast. That is a lot of zeros. Let me say it a different way. Out of almost 200 million votes that were cast during these elections, 52 were fraudulent. To put that into some context, you are statistically more likely to get killed by lightning than to find a fraudulent vote in a Federal election.

The Department of Justice, which in 2002 created a voter fraud task force, has admitted that only 86 people were convicted of voter fraud-related crimes in the last 5 years and only 24 convictions during the last 3 years—a rate of 8 per year.

So, because 24 people nationwide in the last years may have voted despite their ineligibility to do so, we here in the Senate are supposed to pass a bill requiring all citizens to show ID when they vote.

That would be a mistake, and you only have to look to the State of Georgia to see why.

Georgia's photo ID requirement was a poll tax for the 21st century. It was a law that required some of the poorest in our country—those who probably don't have access to transportation—to possibly travel great distances and pay up to $35 just for the privilege of making their voice heard.

We have to remember this is a group that is disproportionately poor and without easy access to all the documents necessary for a government-issued ID. So even if this ID card were completely free, how easy would it be for an 85-year-old grandmother to find her birth certificate? Who would drive the destitute all the way to the nearest Federal building to get one of these cards? While the McConnell amendment authorizes "such sums as may be necessary" to pay for these ID cards, it is a frightening proposal to condition the right to vote on the appropriations process.

After Hurricane Katrina ravaged the gulf coast, our country awakened to the plight of the most vulnerable Americans—the ones who, when the storm hit, couldn't just hop in their SUVs, fill up with $100 worth of gas, put some bottled water in the trunk, drive off with their credit card in hand, and check into the nearest hotel until the calamity passed. We learned that, when we pass laws and make policy in this country, our government too often forgets these Americans—that we too often ignore their needs.

Now, here is an amendment doing that again. This time, by limiting access to one of our most fundamental and constitutional-protected rights: the right to vote.

I would ask that all my colleagues reject the amendment so we can move on to the important business at hand.•

Mr. KENNEDY. Mr. President, I oppose the amendment of the Senator from Kentucky. The McConnell amendment would limit the ability of many American citizens to exercise the fundamental right to vote. It is nothing more than a 21st century poll tax.

The 24th amendment states that "The right of citizens of the United States to vote . . . shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."

This amendment would force all citizens to obtain a government-issued photo ID in order to vote. Many citizens who have voted for years don't own the government-issued photo identification needed to meet the requirement. They would have to pay for the ID or at least for the underlying documents needed to get one.

Among the persons who will be hardest hit are the elderly, minorities, and persons with disabilities. That is who this amendment is targeting.

Many seniors don't have photo ID because they don't need a driver's license. But they should still have the right to vote.

Many Americans who are blind or have other disabilities also don't have a photo ID because they don't have driver's licenses either. But they should still have the right to vote.

Some religious minorities, such as the Amish, want to vote, but their faith does not allow them to have their pictures taken. We should never require citizens to violate their religious beliefs or to pay to cast a vote.

Many African Americans, Latinos, and Native Americans also lack photo ID. Under this amendment, these citizens would lose the right to vote if they don't get a government-issued photo ID.

Some citizens in this country were never issued a birth certificate, particularly African-American seniors born in the South or rural areas and Native Americans. If we pass this amendment, we turn our backs on them.

Many voters had their lives devastated by Hurricane Katrina. What about them? What about the elderly grandmother displaced by Hurricane Katrina who lost all of her possessions in the hurricane and now lives hundreds of miles from her birthplace and home? If she doesn't drive, how is she going to get the documents she needs to vote under this amendment? If she is retired or lost her job because of the storm, she may not be able to afford the documents. Separated from her family and neighbors, she may not have anyone to help her fill out the forms and get to the right government agencies to obtain the documents she needs.

This country failed the victims of Hurricane Katrina. Are we going to disenfranchise them as well?

Supporters of the amendment say, "Don't worry. Under this amendment, States will give out free identification cards to those who can't afford them." That sounds good in theory, but what about in practice? Citizens will still have to deal with State and local bureaucracies to prove who they are.

Poll taxes have a dark and notorious history in this country. When we considered a poll tax ban in the 1965 Voting Rights Act, poll taxes were a tried-and-true tactic to prevent African Americans and poor whites from voting. I introduced an amendment to the 1965 act to ban poll taxes in all elections—Federal, State, and local. We had days and days of debate on the Senate floor about poll taxes. Not everyone agreed on how to fix the problem. The final amendment made clear that poll taxes infringe the right to vote and directed the Attorney General to challenge them in court.

A year later, in Harper v. Virginia Board of Elections, the Supreme Court held that poll taxes are unconstitutional. The Court declared that "the right to vote is too precious, too fundamental to be so burdened or conditioned" on the ability to pay.

We thought that poll taxes and other blatant barriers to the right to vote were vestiges of a bygone era. But today, Republican-controlled State legislatures around the country are attempting to enact photo identification laws.

Federal and State courts have already struck down State laws similar to the McConnell amendment. In Georgia, a Federal court has stopped two different attempts to impose a photo identification requirement. Judge Murphy ruled the first an unconstitutional poll tax because of the cost that hundreds of thousands of Georgians without photo identification would have to pay to obtain them.

The State's second attempt made the IDs free, just as this amendment supposedly does, but it was still struck down as unconstitutional. The court held that Georgia's interest in combating nonexistent vote fraud didn't justify the "severe burden" on voters without photo identification who would have to get through several layers of bureaucracy to obtain the documents required. A State court also ruled that the Georgia law violated the State constitution because it disenfranchised citizens who were otherwise qualified to vote.

A similar proposal recently was struck down in Missouri. The judge spelled out the problem loud and clear. For some, he said, the burden of a photo ID requirement may not seem great. But "for the elderly, the poor, the undereducated, or otherwise disadvantaged, the burden can be great if not insurmountable, and it is those very people . . . who are the least equipped to bear the costs or navigate the many bureaucracies necessary to obtain the required documentation."

Supporters of this modern-day poll tax claim it is just common sense. "What's the big deal?" they ask. After all, if you need a photo ID to get on a plane or rent a movie or drive a car, it is only reasonable to require such an ID to vote.

But voting is a right in this country and not simply a privilege. We need to restrict who can get on a plane or drive a car, but we should never restrict the precious right to vote. As Judge Callahan put it in the Missouri case, "While a license to drive may be just that—a license and not a right, the right to vote is also just that—a right and not a license."

When proponents of this amendment stand up to explain why America needs this legislation, listen carefully. During the floor debate on a similar proposal in the House, the amendment's Republican supporters strained to convince us that we have a major problem because noncitizens and others are posing as eligible voters. But they couldn't give us any evidence.

The fact is, voter fraud simply isn't a major problem. It certainly isn't a serious enough problem to justify disenfranchising Americans on a massive scale—which is exactly what this proposal would do.

Proponents of this 21st century poll tax have no evidence that it is needed because all the facts show it is not needed. Here is what the hard evidence tells us about voter impersonation in this country:

A recent article in the New York Times found that voter fraud is exceedingly rare. It found that, over a 5-year-period, the Justice Department, despite focusing its effort on prosecuting individuals for voter fraud, a top priority of Karl Rove, "turned up virtually no evidence of any organized effort to skew federal elections" through fraudulent voting. There have been only 86 convictions nationwide. That is less than 90 instances of anyone voting who wasn't supposed to vote in the entire country in 5 years. In addition, according to the article, many of these people, voted or registered to vote by mistake, without knowing they were not eligible.

Statewide surveys in Ohio after the 2002 and 2004 elections found only four instances of ineligible persons voting or attempting to vote—four out of over 9 million votes cast during those elections. That is a rate of 0.00004 percent.

In Georgia, where state legislators cited voting fraud as the need for a photo ID law, secretary of state Cathy Cox could recall only one case of voter fraud involving the impersonation of a registered voter during her 10 years of service.

Out of nearly 200 million votes cast since 2002, only 86 individuals nationwide have been convicted of election fraud. And many of those offenses involved conduct that would not be remedied by a photo identification requirement.

The evidence also makes very clear that this proposal would disenfranchise millions of citizens who are eligible to vote.

A University of Wisconsin study found that in Milwaukee nearly 50 percent of African-American and Latino men did not have government-issued photo identification.

According to AARP, 36 percent of voters in Georgia over the age of 75 don't have government-issued photo identification.

Georgia Secretary of State Cox found that nearly 700,000, or 1 in 7, registered voters in Georgia do not have a driver's license or State-issued non-driver's license, which this amendment would require in order to vote.

According to the Department of Transportation, 6 to 12 percent of eligible voters do not currently have the identification the amendment would require.

The American Association of People with Disabilities estimates that nearly 4 million Americans with disabilities would be disenfranchised if this proposal takes effect.

Native Americans living on tribal lands, often without street addresses and with traditions that don't permit the taking of their picture, would also be disenfranchised by this law.

The Center on Budget and Policy Priorities estimates that 11 million U.S.-born citizens do not have a birth certificate or passport readily available to them and therefore could be disenfranchised under this amendment. The burden falls unequally on some geographic regions as well as on our most vulnerable populations:

It hurts the elderly—some 2.3 million elderly Americans lack the required documents.

It hurts rural residents, since approximately 4.5 million rural Americans lack the documents necessary to establish their citizenship.

It hurts citizens living in the South and Midwest—8.4 million residents of Southern and Midwestern States don't have the documents this amendment would require to vote.

It hurts the poor—nearly 3 million citizens making less than $25,000 a year lack a passport and birth certificate.

It hurts African Americans—2 million African Americans lack a passport and birth certificate. Many elderly African Americans have no birth certificate because they were born at home at a time when hospitals were closed to African Americans because of racial discrimination. One study estimates that a fifth of all African Americans born in 1939 and 1940 were never issued birth certificates.

Under the Bush administration we are running historic deficits and our debt is mounting. We can't afford the cost of a program designed to fight a nonexistent problem.

At a time when Americans have serious concerns about the proper functioning and integrity of voting machines, the Republican Party responds with a solution in search of a problem. They want to pass a law that threatens to disenfranchise millions of eligible voters. To those who were disenfranchised in the 2000 and 2004 elections by wrongful purges, erroneous registration lists, poll worker errors, uncounted provisional ballots, of long lines, this is our answer?

If the Senator from Kentucky is serious about election reform, we stand ready to work together. But it is cynical to take such a serious and important issue, so fundamental to democracy, and use it for partisan politics.

Last July, Congress reauthorized the Voting Rights Act with broad bipartisan support. The reauthorization passed overwhelmingly in the House and by a unanimous vote in the Senate. Republicans and Democrats came together to tear down barriers to the ballot box.

Now some on the other side of the aisle want to erect new barriers to voting by telling Americans they need a passport to vote. If we adopt this amendment, we undermine the Voting Rights Act's important protections. This amendment would disenfranchise many of the same voters we tried to protect with that historic legislation last year.

Mr. President, that is unfair, undemocratic, and unconstitutional. I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin has 1 minute 37 seconds. The Republican leader has 2 minutes 7 seconds.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I assume we will not have the time before the vote, then. This is the remaining time we have, correct?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. FEINGOLD. I thank the Presiding Officer.

Mr. President, my amendment, again, contains the language of S. 621, the Wartime Treatment Study Act, a bill I have introduced with my friend from Iowa, Senator GRASSLEY. It is not controversial.

It would simply create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II.

These commissions would complete the work of the Commission on Wartime Relocation and Internment of Civilians, created by Congress in 1980 to study the relocation and internment of Japanese Americans during World War II. Thanks to that commission, this unfortunate episode in our history finally received the official acknowledgement and condemnation it deserved.

My amendment would simply allow that work to be completed. It is time to pass this legislation, now, before all the individuals affected by these policies are gone. I urge my colleagues to support the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The time for the Senator from Wisconsin has expired.

Mr. REID. Mr. President, is the time up?

The PRESIDING OFFICER. There is 1 minute 41 seconds left of the Republican leader's time.

Mr. REID. Mr. President, I ask unanimous consent that we start the vote now.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1170

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1170.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 52, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—41

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Thune
Vitter
Warner

NAYS—52

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Sununu
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—6

Biden
Brownback
Dodd
Johnson
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 52. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mrs. CLINTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1176

The PRESIDING OFFICER. There will be 2 minutes equally divided prior to the vote with respect to the Feingold amendment.

Who yields time? The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, my amendment contains the language of S. 621, the Wartime Treatment Study Act, which is a bill I have introduced with my friend from Iowa, Senator GRASSLEY. It is noncontroversial.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator from West Virginia is correct. Will the Senate please be in order. Will Senators and staff take their conversations out of the Chamber so the Senator can be heard.

Mr. BYRD. Mr. President, the Senator is about to speak. Other Senators should listen. So I will stand right here until we get order. May we have order in the Senate?

Mr. FEINGOLD. Mr. President, I thank the Senator from West Virginia.

Mr. BYRD. Look at the people up there. There are people up there. They ought not be in that well when there are votes going on. Read your rule book. Come on.

The PRESIDING OFFICER. The President pro tempore is correct.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I again thank the Senator from West Virginia.

This bill would simply create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II.

These commissions would complete the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980 to study the relocation and internment of Japanese Americans during World War II. Thanks to that commission, this unfortunate episode in our history finally received the official acknowledgment and condemnation it deserved. My amendment would simply allow that work to be completed. It is time to pass this legislation now before all of the individuals affected by these policies are gone. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, there are two problems with the legislation, as detailed in a 5- or 6-page memorandum from the Department of Justice, Richard Hertling, the principal

Deputy Assistant Attorney General who opposes this legislation. First, it falsely asserts in the findings matters that slander America incorrectly. It finds that thousands of individuals were subjected to devastating violations of civil rights through arrest, internment, property confiscation, deportation, and detrimental effects still being experienced; whereas, the Department of Justice asked the senior historian at the U.S. Holocaust Museum about this language and he found that language was outrageously exaggerated and was inaccurate.

That is in the legislation. When asked would Senator FEINGOLD accept an amendment that prohibited reparations—and reparations have been done in some of these cases—that language was not accepted.

The PRESIDING OFFICER. All time has expired. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Wisconsin.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 26, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—67

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coburn
Coleman
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thune
Voinovich
Webb
Whitehouse
Wyden

NAYS—26

Alexander
Allard
Bennett
Bond
Bunning
Chambliss
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Hatch
Inhofe
Kyl
Lott
Martinez
McConnell
Sessions
Stevens
Vitter
Warner

NOT VOTING—6

Biden
Brownback
Dodd
Johnson
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 26. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we are working in good faith to move this bill forward. We had seven rollcall votes before the recess and six additional amendments adopted by voice vote. That is 13. Yesterday, we adopted four more amendments by voice vote. Today, we had four rollcall votes. Tomorrow morning, we will vote on the Cornyn-Kennedy amendment, eligibility for legalization program, and then we are prepared to enter a unanimous consent agreement for the 10 remaining amendments that are pending. We have done quite well. We will have done 23 rollcall votes when we finish these 3 tomorrow, and we adopted 10 by voice vote. I know the staff has been working on this for some time now. I hope we can work out an arrangement to get rid of the pending amendments and move on to other amendments people talked about all day they want to offer. I think that is appropriate.

Tonight, we are going to, because we agreed to lay down a Domenici amendment and one I am going to offer dealing with earned-income tax credit—those will be the two amendments we are going to lay down tonight. Anyway, somebody else is going to do it. There are two amendments we are going to lay down tonight, so we will have two more that will be pending tomorrow, and I hope we can arrange votes on those amendments. Once we finish those amendments, I hope other Senators will offer amendments. I hope they will consider some germane amendments.

In addition to the amendments that are pending, we have a number of amendments that are at the desk, I understand, and we have taken a look at those, and maybe we can work something out on those amendments.

This is a difficult bill, we understand that. I hope the offers I made today are considered serious. I repeat, I am not going to go through the litany of amendments, the unanimous consent requests. One is we would vote cloture—rather than Thursday morning, do it Thursday night. That is certainly something we could consider. Anyway, there are all kinds of alternatives we can do to move this bill forward if people want to do that.

As I said, there is no need to run through the unanimous consent requests I did previously. We will call it quits for the night. There is no more business on this bill.

Mr. President, I ask, so the managers don't have to stay around—I wonder if we can move to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. That way, the Senator from Alabama can speak, and I would certainly consent to, when we take up the bill tomorrow, his remarks appearing as though we are working on the pending legislation.

Mr. SESSIONS. I am sorry, I did not hear the majority leader.

Mr. REID. I asked unanimous consent that there be a period for morning business. I know the Senator from Alabama wishes to speak. I assume it is on matters dealing with immigration.

Mr. SESSIONS. Mr. President, with regard to that, I have amendments I offered last Thursday and Friday and Monday that were not accepted. I was going to ask if those amendments could be made pending in addition to the nine amendments which were filed this week which I would like to make pending so we can have votes on them.

Mr. REID. I withdraw my consent for morning business, Mr. President. I think we have a couple of amendments that are part of the 10 we are going to try to get rid of tomorrow.

Mr. SESSIONS. Mr. President, for clarification, two amendments are basically the same amendment. We would only vote on one pending that I offered last week. In addition, last week, I filed two more amendments, and an objection was made to making them pending. So I renew my offer to at least make those two amendments pending. I filed them this morning.

Mr. REID. I say to my friend from Alabama, I think we have made a suggestion, and it is appropriate to move forward, that with regard to the 10 or 12 amendments now pending, we will set up times to vote on these, either by motions to table or if we can work out side-by-sides, whatever it takes, and then move to other amendments.

Certainly, the Senator from Alabama has been patient. We understand he has other amendments he wants to offer. But I object at this time until we get some plan for tomorrow to dispose of these amendments we have.

I have indicated a number of different alternatives, and others may come up with better suggestions. One is, let's get a list of finite amendments from the minority. We will add ours in with those, and we have done that on a number of occasions here. It will have to be done by unanimous consent, but it is worth a try. We can have a list of how many amendments people think are appropriate on this bill. Let's see if we can get that done by tomorrow morning.

We know the Senator from Alabama has a number he wishes to make part of that list, and other Senators have amendments they want to make part of that list. I have seen Senator THUNE, Senator DEMINT, and Senator COBURN here. There are other people who want to offer amendments, I understand, but let's get a finite list of who wants to offer amendments and what the amendments are.

Mr. SESSIONS. Mr. President, I take that as an objection to my request.

Mr. REID. Yes, I did object. I am sorry I didn't make it clear.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Would the majority——

The PRESIDING OFFICER. The majority leader controls the time.

Mr. REID. We are on the bill still; is that right?

The PRESIDING OFFICER. Yes, we are.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the substitute amendment No. 1150 to Calendar No. 144, S. 1348, comprehensive immigration legislation.
>
> Harry Reid, Jeff Bingaman, Dick Durbin, Charles Schumer, Daniel K. Akaka, Jack Reed, Mark Pryor, Joe Biden, Amy Klobuchar, Daniel K. Inouye, Herb Kohl, H.R. Clinton, Evan Bayh, Ken Salazar, Debbie Stabenow, Frank R. Lautenberg, Joe Lieberman.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 144, S. 1348, Comprehensive Immigration legislation.
>
> Harry Reid, Jeff Bingaman, Dick Durbin, Charles Schumer, Daniel K. Akaka, Jack Reed, Mark Pryor, Joe Biden, Amy Klobuchar, Daniel K. Inouye, Herb Kohl, H.R. Clinton, Evan Bayh, Ken Salazar, Debbie Stabenow, Frank R. Lautenberg, Joe Lieberman.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The junior Senator from Alabama is recognized.

IMMIGRATION

Mr. SESSIONS. Mr. President, I appreciate the role of the majority leader. I have great affection for the majority leader. He is an effective leader for his agenda. But with regard to what is happening now, we need to fully understand that by utilizing the ability he has as a leader and as other members of his party—they have objected to calling up amendments and making them pending. When you object to making an amendment pending, all you have is a filed amendment. And when you file cloture, amendments that are not pending are not entitled to be voted on.

So, in effect, we are at the mercy of the majority leader. He has not allowed a full and vigorous offering of amendments and votes on those amendments. I know people can sometimes ask for too many votes and abuse the process, but we really are dealing with a monstrous bill that is very complex and has a loophole here and a loophole there that can place the bill in such a situation that it really is not enforceable and will not work, and there are a host of problems, a host of loopholes in the bill. This bill has been moving forward to passage under the railroad system we have here.

Let me remind everybody how it happened. First, 2 weeks before we had our recess, the old bill, last year's bill that the House refused to even take up, was brought up without committee hearings this year and brought up by the majority leader under rule XIV for consideration and debate. So about a week goes by, and then come last Tuesday before our recess, Tuesday morning, he plops down on this floor an amendment but really a complete substitute. If put in proper bill language, it would probably be nearly a thousand pages. It is a substitute, a bill never seen before, a bill—except maybe a few days by people who got their hands on it—a bill that has never gone through committee was put down, and the majority leader indicated he wanted to vote on it that week and we were going to have a vote on Friday, and there is was a lot of push back. He agreed to put it off.

We only had a few votes last week. We didn't vote last Friday. We didn't have the bill up even on Monday. So for only 3 days the week before the recess, we were engaged with actual amendments on this legislation. Then we come back, and on Monday of this week, we had a few Senators show up, no votes, and a few of us talked a little bit, and that was it. So nothing was done Monday. I recall I did offer to bring up amendments and asked to bring up amendments and make pending amendments last Thursday, last Friday, and Monday of this week.

I just want to say that we are not moving in a legitimate way. This was a completely new bill which was offered as a substitute to last year's bill. Senator SPECTER, the ranking Republican on the Judiciary Committee, who supports this legislation, said in retrospect we should have gone to committee with it. I say that would have helped to have had a little bit of sunshine on it. But as we examine the bill in more depth, as we look at it more closely, what we see is that as sunlight falls on the mackerel, it begins to smell more and more, I have to tell you.

As it was promoted to me by the White House talking points and by Senators who thought it was a good piece of legislation, I had some belief that it could be progress over last year. Indeed, I thought there was a real potential to make a bill this year that I could support and with which we could make progress. But as we have examined it, it fails to meet the promises that were contained in those principles set forth as they were writing up the bill. It just does not. It does not have good enforcement. It does not. The trigger mechanism that guarantees enforcement before amnesty is weak and ineffectual. The shift to merit-based, skill-based immigration is ineffectual, and it puts off for 8 years, and we have people offering amendments to weaken that even further. So those were good principles that were stated but did not become reality.

I saw part of the debate on the TV in the cloakroom a few minutes ago and people were saying this is going to make the country safe, and we need to pass it because it is going to make us safe. Well, let us talk about some of the loopholes that are in this legislation still. I have listed 20. I think we probably have a lot more than that which we could have listed, but I will share some of the weaknesses.

This is as a result of the fact that individuals in the U.S. Border Patrol were not consulted in how to write the bill. If they had been consulted, some of these weaknesses wouldn't have been here. It is interesting, however, that some of these weaknesses were pointed out and complained of, but the drafters refused to listen. Why not?

For example, loophole No. 5: Legal status must be granted to illegal aliens 24 hours after they file an application—must be granted legal status—even if the alien has not yet passed all appropriate background checks.

Last year, the bill called for 90 days to complete the background checks. Yes, some aspects can be completed within a few minutes or a few hours, but a lot of things cannot. What if the person is named John Smith? There are a hundred John Smiths. How are you going to check those? A thousand John Smiths. I think this is a weakness.

In fact, the Border Patrol experts who called a press conference yesterday raised that particular point in a number of ways. Kent Lundgren, the national chairman of the Association of Former Border Patrol Agents, was contemptuous of the bill and said there are "no meaningful criminal or terrorist checks" in the bill. He said, "There is no way records can be done in 24 hours."

Jim Dorcy, an agent with 30 years experience, and who has also moved up to inspector general of the Department of Justice, said: "24-hour check is a recipe for disaster."

Then he went on to say, "I call it the al Qaeda Dream Bill." That was from a TV program I happened to catch last night on C–SPAN, a National Press Club presentation by a group of former Border Patrol officers, and I am going to quote from them a little more in a minute.

Look at loophole No. 7. They say this bill will make us safer, but under the bill that is before us today, illegal aliens with terrorism connections are not barred from getting amnesty. An illegal alien with terrorist connections is not barred from getting amnesty. An illegal alien seeking most immigration benefits normally would have to show "good moral character."

For all its flaws, last year's bill specifically barred aliens with terrorism connections from being able to meet the definition of "good moral character." How simple is that? And from being eligible for amnesty. But this year's bill does neither. This is another example of a provision in this year's bill that make it weaker than last year's bill, and I am finding this more and more.

We were told this bill was much better than last year's bill. I even told people that I think this is going to be a better bill than last year's. I am interested in what is contained in it. But repeatedly I am finding provisions like this one that indicate this bill is weaker than last year's.

Additionally, the bill's drafters ignored the Bush administration's request that changes be made in the asylum, cancellation of removal, and withholding of removal statutes in order to prevent aliens with terrorist connections from receiving relief. Last year's section 204 of the bill added the new terrorism bars to good moral character.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be given an additional 20 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. SESSIONS. Last year's bill added new terrorism bars to the good moral character requirement and required that an alien prove they have good moral character. Under the Immigration and Naturalization Act, the INA, an illegal alien must have good moral character to receive most of the immigration benefits, such as cancellation of removal from being here illegally.

But according to the current law, the law in effect today, an alien cannot have good moral character if they are habitual drunkards, get the majority of their income from illegal gambling, have given false testimony for immigration purposes, have been in jail for 180 days, have been convicted of an aggravated felony, or have engaged in genocide, torture, or extrajudicial killings. Those are some of the things that bar you from good moral character. This year's bill, however, is completely missing these new terrorism bars, and the bill no longer requires good moral character as a prerequisite to amnesty.

I wonder what this tells us about the mindset of the people who are actually putting the pencil to paper and drafting this legislation. Surely our Senators didn't fully understand it. But I have to say I am particularly troubled, because the Bush administration, as much as they have wanted a bill that would be exceedingly generous to immigrants, wanted this language strengthened, and the committee, the group that wrote the bill, rejected their request, which is hard for me to believe.

Additionally, during the course of the negotiations, the Bush administration requested that language be added to the bill to make sure that terrorism bars kept aliens from being granted asylum, cancellation, and the withholding of removal. Those requests should have been included and they were not. So one of the amendments I want to see voted on would be to restore the bars—the same or similar language we had in last year's bill that they took out over the objection of the administration.

Another example of a weakness in our provisions is some aggravated felons who have sexually abused a minor will be eligible for amnesty under this bill. A child molester who committed the crime of molestation before the bill is enacted is not barred from getting amnesty if their conviction document fails to state the age of the victim. The bill, after someone raised this problem, corrected this problem, but it was only for future child molesters and did not close the loophole for current or past child molesters.

In some States, the sexual abuse of a minor can result in a misdemeanor conviction. Those convictions are not always considered an aggravated felony for immigration or deportation purposes. This is not an uncommon problem. There have been lawsuits and appeals over this very issue. This is not uncommon.

One study, according to these Border Patrol experts at their press conference yesterday, indicated a report out of Atlanta found that 250,000 of the 12 million illegal aliens here may have been involved in the sexual abuse of a minor. That is a lot of people. Why should we give amnesty and citizenship to those who may have been involved in those kinds of criminal violations? Citizenship in the United States requires good moral character.

We don't have to accept everybody who wants to be a citizen. We don't have to allow anyone who broke into our country to ever become a citizen. If they have broken into our country and are here illegally and they ask for amnesty, we have every right to say you don't get it if you are a child molester or have terrorist connections.

Look at loophole No. 8. This one is a bit amazing, I think, for anyone, and I find it difficult to believe. I am not making this up. This is in the bill on page 289. Instead of ensuring that members of violent gangs, such as MS–13, are deported, the bill will allow violent gang members to get amnesty as long as they renounce their gang membership on their application. It has a question there: Are you a member of a gang? If you said yes, the next question is: Do you renounce your membership? And if you say yes, I renounce my membership, you get to stay and become a citizen. Under this bill, it will not prevent amnesty. On page 289, the bill requires that you list gang memberships.

Why do we allow this? If an illegal alien will be a member of a violent international gang, such as the Mara Salvatrucha 13, the famous MS–13, a violent international gang involved in murders, drugs, and all kinds of crimes, why don't we say that blocks him from being eligible for amnesty under the bill? Now, if they are a citizen, OK, they get to stay in the country. They can be a gang member. But if they are not a citizen and they are here illegally and are petitioning to be given amnesty, I would say they shouldn't be given it. They should be prohibited.

Obviously, the loyalty to these illegal criminal gangs is such that it is contrary to the ideals of American citizenship in which your loyalty is to the United States of America. As Kris Kobach, a former top attorney at the Department of Justice, stated in a Heritage Foundation Web memo, posted after the new substitute bill was introduced, titled "Rewarding Illegal Aliens: Senate Bill Undermines The Rule of Law":

> More than 30,000 illegal alien gang members operate in 33 States—30,000 illegal alien gang members operate in 33 States—trafficking in drugs, arms, and people. Deporting illegal-alien gang members has been a top ICE priority.

It is one of the top priorities of the Immigration and Customs Enforcement organization. That is what they do. The Senate bill would end that. I am quoting Mr. Kobach.

> To qualify for amnesty, all a gang member would need to do is note his gang membership and sign a renunciation.

I ask again, what kind of mindset is at work here? Is our goal to please every illegal alien, to make sure every illegal alien gets to stay in the country regardless or is it to serve our legitimate national interests? I suggest any immigration bill we pass should serve our national interest. There is nothing wrong with that. Our responsibility is to America, to the people in America. Somehow we have gotten that confused.

There are good people in this body who are more concerned about how not to exclude anybody, to make sure everybody who is here gets to stay. And somehow, some way, through a maneuver or signing a document saying you renounce your gang membership, you will get to stay. It raises serious questions in my mind about how this bill was written.

Let me mention we may have a vote on this, I think tomorrow. This is amazing to me. Aliens who have already had their day in court, those who have been given and received a final order of removal, who have signed a voluntary departure order, or had reinstatement of their final orders of removal—that is they got a delay on their final order of removal and they got a stay—they are eligible for amnesty under the bill.

The same is true for aliens who have made a false claim to citizenship, for those who have engaged in document fraud. More than 636,000 alien fugitives could be covered by this one loophole—page 285 of the bill waives the following inadmissibility grounds. It waives these grounds that would normally be a basis for inadmissability.

No. 1, "Failure to attend a removal proceeding." You have been released on bail. They said: You are believed to be here illegally. The court hearing is going to be 3 weeks from today. We will release you on your own recognizance. You just sign a document or post a small bail and you show up at the court hearing 3 weeks from today, 2 weeks from today, 2 months from today.

What if they don't show up? What if they didn't show up, they were apprehended, ordered to show up in court and didn't show up—amnesty—OK, that is excluded.

Another category, "Final orders of removal for alien smugglers." If you have been apprehended, you have been ordered removed because you were proven to be involved in alien smuggling, smuggling of other people into our country—coyotes: You are OK. That is OK. You get to stay, too.

"Aliens unlawfully present after previous immigration violations or deportation orders." You have been caught for previous violations. You have been ordered deported. You are back again. You are excluded and you get to stay. And aliens who have previously been removed—we spend a lot of money. We fly people back to Brazil and Honduras and Indonesia and China. What if they come again? Do they get amnesty, too? Yes, they do.

This language appears to be in conflict with another statute that suggests otherwise. But when you read it, my legal team and I agree that the court would clearly rule that this specific language would be such that those individuals would get to stay in the country.

The list goes on. Loophole No. 10. The talking points we were provided with that indicated this to be a good bill and that we should be supportive of it emphasize that the new bill we have would promote greater assimilation of those who come here to our country and greater English proficiency—both of which I think are good ideas and we need to work on and should be a part of any immigration legislation that is passed. I believe that. However, the bill doesn't do it. Illegal aliens are not required to demonstrate any proficiency in English for more than a decade after they have been granted amnesty.

You have heard people say we are requiring English. We are not requiring it for 10 years. Learning English is not required for illegal aliens to receive the probationary benefits or the first 4-year Z visa or the second 4-year Z visa.

The first Z visa renewal, beginning on the second 4-year visa, requires only that the alien demonstrate an "attempt" to learn English by being "on a waiting list for English classes." Passing a basic English test is required only for a second renewal, the third 4-year Z visa, and then the alien only has to pass the test "prior to the expiration of the second extension of Z status," 12 years down the road.

The bill's sponsors claim they have to learn English before being granted amnesty. That is not true. Nothing in the bill requires the illegal alien to have any English skills before receiving probationary status, before receiving the first Z visa that lasts for 4 years. Only upon filing for renewal of the Z visa up to 6½ years down the road does the illegal alien have to meet any language requirement. At that time, the requirement is fulfilled with the most minimal effort: "Demonstrating enrollment in" or being on a "waiting list for English classes."

Second, when the alien applies for a second Z visa renewal, which would be 8 to 10 years from now, is there any real English requirement. At that time, the alien must "pass the naturalization test." It is common knowledge that the test is not a real English proficiency test—it is not. So there is not an emphasis on English. Even then, it is not clear that passing the test would be required before the second extension of Z visa status is granted. As a matter of fact, on page 295 the bill states that:

> . . . the alien may make up to three attempts . . . but must satisfy the requirement prior to the expiration of the second extension of Z visa status.

As the bill is written, there is no real English requirement until 12 to 14 years down the road, and it is not as strong.

I don't know why we are so concerned about that. Is it a pandering? Is it some attempt to please people who are here illegally? Good policy, I submit, the right policy—both for the United States and for those here receiving amnesty—would be to encourage them to learn English sooner rather than later. How long does it take? Twelve years is too long, and I think that is a mistake in the bill.

Mr. President, I see my colleague, Senator KYL here. I will be pleased to yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

(The remarks of Mr. KYL and Mr. SESSIONS are printed in today's RECORD under "Morning Business.")

Mr. SESSIONS. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEDBETTER DECISION

Mr. KENNEDY. Mr. President, I urge my colleagues on both sides of the aisle to join in correcting the Supreme Court's decision last week in Ledbetter v. Goodyear Tire & Rubber Company. That decision has undermined a core protection of title VII of the Civil Rights Act of 1964, the landmark law against job discrimination based on gender, race, national origin, and religion. Title VII has made America a stronger, fairer, and better land. It embodies principles at the heart of our society—fairness and justice for all.

Americans believe in fair treatment, equal pay, and an honest chance at success in the workplace. These values have made our country a beacon of hope and opportunity around the world. The Ledbetter decision undermined these bedrock principles by imposing unrealistically short time limits for employees seeking redress for wage discrimination.

In the case before the Supreme Court, a jury had found that Goodyear Tire and Rubber Company had discriminated against Lily Ledbetter by downgrading her evaluations because she was a woman in a traditionally male job. Year after year, the company used these unfair evaluations to pay her less than her male coworkers who held the same job. The jury was outraged by Goodyear's misconduct and awarded back to Ms. Ledbetter to correct this basic injustice and hold the company accountable.

The Supreme Court ruled against her, holding that she had waited too long to file her lawsuit. It ruled that she should have filed her lawsuit within a short time after Goodyear first decided to pay her less than her male colleagues. Never mind that she didn't know at the outset that male workers were paid more. Never mind that the company discriminated against her for decades and that the discrimination continued with each new paycheck she received.

Requiring employees to file pay discrimination claims within a short time after the employer decides to discriminate makes no sense. Pay discrimination is different from other discriminatory actions because workers generally don't know what their colleagues earn. It is not a case of being told "you're fired" or "you didn't get the job" when workers at least knows they have been denied a job benefit. With pay discrimination, the paycheck comes in the mail, and workers usually have no idea if they are being paid fairly. Common sense and basic fairness require that they should be able to file a complaint within a reasonable time after getting a discriminatory paycheck instead of having to file the complaint soon after the company first decides to shortchange them for discriminatory reasons.

The Court's decision in the *Ledbetter* case is not only unfair, it sets up a perverse incentive for workers to file lawsuits before they have investigated whether pay decisions are actually based on discrimination. Under the decision, workers who wait to get all the information before filing a complaint of discrimination could be out of time. As a result, the decision will create unnecessary litigation as workers rush to beat the clock on their equal pay claims.

The Supreme Court's decision also breaks faith with the Civil Rights Act of 1991, which was enacted with overwhelming bipartisan support—a vote of 93 to 5 in the Senate and 381 to 38 in the House. The 1991 act had corrected this same problem in the context of seniority, overturning the Court's decision in a separate case. At the time, there was no need to clarify title VII for pay discrimination claims since the courts were interpreting title VII correctly. Obviously, Congress needs to act again to ensure that the law adequately protects workers against pay discrimination.

It is unacceptable that victims of discrimination are unable to file a lawsuit against ongoing discrimination. Yet that is what happened to Lily Ledbetter. I hope that all of us, on both sides of the aisle, can join in correcting this obvious wrong.

Unfortunately, in recent years, the Supreme Court also has undermined other bipartisan civil rights laws in ways Congress never intended. It has limited the Age Discrimination in Employment Act, made it harder to protect children who are harassed in our schools, and eliminated individuals' right to challenge practices that have a discriminatory impact on their access to public services. Congress needs to correct these problems as well.

Let's not allow what happened to Lily Ledbetter to happen to any other victims of discrimination. As Justice Ginsburg wrote in her powerful dissent, the Court's decision is "totally at odds with the robust protection against employment discrimination Congress intended Title VII to secure." I urge my colleagues, Republicans and Democrats alike, to restore the law as it was before the *Ledbetter* decision, so that victims of ongoing pay discrimination have a reasonable time to file their claims. The Lily Ledbetters of our Nation deserve no less.

HONORING OUR ARMED FORCES

STAFF SERGEANT JAY EDWARD MARTIN

Mr. CARDIN. Mr. President, on May 16, 2007, I attended SSG Jay Edward Martin's funeral. A soldier born and raised in Baltimore, MD, Sergeant Martin lost his life in service to our country. He was 29 years old. I rise today to pay tribute to his life and his sacrifice.

Sergeant Martin and two others were killed Sunday, April 29, when an improvised explosive device detonated near their vehicle during combat operations in Baghdad.

Sergeant Martin was not new to the military. After joining the Army in November 1997, he served for nearly 2 years in Germany and Bosnia. He was then stationed at Fort Irwin in California as an Army recruiter. But as a recruiter, Sergeant Martin grew restless and chose to go to Baghdad. A childhood friend remembers Jay's explanation: "I'm supposed to be fighting for my country; I can't sit in an office." An experienced soldier, Sergeant Martin knew the risks and challenges he would face, and this knowledge makes his decision to serve all the more admirable.

Sergeant Martin had been scheduled for a 2-week break from Iraq in April. But in a selfless move—one that Jay's family describes as typical of his generous spirit—he allowed a fellow soldier whose wife just had a baby to take his place.

Jay is remembered by those who knew him for his determination, bravery, and devotion to service. Jay displayed remarkable leadership, focus, and determination even as he suffered setbacks in his young life. Jay's mother died when he was only 8 years old, but Jay remained focused on his dream of becoming a pilot and joining the military. An aunt, Lori Martin-Graham, recalls that he would talk about military service for hours with her husband, who had served in the Navy.

Sergeant Martin spoke fervently about the importance of college and attended Embry-Riddle Aeronautical University in Daytona Beach, FL. He left after a year when he realized his poor vision would prevent him from becoming a pilot. Jay moved forward and joined the Army. "Jay was always . . . positive, ambitious," remembered a friend. "He was always your good conscience."

As one of Sergeant Martin's sisters, Lark Adams, put it, "He was just a shining star. He followed the rules. He did what he was supposed to. He was an example to everyone."

After his death, Jay's fiancé Maria Padilla, explained that he would have wanted to see those close to him "laughing because he left us doing what he loved. He left us being the soldier he was so proud of being."

I hope his family and all who loved Jay will find comfort in that image of the proud and selfless soldier who won several awards including the Army Commendation Medal and the Army Good Conduct Medal. But I also hope they find joy in their memories of the young man who devised hide-and-seek strategy with his friends, who was a swim and track star at Forest Park High School, who took such great pride in his Dodge Stratus RT, who played video games in his grandmother's kitchen, and who debated the future of the F–14 with his uncle.

My thoughts and prayers go out to Jay's father Dwight Martin and stepmother Penny Martin: his grandfather Harry Martin; his four sisters, Lark, Dove, Raven and Shannon; his fiancé Maria, and all the other relatives and friends who are bereaved. We honor him as a hero and together mourn his loss.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 7, 2002 in Tampa, FL, Devin Scott Angus attacked Sonny Gonzales and Stephen Hair as the two men were leaving a gay pride event at the Florida Aquarium. Angus allegedly yelled antigay slurs at the men, dropped his pants, and screamed additional obscenities. He then attacked Gonzales and Hair, repeatedly punching and kicking them. Gonzales suffered a gash in his head, while Hair suffered a skull fracture, a cracked sinus, and a broken front tooth. According to reports, Angus' sole motivation was the victims' sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING EARNELL LUSTER

Mr. COLEMAN. Mr. President, every day, millions of American make sacrifices for their families and friends. Yet the man I honor today has made the ultimate sacrifice for neither kin nor kind. Earnell Luster is a former Marine and a great American. As a lifelong resident of Minneapolis, MN, he exemplified the role of a Good Samaritan within his community. Mr. Luster sacrificed his own life for the sake of another, and his bravery and courage makes him a hero.

On February 15, 2007, Mr. Luster was walking by an apartment building in south Minneapolis when he came across two women who were being repeatedly beaten by a male attacker. Being the man he was, Mr. Luster could not walk away from what he was witnessing. He sprang into action by demanding the attacker halt his assault upon the women. By doing so, he gave the women enough time to escape their attacker. Tragically, the attacker turned his anger on Mr. Luster and delivered several blows to his head that proved to be fatal. That evening, in an act of true selflessness, Earnell Luster gave his life for another.

His actions that evening exemplify the life he lived. As a well-respected elder in his church and within his community, Mr. Luster lived a life full of joy, duty, and great conviction. His service to the Marines in the mid-1970s demonstrates the strength of his character. Mr. Luster enjoyed life, especially the opportunities that he had to go fishing with his twin brother Earnest.

Earnell Luster's tragic death is evidence that crime can affect each one of us. Our commitment to fighting crime must not ebb and flow with the statistics.

My thoughts and prayers remain with Earnell's twin brother Earnest, his mother Lorraine Scott, and his entire family. Mr. Luster's selfless act of bravery earns him a place in the hearts of Minnesotans and Americans everywhere.

TRIBUTE TO SENATOR TED STEVENS

Mr. COLEMAN. Mr. President, I rise to join in this body's hearty congratulations to our colleague from Alaska, Mr. STEVENS, as the longest serving Republican Senator. The remarkable thing about TED STEVENS is not the number of years he has served but the amount of service he has put into those years.

The Founders did a unique thing when they created the Senate. They knew that democracy should both let the majority rule most of the time but also protect minority viewpoints from the tyranny of the majority. They created a House of Representatives based on proportional representation. Meanwhile, in the Senate, they gave every State, large and small, exactly two votes. They then went a step further, and created the Senate as a body that operates by consensus. The result is a place where one person with a good idea can impact the entire body.

TED STEVENS is a living embodiment of the wisdom of our Founding Fathers. He is precisely the kind of Senator they hoped for: forceful, persevering, principled and indefatigably devoted to his State's interests.

Alaska is a unique State and Senator STEVENS reflects its style and unlimited potential exceptionally. In every aspect, Alaska is a long, long way from Washington, DC, and its unusual bureaucratic culture. We all benefit from the independent, self-reliant spirit of Alaska that the Senator brings, reminding us of the pioneer heritage of the West. I am personally appreciative of the Senator's hospitality when visiting in his home State. I thought we had "wide open spaces" in Minnesota, but Alaska's are certainly both wider and more open.

When President Abraham Lincoln's Secretary of State, William Seward, finalized the purchase of Alaska, it was thought to be a folly. How blessed we all are as Americans to have its abundant wilderness and natural resources as part of our national experience.

I have found that when people want to learn something really important, they prefer an example to an explanation. As I have tried to learn my way around this institution, Senator STEVENS has been a role model, an example, and a friend. I thank him for his kindness.

But even more I thank him for his service which has made this Nation safer, stronger and freer for all. He makes his great State and all his colleagues proud to say they know TED STEVENS.

ADDITIONAL STATEMENTS

HONORING NORM GRAYSON

• Mr. ISAKSON. Mr. President, today I honor in the RECORD of the Senate Norm Grayson, an outstanding realtor and a great friend, and to acknowledge a very special occasion.

On June 15, 2007, Norm will celebrate his 40th year in the real estate business and host a barbeque for hundreds of friends in Oconee County. Although I cannot be there in person, it is a privilege to stand in this Senate and honor this tremendous milestone.

Norm and my father Ed were the best of friends. Both men are legends in Georgia real estate. Norm has earned CRS, CCIM, and CRB designations, as well as the Home Builders CBI designation. Among his many achievements, Norm has served as president of the Athens Board of Realtors and the Athens Home Builders Association.

For his outstanding accomplishments and commitment to the highest ethical standards, Norm was named Realtor of the Year by the Georgia Association of Realtors in 1980. The Georgia Association of Realtors also honored him in 1987 with its President's Award and the Athens Board of Realtors recognized Norm in 1996 with its Lifetime Meritorious Service Award.

Norm and his lovely wife Faye are great Georgians and wonderful friends. Norm is a class act who is well loved in work and at home. It gives me a great deal of pleasure, and it is a privilege to recognize on the floor of the United States Senate the contributions of Norm Grayson to the real estate industry and the State of Georgia. He is an inspiration.•

RECOGNIZING THE NATIONAL FEDERATION OF COFFEE GROWERS OF COLUMBIA

• Mr. LEAHY. I wish to speak briefly about the National Federation of Coffee Growers of Colombia.

The federation is a nonprofit grassroots organization that organizes and monitors the extensive network of coffee growers throughout Colombia. Since 1927, it has worked to build an economically and environmentally sustainable coffee culture, strengthen community networks of coffee growers throughout the country, and promote exports of Colombian coffee worldwide. The federation will celebrate its 80th anniversary on June 27 and should be commended for its accomplishments.

Coffee is grown today in more than half of Colombia's 1,098 municipalities, employing some 2 million people comprising 566,000 families. Many of these people live and work in small towns and rural areas, not unlike the farmers of my own State of Vermont. In fact, several Vermont companies, including Green Mountain Coffee and Coffee Enterprises, sell coffee produced by Colombian coffee growers who are supported by the federation.

In a country where everyone has been affected by the armed conflict and the economic and social disruption it has caused, the Federation of Coffee Growers of Colombia has focused increasingly on supporting the social aspects of coffee growers' lives. The federation has worked to bring trained teachers, schools, health clinics, roads, electrification, and other infrastructure to coffee-growing communities. It has provided technical training and the benefits of federation-sponsored research and development to coffee growers to help them improve yields and quality and to market their product. The results speak for themselves. Today, Colombia is the world's second largest coffee exporter by value, totaling $1.677 billion of coffee exported in 2006.

The Federation of Coffee Growers of Colombia should be recognized and commended for the 80 years that it has contributed in important ways to the well-being of the Colombian people.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1585. To authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2079. A communication from the General Counsel, Department of Defense, transmitting, the report of legislative proposals relative to the National Defense Authorization Bill for fiscal year 2008; to the Committee on Armed Services.

EC-2080. A communication from the Principal Deputy, Office of the Under Secretary (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, relative to a study of initiatives to expand the relationship between the Department and Job Corps; to the Committee on Armed Services.

EC-2081. A communication from the Acting Deputy, Office of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the results of a public-private competition; to the Committee on Armed Services.

EC-2082. A communication from the Principal Deputy, Office of the Under Secretary (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the status and results of the Department's List of Institutions of Higher Education Ineligible for Federal Funds; to the Committee on Armed Services.

EC-2083. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Vice Admiral Barry M. Costello, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-2084. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, an annual report relative to exceptions granted by the Secretary for government securities brokers and dealers; to the Committee on Banking, Housing, and Urban Affairs.

EC-2085. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to a modification of the auction process for issuing United States Treasury obligations; to the Committee on Banking, Housing, and Urban Affairs.

EC-2086. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, an annual report relative to material violations or suspected material violations of regulations dealing with Treasury auctions and other Treasury securities offerings; to the Committee on Banking, Housing, and Urban Affairs.

EC-2087. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Manufactured Home Dispute Resolution Program" ((RIN2502-AH98)(FR-4813-F-03)) received on May 30, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2088. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's 2006 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2089. A communication from the Acting Legal Advisor to the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "MariTel, Inc. and Mobex Network Services, LLC—Petitions for Rule Making to Amend the Commission's Rules to Provide Additional Flexibility for AMTS and VHF Public Coast Station Licensees" ((FCC 07-87)(WT Docket No. 94-257)) received on June 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2090. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Facilitating Opportunities for Flexible, Efficient, and Reliable Spectrum for Use Employing Cognitive Radio Technologies" ((FCC 07-66)(ET Docket No. 03-108)) received on June 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2091. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Modifications of Parts 2 and 15 of the Commission's Rules for Unlicensed Devices and Equipment Approval" ((FCC 07-56)(ET Docket No. 03-201)) received on June 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2092. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2007 Management Measures" (RIN0648-AV56) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2093. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; U.S. Atlantic Billfish Tournament Management Measures" (RIN0648-AV25) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2094. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Approval of 2007 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch" (RIN0648-AV22) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2095. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Specification of Fiscal Year 2007 TACs for GB Cod, Haddock, and Yellowtail Flounder" (RIN0648-AU63) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2096. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2007 Georges Bank Cod Hook Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch" (RIN0648-AV20) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2097. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a status report on the Section 154 Northern Wisconsin Environmental Infrastructure Program; to the Committee on Commerce, Science, and Transportation.

EC-2098. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Security Requirements for Unclassified Information Technology Resources" (RIN2700-AD26) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2099. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the country of origin and the sellers of uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors during calendar year 2006; to the Committee on Energy and Natural Resources.

EC–2100. A communication from the Associate Deputy Secretary, Department of the Interior, transmitting, pursuant to law, a report relative to the Department's inventory of commercial activities; to the Committee on Energy and Natural Resources.

EC–2101. A communication from the Acting White House Liaison, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report of a nomination and confirmation for the position of Principal Deputy Administrator, received on May 30, 2007; to the Committee on Energy and Natural Resources.

EC–2102. A communication from the Director, Office of Enforcement, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Accounting and Reporting Requirements for Nonoperating Public Utilities and Licensees" (RIN1902–AD23) received on May 30, 2007; to the Committee on Energy and Natural Resources.

EC–2103. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the actions federal agencies are taking to incorporate and implement the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC–2104. A communication from the Associate Deputy Secretary, Department of the Interior, transmitting, a draft bill entitled, "The Fiscally Responsible Energy Amendments Act of 2007" to the Committee on Energy and Natural Resources.

EC–2105. A communication from the Associate Administrator, Office of Congressional and Intergovernmental Relations, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Environmental Protection and Border Security on the U.S.-Mexico Border, Tenth Report of the Good Neighbor Environmental Board to the President and Congress of the United States" to the Committee on Environment and Public Works.

EC–2106. A communication from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Privacy and Disclosure of Official Records and Information" (RIN0960–AE88) received on May 30, 2007; to the Committee on Finance.

EC–2107. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification for fiscal year 2007 that no United Nations organization or affiliated agency grants recognition to any organization which supports pedophilia; to the Committee on Foreign Relations.

EC–2108. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–108—2007–117); to the Committee on Foreign Relations.

EC–2109. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the re-certification of a proposed manufacturing license agreement for the manufacture of the AN/ASA–70 Tactical Display Group for the Japanese P–3C Anti-Submarine Program; to the Committee on Foreign Relations.

EC–2110. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed amendment to a license for the export of defense services associated with the Helicopter Long Range Active Sonar Mod. 2 System for the Canadian Maritime Helicopter Program; to the Committee on Foreign Relations.

EC–2111. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a nomination for the position of Director, received on May 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2112. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report relative to the acquisitions made by the Corporation from entities that manufacture the articles, materials, or supplies outside of the United States during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–2113. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary, received on May 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2114. A communication from the Assistant Secretary for Administration and Management, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a nomination for the position of Director, received on May 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2115. A communication from the Assistant Secretary for Administration and Management, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Labor, received on May 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2116. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report relative to the acquisitions made by the Department from entities that manufacture the articles, materials, or supplies outside of the United States for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–2117. A communication from the Director, Office of Standards and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Sealing of Abandoned Areas" (RIN1219–AB52) received on May 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2118. A communication from the Director, Office of Standards, Regulations and Variances, Department of Labor, transmitting, pursuant to law, a report relative to the need to take measures to protect miners; to the Committee on Health, Education, Labor, and Pensions.

EC–2119. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Postal Service's management response to the report for the period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2120. A communication from the Director, Human Resources, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the Category Rating System for calendar years 2005 and 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–2121. A communication from the Secretary of Energy, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2122. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Office's Inspector General for the period from October 1, 2006, through March 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2123. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Pension Benefit Guaranty Corporation for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–2124. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Attorney General's Report relative to the Administration of the Foreign Agents Registration Act for the six months ending June 30, 2006; to the Committee on the Judiciary.

EC–2125. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report relative to the Department's fiscal year 2006 inventory of inherently governmental and commercial activities; to the Committee on the Judiciary.

EC–2126. A communication from the Deputy General Counsel, Office of Lender Oversight, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Business Loan Program; Lender Examination and Review Fees" (RIN3245–AF49) received on May 30, 2007; to the Committee on Small Business and Entrepreneurship.

EC–2127. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Department of Veterans Affairs Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" (RIN2900–AM44) received on May 29, 2007; to the Committee on Veterans' Affairs.

EC–2128. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas; Maryland" (Docket No. APHIS–2007–0028) received on June 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2129. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Wood Packaging Material; Treatment Modification" (Docket No. APHIS–2006–0129) received on June 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2130. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Emerald Ash Borer Host Material from Canada" (Docket No. APHIS–2006–0125) received on June 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2131. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Classical Swine Fever Status of the Mexican State of Nayarit" (Docket No. APHIS-2006-0104) received on June 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1547. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 110-77).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1142. A bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development (Rept. No. 110-78).

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1548. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 1549. An original bill to authorize appropriations for fiscal year 2008 for military construction, and for other purposes.

S. 1550. An original bill to authorize appropriations for fiscal year 2008 for defense activities of the Department of Energy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 1539. A bill to designate the post office located at 309 East Linn Street, Marshalltown, Iowa, as the "Major Scott Nisely Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. DOLE (for herself, Mrs. LINCOLN, Mr. BURR, Mr. DURBIN, Mr. VITTER, and Mr. ALLARD):

S. 1540. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes; to the Committee on Finance.

By Mr. VITTER:

S. 1541. A bill to allow for expanded uses of funding allocated to Louisiana under the hazard mitigation program while preserving the goals of the program to reduce future damage from disasters through mitigation; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 1542. A bill to establish State infrastructure banks for education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1543. A bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself and Mrs. CLINTON):

S. 1544. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, and Ms. COLLINS):

S. 1545. A bill to implement the recommendations of the Iraq Study Group; to the Committee on Foreign Relations.

By Mr. CRAPO (for himself, Mr. REID, Mr. ENSIGN, Mr. STEVENS, and Mr. CRAIG):

S. 1546. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of the maximum capital gains rate for individuals; to the Committee on Finance.

By Mr. LEVIN:

S. 1547. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1548. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1549. An original bill to authorize appropriations for fiscal year 2008 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1550. An original bill to authorize appropriations for fiscal year 2008 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. BROWN (for himself, Mrs. HUTCHISON, Mr. KENNEDY, Mrs. CLINTON, and Mrs. MURRAY):

S. 1551. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI:

S. 1552. A bill to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself, Mr. REID, Mr. ENZI, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 220. A resolution honoring the life of Senator Craig Thomas; considered and agreed to.

ADDITIONAL COSPONSORS

S. 57

At the request of Mr. INOUYE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 130

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 130, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 376

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 376, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 399

At the request of Mr. BUNNING, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 431

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 492

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 492, a bill to promote stabilization and reconstruction efforts in Somalia, to establish a Special Envoy for Somalia to strengthen United States support to the people of Somalia in their efforts to establish a lasting peace and form a democratically elected and stable central government, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 717

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 717, a bill to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security.

S. 860

At the request of Mrs. CLINTON, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

At the request of Mr. SMITH, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 860, supra.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Iowa (Mr. HARKIN), the Senator from Kansas (Mr. ROBERTS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. NELSON), the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 906

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 906, a bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 941

At the request of Mr. SANDERS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 941, a bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically-underserved areas.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1172

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1172, a bill to reduce hunger in the United States.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico

(Mr. DOMENICI) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1233

At the request of Mr. AKAKA, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1254

At the request of Ms. MIKULSKI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1254, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1295

At the request of Mr. FEINGOLD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1295, a bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

S. 1301

At the request of Mr. DEMINT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1301, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1317

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1317, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 1337

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1353, a bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1416

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1416, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums.

S. 1430

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1444

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1444, a bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan.

S. 1448

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1448, a bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from North Dakota (Mr. CONRAD), the Senator from Ohio (Mr. BROWN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1460

At the request of Mr. HARKIN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1460, a bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1529

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S.J. RES. 14

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S.J. Res. 14, a joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

S. RES. 82

At the request of Mr. HAGEL, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 203

At the request of Mr. MENENDEZ, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New

York (Mrs. CLINTON) were added as cosponsors of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

S. RES. 206

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 206, a resolution to provide for a budget point of order against legislation that increases income taxes on taxpayers, including hardworking middle-income families, entrepreneurs, and college students.

AMENDMENT NO. 1174

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 1174 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 1539. A bill to designate the post office located at 309 East Linn Street, Marshalltown, Iowa, as the "Major Scott Nisely Post Office"; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, today I am introducing a bill honoring and memorializing a fallen Iowa hero. Scott Nisely had served his country in Iraq just short of a year when, on September 30, 2006, he was killed in combat.

Scott Nisely served his country in many capacities during his lifetime. He devoted his life to his family, church, and country and has positively affected numerous lives. Scott Nisely's military service includes about 25 years with the U.S. Marine Corps, starting as an ROTC student, then 12 years on active duty, almost 9 years in the Marine Corps Reserve during which he achieved the rank of major. Most recently, he took a significant decrease in rank to serve his country once again in the Iowa Army National Guard for about 4 years until he was killed in combat. His public service also includes 12 years with the U.S. Postal Service. In addition, Scott served his community by his participation in the First Baptist Church's music ministry as a drummer. He was a devoted father who walked his daughter down the aisle for her wedding right before his deployment to Iraq. The wedding had been moved up because Sarah, his daughter, wanted him in her wedding and was worried he wouldn't return home.

In recognition of this devoted family man and public servant, the bill I am introducing with the support of my colleague from Iowa, Senator HARKIN, would name the post office located at 309 East Linn Street in Marshalltown, IA, the Major Scott Nisely Post Office. The idea came from Scott's coworkers at the Marshalltown Post Office and it is indeed a fitting tribute. Representative LATHAM is introducing identical legislation in the House of Representatives today with the support of the other members of Iowa's House delegation. I am pleased to be able to propose this small token of recognition and gratitude for someone who has given so much to his country, and I urge its swift consideration.

Mr. HARKIN. Mr. President, today I join with my senior colleague from Iowa, Senator GRASSLEY, in introducing a bill to name the Marshalltown Post Office in honor of MAJ Scott Nisely, who was killed in action in Iraq on September 30, 2006.

Major Nisely enlisted in the U.S. Marine Corps in 1981 and served in Operation Desert Storm. In 1994, he moved to Marshalltown, IA, with his family and worked at the Iowa Veterans Home as well as at the Marshalltown and Des Moines Post Offices. Because of his love for his country and the military, Major Nisely took a demotion to join the Iowa National Guard and was sent to Iraq in 2005.

Major Nisely was a dedicated husband and father, beloved for his sense of humor and positive attitude. Having served in Operation Desert Storm, he was already a respected Marine veteran and a hero to his family and friends. But with our Armed Forces engaged in Iraq, he once again felt compelled to fight for his country. Major Nisely served in two wars, set a sterling example of selfless service to country, and paid the ultimate price while fighting in Iraq. I am proud to join my colleague in naming the post office in Marshalltown the Major Scott Nisely Post Office, in honor of this fallen hero.

By Mrs. DOLE (for herself, Mrs. LINCOLN, Mr. BURR, Mr. DURBIN, Mr. VITTER, and Mr. ALLARD):

S. 1540. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes; to the Committee on Finance.

Mrs. DOLE. Mr. President, today is the sixth National Hunger Awareness Day—a day to reflect on the fact that in this Nation alone more than 35 million people are experiencing hunger or are at risk for hunger. It is also a day to recognize the tremendous efforts of individuals who graciously give their time and resources to help those in need.

Hunger is far too prevalent, but I think Washington Post columnist David Broder hit the nail on the head when he wrote: "America has some problems that defy solution. This one does not. It just needs caring people and a caring government, working together." I agree, the battle to end hunger in our country is a campaign that cannot be won in months or even a few years, but it is a victory within reach. And I am motivated to do what I can to make a positive difference in this fight against hunger—both in the United States and beyond our borders.

In America—the land of prosperity and plenty—some people have the misconception that hunger plagues only far-away, undeveloped nations. The reality is that hunger is a silent enemy lurking within 1 in 10 U.S. households. In my home State of North Carolina alone, nearly 1 million of our 8.8 million residents are struggling with food security issues. In recent years, once-thriving North Carolina towns have been economically crippled by the shuttering of textile mills and furniture factories. People have lost their jobs—and sometimes their ability to put food on the table. I know this scenario is not unique to North Carolina, as many American manufacturing jobs have moved overseas. While many folks are finding new employment, these days a steady income doesn't necessarily provide for three square meals a day.

To help struggling families and individuals, our nation is blessed to have many faith-based and other nonprofit service organizations that work to fight hunger. Over the last year, I have toured a number of these organizations in my home State—such as MANNA FoodBank in Asheville, Second Harvest Food Bank of Metrolina in Charlotte, and Meals on Wheels of Senior Services in Winston-Salem. I also have visited the DC Central Kitchen here in Washington—just a few blocks from the Capitol. At each of these organizations, I am inspired by the dedicated staff and volunteers who have such a passion for helping others.

Another hunger relief organization that I hold in the highest regard is the Society of St. Andrew, which gleans produce from farms and then packages, processes and transports excess food to feed hungry people across the country. When I think of gleaning, I often think of Ruth in the Old Testament. Her story takes place during a famine in Bethlehem, and Ruth gleaned so that her family could eat. In Biblical times, farmers were encouraged to leave crops in their fields for the poor and for travelers. It is a practice we should be utilizing much more extensively today—considering that in this country, 27 percent of all the food produced annually is lost at the retail, consumer, and food service levels. This means we are wasting about 3,044 pounds of good food every second.

The Society of St. Andrew recently passed a milestone—saving and distributing a total of 500 million pounds of food since 1983. This translates into more than 1.5 billion servings. Already this year, the organization has provided more than 5.5 million pounds of produce. Amazingly, it only costs about 2 cents a serving to glean and deliver this food to those in need. And all of this work is done by the hands of tens of thousands of volunteers and a very small staff. I have gleaned in North Carolina fields with my friends at the Society of St. Andrew, and they are truly a remarkable group.

Like any humanitarian endeavor, the gleaning system works because of cooperative efforts. Private organizations and individuals are doing a great job—but with very limited resources. One of the single largest concerns for gleaners is transportation—how to actually get food to those in need. To help address this problem, I am proud to reintroduce today the Hunger Relief Trucking Tax Credit Act, which would change the Tax Code to give transportation companies tax incentives for volunteering trucks to transfer gleaned food. Specifically, my bill would create a 25-cent tax credit for each mile that food is transported for hunger relief efforts by a donated truck and driver.

This bill would provide a little extra encouragement for trucking companies to donate space in their vehicles to help more food reach more hungry people. I am grateful to my colleagues, Senators LINCOLN, BURR, DURBIN, VITTER and ALLARD, for joining this effort, and I welcome the support of relief organizations like the Society of St. Andrew, the American Trucking Association, and America's Second Harvest.

In addition, Senators LAUTENBERG, LINCOLN, and I plan to soon reintroduce the Food Employment Empowerment and Development Program Act, or the FEED Act. The idea behind this legislation is simple: combine food rescue with job training, thus teaching unemployed and homeless adults the skills needed to work in the food service industry.

With support from the FEED Act, community kitchens will receive much-needed resources to help collect rescued food and provide 2 million meals each year to the hungry. Successful FEED Act-type programs already exist. For example, in Charlotte, NC, the Community Culinary School recruits students from social service agencies, homeless shelters, halfway houses and work release programs. And just around the comer from here, 25 students recently began training in the DC Central Kitchen's 68th culinary job training class. This is a model program, which began in 1990, and it is always a great privilege to visit the kitchen and meet with the individuals who have faced adversity but are now on track for a career in the food service industry.

We also must do more to help America's 12 million hungry children get on the right track. As a result of hunger, these children have higher levels of chronic illness, depression, and behavior problems. This is a travesty that can and must be prevented, and school feeding programs provide a critical means to this end. The National School Lunch Program feeds 30 million children in more than 100,000 schools each day. While reduced price meals are available to students whose family income is below 130 percent of the poverty level, State and local school board members have informed me that many families struggle to even pay this fee. In too many cases, this is creating an insurmountable barrier to participation.

That is why I am a strong supporter of eliminating the reduced price fee for these families and harmonizing the free income guideline with the WIC income guideline, which is 185 percent of poverty. In 2004, we succeeded in having a five-State pilot program authorized, and since then, a number of colleagues have joined me in urging funding for the program. I am very proud that the fiscal year 2008 Senate budget resolution finally includes the funds, and I will continue to push this during the appropriations process—because expanding the free lunch program has great potential to alleviate hunger for millions of children and help them succeed in school.

School feeding programs also offer tremendous opportunity to reach some of the 400 million chronically hungry children across the globe. Earlier this year, Senator DICK DURBIN and I introduced a bill to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program. This program was named for my husband Senator Bob Dole and his good friend Senator George McGovern—both of whom remain tremendous advocates for this and other child nutrition initiatives.

As with the U.S. school lunch program, the McGovern-Dole program helps attract children to schools. The nutritious meals provided help keep them alert and focused so they can learn and nourished so they can grow and mature. First authorized in 2002, the program provides for donations of U.S. agricultural products and financial and technical assistance for school food programs and maternal and child nutrition projects in low-income countries that are committed to universal education. In 2005 alone, the McGovern-Dole program distributed 120,000 metric tons of U.S. food commodities, including wheat, wheat flour, corn, rice, dry beans, and vegetable oils, to schools that run feeding programs in the world's poorest countries. In addition to Federal funding, outside donors have provided approximately $1 billion to complement the McGovern-Dole program, making this initiative a successful public-private partnership.

McGovern-Dole has a proven track record of reducing hunger among school-age children and improving literacy and primary education enrollment in areas where conflict, hunger, poverty and HIV/AIDS are prevalent. School meals, teacher training, and related support have helped boost school enrollment and academic performance. These positive results are especially true among girls, including those who live where girls are commonly mistreated and marginalized.

Throughout my career in public service, I have seen the faces of hunger so many times. During my time at the American Red Cross, I witnessed hunger and starvation in war-torn Rwanda and famine-stricken Somalia. In Baidoa, I came upon a little boy lying under a sack. I thought he was dead, but as his brother sat him up, I could see that he was severely malnourished. I asked for camel's milk to feed him, and as I raised the cup to his mouth, I put my arm around his back. The feeling of the little bones almost piercing through his flesh is something I will never forget. That is when the horror of starvation becomes real—when you can touch it.

In Deuteronomy 15:7, the Bible tells us, "If there is among you a poor man, one of your brethren, in any of your towns within your land which the Lord your God gives you, you shall not harden your heart or shut your hand against your poor brother."

I implore friends on both sides of the aisle—and the people of this great country—to join in this mission, this grassroots network of compassion that transcends political ideology and provides hope and security not only for those in need today but for future generations. Let us stand and fight as one in this mission to end hunger.

By Mrs. CLINTON:

S. 1542. A bill to establish State infrastructure banks for education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President. I rise today to introduce the Investing for Tomorrow's Schools Act of 2007, an act that is critical in bringing our Nation's schools into the 21st century. If passed, this legislation would provide States with an economical way to fund school construction. Please allow me to express my thanks to my friend, Senator HARKIN, for joining my efforts in the Senate, as well as to Representative TAUSCHER for his leadership in the House and his introduction of the companion bill.

The American Society of Civil Engineers gave our Nation's school buildings a D in their last report card, with 75 percent of facilities deemed inadequate for education. Yet our children attend these schools every day.

When students attend rundown schools, their well-being and ability to learn is threatened. In 2004, in Washingtonville, NY, the roof over a classroom, in the 44-year-old Taft Elementary, collapsed. Had the collapse occurred just 32 days later, 15 children and 2 teachers could have been seriously injured or even killed.

This past January, New York's Manhasset School District issued a report describing the condition of its only high school. The 72-year-old building has exceeded its life expectancy, with a roof "beyond the stages of patching and repairing" and in need of replacement. Last school year, part of the ceiling collapsed in one of the stairwells.

Buildings like this one, in use beyond their life expectancy, are dangerous and don't meet the demands of the 21st century. The lack of adequate school buildings hampers today's most promising and innovative efforts to boost student achievement. Many older school buildings are in a dangerous state of disrepair and have seriously outdated facilities. Many do not even have the proper wiring for computer networks. While we work to give students the academic tools they need to compete in the 21st century, we must also upgrade school facilities to give students a learning environment conducive to success. This is why we included a new provision in this legislation creating healthy high-performance schools guidelines to direct schools during renovation and construction in order to create schools that will foster the development of children.

According to the National Education Association, repairs and modernization nationwide will cost $322 billion. Last year, over $20 billion was spent nationwide on school construction. At that rate, it will take more than 16 years to modernize school buildings, when today's kindergartners could be graduating from college. Clearly, school construction is costly, but a price cannot be put on the value of our children's education and well-being. We must use innovative methods in providing funding for schools to make these essential renovations.

That is why I am introducing this bill. At the center of this bill is the creation of State infrastructure banks, which would improve financing for school construction. This financing mechanism was pioneered by the Reagan administration, which used it to help local communities fund water treatment and clean water facilities. The Clinton administration also used State infrastructure banks to help States finance transportation projects.

State infrastructure banks have been successful in financing public projects at a low cost to taxpayers. They would offer school districts flexible options of loan and credit enhancement assistance, such as low-interest loans, bond-financing security, loan guarantees, and credit support for financing projects, which result in lower interest rates. State infrastructure banks would not strain the Federal Treasury or the American taxpayer. After initial funding, they would require no ongoing Federal appropriations. As loans are repaid, funds would be replenished, and banks could make new loans available.

Passage of this bill would help provide immediate aid to the neediest schools and help local communities fund affordable construction far into the future. This modest proposal is one step in the school construction solution. We must continue to move forward in this Congress by creating an academic setting that will prepare our students for the 21st century workplace. I ask my colleagues to join me and Senator HARKIN in supporting this critical piece of legislation.

By Mr. BINGAMAN:

S. 1543. A bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to be able to introduce the National Geothermal Initiative Act of 2007, along with my cosponsors, Senators REID, MURKOWSKI, STEVENS, SALAZAR, TESTER, and SNOWE. This bipartisan bill establishes a national goal where at least 20 percent of the total electrical energy production in the United States should be from geothermal resources by 2030. Under the National Geothermal Initiative, the national goal will be accomplished by establishing and carrying out new programs for geothermal research, development, demonstration, and commercial application. This act also extends an ongoing study being conducted by the United States Geological Survey to characterize the complete geothermal resource base for use in future geothermal energy development. Finally, the act will provide international market support for geothermal energy development. It is critical with ever increasing energy demands that new energy solutions are continually developed and explored. With continued research, development, demonstration, and deployment of new technologies, geothermal energy holds great promise as a growing renewable energy source.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the text was ordered to be printed in the RECORD, as follows:

S. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Geothermal Initiative Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) domestic geothermal resources have the potential to provide vast amounts of clean, renewable, and reliable energy to the United States;

(2) Federal policies and programs are critical to achieving the potential of those resources;

(3) Federal tax policies should be modified to appropriately support the longer lead-times of geothermal facilities and address the high risks of geothermal exploration and development;

(4) sustained and expanded research programs are needed—

(A) to support the goal of increased energy production from geothermal resources; and

(B) to develop the technologies that will enable commercial production of energy from more geothermal resources;

(5) a comprehensive national resource assessment is needed to support policymakers and industry needs;

(6) a national exploration and development technology and information center should be established to support the achievement of increased geothermal energy production; and

(7) implementation and completion of geothermal and other renewable initiatives on public land in the United States is critical, consistent with the principles and requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law.

SEC. 3. NATIONAL GOAL.

Congress declares that it shall be a national goal to achieve 20 percent of total electrical energy production in the United States from geothermal resources by not later than 2030.

SEC. 4. DEFINITIONS.

In this Act:

(1) INITIATIVE.—The term "Initiative" means the national geothermal initiative established by section 5(a).

(2) NATIONAL GOAL.—The term "national goal" means the national goal of increased energy production from geothermal resources described in section 3.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 5. NATIONAL GEOTHERMAL INITIATIVE.

(a) ESTABLISHMENT.—There is established a national geothermal initiative under which the Federal Government shall seek to achieve the national goal.

(b) FEDERAL SUPPORT AND COORDINATION.—In carrying out the Initiative, each Federal agency shall give priority to programs and efforts necessary to support achievement of the national goal to the extent consistent with applicable law.

(c) ENERGY AND INTERIOR GOALS.—

(1) IN GENERAL.—In carrying out the Initiative, the Secretary and the Secretary of the Interior shall establish and carry out policies and programs—

(A) to characterize the complete geothermal resource base (including engineered geothermal systems) of the United States by not later than 2010;

(B) to sustain an annual growth rate in the use of geothermal power, heat, and heat pump applications of at least 10 percent;

(C) to demonstrate state-of-the-art energy production from the full range of geothermal resources in the United States;

(D) to achieve new power or commercial heat production from geothermal resources in at least 25 States; and

(E) to develop the tools and techniques to construct an engineered geothermal system power plant.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Secretary and the Secretary of the Interior shall jointly submit to the appropriate Committees of Congress a report that describes—

(A) the proposed plan to achieve the goals described in paragraph (1); and

(B) a description of the progress during the period covered by the report toward achieving those goals.

(d) GEOTHERMAL RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of geothermal research, development, demonstration, outreach and education, and commercial application to support the achievement of the national goal.

(2) REQUIREMENTS OF PROGRAM.—In carrying out the geothermal research program described in paragraph (1), the Secretary shall—

(A) prioritize funding for the discovery and characterization of geothermal resources;

(B) expand funding for cost-shared drilling;

(C)(i) establish, at a national laboratory or university research center selected by the Secretary, a national geothermal exploration research and information center;

(ii) support development and application of new exploration and development technologies through the center; and

(iii) in cooperation with the Secretary of the Interior, disseminate geological and geophysical data to support geothermal exploration activities through the center.

(D) support cooperative programs with and among States, including with the Great Basin Center for Geothermal Energy, the Intermountain West Geothermal Consortium, and other similar State and regional initiatives, to expand knowledge of the geothermal resource base of the United States and potential applications of that resource base;

(E) improve and advance high-temperature and high-pressure drilling, completion, and instrumentation technologies benefiting geothermal well construction;

(F) demonstrate geothermal applications in settings that, as of the date of enactment of this Act, are noncommercial;

(G) research, develop, and demonstrate engineered geothermal systems techniques for commercial application of the technologies, including advances in—

(i) reservoir stimulation;

(ii) reservoir characterization, monitoring, and modeling;

(iii) stress mapping;

(iv) tracer development;

(v) 3-dimensional tomography; and

(vi) understanding seismic effects of deep drilling and reservoir engineering; and

(H) support the development and application of the full range of geothermal technologies and applications.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection—

(A) $75,000,000 for fiscal year 2008;

(B) $110,000,000 for each of fiscal years 2009 through 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

(e) GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.—

(1) INTERIOR.—In carrying out the Initiative, the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey, shall, not later than 2010—

(i) conduct and complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(ii) submit to the appropriate committees of Congress a report describing the results of the assessment; and

(B) in planning and leasing, shall consider the national goal established under this Act.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

(A) $15,000,000 for fiscal year 2008;

(B) $25,000,000 for each of fiscal years 2009 to 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

SEC. 6. INTERMOUNTAIN WEST GEOTHERMAL CONSORTIUM.

Section 237 of the Energy Policy Act of 2005 (42 U.S.C. 15874) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $5,000,000 for each of fiscal years 2008 through 2013; and

"(2) such sums as are necessary for each of fiscal years 2014 through 2020.".

SEC. 7. INTERNATIONAL MARKET SUPPORT FOR GEOTHERMAL ENERGY DEVELOPMENT.

(a) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—The United States Agency for International Development, in coordination with other appropriate Federal and multilateral agencies, shall support international and regional development to promote the use of geothermal resources, including (as appropriate) the African Rift Geothermal Development Facility.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The United States Trade and Development Agency shall support the Initiative by—

(1) encouraging participation by United States firms in actions taken to carry out subsection (a); and

(2) providing grants and other financial support for feasibility and resource assessment studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr. GREGG (for himself and Mrs. CLINTON):

S. 1544. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Finance.

Mr. GREGG. Mr. President, the United States spends more on health care as a percentage of GDP than any other industrialized country and costs continue to rise. However, there is significant variation in the quality of health care consumers receive. Are we getting a good deal? The Medicare Quality Enhancement Act, which I have introduced today with Senator CLINTON, seeks to improve U.S. health care by providing qualified private-sector organizations access to Medicare data for the development and release of reports on the quality, cost, efficiency and effectiveness of our health care system.

Consumer groups, employers, insurance companies, labor unions and others have repeatedly requested access to Medicare data to improve the quality of the health care provided to their members, employees and beneficiaries and to help control the ever-rising costs of health care. While there remains legal debate over whether this data can be released, the Medicare Quality Enhancement Act ensures that the data collected by Medicare and paid for by the taxpayer can be utilized by qualified organizations to measure quality and control costs while protecting beneficiary privacy.

The Medicare Quality Enhancement Act of 2007: requires CMS to provide Medicare enrollment, claims, survey and assessment data to private sector Medicare Quality Reporting Organizations, MQROs, to develop reports to measure health care quality for the public; mandates the protection of beneficiary privacy; empowers consumer groups, providers, employers, insurance plans, labor unions and others to request reports from MQROs; and provides for the public release of all reports.

Attempts are already being made by employers and insurance companies to measure quality. However, with limited amounts of privately held data, their analysis is not broad enough to provide the most accurate results. However, MQROs will have access to Medicare data and be authorized to aggregate both private and public data, providing a significantly more robust assessment of both quality and efficiency while requiring the complete protection of beneficiary health information.

In order for America's health care system to improve, we need to know more and understand the quality of the care we are purchasing. The time has come for the health care community to compete on quality, value and cost, and not be rewarded simply for volume of care provided.

The Medicare Quality Enhancement Act ensures that the public will finally have the tools necessary to make informed health care decisions for themselves and their families.

By Ms. MURKOWSKI:

S. 1552. A bill to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation; to the Committee on Environment and Public Works.

Ms. MURKOWSKI. Mr. President, today I am introducing a bill that will authorize the Administrator of General

Services to convey a parcel of real property to the Alaska Railroad Corporation. This parcel of land is used by GSA for a fleet management center at 2nd and Christensen avenue in downtown Anchorage. The site is approximately 78,000 sq. feet and is surrounded on two sides by Alaska Railroad property. This property was owned by the Alaska Railroad during the period of Federal ownership and was leased to the General Services administration. At the time the railroad was transferred from Federal to State ownership, the parcel of land where the fleet center is located was successfully obtained by GSA for its motor pool function due to its close proximity to downtown Anchorage and other Federal agencies.

This parcel of land is a key transportation component for the redevelopment of Ship Creek. Allowing the Alaska Railroad to get the property back, either through a land exchange or fair market purchase, will allow the Railroad to make additional improvements in the area. GSA has indicated a desire to move from its present location to a location closer to the military bases in Anchorage as most of their business has become the management of a motor pool for the bases.

As consideration for the property, the administrator shall require the AKRR Corporation to either convey a replacement facility to GSA or pay the fair market value of the property based on the highest and best use as determined by an independent appraisal commissioned by the administrator and paid for by the Alaska Railroad Corporation. All proceeds derived from any payment for the property shall be deposited in the Federal buildings fund.

The GSA supports this legislation to expedite their move from the present location to one that will allow them to better serve the military bases.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than 2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) GSA FLEET MANAGEMENT CENTER.—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2); or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) REPLACEMENT PROPERTY.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) PURCHASE PRICE.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) APPRAISAL.—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Amounts paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator upon deposit for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) DESCRIPTION OF PROPERTY AND SURVEY.—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 220—HONORING THE LIFE OF SENATOR CRAIG THOMAS

Mr. MCCONNELL (for himself, Mr. Reid, Mr. Enzi, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brown, Mr. Brownback, Mr. Bunning, Mr. Burr, Mr. Byrd, Ms. Cantwell, Mr. Cardin, Mr. Carper, Mr. Casey, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Corker, Mr. Cornyn, Mr. Craig, Mr. Crapo, Mr. DeMint, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Ensign, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Klobuchar, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. Martinez, Mr. McCain, Mrs. McCaskill, Mr. Menendez, Ms. Mikulski, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Obama, Mr. Pryor, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Salazar, Mr. Sanders, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Tester, Mr. Thune, Mr. Vitter, Mr. Voinovich, Mr. Warner, Mr. Webb, Mr. Whitehouse, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. RES. 220

Whereas Senator Craig Thomas had a long and honorable history of public service, serving in the United States Marine Corps, the Wyoming State Legislature, the United States House of Representatives, and the United States Senate;

Whereas Senator Craig Thomas represented the people of Wyoming with honor and distinction for over 20 years;

Whereas Senator Craig Thomas was first elected to the United States House of Representatives in 1989;

Whereas Senator Craig Thomas was subsequently elected 3 times to the United States Senate by record margins of more than 70 percent; and

Whereas Senator Craig Thomas's life and career were marked by the best of his Western values: hard work, plain speaking, common sense, courage, and integrity: Now, therefore, be it

Resolved, That—

(1) the United States Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Craig Thomas, a Senator from the State of Wyoming;

(2) the Senate mourns the loss of one of its most esteemed members, Senator Craig Thomas, and expresses its condolences to the people of Wyoming and to his wife, Susan, and his 4 children;

(3) the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of Senator Craig Thomas; and

(4) when the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Senator Craig Thomas.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1282. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1283. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1284. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1285. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1286. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1287. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1288. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1289. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1290. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1291. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1292. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1293. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1294. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1295. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1296. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1297. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1298. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1299. Ms. SNOWE (for herself, Ms. MIKULSKI, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1300. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1301. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1302. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1303. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1304. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1305. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1306. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1307. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1308. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1309. Mr. DURBIN (for himself, Mr. MARTINEZ, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1310. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1311. Mr. COBURN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1312. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1313. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1314. Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1315. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, Mr. GREGG, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1316. Mr. DORGAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1317. Mr. MENENDEZ (for himself, Mr. OBAMA, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1318. Mr. CHAMBLISS (for himself, Mr. ENSIGN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1319. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1320. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1321. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1322. Mr. SESSIONS (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1323. Mr. SESSIONS (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1324. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1325. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1326. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1327. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1328. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1329. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1330. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1331. Mr. REID submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1332. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1333. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1282. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 274A(i) of the Immigration and Nationality Act (as amended by section 302(a) of the amendment), strike paragraph (2) and insert the following:

"(2) PREEMPTION.—This section preempts any State or local law that—

“(A) requires the use of the EEVS in a manner that—

“(i) conflicts with any Federal policy, procedure, or timetable; or

“(ii) imposes a civil or criminal sanction (other than through licensing or other similar laws) on a person that employs, or recruits or refers for a fee for employment, any unauthorized alien: and

“(B) requires, as a condition of conducting, continuing, or expanding a business, that, to achieve compliance with subsection (a) or (b), a business entity—

“(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

“(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

“(II) any contractor, customer, or other person over which the business entity has no authority; or

“(ii) shall carry out any other activity to facilitate the employment by others of—

“(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity: or

“(II) any contractor, customer, or other person over which the business entity has no authority.”.

SA 1283. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 218B(e)(3) of the Immigration and Nationality Act, as added by section 403(a), strike “An employer in a high unemployment” and all that follows through the end of the paragraph.

SA 1284. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table: as follows:

Strike section 411 and insert the following:

SEC. 411. COMPLIANCE INVESTIGATORS.

(a) In General.—The Secretary of Labor, subject to the availability of appropriations for such purpose, shall increase, by not less than 400 per year for each of the 5 fiscal years after the date of enactment of this Act, the number of positions for compliance investigators and attorneys dedicated to the enforcement of labor standards, including those contained in sections 218A, 218B, and 218C, the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) in geographic and occupational areas in which a high percentage of workers are Y nonimmigrants.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Labor for each of the 5 fiscal years after the date of enactment of this Act such sums as may be necessary to carry out subsection (a).

SA 1285. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ALLOCATION OF FIELD AGENTS.

(a) In General.—Section 103(f) (8 U.S.C. 1103(f)) is amended to read as follows:

“(f) Minimum Number of Agents Allocated to States.—

“(1) In general.—The Secretary of Homeland Security shall allocate to each State—

“(A) not fewer than 40 full-time active duty agents of United States Immigration and Customs Enforcement to—

“(i) investigate immigration violations; and

“(ii) ensure the departure of all removable aliens; and

“(B) not fewer than 15 full-time active duty agents of United States Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

“(2) Waiver.—The Secretary may waive the requirement under paragraph (1) for any State with a population of fewer than 2,000,000 residents, according to the most recent information published by the Bureau of the Census.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 1286. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 113 (relating to the release of aliens from noncontiguous countries).

SA 1287. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes: which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 1, add the following:

(6) Surveillance plan and national strategy for border security.—The Department of Homeland Security has developed—

(A) a comprehensive plan for systematic surveillance of the international land and maritime borders of the United States pursuant to section 126: and

(B) a national strategy for border security pursuant to section 127.

SA 1288. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 1, add the following:

(6) Entry and exit system.—The Department of Homeland Security has fully implemented an automated entry and exit control system that will—

(A)(i) collect a record of departure for every alien departing the United States; and

(ii) match the records of departure with the record of the arrival of the alien in the United States; and

(B) enable the Secretary to identify, through searching procedures on the Internet, lawfully-admitted nonimmigrants who remain in the United States beyond the applicable period authorized by the Secretary.

Strike section 130 (relating to the US–Visit System).

SA 1289. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 287, line 31, strike “Z-1” and insert “any Z”.

On page 287, line 34, strike “$1,000” and insert “$5,000”.

On page 287, strike line 36 and all that follows through “(iii)” on line 41, and insert “(ii)”.

On page 304, strike line 36 and all that follows through “behalf,” on line 38 and insert the following: “status, the Secretary of Homeland Security may impose an additional penalty in an amount not to exceed $5,000,”.

SA 1290. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table: as follows:

On page 293, line 12, insert “and” after “center;”.

On page 293, line 13, strike the semicolon at the end and insert a period.

On page 293, strike lines 14 through 32

SA 1291. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 317, strike line 8 and all that follows through “(b)” on line 12.

SA 1292. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, line 33, insert the following:

(9) Medical examination.—An applicant for Z nonimmigrant status shall, at the alien’s expense, obtain proper immunizations and undergo an appropriate medical examination that conforms to generally accepted professional standards of medical practice.

SA 1293. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, strike lines 6 through 9 and insert the following: “subsection, any Z nonimmigrant shall pay a State impact assistance fee in an amount equal to $500.”.

SA 1294. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table: as follows:

On page 304, line 4, strike “Z-1” and insert “Z”.

On page 304, lines 10 and 11, strike “Unless otherwise directed by the Secretary of State, a Z-1” and insert “A Z”.

On page 304, line 15, strike "A consular office" and all that follows through line 20.

SA 1295. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, line 33, insert the following:

(9) ENGLISH AND CIVICS.—An alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

On page 295, strike line 20 and all that follows through page 296, line 22, and insert the following:

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(II) EXCEPTION.—The requirement under subclause (I) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable to comply because of physical or developmental disability or mental impairment to comply with such requirement; or

(bb) is older than 70 years of age and has been living in the United States for periods totaling not less than 20 years.

SA 1296. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 289, line 8, strike "If, during the one-year" and all that follows through line 14.

SA 1297. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 291, strike lines 22 through 38.

SA 1298. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 289, line 42, strike "may" and insert "shall".

On page 290, line 18, strike "by the end of the next business day".

On page 290, line 44, and page 291, line 1, strike "or the end of the next business day, whichever is sooner".

On page 296, line 39, strike "may" and insert "shall".

SA 1299. Ms. SNOWE (for herself, Ms. MIKULSKI, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 223, line 27, strike "101(a)(15)(Y)(ii)(II)" and "(101)(a)(15)(Y)(ii)".

On page 224, in the handwritten material, by striking "(9)(A)" and inserting "(10)(A), as redesignated by paragraph (2) of this section".

On page 225, strike the period at the end and insert the following: "; and

(4) in paragraph (11), as redesignated by paragraph (2) of this section—

(A) by inserting "(A)" after "(10)"; and

(B) by adding at the end the following:

"(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.".

SA 1300. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ___. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ATHLETES, ARTISTS, ENTERTAINERS, AND OTHER ALIENS OF EXTRAORDINARY ABILITY.

Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(2) in paragraph (6)(D)—

(A) by striking "Any person" and inserting the following:

"(i) Except as provided in clause (ii), any person"; and

(B) by adding at the end the following:

"(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien described in subparagraph (O) or (P) of section 101(a)(15) not later than 30 days after—

"(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

"(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

"(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.".

SA 1301. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 218A of the Immigration and Nationality Act, as added by section 402(a), add the following new subsection:

"(v) SOCIAL SECURITY AND MEDICARE.—

"(1) SOCIAL SECURITY PAYROLL TAX.—Notwithstanding whether an agreement under section 233 of the Social Security Act is in effect between the United States and the home country of Y nonimmigrant, upon submission of a request at a United States Consulate in the home country of an alien who has ceased to be a Y nonimmigrant as result of termination of employment in the United States, the Secretary of the Treasury shall pay the alien an amount equal to the total tax imposed under section 3101(a) of the Internal Revenue Code of 1986 on the wages received by the alien and 50 percent of the tax imposed under section 1401(a) of such Code on the self-employment income of such alien while the alien was in such nonimmigrant status (without interest). An alien receiving such a payment shall be—

"(A) ineligible for any future admission to the United States under a Y nonimmigrant status; and

"(B) prohibited from being credited for purposes of computing benefits or determining insured status under title II of the Social Security Act for any quarter of coverage on which such payment is based.

"(2) MEDICARE PAYROLL TAX.—Not later than 1 year after such date of enactment, the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall issue regulations establishing procedures for transferring amounts collected from the tax imposed under section 3101(b) of the Internal Revenue Code of 1986 on the wages received by Y nonimmigrant and 50 percent of the tax imposed under section 1401(b) of such Code on the self-employment income of such alien while working in the United States to the State Impact Assistance Account established under section 286(x) of the Immigration and Nationality Act (8 U.S.C. 1356(x)) for the purpose of the Secretary of Heath and Human Services making grants to States to provide health services to noncitizens in accordance with the requirements of paragraph (4) of such section.

"(3) ENUMERATION BY THE COMMISSIONER OF SOCIAL SECURITY AND CERTIFICATION OF WORK HISTORY BY THE SECRETARY OF HOMELAND SECURITY.—

"(A) IN GENERAL.—The Secretary, in consultation with the Commissioner of Social Security shall implement a system to—

"(i) allow for the enumeration by the Commissioner of Social Security of any Y nonimmigrant, concurrent with the granting of the alien such status;

"(ii) require such alien, as a condition of receiving a payment described in paragraph (1), to—

"(I) provide the Secretary and the Commissioner of Social Security with the number assigned to the alien by the Commissioner of Social Security in accordance with clause (i); and

"(II) execute the document described in subparagraph (C); and

"(iii) provide the Commissioner of Social Security with a copy of such document and a certification specifying, after a review conducted in accordance with subparagraph (B), the year or years for which the alien was authorized to work in the United States.

"(B) REVIEW AND TRANSMITTAL OF CERTIFICATION OF WORK STATUS.—For purposes of carrying out subparagraph (A), the Secretary shall review the records of the Department of Homeland Security and any other evidence the Secretary determines appropriate for making a determination as to the authorization of an alien granted Y nonimmigrant status to work in the United States during any period for when the alien was not granted such status, including such evidence as the alien may provide such as correspondence with the Department of Homeland Security and copies of employer records.

"(C) DOCUMENT DESCRIBED.—For purposes of subparagraph (A)(ii)(II), a document described in this subparagraph is a document, executed by a Y nonimmigrant as part of a request submitted under paragraph (1), in which the alien—

"(i) renounces any entitlement to benefits under title II of the Social Security Act based on wages or self-employment income of the alien earned—

"(I) while holding such status; or

"(II) during any year or period of years in which the alien was not authorized to work in the United States; and

"(ii) acknowledges the detailed list of each year during which (or during any part of which) the Secretary has determined that the alien was authorized to work in the United States and that any wages or self-employment income of the alien earned during any year or part year not so listed shall not be credited to the alien for purposes of determining eligibility for, or the amount of—

"(I) a payment to the alien under paragraph (1); or

"(II) any benefit for which the alien may become eligible for under title II of the Social Security Act on the basis of a subsequent admission to the United States under a status other than as a Y nonimmigrant.

"(4) APPLICATION OF PROHIBITION ON ELIGIBILITY FOR FEDERAL PUBLIC BENEFITS.—Nothing in this section shall be construed as affecting the application of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.) to a Y nonimmigrant and in no event shall an alien be considered a qualified alien under such title while granted such status.

"(5) ADMINISTRATION.—Not later than 1 year after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of the Treasury, the Commissioner of Social Security, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall each issue regulations establishing procedures for carrying out this paragraph, without regard to the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act).".

SA 1302. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended—

(1) in subsection (c), by striking "For" and inserting "Except as provided in subsection (e), for"; and

(2) by adding at the end the following new subsections:

"(d)(1) Except as provided in paragraph (3) and subsection (e), for purposes of this section and for purposes of determining a qualifying quarter of coverage under section 402(b)(2)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)(B))—

"(A) no quarter of coverage shall be credited if, with respect to any individual who is not a United States citizen or national, the individual is assigned a social security account number after 2007 and such quarter of coverage is earned prior to the year in which such social security account number is assigned;

"(B) no quarter of coverage shall be credited for any calendar year beginning after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, if, with respect to an individual who is not a United States citizen or national, the Secretary of Homeland Security has certified in accordance with paragraph (2)(B) to the Commissioner that the individual is not authorized to engage in work activity in the United States; and

"(C) there shall be a rebuttable presumption that an alien who is granted nonimmigrant status under section 101(a)(15)(Z) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Z)) and who was granted a social security account number prior to 2007, has no qualifying quarters of coverage earned prior to the date that the alien is granted such status.

"(2) The Commissioner of Social Security shall enter into an agreement with the Secretary of Homeland Security under which the Secretary of Homeland Security shall—

"(A) provide the Commissioner of Social Security with such information as the Commissioner determines necessary to carry out the prohibition set forth in paragraph (1)(A);

"(B) for purposes of carrying out paragraph (1)(B), notify the Commissioner of Social Security with respect to any alien who is granted authority to enter the United States and engage in work activity and for any alien already in the United States who is granted authority to work or whose period of authority to work is extended or otherwise reinstated by the Secretary of Homeland Security, of—

"(i) such determination and the granting of such authority by the Secretary of Homeland Security; and

"(ii) the date on which such authority to work in the United States is cancelled, revoked, or otherwise shall cease; and

"(C) for purposes of a request by an alien to which paragraph(1)(C) applies to overcome the presumption applied under such paragraph, notify the Commissioner of Social Security that the alien has submitted to the Secretary of Homeland Security appropriate, verifiable documents proving creditable quarters of coverage during a period—

"(i) prior to the date that the alien is granted nonimmigrant status under section 101(a)(15)(Z) of the Immigration and Nationality Act (which shall include any probationary period for which the alien was granted such status); and

"(ii) that the alien was present in the United States pursuant to a grant of status under a provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and authorized to engage in work activity while so present.

Each notification provided by the Secretary of Homeland Security under this paragraph shall specify with respect to an alien, the alien's name, date of birth, admission status, beginning and ending dates for such status, and, if applicable, number enumerated by the Commissioner of Social Security for such alien.

"(3) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who satisfies the criterion specified in subsection (c)(2).

"(e) Subsection (d) shall not apply with respect to a determination under subsection (a) or (b) for a deceased individual in the case of a child who is a United States citizen and who is applying for child's insurance benefits under section 202(d) based on the wages and self-employment income of such deceased individual.".

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

(c) REQUIREMENT FOR SECRETARY TO TRANSMIT NOTICE OF STATUS.—Not later than—

(1) 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall enter into the agreement with the Commissioner of Social Security required under section 214(d)(2) of the Social Security Act, as added by subsection (a), for purposes of carrying out paragraphs (1)(C) and (2)(C) of section 214(d) of the Social Security Act; and

(2) 24 months after such date, the Secretary of Homeland Security shall enter into the agreement with the Commissioner of Social Security required under such section 214(d)(2) for purposes of carrying out paragraphs (1)(A) and (1)(B) of such section.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall be effective with respect to quarters of coverage otherwise creditable for years beginning on or after the date that is 24 months after the date of enactment of this Act.

(2) EXCEPTION FOR APPLICATIONS FOR BENEFITS BASED ON SOCIAL SECURITY ACCOUNT NUMBER ASSIGNED PRIOR TO 2007.—Paragraphs (1)(C) and (2)(C) of section 214(d) of the Social Security Act, as added by subsection (a), shall be effective with respect to applications for benefits filed after the 6th month beginning after the month in which this Act is enacted.

SA 1303. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. 2 . DEPLOYMENT OF TECHNOLOGY TO IMPROVE VISA PROCESSING.

Section 222 (8 U.S.C. 1202) is amended by adding at the end the following:

"(i) VISA APPLICATION INTERVIEWS.—

"(1) VIDEOCONFERENCING.—For purposes of subsection (h), the term 'in person interview' includes an interview conducted by videoconference or similar technology after the date on which the Secretary of State, in consultation with the Secretary of Homeland Security, certifies that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview using videoconference or similar technology are those of the visa applicant.

"(2) MOBILE VISA INTERVIEWS.—

"(A) IN GENERAL.—The Secretary of Sate is authorized to carry out a pilot program to conduct visa interviews using mobile teams of consular officials after the date on which the Secretary of State, in consultation with the Secretary of Homeland Security, certifies that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process or the safety and security of consular officers.

"(B) FUNDING.—The Secretary of State shall use amounts otherwise appropriated to the Department of State to carry out the program authorized under subparagraph (A).".

SA 1304. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

"(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

"(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

"(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.".

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian Refugee Immigration Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; or

(B) 1 year after the date on which final regulations implementing this section, and the amendment made by subsection (a), are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendment made by subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian Refugee Immigration Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1) or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act prior to April 1, 2000.

(c) INADMISSIBILITY DETERMINATION.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting "(6)(C)(i)," after "(6)(A),".

SA 1305. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 409 (relating to numerical limitations), strike "Section 214(g) of the Act" and insert the following:

(a) IN GENERAL.—Section 214(g) of the Act

In section 214(g)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(D)) (as amended by section 409(a)(1)(B)), insert "subject to paragraph (3)," before "under section 101(a)(15)(Y)(ii)(II)".

In section 409(a), redesignate the handwritten paragraph (3) as paragraph (5).

In section 409(a), strike paragraph (2) (relating to the redesignation of paragraphs), and insert the following:

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) in paragraph (8) (as so redesignated), by striking "paragraph (5)" each place it appears and inserting "paragraph (7)";

(4) by inserting after paragraph (1) the following:

In section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) (as amended by section 409(a)), insert after paragraph (2) the following:

"(3) LIMITATION FOR FISH ROE TECHNICIANS.—The numerical limitation described in paragraph (1)(D) shall not apply to any nonimmigrant alien—

"(A) who is issued a visa or otherwise provided status under section 101(a)(15)(Y)(ii); and

"(B) who is employed, or has received an offer of employment, as a fish roe processor, a fish roe technician, or a supervisor of fish roe processing.".

At the end of section 409, add the following:

(b) CONFORMING AMENDMENTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in subsection (c)(11)(A)(ii), by striking "subsection (g)(8)(C)" and inserting "subsection (g)(10)(C)"; and

(2) in subsection (j)(2), by striking "subsection (g)(8)(A)" and inserting "subsection (g)(10)(A)".

SA 1306. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 401(a)(1), redesignate subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively, and insert before subparagraph (B) (as so redesignated) the following:

(A) in clause (ii)(a), by inserting "for employment as a fish roe processor or fish roe technician or" before "to perform agricultural labor or services";

SA 1307. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 708 of the bill and insert the following:

SEC. 708. HISTORY AND GOVERNMENT TEST.

(a) IN GENERAL.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance provided by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) into the history and government test given to applicants for citizenship.

(b) TEST REDESIGN.—The goals of any naturalization test redesign undertaken by the Office of Citizenship of the United States Citizenship and Immigration Services with respect to determining if a candidate for naturalization meets the requirements relating to the English language and the fundamentals of the history, and of the principles and form of government, of the United States, under section 312 of the Immigration and Nationality Act, shall include that a candidate demonstrate—

(1) a sufficient understanding of the English language for usage in everyday life;

(2) an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

(3) an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

(4) an attachment to the principles of the Constitution of the United States and the well-being and happiness of the people of the United States; and

(5) an understanding of the rights and responsibilities of citizenship in the United States.

(c) REPORT.—The United States Citizenship and Immigration Service shall report to Congress on how the current test redesign is meeting the requirements described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) KEY DOCUMENTS.—The term "key documents" means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term "key events" means the critical turning points in the history of the United States , including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term "key ideas" means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term "key persons" means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

SA 1308. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 420(a)(1)(A), redesignate clauses (i) through (iii) as clauses (ii) through (iv), respectively, and insert before clause (ii) (as so redesignated) the following:

(i) in subparagraph (D)—

(I) by striking "(D) The application" and inserting the following:

"(D) SPECIFICATIONS.—

"(i) IN GENERAL.—The application"; and

(II) by adding at the end the following:

"(ii) VERIFICATION OF EMPLOYER ID NUMBER.—The application shall be denied unless the Secretary of Labor verifies that the employer identification number provided on the application is valid and accurate.";

In section 420(a)(1)(A), strike clause (iv) (as so redesignated) and insert the following:

(iv) in subparagraph (G)(i)—

(I) by striking "In the case of an application described in subparagraph (E)(ii), subject" and inserting "Subject";

(II) in subclause (I), by striking "and" at the end:

(III) in subclause (II), by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following:

"(III) has posted, for a period of not less than 30 days, the available position on a public job bank website that—

"(aa) is accessible through the Internet;

"(bb) is national in scope;

"(cc) has been in operation on the Internet for at least the 18-month period ending on the date on which the position is posted;

"(dd) does not require a registration fee or membership fee to search the job postings of the website; and

"(ee) has a valid Federal or State employer identification number.";

SA 1309. Mr. DURBIN (for himself, Mr. MARTINEZ and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON PROCESSING OF VISA APPLICATIONS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to Congress that includes the following information with respect to each visa-issuing post operated by the Department of State where, during the preceding 12 months, the length of time between the submission of a request for a personal interview for a nonimmigrant visa and the date of the personal interview of the applicant exceeded, on average, 30 days:

(1) The number of visa applications submitted to the Department in each of the 3 preceding fiscal years, including information regarding each type of visa applied for.

(2) The number of visa applications that were approved in each of the 3 preceding fiscal years, including information regarding the number of each type of visa approved.

(3) The number of visa applications in each of the 3 preceding fiscal years that were subject to a Security Advisory opinion or similar specialized review.

(4) The average length of time between the submission of a visa application and the personal interview of the applicant in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(5) The percentage of visa applicants who were refused a visa in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(6) The number of consular officers processing visa applications in each of the 3 preceding fiscal years.

(7) A description of each new procedure or program designed to improve the processing of visa applications that was implemented in each of the 3 preceding fiscal years.

(8) A description of construction or improvement of facilities for processing visa applications in each of the 3 preceding fiscal years.

(9) A description of particular communications initiatives or outreach undertaken to communicate the visa application process to potential or actual visa applicants.

(10) An analysis of the facilities, personnel, information systems, and other factors affecting the duration of time between the submission of a visa application and the personal interview of the applicant, and the impact of those factors on the quality of the review of the application.

(11) Specific recommendations as to any additional facilities personnel, information systems, or other requirements that would allow the personal interview, where appropriate, to occur not more than 30 days following the submission of a visa application.

SA 1310. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. GLOBAL HEALTH CARE COOPERATION.

(a) QUALIFICATIONS FOR CERTAIN IMMIGRANTS.—Section 502(e) of this Act is amended by striking paragraph (6), and section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended to read as follows:

"(5) QUALIFICATIONS FOR CERTAIN IMMIGRANTS.—

"(A) UNQUALIFIED PHYSICIANS.—

"(i) IN GENERAL.—An alien who is a graduate of a medical school not accredited by a body or bodies approved for the purpose by the Secretary of Education (regardless of whether such school of medicine is in the United States) and who is coming to the United States principally to perform services as a member of the medical profession is inadmissible, unless the alien—

"(I) has passed parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health and Human Services); and

"(II) is competent in oral and written English.

"(ii) EXCEPTION.—An alien who is a graduate of a medical school shall be considered to have passed parts I and II of the National Board of Medical Examiners if the alien was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date.

"(B) UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.—Subject to subsection (r), any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is inadmissible unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Secretary of Homeland Security, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, verifying that—

"(i) the alien's education, training, license, and experience—

"(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

"(II) are comparable with that required for an American health-care worker of the same type; and

"(III) are authentic and, in the case of a license, unencumbered;

"(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

"(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing or certification examination, the alien has passed such a test or has passed such an examination.

For purposes of clause (ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.

"(C) APPLICATION.—Subparagraphs (A) and (B) shall apply to immigrants seeking admission or adjustment of status under paragraph (1) of section 203(b), including immigrants who receive 1 or more points under a merit-based evaluation system based on employment (including offers of employment and intended employment) or experience as a physician or a health care worker.".

(b) CONFORMING AMENDMENTS.—Section 212(r) of the Immigration and Nationality Act (8 U.S.C. 1182(R)) is amended by striking "subsection (a)(5)(C)" each place it appears and inserting "subsection (a)(5)(B)".

(c) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

"(2) to meet the continuous residency requirements under section 316(b).

"(b) DEFINITIONS.—In this section:

"(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

"(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

"(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

"(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

"(A) has been lawfully admitted to the United States for permanent residence; and

"(B) is a physician or other healthcare worker.

"(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

"(d) PUBLICATION.—The Secretary of State shall publish—

"(1) a list of candidate countries not later than 6 months after the date of the enactment of the Improving America's Security Act of 2007, and annually thereafter; and

"(2) an amendment to the list described in paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).".

(d) RULEMAKING.—

(1) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this subsection.

(2) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(B) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(C) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: "except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,".

(2) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting ", including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "101(a)(27)(A),".

(3) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".

(4) NATURALIZATION.—Section 319(b) of such Act (8 U.S.C. 1430(b)) is amended by inserting "an eligible alien who is residing or has resided in a foreign country under section 317A" before "and (C)".

(5) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

"Sec. 317A. Temporary absence of aliens providing health care in developing countries".

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to United States Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(f) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as amended by subsection (a), is further amended by adding at the end the following:

"(D) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

"(I) the obligation was incurred by coercion or other improper means;

"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary shall begin to carry out subparagraph (D) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (D), regardless of whether regulations to implement such subparagraph have been promulgated.

SA 1311. Mr. COBURN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 1, strike "the probationary benefits conferred by section 601(h) of this Act,".

At the end of section 1, insert the following:

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing the requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—The following provisions of existing law shall be fully implemented, as previously directed by the Congress, prior to the certification set forth in paragraph (1):

(A) The Department has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367)

(B) The total miles of fence required under such Act have been constructed.

(C) All databases maintained by the Department which contain information on aliens shall be fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Department shall have implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting "sanctuary" policies or that prevents State and local employees from communicating with the Department are fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department employs fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card is prevented from entering the United States until the biometric identifier on the border crossing card is matched against the alien as required by section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) PRESIDENTIAL REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the President has received a certification, the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the requirements set forth have not been met.

(B) DISAPPROVAL.—In the event the President disapproves of a certification, the President shall deliver a notice of disapproval to the Secretary of the department or agency which made such certification. Such notice shall contain information that describes the manner in which the immigration enforcement measure was deficient, and the Secretary of the department or agency responsible for implementing said immigration enforcement measure shall continue to work to implement such measure.

(C) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing an immigration enforcement measure shall consider such measure approved, unless the Secretary receives the notice set forth in subparagraph (B). In instances where an immigration enforcement measure is deemed approved, the Secretary shall continue to ensure that the immigration enforcement measure continues to be fully implemented as directed by the Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) in the Senate, to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs; and the Committee on Finance; and

(B) in the House of Representatives, to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security; and the Committee on Ways and Means.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, subtitle A of title IV, title V, and subtitles A through C of title VI of this Act shall not be implemented unless, during the first 90-calendar day period of continuous session of the Congress after the date of the receipt by the Congress of such notice of Presidential Certification of Immigration Enforcement, the Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) Consideration.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) Receipt of resolution from Senate.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) Definitions.—In this section:

(1) Presidential certification of immigration enforcement.—The term "Presidential Certification of Immigration Enforcement" means the certification required under this section, which is signed by the President, and reads as follows:

"Pursuant to the provisions set forth in section 1 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.".

(2) Certification.—The term "certification" means any of the certifications required under subsection (a).

(3) Immigration enforcement measure.—The term "immigration enforcement measure" means any of the measures required to be certified pursuant to subsection (a).

(4) Resolution of presidential certification of immigration enforcement.—The term "Resolution of Presidential Certification of Immigration Enforcement" means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

"That Congress approves the certification of the President of the United States submitted to Congress on ______ that the national borders of the United States have been secured and, in accordance with the provisions of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.".

SA 1312. Mr. BIDEN (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RETURN OF TALENT PROGRAM.

(a) Short Title.—This section may be cited as the "Return of Talent Act".

(b) Return of Talent Program.—

(1) In general.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"SEC. 317A. TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN THE RETURN OF TALENT PROGRAM.

"(a) In General.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall establish the Return of Talent Program to permit eligible aliens to temporarily return to the alien's country of citizenship in order to make a material contribution to that country if the country is engaged in post-conflict or natural disaster reconstruction activities, for a period not exceeding 24 months, unless an exception is granted under subsection (d).

"(b) Eligible Alien.—An alien is eligible to participate in the Return of Talent Program established under subsection (a) if the alien meets the special immigrant description under section 101(a)(27)(N).

"(c) Family Members.—The spouse, parents, siblings, and any minor children of an alien who participates in the Return of Talent Program established under subsection (a) may return to such alien's country of citizenship with the alien and reenter the United States with the alien.

"(d) Extension of Time.—The Secretary of Homeland Security may extend the 24-month period referred to in subsection (a) upon a showing that circumstances warrant that an extension is necessary for post-conflict or natural disaster reconstruction efforts.

"(e) Residency Requirements.—An immigrant described in section 101(a)(27)(N) who participates in the Return of Talent Program established under subsection (a), and the spouse, parents, siblings, and any minor children who accompany such immigrant to that immigrant's country of citizenship, shall be considered, during such period of participation in the program—

"(1) for purposes of section 316(a), physically present and residing in the United States for purposes of naturalization within the meaning of that section; and

"(2) for purposes of section 316(b), to meet the continuous residency requirements in that section.

"(f) Oversight and Enforcement.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall oversee and enforce the requirements of this section.".

(2) Table of contents.—The table of contents (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 317 the following:

"317A. Temporary absence of persons participating in the Return of Talent Program".

(c) Eligible Immigrants.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon after "Improvement Act of 1998";

(2) in subparagraph (M), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(N) an immigrant who—

"(i) has been lawfully admitted to the United States for permanent residence;

"(ii) demonstrates an ability and willingness to make a material contribution to the post-conflict or natural disaster reconstruction in the alien's country of citizenship; and

"(iii) as determined by the Secretary of State in consultation with the Secretary of Homeland Security—

"(I) is a citizen of a country in which Armed Forces of the United States are engaged, or have engaged in the 10 years preceding such determination, in combat or peacekeeping operations;

"(II) is a citizen of a country where authorization for United Nations peacekeeping operations was initiated by the United Nations Security Council during the 10 years preceding such determination; or

"(III) is a citizen of a country which received, during the preceding 2 years, funding from the Office of Foreign Disaster Assistance of the United States Agency for International Development in response to a declared disaster in such country by the United States Ambassador, the Chief of the U.S. Mission, or the appropriate Assistant Secretary of State, that is beyond the ability of such country's response capacity and warrants a response by the United States Government.".

(d) Report to Congress.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall submit a report to Congress that describes—

(1) the countries of citizenship of the participants in the Return of Talent Program established under section 317A of the Immigration and Nationality Act, as added by subsection (b);

(2) the post-conflict or natural disaster reconstruction efforts that benefitted, or were made possible, through participation in the program; and

(3) any other information that the Secretary determines to be appropriate.

(e) Rulemaking.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section and the amendments made by this section.

(f) Authorization of Appropriations.—There are authorized to be appropriated to United States Citizenship and Immigration Services for fiscal year 2008, such sums as may be necessary to carry out this section and the amendments made by this section.

SA 1313. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 282, strike line 11 and all that follows through page 283, line 8 and insert the following:

(b) Establishment of Z Nonimmigrant Category.—

(1) In general.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by section 401(a), is further amended by adding at the end the following:

"(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

"(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic

Opportunity, and Immigration Reform Act of 2007;

"(II) is employed, and seeks to continue performing labor, services, or education; and

"(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

"(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

"(bb) the amount of cumulative time the applicant has lived in the United States;

"(cc) whether the applicant owns property in the United States;

"(dd) whether the applicant owns a business in the United States;

"(ee) the extent to which the applicant knows the English language;

"(ff) the applicant's work history in the United States;

"(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

"(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

"(ii) whether the applicant has been convicted of criminal activity in the United States; and

"(jj) whether the applicant has certifies his or her intention to ultimately become a United States citizen;

"(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

"(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

"(III) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).".

(2) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary will use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by paragraph (1).

On page 286, line 36, strike "before January 1, 2007," and insert "on the date that is 4 years before the date of the enactment of this Act".

On page 286, line 43, strike "be on January 1, 2007," and insert "have been, on the date that is 4 years before the date of the enactment of this Act".

On page 290, line 14, insert "sufficient evidence that the alien resided in the United States for not less than 4 years before the date of the enactment of this Act and" after "submission of".

On page 304, strike lines 2 through 20 and insert the following:

(ii) APPLICATION.—A Z-1 nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence may be filed in person with a United States consulate outside the United States or with United States Citizenship and Immigration Services at any location in the United States designated by the Secretary.

SA 1314. Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 290, line 34, strike "and".

On page 290, line 40, strike the period and insert "; and".

On page 290, line 41, insert the following:

(E) shall be eligible to serve as a member of the Armed Forces of the United States.

SA 1315. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, Mr. GREGG, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 265, strike lines 17 through 25, and insert the following:

"(G) Notwithstanding any other provision of this paragraph, the requirements of this paragraph shall apply only to merit-based, self-sponsored immigrants and not to merit-based, employer-sponsored immigrants described in paragraph (5).

"(H) Notwithstanding any other provision of this paragraph, any reference in this paragraph to a worldwide level of visas refers to the worldwide level specified in section 201(d)(1).";

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(3) in paragraph (2), as redesignated by paragraph (3)—

(A) by striking "7.1 percent of such worldwide level" and inserting "4,200 of the worldwide level specified in section 201(d)(1)"; and

(B) by striking "5,000" and inserting "2,500";

(4) in paragraph (3), as redesignated by paragraph (3)—

(A) in subparagraph (A), by striking "7.1 percent of such worldwide level" and inserting "2,800 of the worldwide level specified in section 201(d)(1)"; and

(B) in subparagraph (B)(i), by striking "3,000" and inserting "1,500"; and

(5) by adding at the end the following

"(5) MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

"(A) PRIORITY WORKERS.—Visas shall first be made available in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), to qualified immigrants who are aliens described in any of clauses (i) through (iii):

"(i) ALIENS WITH EXTRAORDINARY ABILITY.—An alien is described in this clause if—

"(I) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

"(II) the alien seeks to enter the United States to continue work in the area of extraordinary ability; and

"(III) the alien's entry into the United States will substantially benefit prospectively the United States.

"(ii) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien is described in this clause if—

"(I) the alien is recognized internationally as outstanding in a specific academic area;

"(II) the alien has at least 3 years of experience in teaching or research in the academic area; and

"(III) the alien seeks to enter the United States—

"(aa) for a tenured position (or tenure-track position) within an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) to teach in the academic area;

"(bb) for a comparable position with an institution of higher education to conduct research in the area, or

"(cc) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 individuals full-time in research activities and has achieved documented accomplishments in an academic field.

"(iii) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien is described in this clause if the alien, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this paragraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

"(B) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—

"(i) IN GENERAL.—Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraph (A), to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

"(ii) DETERMINATION OF EXCEPTIONAL ABILITY.—In determining under clause (i) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(C) PROFESSIONALS.—

"(i) Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraphs (A) and (B), to qualified immigrants who hold baccalaureate degrees and who are members of the professions and who are not described in subparagraph (B).

"(D) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under subparagraph (B) or (C) until there has been a determination made by the Secretary of Labor that—

"(i) there are not sufficient workers who are able, willing, qualified and available at the time such determination is made and at the place where the alien, or a substitute is to perform such skilled or unskilled labor; and

"(ii) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

An employer may not substitute another qualified alien for the beneficiary of such determination unless an application to do so is made to and approved by the Secretary of Homeland Security.".

(c) Worldwide Level of Merit-Based Employer-Sponsored Immigrants.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)), as amended by section 501(b), is further amended by adding at the end the following:

"(5) Worldwide level for merit-based employer-sponsored immigrants.—

"(A) In general.—The worldwide level of merit-based employer-sponsored immigrants under this paragraph for a fiscal year is equal to—

"(i) 140,000, plus

"(ii) the number computed under subparagraph (B).

"(B) Additional number.—

"(i) Fiscal year 2007.—The number computed under this subparagraph for fiscal year 2007 is zero.

"(ii) Fiscal year 2008.—The number computed under this subparagraph for fiscal year 2008 is the difference (if any) between the worldwide level established under subparagraph (A) for the previous fiscal year and the number of visas issued under section 203(b)(2) during that fiscal year.".

On page 262, between lines 9 and 10, insert the following:

(c) Providing Exemptions From Merit-Based Levels for Very Highly Skilled Immigrants.—Section 201(b)(1) of the Immigration and Nationality Act (as amended by section 503(a)) (8 U.S.C. 1151(b)(1)) is further amended by inserting after subparagraph (G) the following:

"(H) Aliens who have earned a master's or higher degree from a United States institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(I) Aliens who have earned a master's degree or higher degree in science, technology, engineering, or mathematics and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(J) Aliens who—

"(i) have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation; and

"(ii) seek to enter the United States to continue work in the area of extraordinary ability.

"(K) Aliens who—

"(i) are recognized internationally as outstanding in a specific academic area;

"(ii) have at least 3 years of experience in teaching or research in the academic area; and

"(iii) who seek to enter the United States for—

"(I) a tenured position (or tenure-track position) within an institution of higher education to teach in the academic area;

"(II) a comparable position with an institution of higher education to conduct research in the area; or

"(III) a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

"(L) Aliens who—

"(i) in the 3-year period preceding their application for an immigrant visa under section 203(b), have been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof; and

"(ii) who seek to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

"(M) The immediate relatives of an alien who is admitted as a merit-based employer-sponsored immigrant under subsection 203(b)(5).".

On page 238, strike lines 13 through 24.

On page 239, strike lines 23 through 38 and insert the following:

(b) Ensuring Access to Skilled Workers in Specialty Occupations.—

(1) In general.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended—

(A) in subparagraph (B), by striking "or" after the semicolon;

(B) in subparagraph (C), by striking ", until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000." and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.".

(2) Applicability.—The amendments made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

SA 1316. Mr. DORGAN (for himself and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 401, add the following:

(d) Sunset of Y–1 Visa Program.—

(1) Sunset.—Notwithstanding any other provision of this Act, or any amendment made by this Act, no alien may be issued a new visa as a Y–1 nonimmigrant (as defined in section 218B of the Immigration and Nationality Act, as added by section 403) on the date that is 5 years after the date that the first such visa is issued.

(2) Construction.—Nothing in paragraph (1) may be construed to affect issuance of visas to Y–2B nonimmigrants (as defined in such section 218B), under the AgJOBS Act of 2007, as added by subtitle C, under the H–2A visa program, or any visa program other than the Y–1 visa program.

SA 1317. Mr. MENENDEZ (for himself, Mr. Obama, and Mr. Feingold) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the table between page 262, line 36 and page 264, line 1', strike all the matter relating to "Extended family" and insert the following:

Extended family	Adult (21 or older) son or daughter of a United States citizen – **10 points** Adult (21 or older) son or daughter of a legal permanent resident – **10 pts** Sibling of a United States citizen or legal permanent resident – **10 pts** If an alien had applied for a family visa in any of the above categories after May 1, 2005 – **5 pts**	**15**
Total		**105**

SA 1318. Mr. CHAMBLISS (for himself, Mr. Ensign, and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) In General.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

"(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

"(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

"(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

"(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

"(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

"(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

"(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

"(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

"(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

"(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

"(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

"(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

"(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

"(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and __________ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of __________, transmitted to Congress by the President on __________, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

"(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

"(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

"(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

"(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

"(B) contains recommendations for adjusting the methods used to make the estimates.

"(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

"(g) GAO EVALUATION AND REPORT.—

"(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

"(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

"(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

"(C) such recommendations as the Comptroller General determines appropriate.

"(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

"(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to Congress on or after January 1, 2007.

SA 1319. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 214A of the Immigration and Nationality Act, as added by section 622(b), strike subsection (g) and all that follows through subparagraph (D) of subsection (j)(1), and insert the following:

"(g) FINE.—An alien granted a Z–A visa shall pay a fine of $1,000 to the Secretary.

"(h) TREATMENT OF ALIENS GRANTED A Z–A VISA.—

"(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien granted a Z–A visa or a Z–A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

"(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted a Z–A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

"(3) TERMS OF EMPLOYMENT.—

"(A) PROHIBITION.—No alien granted a Z–A visa may be terminated from employment by any employer during the period of a Z–A visa except for just cause.

"(B) TREATMENT OF COMPLAINTS.—

"(i) ESTABLISHMENT OF PROCESS.— The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted a Z–A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

"(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

"(iii) ARBITRATION PROCEEDINGS.— The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

"(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

"(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

"(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

"(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

"(4) RECORD OF EMPLOYMENT.—

"(A) IN GENERAL.—Each employer of an alien who is granted a Z–A visa shall annually—

"(i) provide a written record of employment to the alien; and

"(ii) provide a copy of such record to the Secretary.

"(B) CIVIL PENALTIES.—

"(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted a Z–A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

"(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

"(i) TERMINATION OF A GRANT OF Z–A VISA.—

"(1) IN GENERAL.—The Secretary may terminate a Z–A visa or a Z–A dependent visa granted to an alien only if the Secretary determines that the alien is deportable.

"(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z–A visa or a Z–A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z–A visa or Z–A dependent visa if—

"(A) the Secretary finds, by a preponderance of the evidence, that the grant of a Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

"(B) the alien—

"(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

"(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

"(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

"(iv) in the case of an alien granted a Z–A visa, fails to perform the agricultural employment described in subsection (j)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(1)(A)(iii).

"(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien granted a Z–A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5-year work period, which may include submission of an application pursuant to this subsection.

"(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

"(1) Z–A VISA.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien granted a Z–A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

"(A) QUALIFYING EMPLOYMENT.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the alien has performed at least—

"(I) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of the AgJOBS Act of 2007; or

"(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on such date of the enactment.

"(ii) FOUR-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 workdays during 3 years of those 4 years and at least 100 workdays during the remaining year, during the 4-year period beginning on such date of the enactment.

"(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

"(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

"(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

"(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

"(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

"(i) the record of employment described in subsection (h)(4); or

"(ii) such documentation as may be submitted under subsection (d)(3).

"(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

"(i) apply for adjustment of status; or

"(ii) renew the alien's Z visa status as described in section 601(k)(2).

"(D) FINE.—The alien pays to the Secretary a fine of $4,000, such fine may be reduced by $1,000 for every year of qualifying agricultural employment under this subsection, up to a maximum of 3 years credit.

SA 1320. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In subsection (c)(4)(A) of section 214A of the Immigration and Nationality Act, as added by section 622(b), strike "The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply." and insert "The provisions of paragraphs (5), (6)(A), (7), and (9)(B) of section 212(a) shall not apply.".

SA 1321. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Except as provided under paragraph (2), not later than 54 months after the date of the enactment of this Act, the Secretary shall submit a written certification to the President and Congress that—

(A) the border security and other measures described in subsection (a) are funded, in place, and in operation; and

(B) there are fewer than 1,000,000 individuals who are unlawfully present in the United States.

(2) EFFECT OF LACK OF CERTIFICATION.—If the border security and other measures described in subsection (a) are not funded, are not in place, are not in operation, or if more than 1,000,000 individuals are unlawfully present in the United States on the date that is 54 months after the date of the enactment of this Act, title VI shall be immediately repealed and the legal status and probationary benefits granted to aliens under such title shall be terminated.

SA 1322. Mr. SESSIONS (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 48, between lines 9 and 10, insert the following:

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or the Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: ", regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or"; and

(3) in the undesignated matter following paragraph (9), by striking "a finding that for other reasons such person is or was not of

good moral character" and inserting the following: "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking "the Attorney General if" and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 204A. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(b) CONSTRUCTION.—Nothing in this section may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. 204B. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided under paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is lawfully admitted to enter or remain in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(A) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien.

(B) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under subparagraph (A), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous.

(C) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in paragraph (1), the Secretary may not provide the information required under paragraph (1) until the procedures required under this paragraph have been developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SA 1333. Mr. SESSIONS (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 6, strike "(b)" and insert the following:

(b) FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

(c) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(i) against whom a final order of removal has been issued;

(ii) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under clause (i), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

(d)

SA 1324. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 149, strike line 22 and all that follows through page 150, line 2.

On page 151, line 9, strike "two additional two-year periods" and insert "an indefinite number of subsequent 2-year periods if the alien remains outside the United States for the 12-month period immediately prior to each 2-year period of admission".

On page 151, strike lines 15 through 29 and insert the following:

"(2) FAMILY MEMBERS.—A Y-1 nonimmigrant—

"(A) may not be accompanied by his or her spouse or other dependants while in the United States under such status; and

"(B) may not sponsor a family member to enter the United States through a 'parent visitor visa' authorized under section 214(s) of the Immigration and Nationality Act, as added by section 506(b) of this Act.

SA 1325. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 282, strike line 15 and all that follows through "January 1, 2007" on page 283, line 14, and insert the following:

"(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

"(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, is employed, and seeks to continue performing labor, services or education;

"(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and such alien—

"(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

"(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent, who is a Z nonimmigrant; or

"(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since May 1, 2005, and was born to or legally adopted by at least 1 parent who is at the time of application described in clause (i) or (ii).".

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not lawfully present in the United States on May 1, 2005

SA 1326. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. 6___. NUMERICAL LIMITATION.

Notwithstanding any other provision of this Act, not more than 13,000,000 visas authorized to be issued under this title may be issued to aliens described under section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by section 601 of this Act.

SA 1327. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 302, line 34, strike "(r)" and insert the following:

(r) NUMERICAL LIMITATION.—Section 214(g) (8 U.S.C. 1184(g)), as amended by title IV, is further amended by adding at the end the following:

"(13) Notwithstanding any provision of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, not more than 13,000,000 visas authorized to be issued under title VI of such Act may be issued to aliens described under section 101(a)(15)(Z).".

(s)

SA 1328. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 342, between lines 9 and 10, insert the following:

Subtitle D—Self-Sufficiency

SEC. 631. REQUIREMENT FOR GUARANTEE OF SELF-SUFFICIENCY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 213A the following:

"SEC. 213B. REQUIREMENT FOR GUARANTEE OF SELF-SUFFICIENCY.

"(a) IN GENERAL.—In addition to the eligibility requirements under section 601(e) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien applying for Z nonimmigrant status under section 601 of such Act shall submit a signed a guarantee of self-sufficiency in accordance with this section.

"(b) ENFORCEABILITY.—

"(1) IN GENERAL.—No guarantee of self-sufficiency may be accepted by the Secretary or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) unless such guarantee is executed as a contract—

"(A) which is legally enforceable against the guarantor of self-sufficiency by the alien seeking immigration benefits, the Federal Government, and by any State (or any political subdivision of such State) providing any means-tested public benefits program during the 10-year period beginning on the date on which the alien last received any such immigration benefit;

"(B) in which the guarantor of self-sufficiency agrees to financially support the alien to prevent the alien from becoming a public charge; and

"(C) in which the guarantor of self-sufficiency agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (e)(2).

"(2) SCOPE.—A contract under paragraph (1) shall be enforceable with respect to means-tested public benefits (other than the benefits described in subsection (g)) provided to the alien before the alien is naturalized as a United States citizen under chapter 2 of title III.

"(c) FORMS.—Not later than 90 days after the date of the enactment of this section, the Secretary of Homeland Security, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall develop a form of guarantee of self-sufficiency that is consistent with the provisions under this section.

"(d) REMEDIES.—

"(1) IN GENERAL.—Remedies available to enforce a guarantee of self-sufficiency under this section include—

"(A) any of the remedies described in section 3201, 3203, 3204, or 3205 of title 28, United States Code;

"(B) an order for specific performance and payment of legal fees and other costs of collection; and

"(C) corresponding remedies available under State law.

"(2) COLLECTION.—A Federal agency may seek to collect amounts owed under this section in accordance with the provisions of subchapter II of chapter 37 of title 31, United States Code.

“(e) Notification of Change of Address.—

“(1) In general.—The guarantor of self-sufficiency shall notify the Secretary and the State in which the guaranteed alien is a resident not later than 30 days after any change of address of the guarantor of self-sufficiency during the period specified in subsection (b)(2).

“(2) Penalty.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall be subject to a civil penalty of—

“(A) not less than $25,000 and not more than $50,000; or

“(B) if such failure occurs with knowledge that the alien has received any means-tested public benefit, not less than $50,000 or more than $100,000.

“(f) Reimbursement of Government Expenses.—

“(1) Request.—

“(A) In general.—Upon notification that a guaranteed alien has received any benefit under any means-tested public benefits program, the appropriate Federal, State, or local official shall request reimbursement by the guarantor of self-sufficiency equal to the amount of assistance received by such alien.

“(B) Rulemaking.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out subparagraph (A).

“(2) Civil action.—If the appropriate Federal, State, or local agency has not received a response from the guarantor of self-sufficiency within 45 days after requesting reimbursement, which indicates that such guarantor is willing to commence payments, an action may be brought against the guarantor of self-sufficiency to enforce the terms of the guarantee of self-sufficiency.

“(3) Failure to comply with repayment terms.—If the guarantor of self-sufficiency fails to comply with the repayment terms established by such agency, the agency may, not earlier than 60 days after such failure, bring an action against the guarantor of self-sufficiency pursuant to the affidavit of support.

“(4) Statute of limitations.—No cause of action may be brought under this subsection later than 50 years after the alien last received a benefit under any means-tested public benefits program.

“(5) Collection agencies.—If a Federal, State, or local agency requests reimbursement under this subsection from the guarantor of self-sufficiency in the amount of assistance provided, or brings an action against the guarantor of self-sufficiency pursuant to the affidavit of support, the appropriate agency may appoint or hire an individual or other person to act on behalf of such agency acting under the authority of law for purposes of collecting any moneys owed. Nothing in this subsection shall preclude any appropriate Federal, State, or local agency from directly requesting reimbursement from a guarantor of self-sufficiency for the amount of assistance provided, or from bringing an action against a guarantor of self-sufficiency pursuant to an affidavit of support.

“(g) Benefits Not Subject to Reimbursement.—A guarantor shall not be liable under this section for the reimbursement of any of the following benefits provided to a guaranteed alien:

“(1) Emergency medical services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(2) Short-term, non-cash, in-kind emergency disaster relief.

“(3) Assistance or benefits under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(4) Assistance or benefits under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(5) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.

“(6) Payments for foster care and adoption assistance under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) for a child, but only if the foster or adoptive parent or parents of such child are not otherwise ineligible pursuant to section 4403 of this Act.

“(7) Programs, services, or assistance (including soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which—'

“(A) deliver in-kind services at the community level, including through public or private nonprofit agencies;

“(B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

“(C) are necessary for the protection of life or safety.

“(8) Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

“(9) Benefits under the Head Start Act (42 U.S.C. 9831 et seq.).

“(10) Means-tested programs under the Elementary and Secondary Education Act of 1965 (Public Law 89–10).

“(11) Benefits under the Job Training Partnership Act (Public Law 97–300).

“(h) Definitions.—In this section:

“(1) Guarantor of self-sufficiency.—The term 'guarantor' means an individual who—

“(A) seeks a benefit under title IV or VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, or under any amendment made under either such title;

“(B) is at least 18 years of age; and

“(C) is domiciled in any of the 50 States or in the District of Columbia.

“(2) Means-tested public benefits program.—The term 'means-tested public benefits program' means a program of public benefits (including cash, medical, housing, food assistance, and social services) administered by the Federal Government, a State, or a political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program or the amount of such benefits is determined on the basis of income, resources, or financial need of the individual, household, or unit.”.

(b) Clerical Amendment.—The table of contents (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 213A the following:

“Sec. 213B. Requirement for guarantee of self-sufficiency.”.

SA 1329. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 339, line 38, strike “not”.

SA 1330. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 285, lines 19 through 21, strike “(6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I),” and insert “(6)(C)(i), (6)(C)(ii), (6)(D), (6)(G), (7),”.

SA 1331. Mr. REID submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. Reid (for Mr. Kennedy (for himself and Mr. Specter)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, add the following:

SEC. . EARNED INCOME TAX CREDIT.

Nothing is this Act, or the amendments made by this Act, may be construed to modify any provision of the Internal Revenue Code of 1986 which prohibits illegal aliens from qualifying for the earned income tax credit under section 32 of such Code.

SA 1332. Mr. SANDERS (for himself and Mr. Grassley) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CERTIFICATION REQUIREMENT.

(a) In General.—A petition by an employer for any visa authorizing employment in the United States may not be approved until the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) Effect of Mass Layoff.—If an employer provides a notice of a mass layoff pursuant to such Act after a visa described in subsection (a) has been approved, such visa shall expire on the date that is 60 days after the date on which such notice is provided.

(c) Exemption.—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, that the total number of the employer's employees in the United States will not be reduced as a result of a mass layoff.

SA 1303. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 48, strike line 11 and all that follows through page 51, line 37, and insert the following:

SEC. 204. INADMISSIBILITY AND DEPORTABILITY OF GANG MEMBERS.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) (8 U.S.C. 1101(a)) is amended by inserting after paragraph (51) the following:

"(52)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons—

"(i) that has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses described in subparagraph (B); and

"(ii) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subparagraph (B).

"(B) Offenses described in this subparagraph, whether in violation of Federal or State law or in violation of the law of a foreign country, regardless of whether charged, and regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph, are—

"(i) a felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(ii) a felony offense involving firearms or explosives, including a violation of section 924(c), 924(h), or 931 of title 18 (relating to purchase, ownership, or possession of body armor by violent felons);

"(iii) an offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to the importation of an alien for immoral purpose);

"(iv) a felony crime of violence as defined in section 16 of title 18, United States Code, which is punishable by a sentence of imprisonment of 5 years or more, including first degree murder, arson, possession, brandishment, or discharge of firearm in connection with crime of violence or drug trafficking offense, use of a short-barreled or semi-automatic weapons, use of a machine gun, murder of individuals involved in aiding a Federal investigation, kidnapping, bank robbery if death results or a hostage is kidnapped, sexual exploitation and other abuse of children, selling or buying of children, activities relating to material involving the sexual exploitation of a minor, activities relating to material constituting or containing child pornography, or illegal transportation of a minor;

"(v) a crime involving obstruction of justice; tampering with or retaliating against a witness, victim, or informant; or burglary;

"(vi) any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property); and

"(vii) a conspiracy to commit an offense described in clause (i) through (vi).".

(b) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (L); and

(2) by inserting after subparagraph (E) the following:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe participated in a criminal gang (as defined in section 204(a)) knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, is inadmissible.".

(c) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang (as defined in section 204(a)), knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang is deportable. The Secretary of Homeland Security or the Attorney General may waive the application of this subparagraph.".

(d) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (c)(2)(B)—

(A) in clause (i), by striking ", or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(iii) the alien participates in, or at any time after admission has participated in, the activities of a criminal gang as defined in section 204(a)."; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking "Subject to paragraph (3), such" and inserting "Such"; and

(ii) by striking "(under paragraph (3))";

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision.".

(e) INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER.—

(1) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)), as amended by section 209(a)(3), is further amended—

(A) in subclause (II), by striking "or" at the end;

(B) in subclause (III), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subclause (III) the following:

"(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or".

(2) DEPORTABILITY.—Section 237(a)(2)(A)(i) (8 U.S.C. 1227(a)(2)(A)(i)) is amended—

(A) in subclause (I), by striking ", and" and inserting a semicolon;

(B) in subclause (II), by striking the comma at the end and inserting "; or"; and

(C) by adding at the end the following:

"(III) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender).".

(f) PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES AND DOMESTIC VIOLENCE, STALKING, CHILD ABUSE AND VIOLATION OF PROTECTION ORDERS.—

(1) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(A) in subsection (a)(2), by adding at the end the following:

"(J) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTIVE ORDERS; CRIMES AGAINST CHILDREN.—

"(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, provided the alien served at least 1 year's imprisonment for the crime or provided the alien was convicted of or admitted to acts constituting more than 1 such crime, not arising out of a single scheme of criminal misconduct, is inadmissible. In this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

"(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that constitutes criminal contempt of the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued, is inadmissible. In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

"(iii) APPLICABILITY.—This subparagraph shall not apply to an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination by the Attorney General or the Secretary of Homeland Security that—

"(I) the alien was acting in self-defense;

"(II) the alien was found to have violated a protection order intended to protect the alien; or

"(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury."; and

(B) in subsection (h)—

(i) by striking "The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)" and inserting "The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (A)(i)(III), (B), (D), (E), (F), (J), and (K) of subsection (a)(2)"; and

(ii) by inserting "or Secretary of Homeland Security" after "the Attorney General" each place it appears.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any acts that occurred on or after the date of the enactment of this Act.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO DRUNK DRIVING, ILLEGAL ENTRY, PERJURY, AND FIREARMS OFFENSES.

(a) DRUNK DRIVING.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended by inserting after subparagraph (J), as added by section 204(f) the following:

“(K) DRUNK DRIVERS.—Any alien who has been convicted of 1 felony for driving under the influence under Federal or State law, for which the alien was sentenced to more than 1 year imprisonment, is inadmissible.”.

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) DRUNK DRIVERS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who has been convicted of 1 felony for driving under the influence under Federal or State law, for which the alien was sentenced to more than 1 year imprisonment, is deportable.”.

(3) CONFORMING AMENDMENT.—Section 212(h) (8 U.S.C. 1182(h)) is amended—

(A) in the subsection heading, by striking “SUBSECTION (A)(2)(A)(I)(I), (II), (B), (D), AND (E)” and inserting “CERTAIN PROVISIONS IN SUBSECTION (A)(2)”; and

(B) in the matter preceding paragraph (1), by striking “and (E)” and inserting “(E), and (F)”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to convictions entered on or after such date.

(b) ILLEGAL ENTRY.—

(1) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

“SEC. 275. ILLEGAL ENTRY.

“(a) IN GENERAL.—

“(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

“(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

“(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

“(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws).

“(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

“(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

“(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

“(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

“(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

“(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

“(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(A) alleged in the indictment or information; and

“(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

“(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

“(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

“(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross, the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

“(1) not less than $50 and not more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

“(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.”.

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

“Sec. 275. Illegal entry.”.

(3) EFFECTIVE DATE.—Section 275(a)(4) of the Immigration and Nationality Act, as added by this Act, shall apply only to violations of section 275(a)(1) committed on or after the date of the enactment of this Act.

(c) PERJURY AND FALSE STATEMENTS.—Any person who willfully submits any materially false, fictitious, or fraudulent statement or representation (including any document, attestation, or sworn affidavit for that person or any person) relating to an application for any benefit under the immigration laws (including for Z non-immigrant status) will be subject to prosecution for perjury under section 1621 of title 18, United States Code, or for making such a statement or representation under section 1001 of that title.

(d) INCREASED PENALTIES RELATING TO FIREARMS OFFENSES.—

(1) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A), by inserting “212(a)” or after “section”; and

(ii) in the matter following subparagraph (D)—

(I) by striking “or imprisoned not more than four years” and inserting “and imprisoned for not more than 5 years”; and

(II) by striking “, or both”;

(B) in subsection (b), by striking “not more than $1000 or imprisoned for not more than one year, or both” and inserting “under title 18, United States Code, and imprisoned for not more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a)).”; and

(2) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “, alien smuggling crime,” after “any crime of violence”;

(ii) in subparagraph (A), by inserting “, alien smuggling crime,” after “such crime of violence”; and

(iii) in subparagraph (D)(ii), by inserting “, alien smuggling crime,” after “crime of violence”; and

(B) by adding at the end the following:

“(6) For purposes of this subsection, the term ‘alien smuggling crime’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).”.

(3) INADMISSIBILITY FOR FIREARMS OFFENSES.—Section 212(a)(2)(A) (8 U.S.C. 1182(a)(2)(A)), as amended by sections 204(e) and 209(a)(3), is amended—

(A) in clause (i), by inserting after subclause (IV) the following:

“(V) a crime involving the purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code), provided the alien was sentenced to at least 1 year for the offense,”; and

(B) in clause (ii), by striking “Clause (i)(I)” and inserting “Subclauses (I), (IV), and (V) of clause (i)”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, June 5, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to consider the preparedness of Federal land management agencies for the 2007 wildfire season and to consider recent reports on the agencies' efforts to contain the costs of wildfire management activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled “Examining the Federal Role to Work with Communities to Prevent and Respond to Gang Violence: The Gang Abatement and Prevention Act of 2007” on Tuesday, June 5, 2007, at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: The Honorable Barbara Boxer, United States Senator [D-CA].

Panel II: The Honorable Antonio R. Villaraigosa, Mayor, City of Los Angeles, Los Angeles, CA; William J. Bratton, Chief of Police, Los Angeles Police Department, Los Angeles, CA.

Panel III: Ms. Boni Gayle Driskill, Wings of Protection, Modesto, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled "Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part V" on Tuesday, June 5, 2007, at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: Bradley J. Schlozman, Associate Counsel to the Director, Executive Office for United States Attorneys, Former Interim U.S. Attorney for the Western District of Missouri, Former Principal Deputy Assistant Attorney General and, Acting Assistant Attorney General for the Civil Rights Division, U.S. Department of Justice, Washington, DC

Panel II: Todd Graves, Former U.S. Attorney, Western District of Missouri, Kansas City, MO.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, June 5, 2007, at 9 a.m. for a hearing entitled "Executive Stock Options: Should the IRS and Stockholders Be Given Different Information?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 5, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—NOMINATIONS DISCHARGED

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Executive Calendar Nos. 109, 113, 142, and 143, and further ask unanimous consent that the HELP Committee be discharged from further consideration of the following nominations: Ron Silver, PN 80; Judy Van Rest, PN 84; Anne Cahn, PN 317; Kathleen Martinez, PN 319; George Moose, PN 320; and Jeremy Rabkin, PN 321; that the Senate turn to their consideration; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF THE TREASURY

David George Nalson, of Rhode Island, to be an Assistant Secretary of the Treasury.

NATIONAL CONSUMER COOPERATIVE BANK

David George Nason, of Rhode Island, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

BROADCASTING BOARD OF GOVERNORS

James K. Glassman, of Connecticut, to be Chairman of the Broadcasting Board of Governors.

James K. Glassman, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2007.

UNITED STATES INSTITUTE OF PEACE

Ron Silver, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Judy Van Rest, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Anne Cahn, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Kathleen Martinez, of California, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

George E. Moose, of Colorado, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Jeremy A. Rabkin, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

HONORING THE LIFE OF SENATOR CRAIG THOMAS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 220, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 220) honoring the life of Senator CRAIG THOMAS:

S. RES. 220

Whereas Senator Craig Thomas had a long and honorable history of public service, serving in the United States Marine Corps, the Wyoming State Legislature, the United States House of Representatives, and the United States Senate;

Whereas Senator Craig Thomas represented the people of Wyoming with honor and distinction for over 20 years;

Whereas Senator Craig Thomas was first elected to the United States House of Representatives in 1989;

Whereas Senator Craig Thomas was subsequently elected 3 times to the United States Senate by record margins of more than 70 percent; and

Whereas Senator Craig Thomas's life and career were marked by the best of his Western values: hard work, plain speaking, common sense, courage, and integrity: Now, therefore, be it

Resolved, That—

(1) the United States Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Craig Thomas, a Senator from the State of Wyoming;

(2) the Senate mourns the loss of one of its most esteemed members, Senator Craig Thomas, and expresses its condolences to the people of Wyoming and to his wife, Susan, and his 4 children;

(3) the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of Senator Craig Thomas; and

(4) when the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Senator Craig Thomas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 220) was agreed to.

The preamble was agreed to.

ORDERS FOR WEDNESDAY, JUNE 6, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, June 6; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of S. 1348, as provided for under the previous order; further, that the mandatory quorum required under rule XXII be waived with respect to the cloture motion filed this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, as a reminder to Members, cloture was filed today, so first-degree amendments need to be filed by 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the provisions of S. Res. 220, as a mark of further respect to the memory of our late colleague, Senator CRAIG THOMAS.

There being no objection, the Senate, at 8:53 p.m., adjourned until Wednesday, June 6, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 5, 2007:

DEPARTMENT OF DEFENSE

DOUGLAS A. BROOK, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE RICHARD GRECO, JR., RESIGNED.

DEPARTMENT OF STATE

MARK GREEN, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

DEPARTMENT OF JUSTICE

DAVID W. HAGY, OF TEXAS, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE, VICE SARAH V. HART, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, June 5, 2007:

DEPARTMENT OF THE TREASURY

DAVID GEORGE NASON, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

NATIONAL CONSUMER COOPERATIVE BANK

DAVID GEORGE NASON, OF RHODE ISLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

BROADCASTING BOARD OF GOVERNORS

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS.

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

UNITED STATES INSTITUTE OF PEACE

RON SILVER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

JUDY VAN REST, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

ANNE CAHN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

GEORGE E. MOOSE, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

JEREMY A. RABKIN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 5, 2007 withdrawing from further Senate consideration the following nomination:

Henry Bonilla, of Texas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, vice John F. Maisto, resigned, which was sent to the Senate on March 15, 2007.

HOUSE OF REPRESENTATIVES—*Tuesday, June 5, 2007*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LINCOLN DAVIS of Tennessee).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 5, 2007.

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, You know us. Lord, You know us through and through. You know each of us personally. You know how we are with one another. You know us, as Your people know us, the 110th Congress of the United States of America.

Lord, help us to know You. Allow us to come to know You even as we are known by You. As Ultimate Truth, enter in and make us suitable of Your dwelling within us, so Your people will place trust in us as leaders, as well as their representatives.

We choose to serve another day, another week, for we were chosen by You and Your people to serve.

Bless us and our service to this great Nation, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. KIRK) come forward and lead the House in the Pledge of Allegiance.

Mr. KIRK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 25, 2007, at 9:00 am:

That the Senate concurs in the House amendment to the Senate amendment to the bill H.R. 2206.

That the Senate passed without amendment H.R. 1676.

That the Senate passed without amendment H.R. 1675.

That the Senate passed without amendment H. Con. Res. 158.

That the Senate passed S. 231.

That the Senate passed S. Con. Res. 32.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

WASHINGTON, DC,
June 5, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: In the light of recent developments in a legal matter involving me in the Eastern District of Virginia, I hereby request a leave from my duties as a Member of the House Small Business Committee pending my successful conclusion of that matter.

In doing so, I, of course, express no admission of guilt or culpability in that or any other matter that may be pending in any court or before the House of Representatives. I have supported every ethics and lobbying reform measure that you and our Democratic Majority have authored, and I make this request for leave to support the letter and the spirit of your leadership in this area.

Sincerely,

WILLIAM J. JEFFERSON.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

MEMBERS OF THE HOUSE TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of January 4, 2007, the Chair announces the Speaker named the following Members of the House to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 110th Congress:

Ms. BALDWIN, Wisconsin
Mr. CROWLEY, New York
Mr. ELLISON, Minnesota
Mr. HONDA, California
Mr. INSLEE, Washington
Ms. LEE, California
Mr. MEEKS, New York
Mrs. NAPOLITANO, California
Mr. ROTHMAN, New Jersey
Mr. SNYDER, Arkansas

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 25, 2007, at 3:45 pm:

That the Senate passed S. 398.

That the Senate passed S. 1537.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Friday, May 25, 2007:

H.R. 414, to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building"

H.R. 437, to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office"

H.R. 625, to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office"

H.R. 1402, to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building"

H.R. 2080, to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education

H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes

S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys

S. 1104, to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes

COMMUNICATION FROM CONSTITUENT SERVICES REPRESENTATIVE OF HON. MICHAEL R. PENCE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from John Shettle, Constituent Services Representative of the Honorable MICHAEL R. PENCE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the Superior Court of Madison County, Indiana.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,
JOHN SHETTLE,
Constituent Services Representative.

MEMORIAL DAY IN BAGHDAD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. WILSON of South Carolina. Mr. Speaker, Memorial Day last week in Baghdad will always be special to me. On that day, I met with General David Petraeus, Iraq's Defense Minister Jasim, and U.S. and Iraqi troops in a Joint Security Station deep in the City of Baghdad.

Then CODEL Spratt spent 2 days in Kabul briefed by ISAF Commander Dan McNeil, Major General Robert Durbin, Afghan Defense Minister Wardak, President Hamid Karzai, and Brigadier General Robert Livingston. General Livingston commands the 218th Brigade of the South Carolina Army National Guard, which leads Task Force Phoenix to train the Afghan army and police.

I saw firsthand our coalition forces stopping terrorists overseas to protect American families at home. This meets the threat of al Qaeda's Zawahiri that Iraq and Afghanistan are the central front in the global war on terrorism. Our capable military leaders should not have their initiatives handcuffed by Congress.

As we heard a bombing in Baghdad, we read simultaneously of attacks in Pakistan, Sri Lanka, Yemen, Lebanon and Gaza. We must not ignore the worldwide threats.

Congratulations to law enforcement for stopping the bombing of JFK Airport.

In conclusion, God bless our troops, and we will never forget September 11.

CONGRESSIONAL PENSIONS

(Mr. KIRK asked and was given permission to address the House for 1 minute).

Mr. KIRK. Mr. Speaker, last month, several former Members of Congress cashed in their taxpayer-funded retirement checks from jail. After indictment and conviction beyond a shadow of a doubt, they are still paid each month by the taxpayers they betrayed.

After supporting a limited reform bill on this issue, this Congress has stopped all action on the needed reforms. We took no action in February. We took no action in March, no action in April and no action in May.

The House leadership has conveniently stalled all reforms that would kill the pension for a Member of Congress convicted of a felony for over 4 months now. Since senior Members have the largest pensions, you have to wonder if they are delaying this reform hoping that this Congress will fail, like all of its predecessors.

Congressman JEFFERSON was indicted this weekend, and one group estimated that he is entitled to a $47,000 annual taxpayer pension.

Mr. Speaker, if we delay this reform, future Members of Congress who are convicted will cash their taxpayer-funded retirement checks from the jailhouse ATM.

□ 1410

ENERGY POLICY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I rise today to speak on a subject that is first on the minds and the wallets of the American public, and that is the cost of rising energy prices.

We are in the middle of the summer, and prices at the pump are above $3 a gallon in much of America. The liberal leadership was going to fix the high gas prices, and they have responded by offering no solutions. They offered so-called "price gouging" legislation, but it did nothing to address the root problem of high gas prices.

The American public wants innovation, not procrastination. They want energy exploration, not bureaucratic red tape. They want this Congress to do their jobs and put forth a plan that will power this country, self sufficiently, into this century and beyond. The liberal leadership, meanwhile, is missing in action on the issue.

America needs to change the way we look at how we produce energy, and in the next couple of weeks the Republican Conference will take the lead in unfurling a long-term energy plan for the future. It will not only address our immediate power concerns but those for decades to come.

ONE MORE PEACE OFFICER SHOT BY ONE MORE ILLEGAL

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, on Memorial Day, while Americans were celebrating the holiday, Deputy Gerald Barnes of the Harris County Sheriff's Department in Houston was celebrating just being alive.

Responding to a call from a nightclub, the 15-year veteran from the Sheriff's Department came upon two men arguing. Oscar Perez had pulled a gun on Miguel Soto and began randomly firing his pistol.

When Deputy Barnes arrived, he told Perez to drop the gun. Perez refused and shot at Deputy Barnes numerous times. One bullet struck him in the chest above his bulletproof vest. Then after kidnapping Soto, whom Perez later shot, Perez sped off into the night. He was later captured. Oscar Perez had been illegally in the United States for years.

According to reports, the last three police officers shot in Harris County, Texas, were all shot by people illegally in the United States.

Deputy Barnes will recover, but Perez shouldn't have been in this country. The Federal Government's refusal to secure the border is allowing criminals like Perez to invade this country and commit crimes. Instead of promoting amnesty, the government should protect the border.

And that's just the way it is.

IN MEMORY OF JOHN LEWIS, "MR. FAYETTEVILLE"

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to offer my heartfelt condolences to the family and friends of one of the Third District's greatest leaders and greatest servants, John Lewis of Fayetteville.

He was known as "Mr. Fayetteville" by those who knew him. The list of what he didn't do would be easier to read. John Lewis was a Marine, a banker and a member of numerous boards, including the Winthrop Rockefeller Foundation. He was a visionary who helped develop Interstate 540 and the Northwest Arkansas Regional Airport, both of which serve literally thousands of people on a daily basis.

Many feel the downtown of Fayetteville, the home of his alma mater, the University of Arkansas, exists in its present form today because of the tireless work of John Lewis.

The condolences of many in northwest Arkansas, including myself and my family, are with the Lewis family.

Thank you, John, for our service to our community, our State, and to our country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL TRAILS DAY

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 401) supporting the goals and ideals of National Trails Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 401

Whereas June 2, 2007, is observed as National Trails Day;

Whereas there are over 200,000 miles of trails in the United States, providing access to public lands for recreational and educational opportunities;

Whereas trails enrich communities throughout the United States by helping to protect habitats, watersheds, and cultural and historic artifacts;

Whereas 72.1 percent of all Americans age 16 and older participate in at least one of twenty-two designated outdoor activities, including hiking, backpacking, and trail running;

Whereas National Trails Day events take place in all 50 States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands to celebrate trails, recognize volunteers, and maintain local trails;

Whereas thousands of volunteers and event coordinators throughout the United States make National Trails Day events possible; and

Whereas 2007 is the 15th Anniversary Celebration of National Trails Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Trails Day; and

(2) honors the contributions National Trails Day has made to inspire the public and trail enthusiasts to discover, learn about, maintain, and celebrate trails.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 401 was introduced by the gentleman from California (Mr. THOMPSON). It expresses the support of the House of Representatives of the goals and ideals of National Trails Day.

I want to commend Representative THOMPSON for his efforts to bring congressional recognition to this important annual event. This resolution is timely, given that the 15th anniversary celebration of National Trails Day was this past Saturday.

National Trails Day is a long-standing event that is dedicated to celebrating, promoting, and protecting America's magnificent trail system. It was started by the American Hiking Society in 1993. Its goals are to raise awareness of trail, to celebrate our incredible national network of trails, and to honor and thank trail volunteers and partners.

National Trails Day events take place in local, State, and Federal public lands from coast to coast. Activities include hiking, biking, horseback riding, trail dedications, workshops, park clean-ups, trail work projects, and much, much more.

Last year, more than 100,000 trail enthusiasts across the country participated in over 1,000 National Trails Day events. At those events, volunteers contributed nearly 150,000 hours of labor to establishing, maintaining, and cleaning up trails across the country. Trail events take place in all 50 States, the District of Columbia, Puerto Rico, Guam and my district, the U.S. Virgin Islands. Many Federal agencies, nonprofits, local groups, and corporate sponsors are all proud partners in supporting this annual event.

Mr. Speaker, House Resolution 401 honors the contributions that National Trails Day has made to inspire the public to discover, learn about, maintain and celebrate trails. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume and rise in support of House Resolution 401.

House Resolution 401 has been adequately explained by the majority. I thank the gentlelady, and urge adoption of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 401.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT NATIONAL MUSEUM OF WILDLIFE ART BE DESIGNATED AS "NATIONAL MUSEUM OF WILDLIFE ART OF THE UNITED STATES"

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 116) expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, shall be designated as the "National Museum of Wildlife Art of the United States".

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 116

Whereas the National Museum of Wildlife Art in Jackson, Wyoming, is devoted to inspiring global recognition of fine art related to nature and wildlife;

Whereas the National Museum of Wildlife Art is an excellent example of a thematic museum that strives to unify the humanities and sciences into a coherent body of knowledge through art;

Whereas the National Museum of Wildlife Art, which was founded in 1987 with a private gift of a collection of art, has grown in stature and importance and is recognized today as the world's premier museum of wildlife art;

Whereas the National Museum of Wildlife Art is the only public museum in the United States with the mission of enriching and inspiring public appreciation and knowledge of fine art, while exploring the relationship between humanity and nature by collecting fine art focused on wildlife;

Whereas the National Museum of Wildlife Art is housed in an architecturally significant and award-winning 51,000-square foot facility that overlooks the 28,000-acre National Elk Refuge and is adjacent to the Grand Teton National Park;

Whereas the National Museum of Wildlife Art is accredited with the American Association of Museums, continues to grow in national recognition and importance with members from every State, and has a Board of Trustees and a National Advisory Board composed of major benefactors and leaders in the arts and sciences from throughout the United States;

Whereas the permanent collection of the National Museum of Wildlife Art has grown to more than 3,000 works by important historic American artists including Edward Hicks, Anna Hyatt Huntington, Charles M. Russell, William Merritt Chase, and Alexander Calder, and contemporary American artists, including Steve Kestrel, Bart Walter, Nancy Howe, John Nieto, and Jamie Wyeth;

Whereas the National Museum of Wildlife Art is a destination attraction in the Western United States with annual attendance of 92,000 visitors from all over the world and an award-winning website that receives more than 10,000 visits per week;

Whereas the National Museum of Wildlife Art seeks to educate a diverse audience through collecting fine art focused on wildlife, presenting exceptional exhibitions, providing community, regional, national, and international outreach, and presenting extensive educational programming for adults and children; and

Whereas a great opportunity exists to use the invaluable resources of the National Museum of Wildlife Art to teach the schoolchildren of the United States, through onsite visits, traveling exhibits, classroom curriculum, online distance learning, and other educational initiatives: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, shall be designated as the "National Museum of Wildlife Art of the United States".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 116, introduced by the gentlewoman from Wyoming (Mrs. CUBIN), expresses the sense of Congress that the National Museum of Wildlife Art located in Jackson, Wyoming, shall be designated as the National Museum of Wildlife Art of the United States.

The National Museum of Wildlife Art is a private museum located on non-Federal land. The museum is housed at a facility that overlooks the 25,000 acre National Elk Refuge and is adjacent to Grand Teton National Park.

The National Museum of Wildlife Art was founded in 1987 with a private gift of a collection of art. Today, the museum features a collection of over 2,000 pieces of art portraying wildlife dating back to 2000 B.C.

Mr. Speaker, H. Con. Res. 116 will help the National Museum of Wildlife Art receive greater public awareness. I commend Representative CUBIN for her work on this matter. We support the concurrent resolution and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

☐ 1420

Mr. CANNON. Mr. Speaker, I rise in support of House Concurrent Resolution 116, and yield myself as much time as I may consume.

House Concurrent Resolution 116 has been adequately explained by the majority. The only thing I would add is I would like to commend Congresswoman CUBIN for her work on this resolution to designate the National Museum of Wildlife Art of the United States in Jackson, Wyoming. This designation places the National Museum of Wildlife Art of the United States in a prestigious class of less than 20 museums to earn such a designation.

I urge adoption of the resolution.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 116.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ENCOURAGING ELIMINATION OF HARMFUL FISHING SUBSIDIES

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 94) encouraging the elimination of harmful fishing subsidies that contribute to overcapacity in commercial fishing fleets worldwide and that lead to the overfishing of global fish stocks, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 94

Whereas nearly 1,000,000,000 people around the world depend on fish as their primary source of dietary protein;

Whereas the United Nations Food and Agriculture Organization has found that 75 percent of the world's fish populations are currently fully exploited, over exploited, significantly depleted, or recovering from overexploitation;

Whereas scientists have estimated that a significant percentage of big predator fish such as tuna, marlin, and swordfish are gone from the world's oceans as a result of overfishing by foreign fishing fleets;

Whereas the global fishing fleet capacity is estimated to be up to 250 percent greater than is needed to catch what the ocean can sustainably produce;

Whereas the Congress recognized the threat of overfishing to our oceans and economy and therefore included the requirement to end overfishing in the United States by 2011 in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479);

Whereas the United States Commission on Ocean Policy and the Pew Oceans Commission identified overcapitalization of the global fishing fleets as a major contributor to the decline of economically important fish populations;

Whereas harmful fishing subsidies encourage overcapitalization and overfishing; support destructive fishing practices such as high seas trawling that would not otherwise be economically viable; and amount to billions of dollars annually;

Whereas such subsidies have also been documented to support illegal, unregulated, and unreported fishing, which impacts commercial fisheries in the United States and around the world both economically and ecologically;

Whereas harmful fishing subsidies are concentrated in relatively few countries, putting other fishing countries, including the United States, at an economic disadvantage;

Whereas the United States is a world leader in advancing policies to eliminate harmful fishing subsidies that support overcapacity and promote overfishing; and

Whereas a wide range of countries are currently engaged in historic negotiations to end harmful fishing subsidies that contribute to overcapacity and overfishing: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States should continue to promote the elimination of harmful fishing subsidies that lead to—

(1) overcapitalization;

(2) overfishing; and

(3) illegal, unregulated, and unreported fishing.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

I commend the chairwoman of the Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, Congresswoman MADELEINE BORDALLO, for introducing House Concurrent Resolution 94. This resolution will encourage the United States to support the elimination of foreign fishing subsidies that lead to overcapacity and overfishing in global fisheries.

House Concurrent Resolution 94, as amended, resolves that the United States will continue to support efforts to eliminate harmful subsidies issued by foreign governments to their fishing fleets. These subsidies reduce the cost of fishing to foreign fishermen, making fishing a profitable enterprise where it otherwise would not be, and leading to overcapitalization, overfishing and illegal, unregulated and unreported fishing. The end result is that foreign fishing subsidies hurt American fishermen who have to compete against subsidized foreign fishing.

We support this noncontroversial resolution, as amended, and commend Ms. BORDALLO for her leadership on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I rise in support of House Concurrent Resolution 94, and yield myself such time as I may consume.

House Concurrent Resolution 94 has been adequately explained by the majority, and I urge adoption of the resolution.

Ms. BORDALLO. Mr. Speaker, House Concurrent Resolution 94 expresses our support for ending the fishing subsidies given to foreign fishermen. I appreciate the chairman of the House Natural Resources Committee, NICK RAHALL, and the Ranking Republican, DON YOUNG, for their assistance in moving this legislation.

Foreign governments' subsidies to fishermen are common in many countries around the world. Too little of these subsidies go toward beneficial purposes, such as improving fisheries management and science. Instead, they typically are used to offset fishing costs, for example, by providing support for fuel consumption and vessel construction.

The subsidies artificially decrease the cost of fishing for foreign fishermen, making fishing a profitable trade when it would not be otherwise. The subsidies increase the rate of overfishing worldwide. Current estimates reveal that the sheer number of vessels actively fishing around the world today is up to 250 percent greater than is sustainable, according to the World Wildlife Fund.

The Food and Agriculture Organization of the United Nations has found that 75 percent of the world's fisheries are fully exploited, over exploited, depleted, or recovering from depletion. There is clearly no need to expand the world's fishing fleets beyond their current capacity. Quite the contrary. By eliminating the subsidies that lead to fleet expansion, we can reduce some of this pressure.

The United States—like other countries—reserves to American fishermen and women the exclusive right to fish within 200 nautical mile of the Exclusive Economic Zone (EEZ). Hundreds of foreign vessels each year, however, are intercepted while fishing illegally in U.S. waters. This rise in illegal fishing, most certainly contributed to by the overcapacity in the world's fleets, is placing additional pressure on our already exploited resources, damaging our marine ecosystems, and taking away potential revenue from our domestic fishing industry. In 2006 alone, the United States Coast Guard intercepted 164 vessels fishing in our EEZ.

In my home district of Guam the problem of illegal fishing is significant. The Western Central Pacific area is considered one of the Coast Guard's three highest threat areas for illegal foreign fishing. In 2006, the Coast Guard recorded 11 incidents of illegal foreign fishing in the Western Central Pacific area. Since 2000, the Coast Guard has intercepted an average of 34 vessels per year. And this only represents the vessels that are being caught.

The countries whose vessels are the most likely to be found illegally fishing in the U.S. EEZ are also countries that provide large capacity-increasing subsidies to their fishing fleets. Because enforcement is so difficult, it is even more important that we attack the issue at its root by encouraging worldwide capacity reduction and by discouraging other countries from making it economically feasible for their vessels to travel into our waters to fish.

While we have no direct control over the actions of foreign governments, the Doha Round of the current World Trade Organization (WTO) negotiations have placed the United States in a unique position to influence the future use of harmful fisheries subsidies by other countries. Through these negotiations the United States has an opportunity to exercise its leadership internationally in encouraging the elimination of subsidies that increase fishing capacity and that promote overfishing. By passing this concurrent resolution, Congress can demonstrate to the world its support for our government as they move forward with these negotiations.

I strongly urge my colleagues to take a strong stance against harmful foreign fishing subsidies by supporting this House Concurrent Resolution 94.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Con. Res. 94, encouraging the elimination of harmful fishing subsidies that contribute to overcapacity in commercial fishing fleets worldwide and that lead to the over-fishing of global fish stocks.

I commend my esteemed colleague from Guam, the Chairwoman of the Natural Resources Subcommittee on Fisheries, Wildlife and Oceans for submitting this concurrent resolution. She understands the severe impact that over-fishing has on our world's oceans and this resolution is an important step in gaining the cooperation of other nations in managing our shared ocean resources responsibly.

According to a 2006 scientific study, there may be no more commercial fish stocks left in the sea by 2050. As the report states, since 1950 29% of the world's commercial fish species have already collapsed. If we do not change our course and stop over-fishing, our children could be the first generation to face entirely empty oceans.

One major contributor to this precipitous decline in global fish stocks is the huge overcapacity of our global fishing fleets. By some accounts, the current fishing fleet capacity is 250% of what is needed to catch the maximum sustainable yield from the oceans. In many instances, this overcapacity is fueled by harmful subsidies provided by a limited number of foreign governments to their fishing fleets, leading to over-fishing, and ecologically unsound bottom-trawling in international waters.

Through our nation's laws, such as the Magnuson-Stevens Act, we have established a strong federal policy supporting sustainable fishing practices here in the United States. In order to successfully manage the world's limited ocean resources, however, we need to promote the elimination of these fishing subsidies with the cooperation of our neighbors in the world community. This Resolution is an important first step in developing a global plan to manage our oceans responsibly. Again, I thank my friend from Guam and I urge my colleagues to support H. Con. Res. 94, encouraging the elimination of these harmful fishing subsidies.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H. Con. Res. 94. I want to thank Chairwoman BORDALLO and Chairman RAHALL for their efforts on this resolution.

I know the issue of harmful foreign fishing subsidies is one of the key concerns of the West Virginia fishing fleet and I congratulate Mr. RAHALL on his interest in this resolution.

All kidding aside, this issue is a global concern. Harmful foreign fishing subsidies that threaten the sustainability of legitimate fisheries and threaten the economic viability and international competitiveness of the U.S. fishing industry must be identified and eliminated.

Some foreign fishing fleets have been heavily subsidized by their governments and this has led to over exploitation of some important fish species.

Harmful subsidies not only put legitimately prosecuted fisheries in jeopardy of overfishing, but also put U.S. fishermen at an economic disadvantage in the global fish market.

However, we need to be careful when discussing subsidies because some subsidies are actually beneficial. Government programs which help fishermen reduce unnecessary bycatch, which aid efforts to develop "clean" fishing gear, which aid governments in monitoring or enforcing the fisheries, or which make the fishery safer for fishermen are all legitimate and beneficial governmental programs.

Harmful subsidies that increase the size and harvesting capabilities of fishing fleets beyond the capacity needed to sustainably harvest the quotas in a fishery can be harmful environmentally and economically.

While I support the main concept of this resolution—to place the House of Representatives on the record opposing harmful fishing subsidies by foreign governments—one statistic used in this resolution is misleading even though it is often quoted. The resolution uses the statistic that "75 percent of the world's fish populations are currently fully exploited, over exploited, significantly depleted or recovering from overexploitation." Full exploitation of fisheries is not necessarily a bad thing. In fact, the full utilization of our Nation's fisheries is a key purpose of the Magnuson-Stevens Fishery Conservation and Management Act. Admitedly, fully exploited fisheries need to be carefully managed, monitored, and enforced to keep them from becoming over exploited.

If you remove "fully exploited" from this statistic, the figure drops to approximately 25 percent. This figure, while much less dramatic, is still a concern that we need to address. Foreign subsidies that contribute to this figure need to be addressed.

The United States has already taken a leading role in addressing IUU fisheries and in addressing harmful foreign subsidies. I support these efforts and urge support of efforts to continue to reduce harmful foreign fishing subsidies.

Mr. CANNON. Mr. Speaker, I have no additional speakers, and therefore, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 94, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF AMERICAN EAGLE DAY

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 341) supporting the goals and ideals of "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 341

Whereas the bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country's Founding Fathers at the Second Continental Congress;

Whereas the bald eagle is the central image used in the Great Seal of the United States and the seals of the President and Vice President;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) Congress;

(2) the Supreme Court;

(3) the Department of Defense;

(4) the Department of the Treasury;

(5) the Department of Justice;

(6) the Department of State;

(7) the Department of Commerce;

(8) the Department of Homeland Security;

(9) the Department of Veterans Affairs;

(10) the Department of Labor;

(11) the Department of Health and Human Services;

(12) the Department of Energy;

(13) the Department of Housing and Urban Development;

(14) the Central Intelligence Agency; and

(15) the United States Postal Service;

Whereas the bald eagle is an inspiring symbol of the American spirit of freedom and democracy;

Whereas the image, meaning, and symbolism of the bald eagle have played a significant role in American art, music, history, literature, architecture, and culture since the founding of our Nation;

Whereas the bald eagle is featured prominently on United States stamps, currency, and coinage;

Whereas the habitat of bald eagles exists only in North America;

Whereas by 1963, the number of nesting pairs of bald eagles in the lower 48 States had dropped to about 417;

Whereas the bald eagle was first listed as an endangered species in 1967 under the Endangered Species Preservation Act, the Federal law that preceded the Endangered Species Act of 1973;

Whereas caring and concerned citizens of the United States in the private and public sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas in 1995, as a result of the efforts of those caring and concerned citizens, bald eagles were removed from the endangered species list and upgraded to the less imperiled threatened species status under the Endangered Species Act of 1973;

Whereas by 2006, the number of bald eagles in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas the Secretary of the Interior is likely to officially delist the bald eagle from both the endangered species and threatened species lists under the Endangered Species Act of 1973, with a final decision expected no later than June 29, 2007;

Whereas if delisted under the Endangered Species Act of 1973, bald eagles should be provided strong protection under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act;

Whereas bald eagles would have been permanently extinct if not for vigilant conservation efforts of concerned citizens and strict protection laws;

Whereas the dramatic recovery of the bald eagle population is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the bald eagle population was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the sustained recovery of the bald eagle populations will require the continuation of recovery, management, education, and public awareness programs, to ensure that the populations and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of "American Eagle Day"; and

(2) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate on education information for use in schools; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 341 celebrates the recovery of the American bald eagle, the symbol of our country displayed on American currency and government agency seals, including that of the United States Congress. The bald eagle's recovery is a huge success story for the Endangered Species Act and the conservation laws which preceded it. In 1963, there were 417 pairs of bald eagles in the lower 48 States. Today, there are an estimated 9,789 breeding pairs.

Later this month, the Secretary of the Interior is expected to remove the bald eagle from the list of threatened species. Several Indian tribes, who consider the eagle extremely important to their culture and even sacred, have raised concerns that the eagle will lose all protections upon delisting. However, the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act will continue to protect the bald eagle.

I commend Representative DAVID DAVIS for introducing this resolution which encourages organizations and government agencies working on the conservation of endangered species to collaborate on education information for use in our schools. The resolution also asks the American people to observe American Eagle Day with appropriate ceremonies.

This resolution merits our support.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 341 which endorses the goals and ideals of American Eagle Day.

Two hundred and twenty-five years ago, the Second Continental Congress decided to use the image of the American bald eagle on the Great Seal of the United States. Since that time, the image of this majestic bird has graced

American art, our culture, currency and stamps. It has been the subject of more than 2,500 books, making the bald eagle the most extensively studied bird in North America.

While there were nearly 500,000 on this continent prior to European settlement, this species was particularly devastated by various chemical compounds that caused widespread reproductive failure. In response, the Congress enacted the Bald and Golden Eagle Protection Act and the bird was listed on our Endangered Species Act.

From its all-time low of 417 nesting pairs in the continental United States in 1963, extraordinary conservation efforts have saved the bald eagle, and we have witnessed a significant population increase. Today, there are 9,789 breeding pairs, not including the more than 30,000 bald eagles living in Alaska.

By any objective standard, recovery of the bald eagle has been remarkable, but sadly, it is one of only a handful of species that have been recovered under the Endangered Species Act. While it is likely that the Secretary of the Interior will soon make a decision to remove the bald eagle from the Federal list of threatened and endangered species, there is no question that the bald eagle will continue to inspire millions of Americans because it symbolizes the fundamental values of this country of courage, freedom and patriotic spirit.

Under the terms of House Resolution 341, the people of the United States are encouraged to observe American Eagle Day on June 20 and to provide educational information on the value of conserving our Nation's wildlife resources.

I urge an "aye" vote and want to compliment the author of this resolution, freshman Congressman DAVID DAVIS OF TENNESSEE, for his effective leadership in proposing this celebration of American Eagle Day.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield so such time as he may consume to the gentleman from Tennessee (Mr. DAVID DAVIS), who is the author of the bill.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I would like to thank my colleagues on the House Resources Committee for bringing this legislation that I've introduced, along with my fellow Tennessee Members, JIMMY DUNCAN and JOHN TANNER, to the floor of the House today supporting the goals and ideals of American Eagle Day.

Almost 225 years ago, on June 20, 1782, the Second Continental Congress designated the bald eagle as the national symbol of the United States. Since that time, the bald eagle has become a fixture on the seals and marks of the Federal Government and on our stamps, currency and coinage.

And while the bald eagle has always been such a popular fixture in the hearts and minds of so many Americans, it is difficult to believe that we were very close to forever losing the symbol of our great country.

In 1963, the number of nesting pairs of eagles in the 48 contiguous States had dwindled to a figure of just over 400. As the habitat for the bald eagle solely exists in North America, these figures were extremely alarming and led to the bald eagle being listed as an endangered species for the first time in 1967.

Today, I'm pleased to note that, as a result of the Federal protection laws and through the diligent efforts of so many private conservationists, the bald eagle has made an incredible recovery.

□ 1430

In 1995, the bald eagle was removed from the endangered list to the threatened list, and it could very soon be moved permanently off of these lists as soon as Federal guidelines can be finalized that will forever protect the birds and their habitats.

I have been extremely interested in this issue, not only because of the importance of this as a matter of national concern but also because of my firsthand experience in dealing with a group located in the heart of the First Congressional District of Tennessee that has been working for the last 22 years to save the bald eagle.

The American Eagle Foundation is located in Pigeon Ford, Tennessee, at the base of the Great Smoky Mountains National Park. This nonprofit group has worked to establish recovery programs to protect the eagle and actively cares for many nonreleasable birds to ensure they live healthy lives.

In addition, they operate the largest bald eagle breeding facility in the world, and they have released hundreds of eaglets into the wild with the support of local, State and Federal officials.

Through the efforts of the American Eagle Foundation and the grassroots efforts of children nationwide, I am pleased to offer this legislation for this consideration. Spaced conveniently between Flag Day on June 14 and Independence Day on July 4, July 20 will give Americans another day in which they can celebrate their patriotism by honoring the unique symbol of our heritage and folklore.

I again thank my colleagues for bringing this legislation to the floor of the House and encourage all of my colleagues on the House to join me in supporting this bill.

Mr. TANNER. Mr. Speaker, I rise today to join my colleagues in recognizing American Eagle Day to honor the birds that have symbolized our country's freedom and democracy for centuries. H. Res. 341 encourages all Americans to acknowledge American Eagle Day on June 20, 2007, which marks the 225th anniversary of the bald eagle's designation as our national symbol.

The bald eagle habitats in Tennessee have been important in the recovery and restoration of this majestic species. I want to particularly thank the American Eagle Foundation and its president Al Cecere for their hard work to protect our American bald eagles. I have had the honor of visiting in my office with Al and Challenger, the world-famous American bald eagle that appears at high-profile events like the Super Bowl to represent the freedoms we enjoy in this great country.

Mr. Speaker, I hope you and our colleagues will join me in supporting H. Res. 341 to celebrate June 20 as American Eagle Day.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 341.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SUPPORT OF CONGRESS FOR THE CREATION OF A NATIONAL HURRICANE MUSEUM AND SCIENCE CENTER IN SOUTHWEST LOUISIANA

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 54) expressing the support of Congress for the creation of a National Hurricane Museum and Science Center in Southwest Louisiana.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 54

Whereas the Creole Nature Trail All-American Road District Board of Commissioners has begun to create and develop a National Hurricane Museum and Science Center in the southwest Louisiana area;

Whereas protecting, preserving, and showcasing the intrinsic qualities that make Louisiana a one-of-a-kind experience is the mission of the Creole Nature Trail All-American Road;

Whereas the horrific experience and the devastation long-term effects of Hurricanes Katrina and Rita will play a major role in the history of the United States;

Whereas a science center of this caliber will educate and motivate young and old in the fields of meteorology, environmental science, sociology, conservation, economics, history, communications, and engineering;

Whereas it is only appropriate that the effects of hurricanes and the rebuilding efforts be captured in a comprehensive center such as a National Hurricane Museum and Science Center to interpret the effects of hurricanes in and outside of Louisiana; and

Whereas it is critical that the history of past hurricanes be preserved so that all people in the United States can learn from this history: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports and encourages the creation of a National Hurricane Museum and Science Center in southwest Louisiana.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days with which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

I want to begin by commending Representative BOUSTANY of Louisiana for introducing H. Con. Res. 54, supporting and encouraging the creation of a National Hurricane Museum and Science Center in southwest Louisiana.

House Concurrent Resolution 54 expresses Congress' support of the Creole Nature Trail All-American Road District Board of Commissioners in creating and developing a National Hurricane Museum and Science Center in the southwest Louisiana area. Such a center will educate visitors about the devastating effects and rebuilding efforts surrounding the region's recent hurricanes and will preserve history so that future generations may learn from it. We support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I rise in support of House Concurrent Resolution 54 and yield myself such time as I may consume.

House Concurrent Resolution 54 has been adequately explained by the majority. I would like to commend Congressman BOUSTANY for his work on this resolution to create the National Hurricane Museum and Science Center.

I urge adoption of the resolution.

Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my colleague from Utah and the gentlelady from the Virgin Islands for their comments on this, and I appreciate the committee in allowing this to come to the floor.

Mr. Speaker, I rise in support of the resolution. Hurricanes Rita and Katrina forever changed the lives of gulf coast residents. It was not until the 2005 storms that most Americans really began to fully comprehend the potential size, strength and impact of these devastating natural disasters.

We are nowhere near where we need to be as far as educating the public and raising awareness about hurricane preparedness.

Last week marked the beginning of the 2007 hurricane season. Yet despite intense media coverage surrounding Katrina and Rita, a recent poll of coastal residents conducted by the Associated Press revealed that an astounding 88 percent had not taken any steps to protect their homes against future storms. Sixty-one percent had no hurricane survival kits on hand.

We need to do more to remind the public about the devastation caused by major storms on the level of Katrina, Rita, Andrew and Ivan, as well as teach them about the science behind these phenomena and what we can do to better protect lives and property leading up to a potential storm.

This resolution expresses the support of Congress for the creation of a National Hurricane Museum and Science Center in southwest Louisiana. The goal of this comprehensive center is to interpret the effects of hurricanes on our land, people, culture and government to preserve artifacts and personal histories of those who have suffered and died because of these events, to conduct research and showcase improvements in meteorology, technology, communications and building systems, and also to offer a creative learning experience in the disciplines of math, science, history, geography and social sciences as they relate to catastrophic natural disasters.

The Center will partner with the National Weather Service, the media and other public and private organizations to provide timely and reliable information as it relates to severe weather events and their aftermath.

The Creole Nature Trail All-American Road began working on this project before the 2005 storms. In September, the project was awarded a $1.3 million Department of Transportation Scenic Byways grant, the largest ever awarded under the Louisiana Scenic Byways program.

Just last week, the board conducted two public meetings in southwest Louisiana to seek community input on the top four sites being considered for the museum and science center. A final site selection is expected to be announced later this month, honoring the 50th anniversary of Hurricane Audrey, a storm that was devastating in my congressional district and took many lives years ago.

The National Hurricane Museum and Science Center will not only serve as a historical center to study the effects that hurricanes have on our coast, it will be a living memorial to attract scholars, students and tourists to the region, a region that's still struggling to recover after the 2005 storms.

Southwest Louisiana is constantly learning how to protect itself from future disasters, and this project will help assist our efforts and our neighbors along the gulf coast and throughout the country in that important effort.

I urge my colleagues to support this resolution.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. I want to thank the gentleman from Utah for yielding.

Across the Sabine River from southwest Louisiana is southeast Texas, and the citizens of southeast Texas are still reeling from the beating that they got from Hurricane Rita in 2005. The hurricane devastated rice farmers who were struggling even before the wind and rain destroyed most of their crops.

It hit the oil refineries in my congressional district and across the gulf coast, which account for one-third of the Nation's domestic oil production, and it brought our fuel supply to a screeching halt. Gasoline prices soared, and citizens can no longer afford to heat and even cool their homes.

Amidst the chaos of Hurricane Rita and its aftermath, lawlessness preyed upon the real victims. Some of those who weathered the storm took advantage of FEMA's incompetence in its attempt to distribute money to those in need. The cheaters took FEMA debit cards and spent them on gentlemen's clubs and brand-new cars. The real victims languished homeless and helpless, waiting for the Federal Government to do something.

The folks in my congressional district can still feel the impact of the hurricane 2 years later. People are still trying to just survive; and, as Mr. BOUSTANY has said, another hurricane season is now upon us. We cannot forget how a few short hours in southwest Louisiana and southeast Texas caused so much destruction. We cannot forget in historical terms Hurricane Katrina or Rita, and we must remember they are not rare events for the gulf coast.

In 1900, an unnamed hurricane was the deadliest natural disaster in our Nation's history. It killed between 10- and 12,000 people in Galveston, Texas. It destroyed most of the buildings on the island, some 3,600. With remarkable determination, the survivors of the great storm of 1900 raised the whole City of Galveston, Texas, 12 feet to protect it from future disasters.

☐ 1440

We cannot forget the victims of the past, and we must remember how the victims of Katrina and Rita are still fighting to recover their homes, their towns and their livelihoods, and we must be better prepared in the future.

That's why, Mr. Speaker, I'm proud to rise in support of this resolution offered by my friend and colleague, the gentleman from Louisiana.

The National Hurricane Museum and Science Center in Southwest Louisiana will honor these victims and those of previous hurricanes, preserve their history. It will tell the stories of all the hurricanes of the past, but also encourage new solutions for natural disasters of the future. So I'd like to commend Dr. BOUSTANY for offering this important resolution. It's a long time in coming.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 54, which supports the creation of a National Hurricane Museum and Science Center in Southwest Louisiana. The creation of a National Hurricane Museum and Science Center in southwest Louisiana will serve as a historical reminder for all Americans as well as the rest of the world of the importance of disaster preparedness.

We must not forget the depths of the devastation and despair of Hurricane Katrina that resulted from the lack of proactive disaster planning and preparedness. Hurricane Katrina was the costliest and one of the deadliest hurricanes in the history of the United States. It was the sixth-strongest Atlantic hurricane ever recorded and the third-strongest hurricane on record that made landfall in the United States. Katrina formed on August 23 during the 2005 Atlantic hurricane season and caused devastation along much of the north-central Gulf Coast of the United States. Most notable in media coverage were the catastrophic effects on the city of New Orleans, Louisiana, and in coastal Mississippi. Due to its sheer size, Katrina devastated the Gulf Coast as far as 100 miles from the storm's epicenter.

Mr. Speaker, the images of the detriment and devastation remain deeply etched in my mind and much of the remnants of the tragedy still remain in those communities today. The storm surge caused severe and catastrophic damage along the Gulf coast, devastating the cities of Bay St. Louis, Waveland, Biloxi/Gulfport in Mississippi, Mobile, Alabama, and Slidell, Louisiana and other towns in Louisiana. Levees separating Lake Pontchartrain and several canals from New Orleans were breached a few days after Hurricane Katrina had subsided, subsequently flooding 80% of the city and many areas of neighboring parishes for weeks. In addition, severe wind damage was reported well inland.

Although we continue to mourn the loss of the thousands of victims who perished in Hurricane Katrina and its aftermath, we must still push forward to gain knowledge and insight about these disastrous hurricanes and their effects on the public. The Hurricane Center has the potential to provide a great source of educational service to the American public as concerns about the rapidly changing climate in hurricane-prone regions rise.

The Hurricane Center will not only educate but also motivate the young and the old in the fields of meteorology, environmental science, sociology, conservation, economics, history, communications, and engineering. In addition, the Hurricane Center can benefit everyone by providing resources that inform the public on preparing, surviving and recovering from natural disasters such as Hurricane Katrina. Hopefully, this will enable us to avoid such needless and devastating results as those from Hurricane Katrina and its aftermath.

Examining technology, engineering, and preservation of natural barriers all can help to reduce the impact of hurricanes. It is only appropriate that the effects of hurricanes and the rebuilding efforts be captured in a comprehensive center such as a National Hurricane Museum and Science Center to interpret the effects of hurricanes in and outside of Louisiana. For these reasons, I strongly support H. Con. Res. 54 and urge my colleagues to join me in supporting the creation of a Museum and Science Center that will serve to remind and educate Americans about the importance of hurricane disaster preparedness.

Mr. CANNON. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 54.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF THE OUACHITA NATIONAL FOREST ON ITS 100TH ANNIVERSARY

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 390) recognizing the importance of the Ouachita National Forest on its 100th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 390

Whereas on December 18, 1907, President Theodore Roosevelt created by proclamation the Arkansas National Forest on reserved public domain lands south of the Arkansas River;

Whereas on April 29, 1926, President Calvin Coolidge issued an Executive Order to change the name of the Arkansas National Forest to the Ouachita National Forest to reflect both the name of the mountains embraced by the national forest and the name of the principal river which drains the national forest;

Whereas Ouachita is the French spelling of a Native American word meaning "good hunting ground";

Whereas the Ouachita National Forest today encompasses approximately 1.8 million acres in Arkansas and eastern Oklahoma and offers a variety of recreation areas, scenic areas, wilderness areas, historic resources, and timber and other forest products to the Nation; and

Whereas the Ouachita National Forest is the largest and oldest national forest in the southern region of the United States: Now, therefore, be it

Resolved, That on the 100th anniversary of the creation of the Ouachita National Forest, the House of Representatives recognizes the important contributions of the Ouachita National Forest to the success of the United States in conserving the environment and ensuring that our natural resources remain sources of pride for our citizens, our communities, and our Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, House Resolution 390 was introduced by my colleague, the gentleman from Arkansas, Representative Mike Ross.

The bill would express recognition by the House of Representatives of the importance of the Ouachita National Forest on its centennial.

The Ouachita is the largest and the oldest national forest in the southern region of the United States.

On December 18, 1907 President Theodore Roosevelt proclaimed the establishment of what he called Arkansas National Forest. Nineteen years later, by Executive order, President Calvin Coolidge changed the name of the forest to the Ouachita National Forest, reflecting the name of both the local mountains and the main river running through the forest.

The forest encompasses six wilderness areas, seven scenic areas and 11 shooting ranges, as well as 35 recreational areas, including the 26,445-acre Winding Stair National Recreation Area.

Mr. Speaker, Ouachita is a noteworthy unit of our National Forest System, and it is appropriate that we take this action today to celebrate the forest's centennial.

I want to commend and congratulate my colleague, Representative ROSS, for his commitment and leadership on this matter. We support the passage of House Resolution 390 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I rise in support of House Resolution 390, and yield myself such time as I may consume.

House Resolution 390 has been adequately explained by the majority, and I urge its adoption.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, the gentleman from Arkansas, MIKE ROSS.

Mr. ROSS. Mr. Speaker, I rise today in support of House Resolution 390, a resolution honoring and recognizing the importance of Ouachita National Forest on its 100th anniversary. I am very fortunate to represent a good part of the Ouachita National Forest within the Fourth Congressional District of Arkansas.

I'm also pleased that the entire Arkansas Congressional Delegation, Congressmen JOHN BOOZMAN, VIC SNYDER and MARION BERRY have joined me in supporting and cosponsoring this bipartisan bill honoring one of our Nation's true national treasures.

This marks the 100th birthday or anniversary, if you will, of one the largest and oldest national forests in the southern region of the United States, the Ouachita National Forest.

As Chairwoman CHRISTENSEN indicated, in 1907 President Theodore Roosevelt created the Arkansas National Forest on reserved public lands south of the Arkansas River. And by 1926 President Calvin Coolidge issued an Executive order to change the name of the forest to the Ouachita National Forest, named after the Ouachita Mountains, which stretch from near the center of Arkansas to southeast Oklahoma, and after the principal river which drains the national forest, the Ouachita River.

For the past 100 years, the Ouachita National Forest has remained a vast, magnificent region that offers spectacular recreation, scenic and wilderness areas for numerous visitors from throughout the world. The forest provides an array of activities, ranging from ATV recreational activities and opportunities, to hiking and to mountain biking to horseback riding trails and swimming. The forest also contains five lakes, often referred to as "Diamond Lakes," which are known for their crystal clear quality and beautiful scenery.

In addition to the scenic views and outdoor activities the forest has to offer, the Ouachita National Forest is also one of the only places in the United States that contains an incredible crater area which allows visitors and rock collectors to dig for real diamonds and quartz crystals.

Today the Ouachita National Forest also includes more than 1.8 million acres in Arkansas and eastern Oklahoma, and provides timber and forestry products throughout the United States.

And while the word "Ouachita" is the French spelling of the Native American word for "good hunting ground," the forest also contains six locations that have been designated as wilderness areas covering 65,000 acres. These areas provide environmentally safe habitats for wildlife and fish, including many threatened and endangered species, as well as watershed protection and improvement and wilderness area management.

This resolution honors and recognizes all the important services and contributions that the Ouachita National Forest continues to make available to visitors all across our country and throughout the world who come here to visit and to the spirit and practice of ensuring that our natural resources remain sources of pride for our citizens, our communities and, yes, our Nation.

I'm proud to sponsor a resolution commemorating its 100th anniversary, and I urge my colleagues to vote in favor of House Resolution 390 today and honor Ouachita National Forest's centennial celebration.

Mr. CANNON. Mr. Speaker, I have no further speakers on this matter, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 390.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RIVERSIDE-CORONA FEEDER WATER SUPPLY ACT

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1139) to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Riverside-Corona Feeder Water Supply Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) DISTRICT.—The term "District" means the Western Municipal Water District, Riverside County, California.

(2) PROJECT.—The term "Project" means the Riverside-Corona Feeder Project and associated facilities.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. PLANNING, DESIGN, AND CONSTRUCTION OF THE RIVERSIDE-CORONA FEEDER.

(a) IN GENERAL.—The Secretary, in cooperation with the Western Municipal Water District, is authorized to participate in the planning, design, and construction of a water supply project, the Riverside-Corona Feeder, which includes 20 groundwater wells, groundwater treatment facilities, water storage and pumping facilities, and 28 miles of pipeline in San Bernardino and Riverside Counties, California.

(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

(c) FEDERAL COST SHARE.—

(1) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the project described in subsection (a) shall be not more than 25 percent of the total cost of the project, not to exceed $50,000,000.

(2) STUDIES.—The Federal share of the cost to complete the necessary planning studies associated with the project described in subsection (a) shall not exceed 50 percent of the total study cost and shall be included as part of the limitation on funds provided in paragraph (1).

(d) IN-KIND SERVICES.—In-kind services performed by the Western Municipal Water District shall be part of the local cost share to complete the project described in subsection (a).

(e) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this Act $50,000,000 or 25 percent of the total cost of the Project, whichever is less.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1139, as amended, is to authorize the Secretary of the Interior to plan, design and construct water facilities for municipal, domestic irrigation and other uses in the Bunker Hill Groundwater Basin, Santa Ana River in California.

H.R. 1139, as amended, would authorize limited Federal financial assistance for the design and construction of 20 groundwater wells, groundwater treatment facilities, water storage and pumping facilities and 28 miles of pipeline in San Bernardino and Riverside Counties of California.

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The West, now more than ever, must explore and identify new ways of providing a reliable water supply to meet the current and future water demands of a rapidly growing population. H.R. 1139, as amended, seeks to accomplish this by building new pipelines and infrastructure that would allow for the storage of conserved water in groundwater basins.

This project would also serve to provide a critical emergency supply, aid in groundwater cleanup, and reduce dependence on the Colorado River and the very sensitive Bay-Delta.

I thank Mr. CALVERT for his efforts on this legislation, and I urge my colleagues to join me in supporting H.R. 1139, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1139. H.R. 1139, sponsored by the distinguished gentleman from California (Mr. CALVERT), authorizes the Secretary of the Interior to assist the Western Municipal Water District in the planning, design, and construction of the Riverside-Corona Feeder. This project includes water storage, pumping facilities, and 28 miles of pipeline in San Bernardino and Riverside Counties, California.

This legislation, as amended, is another step toward "drought proofing" Southern California and also reduces the region's dependence on imported water supplies, while providing limited Federal assistance. I urge my colleagues to support this important measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, the Riverside-Corona Feeder Water Supply Act represents an important investment in the water infrastructure in western Riverside County, California, one of the fastest-growing regions in this country.

At a time when water demand continues to grow due to the West's increasing population, traditional water sources have been confronted by a prolonged drought and other environmental challenges. In fact, just last week California water officials turned off the huge pumps that send water to Southern California from the Sacramento-San Joaquin Delta to protect a tiny imperiled fish. While the shutdown is only scheduled to last a week or two, it is a stark reminder that Southern California must continue to reduce its dependence on imported water from the Delta and the Colorado River.

The Western Municipal Water District provides water service to western Riverside County and serves a population of more than 600,000 people. The purpose of the Riverside-Corona Feeder water supply project is to capture and store water in wet years in order to increase Western's firm water supplies, provide a cost-effective water supply, and improve water quality.

New wet year water will come from local runoff, including regulated releases from Seven Oaks Dam and the State Water Project and stored in San Bernardino groundwater basins. To deliver the stored water to consumers in Western's service area, the project will provide for new groundwater pumping and pipeline capability. As an additional benefit, the Riverside-Corona Feeder will provide the means to control water tables, thereby reducing liquefaction dangers in the Colton and San Bernardino communities. Additionally, the project improves local water quality as perchlorate and other contaminants would be removed from the basin when water is extracted from the well heads via the Riverside-Corona Feeder.

I applaud Western and our local elected officials in Western Riverside County for taking bold, proactive steps in meeting our region's current and future water demand. In particular, I would like to acknowledge the leadership of Western's General Manager, John Rossi, as well as the Western board members, Charles Field, Tom Evans, Brenda Dennstedt, Don Galleano, and Al Lopez. I also want to thank my good friend GRACE NAPOLITANO, the chairwoman of the Water and Power Subcommittee, for her leadership and support of my legislation.

I think it is crucial that we recognize and assist communities that are working to reduce their reliance on imported water, and I urge all of my colleagues to support the Riverside-Corona Feeder Water Supply Act.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 1139, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONJUNCTIVE USE OF SURFACE AND GROUNDWATER IN JUAB COUNTY, UTAH

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1736) to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONJUNCTIVE USE OF SURFACE AND GROUNDWATER IN JUAB COUNTY, UTAH.

Section 202(a)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) is amended by inserting "Juab," after "Davis,".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1736, as introduced by our distinguished colleague from Utah (Mr. CANNON), is to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface water and groundwater in Juab County, Utah.

H.R. 1736, when enacted, would authorize a water resources feasibility study for the city of Juab, Utah. This study includes groundwater recharge and management, as well as a review of the joint use of surface water and groundwater.

The assessment and evaluation of current water resources is essential to understanding the needs of the community and the environment. H.R. 1736 seeks to provide the technical information needed by the city of Juab.

I thank Mr. CANNON for his hard work on this legislation and urge my colleagues to join me in supporting H.R. 1736.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1736. I would like to begin by thanking the gentlewoman from the Virgin Islands for her kind comments and background on this bill.

H.R. 1736 passed the House of Representatives last Congress, and I reintroduced this legislation earlier this year. This bill will benefit many of my constituents by allowing Juab County to become eligible for funding for conjunctive use under the Central Utah Project. Precious water resources in Utah are highly valued and maximizing existing water resources efficiently is imperative.

The Bonneville Unit of the Central Utah Project was planned to develop and export water from the high Uinta Mountains in the eastern part of the State and bring it to the populated Wasatch Front.

As originally planned, Juab County would have received a large amount of water. However, due to alterations in the original plan, much of that water is planned for use in the Wasatch, Utah, and Salt Lake Counties. While efforts will continue to identify and secure substantial additional water supplies for Juab, there are near-term steps that can be taken to help the county meet its current needs and growing demands. This legislation will facilitate one of those near-term steps.

H.R. 1736 will allow Juab County to become eligible for funding for studies and construction of conjunctive use projects by amending the Reclamation Projects Authorization and Adjustment Act of 1992. Allowing Juab County to be eligible to receive funds under the Central Utah Project Completion Act will allow the county to maximize surface water flows and groundwater sources by storing flows in existing aquifers.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 1736.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CEILING INCREASE ON FEDERAL SHARE OF WATER RECLAMATION PROJECT

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1175) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CEILING INCREASE ON FEDERAL SHARE OF WATER RECLAMATION PROJECT.

Section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13(d)) is amended—

(1) in paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) The Federal share of the costs of the project authorized by section 1624 shall not exceed the following:

"(A) $22,000,000 for fiscal year 2007.
"(B) $24,200,000 for fiscal year 2008.
"(C) $26,620,000 for fiscal year 2009.
"(D) $29,282,000 for fiscal year 2010.
"(E) $32,210,200 for fiscal year 2011.
"(F) $35,431,220 for fiscal year 2012.
"(G) $38,974,342 for fiscal year 2013.
"(H) $42,871,776 for fiscal year 2014.
"(I) $47,158,953 for fiscal year 2015.
"(J) $51,874,849 for fiscal year 2016.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

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GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I yield myself such time as I may consume.

Mr. Speaker, I would first like to commend my friend and our colleague from California, Representative LORETTA SANCHEZ, for her dedicated and hard work on this legislation over several Congresses.

The purpose of H.R. 1175, as introduced by Ms. SANCHEZ, is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the Federal cost share of phase one of the Orange County, California Regional Water Reclamation Project.

The project authorized by H.R. 1175 will supplement existing water supplies by providing a new, reliable, high quality source of water to recharge the Orange County Groundwater Basin and protect it from further degradation due to seawater intrusion.

I thank Ms. SANCHEZ for her efforts on this legislation and urge my colleagues to join me in supporting H.R. 1175.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I rise in support of H.R. 1175 and yield myself such time as I may consume.

The Democratic bill manager has adequately explained the bill. This legislation has been cosponsored by five of my Republican colleagues, Mr. CALVERT, Mr. GARY MILLER of California, Mr. ROHRABACHER, Mr. ROYCE and Mr. CAMPBELL of California.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in support of H.R. 1175, a bill that I have introduced for two consecutive Congresses. I am pleased to see that the bill is on the Suspension Calendar today. I would like to thank the House leadership for making that happen.

H.R. 1175 would increase the ceiling on the federal share of the Orange County, California, Regional Water Reclamation Project—from $20 million to $51,874,849. This project will ultimately allow Orange County to complete its innovative groundwater replenishment system, which is designed to reuse advanced treated wastewater to recharge the aquifer in northern Orange County.

This aquifer is the primary source of drinking water for over 144,000 families in Orange County each year, serving about 2.3 million residents from north and central Orange County. This reclamation effort has the potential of creating a new water supply of 72,000 acre-feet per year.

The OC Groundwater Replenishment Project is an innovative program which has drawn national and international attention. Many U.S. states and foreign nations—including Japan, Korea, Taiwan—have come to Orange County to look at our tertiary cleaning system. They have observed that reusing recycled water—especially important in the arid west—will help preserve and recharge overdrawn river and groundwater supplies, and will help protect our environment from unexpected scarcity of water.

What this bill does is to increase the federal share of the project, bringing it closer to the 25 percent level, the level at which almost every other reclamation project is funded in the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992 and the Reclamation Cycling and Water Conservation Act.

The project is not just important to Orange County, California, but also to the entire western United States. By recycling our own water, we will not rely so heavily on the Colorado River Aqueduct or water from the San Francisco Bay Delta.

Members from both sides of the aisle recognize the need for this project and have been consistently supportive of this effort. I would like to thank, in particular, my colleagues from Orange County who are all original cosponsors of this bill. I appreciate their continued support for this legislation, and this important project.

Let me thank, again, the gentleman from West Virginia, Mr. RAHALL, for his support, as well as Ranking Member YOUNG, Subcommittee Chairwoman NAPOLITANO and Ranking Member McMORRIS for their overwhelming support of H.R. 1175.

Finally, let me thank Denis Bilodeau, Irv Pickler, Virginia Grebbien, Philip Anthony, Craig Miller, and everyone affiliated with the Orange County Water District and Orange County Sanitation District for their hard work and leadership in groundwater treatment and recycling. Their innovation has put Orange County at the forefront of water recycling and groundwater replenishment technology. I thank them for all they continue to do for Orange County.

I urge my colleagues to support this measure.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 1175.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2007

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 361) to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2007".

SEC. 2. AUTHORIZATION OF ADDITIONAL PROJECTS AND ACTIVITIES UNDER THE LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) ADDITIONAL PROJECTS.—Section 4(a) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067) is amended by adding at the end the following:

"(20) In Cameron County, Texas, Bayview Irrigation District No. 11, water conservation and improvement projects as identified in the March 3, 2004, engineering report by NRS Consulting Engineers at a cost of $1,425,219.

"(21) In the Cameron County, Texas, Brownsville Irrigation District, water conservation and improvement projects as identified in the February 11, 2004 engineering report by NRS Consulting Engineers at a cost of $722,100.

"(22) In the Cameron County, Texas Harlingen Irrigation District No. 1, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of $4,173,950.

"(23) In the Cameron County, Texas, Cameron County Irrigation District No. 2, water conservation and improvement projects as identified in the February 11, 2004 engineering report by NRS Consulting Engineers at a cost of $8,269,576.

"(24) In the Cameron County, Texas, Cameron County Irrigation District No. 6, water conservation and improvement projects as identified in an engineering report by Turner Collie Braden, Inc., at a cost of $5,607,300.

"(25) In the Cameron County, Texas, Adams Gardens Irrigation District No. 19, water conservation and improvement projects as identified in the March, 2004 engineering report by Axiom-Blair Engineering at a cost of $2,500,000.

"(26) In the Hidalgo and Cameron Counties, Texas, Hidalgo and Cameron Counties Irrigation District No. 9, water conservation and improvement projects as identified by the February 11 engineering report by NRS Consulting Engineers at a cost of $8,929,152.

"(27) In the Hidalgo and Willacy Counties, Texas, Delta Lake Irrigation District, water conservation and improvement projects as identified in the March, 2004 engineering report by Axiom-Blair Engineering at a cost of $8,000,000.

"(28) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 2, a water conservation and improvement project identified in the engineering reports attached to a letter dated February 11, 2004, from the district's general manager, at a cost of $5,312,475.

"(29) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 1, water conservation and improvement projects identified in an engineering report dated March 5, 2004 by Melden and Hunt, Inc. at a cost of $5,595,018.

"(30) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 6, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of $3,450,000.

"(31) In the Hidalgo County, Texas Santa Cruz Irrigation District No. 15, water conservation and improvement projects as identified in an engineering report dated March 5, 2004 by Melden and Hunt at a cost of $4,609,000.

"(32) In the Hidalgo County, Texas, Engelman Irrigation District, water conservation and improvement projects as identified in an engineering report dated March 5, 2004 by Melden and Hunt, Inc. at a cost of $2,251,480.

"(33) In the Hidalgo County, Texas, Valley Acres Water District, water conservation and improvement projects as identified in an engineering report dated March, 2004 by Axiom-Blair Engineering at a cost of $500,000.

"(34) In the Hudspeth County, Texas, Hudspeth County Conservation and Reclamation District No. 1, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of $1,500,000.

"(35) In the El Paso County, Texas, El Paso County Water Improvement District No. 1, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of $10,500,000.

"(36) In the Hidalgo County, Texas, Donna Irrigation District, water conservation and improvement projects identified in an engineering report dated March 22, 2004 by Melden and Hunt, Inc. at a cost of $2,500,000.

"(37) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 16, water conservation and improvement projects identified in an engineering report dated March 22, 2004 by Melden and Hunt, Inc. at a cost of $2,800,000.

"(38) The United Irrigation District of Hidalgo County water conservation and improvement projects as identified in a March 2004 engineering report by Sigler Winston, Greenwood and Associates at a cost of $6,067,021.".

(b) INCLUSION OF ACTIVITIES TO CONSERVE WATER OR IMPROVE SUPPLY; TRANSFERS AMONG PROJECTS.—Section 4 of such Act (Public Law 106–576; 114 Stat. 3067) is further amended by redesignating subsection (c) as subsection (e), and by inserting after subsection (b) the following:

"(c) INCLUSION OF ACTIVITIES TO CONSERVE WATER OR IMPROVE SUPPLY.—In addition to the activities identified in the engineering reports referred to in subsection (a), each project that the Secretary conducts or participates in under subsection (a) may include any of the following:

"(1) The replacement of irrigation canals and lateral canals with buried pipelines.

"(2) The impervious lining of irrigation canals and lateral canals.

"(3) Installation of water level, flow measurement, pump control, and telemetry systems.

"(4) The renovation and replacement of pumping plants.

"(5) Other activities that will result in the conservation of water or an improved supply of water.

"(d) TRANSFERS AMONG PROJECTS.—Of amounts made available for a project referred to in any of paragraphs (20) through (38) of subsection (a), the Secretary may transfer and use for another such project up to 10 percent.".

SEC. 3. REAUTHORIZATION OF APPROPRIATIONS FOR LOWER RIO GRANDE CONSTRUCTION.

Section 4(e) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067), as redesignated by section 2(b) of this Act, is further amended by inserting before the period the following: "for projects referred to in paragraphs (1) through (19) of subsection (a), and $42,356,145 (2004 dollars) for projects referred to in paragraphs (20) through (38) of subsection (a)".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to first commend our colleague from Texas, and my classmate, Representative HINOJOSA, for his dedication to and hard work on this legislation.

The purpose of H.R. 361 is to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and related activities.

H.R. 361, when enacted, would authorize limited Federal assistance for 19 projects aimed at conserving water or improving water supply. This would include the replacement of irrigation canals and lateral canals, the lining of channels and the installation of water level, flow measurement, pump control, and remote control systems.

This legislation would help to accomplish a more sustainable water supply by enhancing existing water distribution systems and monitoring water resources.

I thank Mr. HINOJOSA for his efforts on this legislation.

Mr. Speaker, I would like to ask unanimous consent to have his remarks inserted into the RECORD, and I urge my colleagues to join me in supporting H.R. 361.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I rise in support of H.R. 361 and yield myself such time as I may consume.

The gentlewoman from the Virgin Islands has appropriately explained the bill, which has passed the bill in the last two Congresses in one form or another. I support the bill.

Mr. HINOJOSA. Mr. Speaker, I rise in support of H.R. 361, a bill that will authorize a number of projects which will improve irrigation and water conservation throuhgout the Rio Grande Valley. I want to thank Chairman RAHALL and Chairwoman NAPOLITANO as well as my colleagues from the Texas Border Region, Congressmen ORTIZ, REYES, RODRIGUEZ, and CUELLAR for their support in bringing this vitally important legislation onto the House floor.

I represent a region of the country that is experiencing phenomenal population growth yet is subject to severe periodic droughts. The 2000 Census showed that the population of Hidalgo County, in my district, increased by 48 percent. On the Mexican side of the border, millions have come to work in the maquiladoras and to take advantage of the economic boom that has come from NAFTA.

This growth has placed an enormous strain on water delivery systems throughout the Texas-Mexico border region. Water intended for irrigating crops flows through open dirt ditches where much of the precious water supply is lost to seepage and evaporation. Municipalities also rely on the water from these inefficient and outdated irrigation delivery systems to meet the water needs of growing communities.

H.R. 361 will authorize 19 projects that will allow border water districts to continue upgrading and modernizing our antiquated water delivery systems through the installation of water pipes and canal linings. Similar projects were authorized in the 106th and 107th Congresses.

The Rio Grande Valley has already made a great deal of progress because this has been a collaborative effort. The irrigation district have provided matching funds. The Texas Water Development Board and Texas A&M University have paid for many of the engineering studies. Federal appropriators have provided more than $10 million. As a result, we are seeing water savings of almost 80 percent in the projects that have been completed.

Most importantly, Federal authorization has allowed us to tap into the resources of the North American Development Bank. To date, NADBank has approved almost $24 million for these projects and passage of H.R. 361 will make these new projects eligible for NADBank assistance.

These funds are being put to good use. Numerous projects are already underway and some are almost completed.

When the metering system is fully installed, irrigation districts will have a much clearer picture of water usage and water savings. This data will be vital to improving water management throughout the region.

I urge my colleagues to support this legislation.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 361.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT OF 2007

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1469) to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senator Paul Simon Study Abroad Foundation Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to President George W. Bush, "America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.".

(2) According to former President William J. Clinton, "Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.".

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, "[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning" and, for that reason, "is simply essential to the [N]ation's security".

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for "scholarship, exchange, and library programs". The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was "unfulfilled," and stated that "The U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.". In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of "D" for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of "D" into an "A" by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of their field of study, ethnicity, socio-economic status, or gender.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term "Board" means the Board of Directors of the Foundation established pursuant to section 5(d).

(3) CHIEF EXECUTIVE OFFICER.—The term "Chief Executive Officer" means the chief executive officer of the Foundation appointed pursuant to section 5(c).

(4) FOUNDATION.—The term "Foundation" means the Senator Paul Simon Study Abroad Foundation established by section 5(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term "nontraditional study abroad destination" means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(7) STUDY ABROAD.—The term "study abroad" means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

(8) UNITED STATES.—The term "United States" means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(9) UNITED STATES STUDENT.—The term "United States student" means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the "Senator Paul Simon Study Abroad Foundation" that shall be responsible for carrying out this Act under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.). The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors chaired by the Secretary of State (or the Secretary's designee) in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this Act;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and nontraditional students;

(4) raise funds from the private sector to supplement funds made available under this Act; and

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this Act.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.".

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this Act and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i) for more than 90 days in any calendar year.

SEC. 6. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium,

in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than one million undergraduate United States students will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

(f) QUALITY AND SAFETY IN STUDY ABROAD.—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 7. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this Act during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 8(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the bases upon which competitive grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, and the estimated number of study abroad opportunities provided to United States students by each grant;

(4) a description of the bases upon which the Foundation made grants directly to United States students pursuant to section 6(a)(2)(A);

(5) the number and total dollar amount of grants made directly to United States students by the Foundation pursuant to section 6(a)(2)(A); and

(6) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this Act;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this Act.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(R) the Senator Paul Simon Study Abroad Foundation.".

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 10(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 9. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term "agency" means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term "detail" means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act $80,000,000 for fiscal year 2008 and each subsequent fiscal year.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I might consume.

Mr. Speaker, this is a singularly important piece of legislation which I bring to my colleagues with great personal enthusiasm and some fond memories.

Let me first pay tribute to our late colleague, Senator Paul Simon, after whom this legislation is named. Paul was a firm champion not only of education, higher education, but also education abroad, this incredibly important aspect in a growingly interdependent world. It is appropriate that this piece of legislation be named after our great late colleague, Paul Simon.

Mr. Speaker, for 10 years, first I established and then I had the privilege of directing the Study Abroad Program of the California State University and College System. When I established that program, it was a path-breaking enterprise because historically study abroad was the privilege of only the wealthy and those who attended uniquely elite institutions.

Our legislation expands the opportunity for study abroad that hopefully will involve annually about a million of our college and university students.

Not too many years ago, study abroad was the opportunity for some wealthy college students to spend some time in France or Italy or maybe in Germany. But in an increasingly globalized world, our need to have young men and women who are conversant in the languages of many countries and who are familiar with the cultures of many countries is an absolute necessity for our national security and our national well-being.

This historic piece of legislation will democratize the program of Study Abroad, which used to be the privilege of a very thin layer of our society. It opens up for every American college student, irrespective of his or her socioeconomic status, the opportunity of spending a year or more involved in serious language and area study all over the world.

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At a time when new languages are required by vast numbers of our young people, Chinese, Indian, Arabic and others, this will provide a dramatic upgrading of our ability to interact with the rest of the globe. I strongly urge all of my colleagues to support this legislation which will usher in a new era for American higher education for college students all over the United States.

Mr. Speaker, I ask that an exchange of letters between the Committee of Foreign Affairs and the Committee of Oversight and Government Reform be included in the RECORD at this time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, June 5, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN LANTOS: I am writing about H.R. 1469, a bill to establish the Senator Paul Simon Study Abroad Foundation. The Committee on Foreign Affairs reported this legislation to the House on May 9, 2007.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 1469 that fall within the Oversight Committee's jurisdiction. These provisions address issues related to the Federal civil service, Federal property management, and the duties of inspectors general.

In the interest of expediting consideration of H.R. 1469, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 1469 or a similar Senate bill be considered in conference with the Senate. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 1469 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the CONGRESSIONAL RECORD during consideration of this legislation on the House floor.

Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 5, 2007.

Hon. HENRY WAXMAN,
Chairman, Committee Oversight and Government Reform,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1469, the Senator Paul Simon Study Abroad Foundation Act of 2007.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Oversight and Government Reform. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not in any way serve as a jurisdictional precedent as to our two committees.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will ensure that our exchange of letters are included in the CONGRESSIONAL RECORD and I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Cordially,

TOM LANTOS,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I am very proud to join Chairman LANTOS in introducing his bill, H.R. 1469, the Senator Paul Simon Study Abroad Foundation Act of 2007. The Act gives effect to key recommendations of the bipartisan, congressionally mandated report of the Abraham Lincoln Study Abroad Commission as well as the 9/11 Commission report.

The United States has an increasing need for foreign language expertise, cultural knowledge and better people-to-people diplomacy. We saw a dramatic example of this need, lamentably, after the events of 9/11 when we faced a sudden shortage of qualified speakers of Arabic, Farsi and other strategic languages. A study released last August by the Government Accountability Office indicated that serious language gaps remain within the State Department that can adversely impact State's ability to communicate with foreign audiences and execute critical duties. Study abroad by more American students in places other than traditional destinations in western Europe is essential to our Nation's security and future leadership in the world.

For these reasons, the gentleman from California's bill, H.R. 1469, aims to increase the number and diversity of American students studying abroad with an eventual goal of 1 million per year. It ensures that most of the increase occurs in nontraditional and strategically important destinations, such as China, the Middle East and the developing world.

This Act will establish the Simon Study Abroad Foundation, an independent U.S. Government corporation that can raise private sector funds to promote its work, freed from the large bureaucracies and short-term agendas of other U.S. agencies. By offering competitive grants to universities and educational consortiums based on its priorities, the Foundation will generate broader interest among American schools in study abroad programs, leveraging an impact far greater than a mere direct grant program for students.

To ensure maximum transparency and efficiency, the Foundation will be subject to oversight by an Inspector General and annual congressional reporting requirements.

I appreciate Chairman LANTOS incorporating my proposals for those oversight mechanisms in the introduced text of the bill.

I also was pleased to consult with him regarding the small changes made to the bill after committee consideration. Three minor changes make explicit what was already implicit in the bill: Two of them confirm that the Foundation is a new and different approach not intended to supplant other exchange and direct-grant programs currently run by the State Department. The third makes clear that the Foundation should take care to fund only safe, high-quality study abroad programs. A fourth, substantive change aims to make the Foundation more cost-effective by eliminating the compensation for board members that was part of the originally introduced text.

In sum, this Act, Mr. Speaker, represents a creative, forward-thinking initiative to protect American leadership and security in a fast-changing world. H.R. 1469 deserves our enthusiastic support.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to rise in support of H.R. 1469, the Senator Paul Simon Study Abroad Act of 2007. This important piece of legislation seeks to enhance the enrollment, diversity, and range of countries relating to U.S. college study abroad programs.

The United States is failing to take full advantage of a valuable tool that should be used to enhance our standing in the world and to improve our national security. Opportunities for students to study abroad is integral to creating intercultural awareness, a globally competent workforce, ensuring America's economic competitiveness, and protecting national security. Students can be powerfully effective diplomats for American culture, democratic values, and foreign policy.

H.R. 1469 aims to improve the diversity, the range of countries, and number of students that study abroad while in college. Only about 1 percent of all U.S. college students study abroad, and the vast majority study in Europe. Just 9 percent of those students are minority students, even though African American, Native American, and Hispanic students make up 30 percent of the total U.S. college enrollment.

Inspired by the recommendations of the 9/11 Commission and the congressionally chartered Lincoln Commission, the Senator Paul Simon Act will create a new government corporation charged with democratizing study abroad for American students the way that the GI Bill democratized higher education.

The Simon Foundation Act is visionary legislation sponsored by Senators RICHARD DURBIN and NORM COLEMAN, and the chairman and ranking member of the House Foreign Affairs Committee, Mr. LANTOS and Ms. ROS-LEHTINEN. The legislation authorizes $80 million annually for 10 years in order to assist 1 million American students study abroad each year by 2018. This funding from the Department of State budget will directly support student scholarships and organizations like Bardoli Global around the Nation.

Bardoli Global is an organization that originated in my congressional district. It exists to provide greater access to study abroad opportunities for outstanding African American, Native American, and Hispanic American student leaders and to make those students globally competent change agents for their communities. The organization's Houston pilot program will soon expand to five other cities across the Nation in 2008.

Mr. Speaker, we must act now to enact the vision of the late Senator Paul Simon from Illinois who worked tirelessly to promote a public-private partnership to democratize study abroad. We must act quickly to achieve equity and diversity in study abroad, especially targeting traditionally underrepresented students. I strongly urge my colleagues to support this bill.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 1469, the Paul Simon Study Abroad Foundation Act, which will significantly enhance opportunities for Americans to gain international education, build understanding and respect among different cultures, and enhance leadership in the global community.

Senator Paul Simon embodied the role of concerned citizen, which is the essence of this program. Starting his career in the newspaper business, he served in the Illinois General Assembly and as Lt. Governor of Illinois, and later was our colleague in the U.S. Congress, where he served in both the House of Representatives and the Senate.

Senator Simon was a great believer in the hope that good government can instill in people, and was widely regarded for his commonsense, hard work and integrity. In addition, Senator Simon was proud of Southwestern and Southern Illinois, where he got his professional start, entered politics and lived much of his life. It was a pleasure to serve with him and it is important for young Americans to know about his career and ideals.

As a professor and author of numerous books, Senator Simon was passionate about education. He was particularly interested in the need for American students to travel abroad to learn about different peoples, their languages and their cultures. In this way, the United States would be better able to understand and work with other nations.

Today, only one percent of U.S. undergraduate students participate in a study abroad program during their degree program. This statistic shows the United States is failing to take advantage of a valuable tool that should be used to enhance our standing in the world and to improve our Nation's security.

Mr. Speaker, as economic competition and national security continue to defy geographical boundaries, the need for our students to gain international knowledge greatly increases. That is why, Mr. Speaker, I urge my colleagues to support the Paul Simon Study Abroad Foundation Act.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.R. 1469, the Senator Paul Simon Study Abroad Foundation Act of 2007, legislation which establishes an educational foundation to increase the number of students studying overseas in developing countries and non-traditional areas.

The Senator Paul Simon Study Abroad Foundation would provide a national competition for student fellowships and also provide funds directly to colleges and universities to support their study abroad programs, enabling over one million American students to study abroad annually.

This program was first envisioned by my friend and mentor, the late Senator Paul Simon. Senator Simon had a bold vision for American renewal driven in part by international education. His vision included an understanding of diverse cultures, direct exposure to foreign languages, and increased interaction with the peoples of other nations as achieved through study abroad.

As with his other initiatives, Senator Simon worked diligently to bring his vision of international education to life. H.R. 1469 continues this legacy of education and understanding by completing that vision.

Senator Paul Simon had a life-long commitment and passion for education. As the founder and Director of the Public Policy Institute at Southern Illinois University, Senator Simon taught classes in journalism, political science, and history. As a scholar, he authored several books investigating the history and politics of Illinois. As a Senator, he was passionate about expanding educational opportunities to America's youth. I am proud to have worked for Senator Simon years ago, and I am proud that we are continuing his legacy here today.

Mr. Speaker, this legislation provides excellent educational opportunities to America's students, strengthens our international relations, and promotes good will throughout the world. I urge my colleagues to join me in supporting these laudable goals by voting in favor of H.R. 1469, the Senator Paul Simon Study Abroad Foundation Act of 2007.

Ms. ROS-LEHTINEN. Mr. Speaker, as always, it's a pleasure to work with Chairman LANTOS.

I have no further requests for speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and pass the bill, H.R. 1469, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RELATING TO THE 40TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 152) relating to the 40th anniversary of the reunification of the City of Jerusalem, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 152

Whereas June 2007 marks the 40th anniversary of the Six Day War and the reunification of the city of Jerusalem;

Whereas Israel has, since its founding, sought peace with its Arab neighbors;

Whereas in the weeks leading up to the Six Day War, Israel's neighbors, without provocation, called for and implemented a blockade of Israel's critical outlet to the Red Sea, ordered United Nations peace-keeping forces out of the Sinai desert, massed their forces with apparent hostile intent in the Sinai and in the Golan Heights, and publicly threatened to destroy Israel;

Whereas in six days of war, Israel defeated those forces seeking its destruction and reunited the city of Jerusalem which had been artificially divided for 19 years;

Whereas Jerusalem has been the focal point of Jewish religious devotion and the site of a continuous Jewish presence for over three millennia, with a Jewish majority since at least 1896;

Whereas Jerusalem is a holy city for the Christian and Muslim faiths;

Whereas the vibrant Jewish population of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas from 1948 to 1967 Jerusalem was a divided city, and Israeli citizens of all faiths as well as Jews of all nationalities were denied access to holy sites in eastern Jerusalem, including the Old City, in which the Western Wall and the Church of the Holy Sepulchre are located;

Whereas this year marks the 40th year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected;

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104-45), which became law on November 8, 1995, states as a matter of United States policy that Jerusalem should remain the undivided capital of Israel in which the rights of every ethnic and religious group are protected; and

Whereas it is the policy of the United States to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the citizens of Israel on the 40th anniversary of the Six Day War in which Israel defeated enemies aiming to destroy the Jewish State;

(2) congratulates the residents of Jerusalem and the people of Israel on the 40th anniversary of the reunification of that historic city;

(3) commends those former combatant states of the Six Day War, Egypt and Jordan, who in subsequent years had the wisdom and courage to embrace a vision of peace and coexistence with Israel;

(4) commends Israel for its administration of the undivided city of Jerusalem for the past 40 years, during which Israel has respected the rights of all religious groups;

(5) reiterates its commitment to the provisions of the Jerusalem Embassy Act of 1995 and calls upon the President and all United States officials to abide by its provisions; and

(6) urges the Palestinians and Arab countries to join with Israel in peace negotiations to resolve the Arab-Israeli conflict, including realization of the vision of two democratic states, Israeli and Palestinian, living side-by-side in peace and security.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I might consume.

Mr. Speaker, I am delighted to join my good friend from Florida, the distinguished ranking member of our committee, in recognizing the 40th anniversary of one of the great military triumphs of the 20th century, the so-called Six Day War. Some of us remember and everybody has read about the attempt of the neighboring Arab countries to annihilate the State of Israel 40 years ago. In a brilliant preemptive move, the Israeli military moved ahead and destroyed the air forces and much of the military of the neighboring countries which were ready to destroy it.

The Six Day War transformed the shape of the Middle East and brought about the unification of the city of Jerusalem. Prior to the Six Day War, Jerusalem was closed to Israelis. Following the Six Day War, members of all faiths have had full and free access to the city of Jerusalem, and places of worship, Muslim, Christian, Jewish, are available to all individuals who seek an opportunity for peaceful prayer.

This body and the other body some years back called for the proper placement of the United States embassy in Israel's capital in Jerusalem. My good friend, the late Senator Patrick Moynihan, and I introduced this legislation which was strongly supported with significant majorities in both the House and the Senate. But administrations since that time have seen fit to postpone the move of our embassy to Jerusalem.

I earnestly hope that with this commemorative resolution we again call the attention of this administration to its promise, clear and unequivocal, to move the embassy to Israel's capital, Jerusalem. Our embassy is in the capital of every single country with which we maintain diplomatic relations and the capital is designated by the country concerned. It is long overdue that this administration honor the President's personal commitment to move the United States embassy from Tel Aviv to Jerusalem. I strongly urge all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1520

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 152, which congratulates the citizens of Israel on the 40th anniversary of that nation's victory over those who sought to destroy it in the Six Day War and commemorates the 40th anniversary of Jerusalem's reunification.

Jerusalem has historically been a united city, one holy for Jews, Christians and Muslims alike. Last week I had the privilege to go on a congressional delegation to Israel with my distinguished colleague and friend from Florida, Mr. WEXLER. There we visited the old city of Jerusalem and prayed at the ancient Temple's legendary Western Wall. At that site, and throughout the City of Jerusalem, people have freely beseeched God for centuries. But had Jerusalem still been divided, as it was from 1948 to 1967, the old city's holy places would have been off limits to us and to millions of others.

Therefore, I stand here today with particular appreciation for the religious freedom that Jerusalem's unity entails. It is unfortunate, however, that much of the world continues to refuse to recognize Jerusalem's unity and specifically its status as Israel's capital, a status which is both appropriate and a fact of reality.

The Jerusalem Embassy Act of 1995 states that it is a matter of U.S. policy that Jerusalem should remain the undivided capital of Israel and that the United States should move its embassy in Israel from Tel Aviv to Jerusalem. The resolution before us, H. Con. Res. 152, reaffirms U.S. policy in this regard, and I hope that the administration and our allies worldwide will move swiftly to recognize Jerusalem as Israel's capital and to move their embassies to that city.

I strongly urge my colleagues to support this important resolution, to clearly articulate that Jerusalem must remain the undivided capital of Israel.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend and colleague the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of H. Con. Res. 152, and I take pride in joining my colleagues to congratulate the citizens of Israel on this important anniversary, as well as commending Jordan and Egypt for making peace with their neighbor.

The anniversary marks the 40th year that the ancient and historic city has been administered as a unified city in which the rights of all faiths have been respected. I have to say, Mr. Speaker, that having worked in Jerusalem in 1965, I experienced that time when in fact people could not travel to all of Jerusalem, and in fact we know that that is very different today.

It is also important that we use this anniversary to highlight the work that still needs to be done. The historic victory by the Israeli military greatly expanded Israel's territory, but with territorial gains came new problems. These unresolved issues have led to ever-increasing tensions that today manifest themselves in the form of Qassam rocket attacks and military insurgents. As we debate this resolution today, the region, as we know, finds itself in dire conflict.

Earlier this year, I introduced a resolution calling on President Bush to dispatch a new special envoy to the Middle East to capitalize on every opportunity for progress.

Mr. Speaker, the United States must be the leader in promoting peace. The current situation is simply unsustainable. So as we look back 40 years today, let us also look 40 years ahead. Let us look 40 years ahead and work toward a future, not fraught with conflict and strife, but coexistence, moderation and understanding.

Mr. Speaker, I urge my colleagues to support this resolution and continue to push for peace.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 4 minutes to my good friend, the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to thank the chairman and colleagues for this resolution.

Mr. Speaker, my father is from Israel, and every summer I spent a good portion of my childhood in Israel, 2 days after the 1967 war, every summer for 5 years, 1967, 1968, 1969, 1970, 1971 and 1973, every summer going to Israel. I remember that moment, since the bulk of my childhood was spent there.

The Six Day War was obviously not only an amazing military accomplishment, a lot of people think today in retrospect that it is a pyrrhic victory, that things would have been so much easier for Israel had that victory not occurred; that David became Goliath.

Mr. Speaker, there are a lot of myths that I would like to address to the chairman, and also to the leader on the Republican side.

One is it was not such a peaceful time pre the 1967 war. There were a lot of attacks on Israel because of indefensible boundaries. In fact, the peace with Jordan and Egypt could not have happened if it weren't for the 1967 war. There was no possibility, given the pan-Arabism that existed under Nasser, for any peace to have happened.

In fact, one has to look at the 1967 war, that it created possibilities, as did the 1973 war, for peace to occur, and every nation that has decided to make peace with Israel, Egypt and Jordan, has had peace.

The war in 1967, because of the changes to the boundaries to the south, to the immediate east and to the north, redefined Israel's security. Once those nations came to terms with Israel's status, which is what the 1967 war accomplished, they accomplished and received peace, and land-for-peace has been at the premise of America's foreign policy, Israel's foreign policy, and was possible because of the outcome and the results strategically on the ground and in the environment because of 1967.

People remember the military accomplishment which was unique and stands out in the 20th century, but it also created an environment that allowed peace to happen, at least with the two countries that have chosen the road of peace with Israel.

I would like to pick up on my colleague from California and her comments about the next 40 years. The next 40 years needs to be a period of time where America, and this may be a little bit of a criticism here, we were always and always will be the indispensable leader in that region. The moment we walk away from that role the parties lose interest in discussing among themselves.

I would hope that immediately the President would again, and I echo what my colleague from California said, nominate somebody to be a Middle East envoy, to again create a dialogue between the Israelis and Palestinians, to find what the Jordanians and Egyptians have found with the Israelis, peace, based on the premise of land for peace.

But everybody should not only look at the military peace of the 1967 war, but it created an opportunity that today two countries that prior to that had fought in the 1967 war against Israel now recognize Israel and have economic, cultural and other types of trade, and that is only due to what happened in 1967.

To those who think 1967 was a pyrrhic victory, wasted, we wouldn't have in fact the Israeli-Jordanian agreement or the Israeli-Egyptian agreement if it weren't for the victories that happened there. There were also other things that happened to Israel.

One does hope though that as we look forward to trying to find resolution and look at the region as a whole, everybody has always described that Israel and the Arab conflict was at the heart of the Mideast. That is not at the heart. It is a problem. It needs to be resolved.

But the larger problem of the greater Gulf area is not one of the Israeli-Palestinian problem, although it is a significant problem; it is the radical philosophy that is dominating the young in the Arab world that we need to help resolve, because it is leading and feeding part of the terrorism, and that is the larger conflict. The Palestinian-Israeli problem is a problem, but it is not at the heart of the conflict in that region.

Mr. Speaker, I want to compliment our two leaders today, the chairman and the leader on the Republican side, for this resolution, for recognizing an historic moment that in fact without which we would not see the peace between Israel and Jordan and Israel and Egypt.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back my time, I would like to make a couple of observations. As my colleagues pointed out, two of Israel's neighbors, Jordan and Egypt, have signed historic peace agreements with the State of Israel. And while this peace is not a full-fledged, blossoming, all-encompassing peace agreement, it certainly has meant the end of hostilities and the beginning of commercial, cultural, educational, touristic and diplomatic relations.

□ 1530

The time is long overdue for Israel to be able to reach an agreement with both Lebanon and Syria, as well as the Palestinian people, so this long-suffering area, where all of the people have suffered for far too long and far too severely, at long last can be a region of peace and reconciliation.

For this to come about, terrorism must end. You cannot make peace with people who are plotting daily to destroy your very existence. When Israel evacuated Gaza, it expected peace from that area. But, under Hamas, daily rocket attacks are unleashed on peaceful civilian Israeli border communities. Two women were killed just in recent weeks as a result of these monstrousattacks. Hezbollah in the north similarly is sworn to terrorism.

This must be put to an end if this important region is to join much of the rest of the world in moving ahead with economic progress, social progress, and the reconciliation of people.

I honestly hope that our resolution paying tribute to the victory 40 years ago and reminding ourselves of our formal commitment to move the U.S. Embassy to its proper location in Jerusalem will serve as a reminder that the time is long overdue for normalizing the situation in this region.

The end of terrorism, the move of our Embassy, will bring about a long prayed for and hoped for period of peace.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H. Con. Res. 152, which recognizes the 40th anniversary of the reunification of the City of Jerusalem.

This week Israel is recognizing the 40th anniversary of the Six-Day War. On June 7, 1967, Israel reunified the city of Jerusalem, opening it to worshippers of all nationalities and religions.

On that day Israeli Defense Minister Moshe Dayan declared: "This morning, the Israel Defense Forces liberated Jerusalem. We have united Jerusalem, the divided capital of Israel. We have returned to the holiest of our holy places, never to part from it again. To our Arab neighbors we extend, also at this hour—and with added emphasis at this hour—our hand in peace. And to our Christian and Muslim fellow citizens, we solemnly promise full religious freedom and rights. We did not come to Jerusalem for the sake of other peoples' holy places, and not to interfere with the adherents of other faiths, but in order to safeguard its entirety, and to live there together with others, in unity."

Mr. Speaker, even 40 years after Israel's overwhelming victory in the June 1967 War—a war fought to preserve Israel's very existence in the face of enemies determined to destroy it—Israel's stability is still threatened. At this critical time in Israel's history we must focus on what is of the utmost importance—furthering the Israeli-Palestinian peace process.

Congress must fully analyze and consider the Arab League Peace Initiative which offers Israel full normalization of relations with the Arab world and is widely viewed in Israel and around the world as an important opportunity and a real basis for negotiations that could end the Israeli-Arab conflict. While not perfect, this plan sets the table for fruitful negotiations and a final resolution of the conflict.

We must also consider negotiations with Syria. If successful, such negotiations could have significant positive impact with respect to limiting Iran's sphere of influence, calming the situation in Lebanon, weakening the support network for Hamas and Hezbollah, and delivering real security to Israel on its northern border.

We must call on President Bush to invest in serious, sustained, and effective efforts to improve the security situation on the ground today and re-establish a viable peace process that can deliver peace and security to Israel, and international acceptance of Jerusalem as Israel's capital.

Mr. Speaker, today I call on all of my colleagues to support H. Con. Res. 152, and I pledge to continue to work to maintain Jerusalem as Israel's indivisible capitol and to promote the policy of the United States to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians.

Mr. HOYER. Mr. Speaker, forty years ago this week, America's Israeli allies triumphed over the greatest threat to their nation's survival since it was founded in 1948. By emerging from the Six-Day War victorious, Israel demonstrated that a country devoted to liberty, equality and democracy could not only exist, but flourish, in one of the most volatile regions in the world.

In the weeks leading up to June of 1967, Israel's Arab neighbors amassed an immense force along their shared borders with the Jewish state. Their goal—as Egyptian President Gamel Abdel Nasser then put it—was "the destruction of Israel," and they assembled 465,000 troops, 2,800 tanks, and 800 aircraft on Israel's doorstep to achieve this malicious goal.

In the armed conflict that followed, Israel defended itself honorably, courageously, and effectively—winning the war in just six days and taking control of lands previously held by the invading nations. And in an unprecedented act of compromise, Israel offered to give back the captured lands in return for nothing more than a promise that Israel's neighbors would join them in pursuit of peaceful co-existence.

Furthermore, Israel stated that the City of Jerusalem, which was placed under Israel's control as a result of the war, would once again be open to peoples of all faiths and nationalities—a provision that allowed Jews, Christians and Muslims alike to freely worship in the holy city.

These actions in defense of peace and equality—undertaken by Israel just weeks after being attacked—help to demonstrate why the U.S.-Israeli relationship remains so strong to this day. The Israeli people have always worked hard to find common ground with their neighbors, even while facing profound threats to their safety and sovereignty. And just as Israel has never turned its back on the principles and values that all free nations share, America will never turn its back on her.

It gives me great pride to support H. Con. Res. 152, commemorating the 40th anniversary of the reunification of Jerusalem and recognizing the preceding struggle—and I look forward to many more years of fruitful partnership between the United States and Israel.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Con. Res. 152.

When the 1947 U.N. Partition Plan created two separate states in Palestine—one Jewish, and one Arab—it was a milestone in world history. Jerusalem was from this point on to be an international city—neither Jewish nor Arab, but shared by the two cultures.

However, the excitement over this groundbreaking compromise was short-lived. Although Israel accepted the plan, the Arab world refused to sign on, and soon after attacked Israel, plunging the region into Arab-Israeli War of 1948. The result of this war was a division of Jerusalem in two, with one half being controlled by Israel and one half controlled by Jordan.

In 1967, during the Six Day War, Israel retook control of the Jordanian half of Jerusalem. On June 7, 1967, a cease fire occurred, and Israel took full control over the entire city of Jerusalem. One year later, Israel declared a new holiday—Jerusalem Day—to commemorate the reunification of the city.

This year, to celebrate the 40th anniversary of the reunification, Israel held its Jerusalem Day with the slogan "Something Special for Everyone." I commend Israel and all of the inhabitants of Jerusalem for embodying the inclusiveness of the phrase "Something Special for Everyone."

I encourage my colleagues to support the resolution.

Mr. BLUMENAUER. Mr. Speaker, if there's been any good news on the Middle East peace process over the last 7 years, it's that barriers to ending the conflict are less about final-status issues and more about the challenge of reaching the outcome that majorities on both sides know will be necessary: an independent Palestinian state, based on the 1967 borders, living side by side with Israel in peace, with a shared Jerusalem and a negotiated solution to the Palestinian refugee problem. Against that backdrop, it is unclear to me what good comes from passing a resolution which would place Congress out of step with large parts of the Israeli political spectrum.

This resolution is disconnected from the reality on the ground. At a time of rocket attacks in Sderot, retaliations in Gaza, and renewed fears of war between Israel and Syria, it is, at a minimum, inappropriate for either the United States Congress or the Bush administration to stand in the way of whatever moves for peace Israel may choose to make, yet that is exactly what this resolution does. We should be more engaged at promoting a return to a peace process, not less, and we should be encouraging compromise, not intransigence on the difficult issues.

Jerusalem is Israel's capital and a city of unmatched significance for the Jewish people. I will never forget my first morning in Israel and what it was like to go on a run around the Old City. However, I must oppose a resolution that reaffirms the need to move the U.S. Embassy to Jerusalem prior to a peace agreement because, as both Presidents Clinton and Bush have recognized, this harms our efforts at diplomacy and, therefore, the security of Israel and the United States. Instead, we should keep faith with the Biblical injunction to "pray for the peace of Jerusalem," reject this senseless resolution, and recommit our support for serious efforts at peace in the Middle East and security for Israel.

Mr. MARKEY. Mr. Speaker, I rise today in strong support of H. Con. Res. 152, celebrating the 40th anniversary of the reunification of the city of Jerusalem.

The city of Jerusalem is a unique place in the world, steeped in history and faith, the eternal heart of three major world religions. Jerusalem has suffered war and conquest repeatedly throughout the ages, but I have faith that Jerusalem will never be fractured again.

Jews, Muslims, and Christians all find a spiritual home in Jerusalem, and it is essential that Jerusalem remain open to worshippers of all faiths. Unfortunately, for too many years of its history, access to the holy sites in Jerusalem was denied to some. But for the last 40 years, Israel has guaranteed access to all faiths, and the world community has been able to visit Jerusalem freely. I applaud Israel for this principled and fair policy, which has surely not always been easy to maintain. It is an important affirmation of Israel's humane and democratic values that a country which finds itself under frequent attack would maintain a commitment to the openness of a site of such international importance as Jerusalem.

Unfortunately, the great emotion people feel about the holy city of Jerusalem has frequently found a false outlet in violence against others. It is a great sadness to me, and a great injustice against the history and sanctity of Jerusalem, that the city has been a flashpoint for so much violence in my lifetime.

I am deeply disappointed and frustrated that in the past several years the Middle East peace process has been derailed from the promising moments during the Clinton presidency. President Clinton was as deeply involved, at a personal as well as a political level, with the quest to find a permanent solution to the problems of the region as any world leader has ever been. While he was not quite able to attain the overarching peace agreement that he had worked so hard to achieve, President Clinton recognized that finding a lasting solution to the Israeli-Palestinian issue needed to be a foreign policy priority of the United States.

Since President Clinton left office, the involvement of the United States in the Middle East peace process has been scattered, sporadic, and ineffectual. Instead of redoubling our efforts to find peace, the United States launched a disastrous war in Iraq. We have sparked a bloody civil war in that country, inflamed Islamic fundamentalism throughout the Middle East, empowered the dangerous regime in Iran, ignored the frustrations and economic despair of the Palestinians, and damaged the immediate security of our great ally in the region—Israel.

On the 40th anniversary of the reunification of Jerusalem, I view that city as a symbol of hope in the bleak landscape of the Middle East. Through Israel's commitment to the openness of Jerusalem, worshippers of all faiths can visit the holy Old City and see the beauty of its timeless stone buildings and ancient walls.

The United States has always stood steadfast with its close ally Israel, and we must never cease doing so. We must recommit ourselves to the peace process in the Middle East, and lead the international community in forging a path to reconciliation and coexistence. We must dedicate ourselves to bringing about a new peaceful history in this divisive region, so that future generations may continue to find spiritual renewal in Jerusalem.

Mrs. CAPPS. Mr. Speaker, I rise as a strong supporter of Israel, of the Palestinian people, and of achieving a two-state solution where Israel and Palestine exist peacefully side by side. I have had the pleasure of visiting Jerusalem on more than one occasion, and am keenly aware of its importance to people of different faiths.

I rise today, however, to voice my disappointment that H. Con. Res. 152 conveys rather empty rhetoric instead of constructive observations and commitments. The United States has always served as the historical broker of peace agreements between Israel and its Arab neighbors and this is a role that we should continue to fulfill and I believe we should return to taking a much more active role in negotiations than we have under the Bush Administration's tenure. However, passage of a resolution by the United States Congress which fails to recognize the progress of past peace negotiations runs contrary to achieving our ultimate goal of a lasting peace in the region.

Jerusalem is the rightful capital of Israel and will forever remain the capital of Israel. However, it has long been understood that a permanent agreement about the Palestinian areas of Jerusalem will be left to final-status negotiations. The sooner the United States returns to a more active participant in the peace negotiations, the sooner we can arrive to a solution for Jerusalem. But in the meantime, I think we tread on dangerous territory when Congress adopts positions that run counter to issues that have yet to be negotiated.

Israel's victory in 1967 was necessary to shatter the idea that the State of Israel could ever be destroyed. Make no mistake that I am firmly committed to the viability and security of a Jewish state in Israel. However, it would be naive to ignore the unresolved consequences of the war and foolish to believe that continued occupation does not pose a real threat to Israel's well-being. I hope that we can use the anniversary of the Six-Day War to look forward and reaffirm a real commitment by the United States to achieve at last a workable two-state solution and a lasting peace.

Mr. FARR. Mr. Speaker, while I applaud the fact that H. Con. Res. 152 recognizes and reinforces a two-state solution to end the conflict between Israel and the Palestinians, I urge Congress and the Administration to move away from rhetoric and actively engage in steps that will foster lasting peace in the Middle East. The Israeli-Palestinian conflict not only grossly disrupts the lives of Israelis and Palestinians, it destabilizes the entire Middle East and enflames extremism, threatening U.S. national security.

U.S. involvement in Iraq has consumed the Administration's attention, but resolving the Israel-Palestinian conflict is an integral component for long-term peace in the region. Efforts to bring resolution to this conflict should not be put on the back burner because of the Administration's political fumbling in Iraq. I urge the Administration to reinvigorate its role as a fair and balanced broker and call on the U.S. Congress to recognize that securing peace in the volatile Middle East will require a sustained financial commitment. And, I urge our friends and allies in the region to recognize that peace in the Middle East is in their own countries' best national security interests and to become more actively engaged in the peace process.

Mr. PRICE of North Carolina. Mr. Speaker, I rise to address H. Con. Res. 152, recognizing the 40th anniversary of Israel's victory in the Six-Day War. This resolution will pass by a large majority, but I fear that it will become the latest in a series of missed opportunities for this body to support a viable peace process in the Middle East.

This resolution has several positive features. It is appropriate to commemorate Israel's victory in the Six-Day War. Its overwhelming military victory helped to secure Israel's continuing existence as a sovereign nation, something that was very much in doubt on the eve of the conflict.

I particularly support the third clause of the resolution, which commends Egypt and Jordan for their bold and brave decisions to reach peace with Israel. Their leadership has been a critical, if often underappreciated, guarantor of Israel's security and survival, and I continue to hope that other nations in the region will follow their lead.

It is also important to affirm that Jerusalem is the rightful capital of Israel, while acknowledging that the Palestinian people also have a claim to Jerusalem as a capital and as a sacred city.

Nevertheless, I am concerned that this resolution, while calling for peace negotiations, actually undermines U.S. efforts to secure the trust of all sides in the search for peace. The resolution pursues an obsolete notion, put forth as if the last decade of peace negotiations simply had not occurred.

The idea of an undivided Jerusalem under sole Israeli sovereignty has not been part of any serious peace proposal—proffered by Israelis, Palestinians, or the international community—in the last several years. Israel's 2000 Camp David proposal and the Clinton compromise proposal, the 2002 Road Map for Middle East Peace, the 2003 Geneva Initiative, the 2003 "People's Voice" Initiative offered by Ami Ayalon and Sari Nuseibeh: none of these plans envision an undivided Jerusalem under sole Israeli sovereignty.

And this idea is not just outdated in theory; it fails to reflect the present reality in Jerusalem. Israel's security barrier is rapidly creating a physical barrier between already segregated neighborhoods of East and West Jerusalem.

Recognizing Jerusalem as the undivided capital of Israel under sole Israeli sovereignty does not help to bring peace to Jerusalem or Israel, nor does it help achieve the vision the resolution espouses. In fact, the only thing likely to fully guarantee Jerusalem as the permanent capital of Israel is the official, international recognition of Israel's neighbors and the entire international community—and this recognition is unlikely so long as Palestinian claims to their own capital and sacred city are denied.

As Christians, Jews, and Muslims, we can best honor our holy city by helping it become a model of peace, unity, and reconciliation. Doing so requires sustained, courageous, and open-minded efforts to promote negotiations, stand against violence, and find solutions. Congress and our Administration must play a much more effective role, returning our nation to active and sustained engagement in seeking peace.

I just returned from a brief visit to Jerusalem, now divided, threatened, strained by the anxiety of constant conflict. It is my great hope to one day visit a revitalized Jerusalem, undivided and shared as the capital of Israel and an independent Palestinian state, where Jews, Muslims, and Christians live together in peace and mutually honor the sites sacred to all of us. I can only wish that the resolution before us more adequately expressed this aspiration.

Mr. HALL of New York. Mr. Speaker, today the House recognizes the 40th anniversary of the Six Day War and congratulates Israel on administering a unified Jerusalem as a city open to people of all faiths.

I want to join in congratulating the people of Jerusalem on the 40th anniversary of the unification of this ancient city. Further, I wish to commend the State of Israel for opening this holy city to followers of all faiths. Jerusalem is the holiest city of the Jewish faith, the third holiest Islamic city, and is the site of many significant Christian sites. Because of its important status to all these religions, Jerusalem must remain an undivided city that protects the rights of all ethnic and religious groups. Israel has recognized this important reality and allows members of all faiths to visit and worship at their holy sites.

It is my hope that all parties in the Middle East will use Jerusalem's example of religious coexistence to work towards a final negotiated peace in the region. A lasting peace between Israel and its neighbors is in the interests of all countries in the region and overall international stability.

Finally, it is my belief that the United States should help to reaffirm its commitment to a strong relationship with Israel by placing its embassy and staff in its capital city of Jerusalem. Accordingly, I hope that the President will consider the relevant language in the legislation before the House today and abide by the provisions of the Jerusalem Embassy Act passed by Congress in 1995. This would be an important step in cementing the bond between the United States and Israel at this critical time in history.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 152, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING VIOLENCE IN ESTONIA AND ATTACKS ON ESTONIA'S EMBASSIES IN 2007

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 397) condemning violence in Estonia and attacks on Estonia's embassies in 2007, and expressing solidarity with the Government and the people of Estonia, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 397

Whereas on April 27, 2007, a crowd of more than 1,000 pro-Russian demonstrators gathered in Tallinn and riots broke out across the city;

Whereas more than 153 people were injured as a result of the pro-Russian riots, and one died as a result of stabbing by another rioter;

Whereas several stores in Tallinn and surrounding villages were looted as a result of the riots, and a statue of an Estonian general was set on fire;

Whereas since April 27, 2007, the Government of Estonia has reported several cyber-attacks on its official lines of communication, including those of the Office of the President;

Whereas on April 28, 2007, and in days following, the Embassy of Estonia in Moscow was surrounded by angry protesters who demanded the resignation of the Government of Estonia, tore down the flag of Estonia from the Embassy building, and subjected Embassy officials inside the building to violence and vandalism;

Whereas on April 30, 2007, a delegation of the State Duma of the Russian Federation visited Estonia and issued an official statement at the Embassy of the Russian Federation in Estonia that "the government of Estonia must step down";

Whereas on May 2, 2007, the Ambassador of Estonia to the Russian Federation was physically attacked by protesters and members of youth groups during an official press conference;

Whereas on May 2, 2007, the Swedish Ambassador to the Russian Federation was attacked as he left the Embassy of Estonia in Moscow, and his car was damaged by a crowd, resulting in a formal protest to the Russian Federation by the Swedish Foreign Ministry;

Whereas the Government of Estonia has reported other coordinated attacks against Estonian embassies in Helsinki, Oslo, Copenhagen, Stockholm, Riga, Prague, Kiev, and Minsk, and the Estonian Consulate in St. Petersburg;

Whereas on May 2, 2007, Prime Minister of Estonia Andrus Ansip stated that a "sovereign state is under a heavy attack" and that the events constitute "a well-coordinated and flagrant intervention with the internal affairs of Estonia";

Whereas on May 2, 2007, the public prosecutor's office of Estonia initiated an investigation into the cyber-attacks against Internet servers in Estonia and requested cooperation from the Russian Federation to identify the source of the attacks;

Whereas on May 2, 2007, the European Commission expressed its solidarity with Estonia and urged Russia to respect its obligations to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and end the blockade of the Embassy of Estonia in Moscow; and

Whereas the Embassy of Estonia in Russia has been closed since April 27, 2007, and Estonia has suspended consular services to Moscow because conditions remain unsafe for Embassy officials: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its strong support for Estonia as a sovereign state and a member of the North Atlantic Treaty Organization (NATO) and the Organization of Security and Cooperation in Europe (OSCE) as it deals with matters internal to its country;

(2) condemns recent acts of violence, vandalism, and looting that have taken place in Estonia;

(3) condemns the attacks and threats against Estonia's embassies and officials in Russia and other countries;

(4) urges all activists involved to express their views peacefully and reject violence;

(5) honors the sacrifice of all those, including soldiers of the Red Army, that gave their lives in the fight to defeat Nazism;

(6) condemns any and all efforts to callously exploit the memory of the victims of the Second World War for political gain;

(7) supports the efforts of the Government of Estonia to initiate a dialogue with appropriate levels of the Government of the Russian Federation to resolve the crisis peacefully and to sustain cooperation between their two sovereign, independent states; and

(8) urges the governments of all countries—

(A) to condemn the violence that has occurred in Estonia, Moscow, and elsewhere in 2007 and to urge all parties to express their views peacefully;

(B) to assist the Government of Estonia in its investigation into the source of cyber-attacks; and

(C) to fulfill their obligations under the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, I rise today as the only Member in the history of Congress who survived the Holocaust and was liberated by the Russian Army. I was therefore opposed to the decision and continue to remain opposed to the decision by the government of Estonia to move a memorial honoring Russian soldiers for their historic sacrifice during World War II in liberating Estonia and many other parts of Europe from Hitler's domination. What came afterward, however, is an entirely different issue.

On April 27, over 1,000 pro-Russian demonstrators gathered in Tallinn, the beautiful small capital of Estonia. That group soon got out of control. Riots broke out across the city. Finally, over 150 people were injured. One person died.

The next day, the Embassy of Estonia in Moscow was surrounded by angry, pro-Russian demonstrators who demanded the resignation of the government of Estonia. The Estonian ambassador was physically attacked by demonstrators during an official press conference. Even the Swedish ambassador to Russia was assaulted when he left the Estonian Embassy in Moscow.

Since the initial riots in Tallinn, the Estonian government has reported other coordinated attacks against its Embassies in Helsinki, Finland; Oslo, Norway; Copenhagen, Denmark; Stockholm, Sweden; Riga; Prague and Kiev.

The Estonian government, with the assistance of NATO, has also been investigating cyber attacks against the government's Web site, as well as against the computer systems of political parties, banks, and media organizations in Estonia. Cyber attacks in this day and age, Mr. Speaker, can be devastating. The Estonian government estimates that these attacks cost the targets tens of millions of Euros, a significant sum for a small country like Estonia.

These incidents of violence have been condemned by a host of European institutions. The European Commission has expressed its solidarity with Estonia and urged Russia to respect its obligations under the Vienna Convention on Diplomatic Relations. NATO has issued a similar statement condemning the violence.

So, today, we in Congress join our friends in Europe in expressing our strong disapproval of the unjustified and unacceptable Russian attacks against Estonia, and we express our strong solidarity with the people and government of the great democratic nation of Estonia.

I urge all of my colleagues to support this all-important measure.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in strong support of this resolution authored by our good friend, the gentleman from Illinois (Mr. SHIMKUS), which condemns the violence within Estonia, condemns the attacks on Estonia's Embassy in Russia that have taken place recently, and which expresses our solidarity with the government and the people of Estonia in the face of such violence and intimidation.

As the chairman has pointed out, the April 27 relocation by the Estonian government of a Soviet-era statue and memorial, located in the capital, led some ethnic Russians within Estonia and some Russians in Russia itself to undertake violent demonstrations and threatening intimidation. These events presented the rest of the world with the worrisome prospect that Estonia and other countries once held captive by the former Soviet regime would continue to be subjected to organized, threatening behavior by their neighbor, Russia.

Additionally troublesome is the possibility that such behavior might be supported by officials at high levels within the Russian government.

It is the view of the most impartial observers that in the days that followed the memorial's relocation, the Russian government quite obviously failed to adequately protect the Estonian Embassy in Moscow, which was threatened for some time by a mob.

In Estonia itself, government, commercial and media Web sites observed a series of suspicious and devastating cyber attacks, reportedly originating from within Russia in what appeared to be a very organized manner.

□ 1540

All of that followed very violent demonstrations mounted by some ethnic Russians within Estonia, demonstrations that required significant engagement by the police to halt.

Mr. Speaker, since regaining their independence with the fall of the Soviet regime, Estonia, as well as the other Baltic States, have worked hard to overcome the serious impact of that decades-long occupation, a period in which the native population in Estonia came close to becoming a minority, a minority in their own land, due to the actions of the Soviet government.

Many Baltic citizens were deemed to be threats to that occupation and they were shipped off to Siberia, some never to be seen again, while ethnic Russians were assigned by the regime to settle in the Baltic States.

But with renewed independence, Estonia, Latvia and Lithuania have had the opportunity to again take control of their future.

To their credit, they have worked with the Organization on Security and Cooperation in Europe and the European Union to find ways to address the presence of those who had been settled on their territories during the Soviet era, finding procedures to grant proper citizenship that, while tough in some cases, nevertheless provided a means for the large ethnic Russian minorities to participate in the civic life of those states whose independence was no longer questioned.

The European Union and the NATO alliance recognized the efforts by these Baltic States to constructively address the challenges and to implement general democratic and free market reforms.

That is why Estonia and other Baltic States are today members of both the European Union and NATO, and why those organizations have stood by Estonia in the face of the disproportionate reaction to the recent relocation of the memorial, that reaction appearing to have had its roots in Moscow.

Mr. Speaker, the Baltic States have more than earned their independence through decades of repression and suffering under a Communist regime.

It is important that through the adoption of this resolution before us today, authored by Mr. SHIMKUS of Illinois, we make it clear that we stand in support of Estonia and its independence in the face of threats and intimidation.

Mr. Speaker, I encourage my colleagues to join us in support of Mr. SHIMKUS's resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of the resolution.

Mr. SHIMKUS. Mr. Speaker, I thank Chairman LANTOS and Ranking Member ROS-LEHTINEN for your time and the speedy movement of this resolution, and it's timely with the President's trip to Europe.

A few things of note. I continue to follow, as the chairman knows, the occurrences in the former captive nations, the European Union countries, and mostly the Baltic countries, and it seems like we can never get to forgiveness. It seems like countries always go back to another point in time to address their grievances.

I've been on the floor numerous times to talk about Molotov-Ribbentrop, and we've debated that and we've voted on that resolution. We forget about Roosevelt's land lease deal that was very helpful to the Soviet Union at that time, and as the chairman's correct, we also forget about the sacrifices made by the Soviet Union in winning World War II, especially on the Eastern front. So his concerns are well-founded and very much appreciated by this Member.

There was great hope after the fall of the Wall, as I served on the German border during the Cold War era, that this would bring a new time for Europe, a time of prosperity and peace, the rule of law, democratic institutions. And that's why we continue to be frustrated by the current involvement, because when there is peace and stability and the rule of law, the people prosper, people on both sides of the boundary lines. In this case the Estonians and across the border, the Russians, they would both benefit from peaceful relations and coexistence.

But we just can't get there yet, and so that's why I'm very appreciative of bringing this resolution because the decision by the Estonian government to move the memorial, as the chairman said, probably not proper in his estimation, I know that it can be said that it was done with dignity, with consultation and moved to a place in a military cemetery and given all the respects offered.

But having said that, what a free and independent country, a decision it can make, doesn't justify the result. Again, that's why going back to the comments of, can't we just forgive and can't we just move forward, the great nations do not have to bully small neighbors. Great nations can stand side by side with their smaller allies and their neighbors to help them develop and grow.

And what we see from the Russian Federation is just the opposite. We see them continually harass and bully their neighbors. Their neighbors have made choices that we expect free and democratic countries to be able to make, and just because the Russian Federation are unhappy with that it does not give them the right to bypass the rule of international law.

So this issue, as has been discussed earlier, the result of the movement of the statue led to riots within Estonia by ethnic Russians and also problems in the capital of Moscow, and as Ranking Member ILEANA ROS-LEHTINEN said, any impartial observer would say that there was a move by the government to specifically not stop them, and there is great evidence that they helped encourage this ability to be thugs and bullies to ambassadors and government representatives of free and democratic countries.

That's why I'm very thankful that the committee seemed right to bring this resolution speedily to the floor. As cochair of the House Baltic Caucus, I've been heavily involved for 10 years with NATO expansion, the EU expansion and the energy disputes.

Estonia is one of our closest allies and friends in Europe. They have been an integral part in our war on terror in having troops in Afghanistan.

That is why House Resolution 397 is so important. The U.S. House of Representatives must stand with our Estonian friends and refuse to let them be bullied by the Russian government. The intimidation that President Putin is using against our allies in Eastern Europe is simply unacceptable.

Again, I'd like to thank the chairman for bringing this to the floor.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

Mr. LANTOS. Before yielding back our time, Mr. Speaker, I would like to call the attention of all of my colleagues to an upcoming open joint hearing of the House Foreign Affairs Committee and the Foreign Affairs Committee of the Russian Duma on June 21. This will be the first time in history that the Foreign Affairs Committees of these two parliaments will have met in joint session.

☐ 1550

I very much hope, and I know my distinguished ranking member, ILEANA ROS-LEHTINEN, joins me in hoping, that we will have a meaningful and helpful dialogue with our Russian colleagues so that the current state of tension between Russia and the United States could somehow be diminished.

We had high hopes when the Soviet Union collapsed over 15 years ago, but many recent statements by Mr. Putin and many actions by Russia, including the action that we have just heard described against the free and democratic Republic of Estonia, fill us with a great deal of concern and anxiety.

I urge all of my colleagues to attend this joint session of the House Foreign Affairs Committee and the Duma's Foreign Affairs Committee in a few weeks in our hope that before the President and Mr. Putin meet in Kennebunkport we might have a legislative opportunity of exploring candidly all of the issues that, at the moment, seem to divide us.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to rise in support of H.R. 397, which condemns violence in Estonia and attacks on that country's embassies in 2007. It also expresses solidarity with the government and the people of Estonia.

This past April 27, a crowd of more than 1,000 pro-Russian demonstrators gathered in Tallin, the capital city of Estonia. The gathering became unruly and riots broke out across the city. In the end, over 150 people were injured and one person died from stab wounds.

On May 2, the Estonian Ambassador was physically attacked by protesters during an official press conference. That same day, the Swedish Ambassador to Russia was assaulted when he left the Estonian Embassy in Moscow.

Since the initial riots in Tallin, this wave of violence continued, and the Estonian Government has reported other coordinated attacks against its embassies in Helsinki, Oslo, Copenhagen, Stockholm, Riga, Prague, and Kiev, among other cities. The Estonian Government, with the assistance of NATO, has been investigating cyber attacks against the government's website, as well as against the computer systems of political parties, banks, and media organizations. The Estonian Government estimates that these attacks have cost the targets tens of millions of euros.

Estonia is a well respected member of NATO and the European Union. These incidents of violence have been condemned by a host of European institutions. The European Commission and NATO have expressed their solidarity with Estonia and urged Russia to respect its obligations under the Vienna Convention on Diplomatic Relations.

Mr. Speaker, it is appropriate that this House also express its disapproval of the unjustified attacks against Estonia. I urge my colleagues to join me in supporting this resolution, which denounces violence in Estonia and attacks against its embassies, while also expressing solidarity with the government and people of the great nation of Estonia.

Mr. LANTOS. Mr. Speaker, I urge all of my colleagues to support this legislation, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 397, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING GRATITUDE TO HER MAJESTY QUEEN ELIZABETH II AND HIS ROYAL HIGHNESS, PRINCE PHILIP, DUKE OF EDINBURGH, FOR THEIR STATE VISIT TO THE UNITED STATES

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 412) expressing gratitude to Her Majesty Queen Elizabeth II and His Royal Highness, Prince Philip, Duke of Edinburgh, for their State Visit to the United States and reaffirming the friendship that exists between the United States and the United Kingdom, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 412

Whereas Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip, Duke of Edinburgh, traveled to the United States for a State Visit from May 3 to May 8, 2007, celebrating the special relationship that exists between the United States and the United Kingdom;

Whereas the United States and the United Kingdom enjoy a trans-Atlantic friendship sustained by a commitment to democratic traditions, liberty, and the spread of freedom, as well as common economic and cultural foundations;

Whereas in a rapidly changing world, Queen Elizabeth II has been a force of stability and constancy and has provided inspiration to the world in times both peaceful and tumultuous; and

Whereas Queen Elizabeth II and Prince Philip serve as ambassadors for the British people and the goodwill engendered by their visit serves as a reminder, for the people of the United States and the United Kingdom alike, of our joint values and priorities: Now, therefore, be it

Resolved, That the House of Representatives is deeply appreciative of the State Visit recently conducted by Her Majesty Queen Elizabeth II and His Royal Highness, Prince Philip, Duke of Edinburgh, and celebrates the State Visit as having been an occasion to reaffirm the value and depth of the friendship that exists between the United States and the United Kingdom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I rise in support of this resolution, and I yield myself such time as I may consume.

Two hundred and thirty years ago, Americans threw off the yoke of the British monarch with much fanfare, as everyone knows. But, since then, the American people have celebrated the royals, and they have watched and observed the demeanor of the royal family of Great Britain throughout the years. As a matter of fact, we gave a coveted film award to a woman portraying the Queen just not long ago.

But, anyway, a few short weeks ago, Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip, Duke of Edinburgh, were greeted by enormous crowds visiting the United States. This was the Queen's fourth State visit following previous visits in 1991, 1976 and first in 1957.

Her most recent trip was highlighted by her commemoration of the 400th anniversary of the founding of Jamestown, the first permanent English settlement in the New World. When 108 London entrepreneurs set sail on orders from King James I to settle Virginia, that would set the stage for one of the most, if not the most, successful and lasting alliance in modern history.

The Queen praised such historic links and bonds of friendship between our two countries when she was here and referred to the fact that our relationship has been built on a shared commitment to democratic traditions and liberty.

During her visit, she also noted, as well, our shared future. Just as the settlers of 1607 set out to discover a new world, researchers on both sides of the Atlantic are now seeking to explore new frontiers in medicine and space. This collaboration between British and American scientists is invaluable.

The Queen has served tirelessly as an ambassador for the British people, and she has led her country through times of prosperity as well as times of turmoil. It is for these reasons and others that I am delighted to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Arkansas (Mr. BOOZMAN) for authoring the resolution before us; and I rise in support of his resolution, 412, which expresses gratitude to Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip, Duke of Edinburgh, for their recent state visit to the United States and reaffirms the friendship that exists between the United States and the United Kingdom. Queen Elizabeth's visit reminded us of the shared values that underpin the unique friendship and partnership of the United States and the United Kingdom.

The extent to which the United States and the United Kingdom today share common goals in their foreign and defense policies as well is also quite remarkable. There is no other bilateral relationship that the United States has with another country that is routinely referred to as "the special relationship."

In the time that Queen Elizabeth has reigned, more than half a century, America and Britain have continually strengthened their partnership and collaborated on threats to world peace and security, both large and small. That important collaboration continues today, as President Bush noted in his remarks in the dinner he held at the White House in the Queen's honor, when he stated the following: "together we are supporting young democracies in Iraq and Afghanistan . . . confronting global challenges such as poverty and disease and terrorism, and together we're working to build a world in which more people can enjoy prosperity and security and peace."

Mr. Speaker, I should note as well the significance of how closely the economies of the United States and the United Kingdom are linked. The United Kingdom is the fourth largest market for exports, such exports totaling more than $36 billion in the year 2004 alone. Just as significant, the United States and the United Kingdom are each other's biggest foreign investors.

This resolution gives us an opportunity to reflect upon the strength and the value of a trans-Atlantic relationship that has proven critical to safeguarding the community of democracies in Europe and, indeed, throughout the world.

I encourage my colleagues to support this resolution, expressing appreciation to Her Majesty Queen Elizabeth and Prince Philip for their recent visit and the bonds that tie our two nations together.

Mr. Speaker, I yield such time as he may consume to the author of the resolution, Mr. BOOZMAN of Arkansas.

Mr. BOOZMAN. Mr. Speaker, I rise today to support this bill that expresses our appreciation to Her Majesty Queen Elizabeth II and His Royal Highness, Prince Philip, Duke of Edinburgh, for visiting the United States over the last month.

Over the course of her lifetime and during her 55 years on the throne, Queen Elizabeth has played a vital role in the United Kingdom's successes through her strong leadership in diplomacy. She has been a great source of stability for her nation.

During times of peace and times of unrest, Queen Elizabeth and Prince Philip have displayed amazing courage and have inspired the world community. The relationship between the United States and the United Kingdom is a special one. The Americans and British have been working together for generations, furthering the deep-rooted commitment each country has for peace and security.

I would like to thank Her Majesty Queen Elizabeth II and Prince Philip for reaffirming the trans-Atlantic friendship between our two countries with their visit last month to the United States.

Mr. Speaker, I encourage my colleagues to support this bill.

□ 1600

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

Mr. TANNER. Mr. Speaker, I have no further speakers, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 412, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CALLING ON THE GOVERNMENT OF CHINA TO STOP GENOCIDE AND VIOLENCE IN DARFUR, SUDAN

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 422) calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 422

Whereas since the conflict in Darfur, Sudan began in 2003, hundreds of thousands of people have been killed and more than 2,500,000 displaced as a result of the ongoing and escalating violence;

Whereas on July 23, 2004, Congress declared, "the atrocities unfolding in Darfur, Sudan, are genocide" and on September 23, 2004, then Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate that, "genocide has occurred and may still be occurring in Darfur," and "the Government of Sudan and the Janjaweed bear responsibility";

Whereas on October 13, 2006, the President signed the Darfur Peace and Accountability Act (Public Law 109–344), which identifies the Government of Sudan as complicit with the forces committing genocide in the Darfur region and urges the President to, "take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues";

Whereas President George W. Bush declared in a speech delivered on April 18, 2007, at the United States Holocaust Memorial Museum that no one "can doubt that genocide is the only word for what is happening in Darfur—and that we have a moral obligation to stop it";

Whereas the presence of approximately 7,000 African Union peacekeepers has not deterred the violence and the increasing attacks by the Government of Sudan and Government-sponsored Janjaweed militia and rebel groups;

Whereas worsening violence has forced humanitarian organizations to suspend operations, leaving a substantial portion of the population of Darfur inaccessible to aid workers;

Whereas violence has spread to the neighboring states of Chad and the Central African Republic, threatening regional peace and security;

Whereas the Government of Sudan continues to refuse to allow implementation of the full-scale peacekeeping mission authorized under United Nations Security Council Resolution 1706;

Whereas former United Nations Secretary-General Kofi Annan subsequently negotiated a compromise agreement with the Government of Sudan for a hybrid United Nations-African Union peacekeeping mission to be implemented in three phases;

Whereas the Government of the People's Republic of China has long-standing economic and military ties with Sudan and continues to strengthen these ties in spite of the on-going genocide in Darfur, as evidenced by the following actions:

(1) China reportedly purchases as much as 70 percent of Sudan's oil;

(2) China currently has at least $3,000,000,000 invested in the Sudanese energy sector, for a total of $10,000,000,000 since the 1990s;

(3) Sudan's Joint Chief of Staff, Haj Ahmed El Gaili, recently visited Beijing for discussions with Chinese Defense Minister Cao Gang Chuan and other military officials as part of an eight-day tour of China; Cao pledged closer military relations with Sudan, saying that China was "willing to further develop cooperation between the two militaries in every sphere";

(4) China has reportedly cancelled approximately $100 million in debt owed by the Sudanese Government;

(5) China is building infrastructure in Sudan and provided funds for a presidential palace in Sudan at a reported cost of approximately $20,000,000; and

(6) Data provided by the Government of Sudan to the United Nations for 2005 states that Sudan imported at least $24,000,000 in arms and ammunition from the People's Republic of China, as well as nearly $57,000,000 in parts and aircraft equipment, and $2,000,000 in helicopter and airplane parts from China, making China the largest provider of military arms and equipment to Sudan, even as Sudan has defended its right to transfer and use such military arms and equipment in Darfur for military operations;

Whereas given its economic interests throughout the region, China has a unique ability to positively influence the Government of Sudan to abandon its genocidal policies and to accept United Nations peacekeepers to join a hybrid United Nations-African Union peacekeeping mission;

Whereas the President's Special Envoy to Sudan, Andrew S. Natsios, further said in testimony on April 11, 2007, that "China's substantial economic investment in Sudan gives it considerable potential leverage, and we have made clear to Beijing that the international community will expect China to be part of the solution";

Whereas the Government of the People's Republic of China's recent appointment of a senior diplomat as China's special representative on African affairs who shall focus specific attention on the Darfur issue and its pledge to provide military engineers to support African Union peacekeeping forces in Darfur are welcome developments, but do not demonstrate that Beijing is truly committed to using all the considerable diplomatic and political means at its disposal to stop the genocide in Darfur;

Whereas due to its large population, its rapidly growing global economy, its large research and development investments and military spending, its seat as a permanent member of the United Nations Security Council and on the Asia-Pacific Economic Cooperation, China is an emerging power that is increasingly perceived as a leader with significant international reach and responsibility;

Whereas in November 2006, China hosted its third Forum on China-Africa Cooperation with more than 40 heads of state in attendance and which focused heavily on trade relations and investment on the African continent as it is expected to double by 2010;

Whereas China is preparing to host the Olympic Summer Games of 2008, the most honorable, venerated, and prestigious international sporting event and has selected "One World, One Dream" as a slogan for those games;

Whereas China should act consistently with the Olympic standard of preserving human dignity in Darfur, Sudan and around the world; and

Whereas China has been reluctant to use its full influence to improve the human rights situation in Darfur: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls upon the Government of the People's Republic of China to—

(A) acknowledge publicly and condemn the atrocities taking place in Darfur;

(B) cease all military arms, ammunition, and related military equipment sales to the Government of Sudan; and

(C) take steps to immediately suspend economic cooperation with the Government of Sudan and investment in Sudan until and unless the Government of Sudan—

(i) stops its attacks on civilians;

(ii) complies with all United Nations Security Council resolutions related to Darfur; and

(iii) engages in good faith negotiations with Darfur rebel groups to achieve a sustainable negotiated peace agreement;

(2) recognizes the close relationship between China and Sudan and strongly urges the Government of the People's Republic of China to use its full influence to—

(A) urge the regime in Khartoum to comply with the deployment of the peacekeeping force authorized by United Nations Security Council Resolution 1706;

(B) call for Sudanese compliance with United Nations Security Council Resolutions 1556 and 1564, and the Darfur Peace Agreement, all of which demand that the Government of Sudan disarm militias operating in Darfur;

(C) call on all parties to the conflict to adhere to the 2004 N'Djamena ceasefire agreement and the recently-agreed United Nations communiqué which commits the Sudanese Government to improve conditions for humanitarian organizations and ensure they have unfettered access to the populations they serve;

(D) emphasize that there can be no military solution to the conflict in Darfur and that the formation and implementation of a legitimate peace agreement between all parties will contribute toward the welfare and stability of the entire nation and broader region;

(E) urge all rebel groups to unify and assist all parties to come to the negotiating table in good faith;

(F) urge the Government of southern Sudan to play a more active role in pressing for legitimate peace talks and take immediate steps to support and assist in the revitalization of such talks along one single coordinated track;

(G) engage collaboratively in high-level diplomacy and multilateral efforts toward a renewed peace process; and

(H) join the international community in imposing economic and other consequences on the Government of Sudan if that Government continues to carry out or support attacks on civilians and frustrate diplomatic efforts; and

(3) recognizes that the spirit of the Olympics, which is to bring together nations and people from all over the world in peace, is incompatible with any actions directly or indirectly supporting acts of genocide.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Tennessee (Mr. TANNER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I rise in strong support of this resolution, and yield myself as much time as I may consume.

Six days ago, the President imposed a new series of sanctions on the Sudanese government and its murderous leaders. The administration may have sent a stronger message a month ago, but did not. But new American sanctions, however belatedly imposed, are in place. Now the rest of the civilized world must respond. Strong sanctions represent a crucial bridge in efforts to force the regime in Khartoum to give up its reprehensible program of genocide in Darfur. But it is now readily apparent that we can only cross that bridge with the help of China.

Time and again, we have witnessed national interests taking precedence over the destruction of people's lives, their society and their culture. China, purely for economic interests, in our opinion, has stood firmly in the way of a robust international response to the Darfur genocide.

It has been 3 years since this Congress declared that the unfolding atrocities in Darfur constitute genocide. Yet, since it began, China has acted as a shield for Sudan against international criticism and tough sanctions at the United Nations.

In spite of unimpeachable evidence of genocide and other atrocities, China has continued as Sudan's largest trading partner and the main foreign investor in its oil sector.

China's sales of arms and military equipment to Khartoum is even more disturbing. But China has taken it one step further by actually blocking efforts to send international forces into Darfur.

Several countries have been resistant. But among the states unwilling to support a robust civilian protection operation to stop the genocide, China assumes a unique culpability because of its influence, its permanent seat on the U.N. Security Council, and its role in Sudan.

In 2004, China forced the Security Council to water down an oil sanctions resolution and threatened it would veto any future resolutions sanctioning Sudan.

China shielded Khartoum against international sanctions while the Sudanese military drove tens of thousands out of their communities and oil regions just to speed exploration.

In 2006, China explicitly argued to the Security Council against a peacekeeping deployment to Darfur, arguing that it could not support the resolution because Sudan's government was not yet ready to accept U.N. peacekeepers on its soil.

Not only did China oppose the deployment on behalf of Sudan, its Ambassador lobbied hard for the Russians to take the same position. Only under relentless international pressure, with the actress Mia Farrow and others raising the specter that the upcoming Beijing Olympics will become the "Genocide Olympics," has China finally begun to take a few small, constructive steps in the right direction on Sudan.

If we are going to save lives in Darfur, it is imperative that we keep the pressure on China to force Sudan to end the atrocities, resume peace talks and bring resolution to the horror known as Darfur.

This very important resolution calls on China to condemn explicitly the atrocities in Darfur, to cease military arms sales, to suspend economic cooperation with Sudan and use its influence to urge President Bashir to comply with full and immediate deployment of the African Union peacekeeping force.

It also calls on all parties to the conflict to adhere to the ceasefire agreement and allow unfettered access by humanitarian workers to those in need. It's a clear signal to China and Sudan that their relationship cannot and will not withstand the glare of international scrutiny.

Unless it wants to permanently scar its reputation, China must act as a responsible world power and use its influence to stop this now.

I therefore urge passage and commend the author, my friend and colleague, Congresswoman BARBARA LEE, for her tireless leadership on the Darfur issue.

Let me also thank our majority leader, STENY HOYER, for his consistent and effective efforts to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 422, which calls on the government of the People's Republic of China to use its unique influence and leverage to stop genocide and violence in Darfur.

I wish to thank my colleague from California, Ms. BARBARA LEE, for introducing this important measure, and for all of the cosponsors who she has gathered and their strong and steadfast support of efforts to halt the humanitarian disaster which continues to unfold daily in Sudan.

I had the honor of traveling to the camps of the internally displaced persons in Darfur with Ms. LEE, and I thank her for her courageous leadership in this effort.

In July 2004, as my good friend from Tennessee stated, the House boldly declared that genocide was occurring in the Darfur region of western Sudan. Nearly 3 years later, the bombing, rape and murder continue.

Hundreds of thousands of people have been killed, and more than two million people have been forced from their homes by marauding militias and a callous government bent on total destruction.

And while I'm encouraged by the leadership of our United States Government and attempts to end this carnage, I cannot help but feel a profound sense of frustration. Where is the rest of the international community?

The U.S. Government has provided vital support for the African Union, the United Nations peacekeeping forces. We've led diplomatic efforts to find a political solution to the crisis. We've donated over $2.6 billion in humanitarian assistance for Darfur and Chad since 2005.

And just last week the President announced that he would impose tough additional sanctions against key individuals and businesses linked to human rights abuses in the region. Included among those businesses were five major petrochemical companies owned or controlled by the Sudanese regime, and an air transport company transferring arms to fighters in Darfur.

President Bush also announced that he had directed the U.S. Permanent Representative to the U.N. to seek passage of a Security Council resolution which would sanction the regime in Khartoum, expand and extend the arms embargo and impose a no-fly zone over Darfur.

These measures have been characterized as unhelpful by some, including the Sudanese regime's representatives here in Washington, as well as by Chinese officials.

And it's no wonder, Mr. Speaker. As the resolution before us indicates, China purchases up to 70 percent of Sudan's oil. It has $3 billion invested in the energy sector in Sudan, and it has exported at least $24 million in arms and ammunition and another $59 million in aircraft equipment to Sudan.

This continues, despite the Sudanese regime's insistence that it can use these funds and equipment for military operations in Darfur; that is, to continue the carnage against Sudanese civilians there.

Regrettably, the Chinese leadership appears unwilling to sacrifice its economic interests in Sudan for the sake of humanity. This is unacceptable, and it is also no surprise.

Beijing must take immediate steps to prevent further death, misery and destruction by compelling the regime in Khartoum to end these atrocities.

□ 1610

This means suspending economic cooperation with and stopping all military equipment sales to Sudan until the Sudanese regime stops its assaults on civilians in Darfur, allows the deployment of U.N. peacekeepers, disarms militias, and brings all rebel groups and high-level diplomats together to negotiate a political solution.

Through this resolution we are challenging China as well as other countries who have influence in Sudan to stand with the United States at the United Nations and press for immediate deployment of a robust peacekeeping mission in Darfur as authorized by Security Council Resolution No. 1706. We call on them to support and enforce a rigorous, multilateral sanctions regime against those individuals and businesses which are complicit in genocide. If China and other nations with influence in Sudan choose to look the other way, then we should reevaluate our relationship with those governments. It should be made clear that governments allied with Khartoum are complicit in a war on civilians and the immeasurable human suffering occurring in Darfur.

I strongly support Ms. LEE's timely resolution, and I take heart in the moral strength that has been demonstrated by this administration, this body, and the American people.

The people of Darfur have known too much suffering with the leaders of the world showing too much procrastination and China showing far too much negligence. The time for action is now. It is long overdue, Mr. Speaker.

I thank the gentlewoman from California for introducing this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I am pleased to yield 5 minutes to the author of the resolution, Ms. BARBARA LEE of California.

Ms. LEE. Mr. Speaker, let me thank the gentleman from Tennessee for yielding, for his leadership and support to end the genocide in Darfur, and also let me just thank our chairman, Congressman LANTOS; our ranking member, ILEANA ROS-LEHTINEN of the Foreign Affairs Committee; and Chairman PAYNE and the ranking member of the Africa subcommittee, Mr. SMITH, for their leadership on the issue of Darfur and for working together to make sure that all of our efforts here continue to be bipartisan. We have over 128 cosponsors of this resolution today.

Again, thank you to Congressman JERRY MORAN of Kansas and also Congressman JIM MCGOVERN of Massachusetts and to all of our staff.

This is a mission that we are all on. Many of us have visited on several occasions, and each time we visit Darfur we come back recommitted and rededicated to do what we can each and every day to end this horrific genocide.

Thirteen years ago, the world stood by as nearly 1 million people, 1 million people, were slaughtered in the genocide in Rwanda. The best our country could do then, unfortunately, was to apologize for our failure to act, and that was after the fact. Many of us swore that another Rwanda would never happen again on our watch. But today, Mr. Speaker, it is happening again.

Nearly 3 years ago, under the bold leadership of our good friend, Chairman DONALD PAYNE, on July 22, 2004, Congress formally declared that genocide was taking place in Darfur. Estimates indicate that nearly 450,000 people have been killed, and 2.5 million innocent civilians have been displaced to date.

I witnessed this ongoing tragedy for the first time in 2005 when I visited the refugee camps in Chad and Darfur with two great humanitarian leaders, Don Cheadle and Paul Rusesabagina, this delegation led, again bipartisan, by Chairman ED ROYCE. In February, 2006, under the leadership of our great Speaker, Congresswoman NANCY PELOSI, I had the opportunity once again to visit the refugee camps in another region of Darfur. This again was a bipartisan delegation. And just this past April, along with my colleague Congresswoman ILEANA ROS-LEHTINEN, we visited another region in Darfur as part of this visit organized by our majority leader, STENY HOYER.

As Congresswoman ROS-LEHTINEN has said, what we saw in Darfur, of course, is continuing to deteriorate. More and more people are dying, and even humanitarian aid workers are at risk. The day before our delegation arrived, five soldiers from Senegal were killed in Darfur, African Union soldiers there to protect innocent civilians.

Unfortunately, for many Darfurians the situation remains grim. Last week, many of us expressed our support for the President's announcement of additional sanctions on businesses controlled by the government of Sudan and on individuals in the Sudanese government. Today, we take another step forward by calling on the Chinese to use their unique influence with Sudan to end the genocide.

Mr. Speaker, there is no way to sugarcoat this. China is the principal trading partner of a genocidal regime that has thumbed its nose at the international community. China reportedly purchases as much as 70 percent of Sudan's oil and has cancelled over $100 million in debt and has provided $20 million in funding to build a palace for General Bashir. China unquestionably has the unique ability to influence Khartoum in a positive manner, but they cannot do so by simply following a policy of appeasement. They must put real pressure on General Bashir to comply with all U.N. resolutions and fully, unconditionally accept the U.N.-AU peacekeeping mission. And they must urge Sudan to pursue a renewed peace process with all parties, and they must insist that humanitarian organizations have unfettered access to the 2.5 million people who have been displaced.

Most importantly, they should deny Bashir the tools to continue perpetrating the genocide by cutting off, and I mean cutting off, all military arms sales and suspending economic opportunities and cooperation with the government of Sudan.

The economic costs to China for taking these steps today is minimal compared to the benefit they would achieve if they would provide to the people of Darfur an end to the genocide and the international acclaim that China could win by helping to end the genocide.

I urge our Chinese friends not to view this resolution as a condemnation but to view it as an opportunity to take action to end an urgent moral and humanitarian crisis. So we are urging the Chinese government to act, and our own steps must increase to stop this horrific and unbelievable tragedy occurring on our watch.

Mr. Speaker, I want to thank all of the Members here who are speaking in support of this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to Judge POE of Texas, a distinguished member of our Foreign Affairs Committee.

Mr. POE. Mr. Speaker, I want to thank Ms. ROS-LEHTINEN for yielding time.

Sudan is responsible for the genocide in Darfur. "Genocide" is a fancy term, Mr. Speaker, that means organized murder by a government. The violence has displaced over 2 million people, and it has claimed at least 500,000 lives. President Bush has announced tougher sanctions on businesses and individuals dealing with the government of Sudan, but the perpetrators of evil are also propped up by China.

Seventy percent of Sudan's oil goes to China, and loads of Chinese arms regularly find their way to these demons of the desert. No wonder China is road-blocking change in Sudan. It is all about money and who gets it.

Though the Chinese have appointed envoys, they haven't done anything to pressure the Sudanese to stop murdering their own people. I think it is safe to say, Mr. Speaker, that as long as China continues to prop up the evil in Sudan, the Chinese government is complicit in this atrocity; and I don't think it is too much to ask Congress, in the name of basic human rights, to demand that China use its influence in Sudan to help stop the genocide. That is why I am proud to cosponsor this resolution offered by the gentlewoman from California (Ms. LEE).

Mr. Speaker, the Chinese have an opportunity to show the world that they care about innocent people and take this blemish off of their historical record. It is in their best interest, not to mention the best interest of the victims of Darfur, that they pressure Sudan to stop the killing of their own people.

Mr. TANNER. Mr. Speaker, I would now like to yield 2 minutes to Ms. SHELLEY BERKLEY of Nevada.

□ 1620

Ms. BERKLEY. Mr. Speaker, I rise today as a proud cosponsor of this important legislation.

Everyone in this body knows about the atrocities being committed in Darfur. Congress has already labeled them a genocide, and the administration followed suit shortly thereafter.

Last year, we passed the Darfur Peace and Accountability Act, which seeks to give teeth to our declarations and clamp down on the Sudanese government. And yet, despite all of this activity, the horrors continue. The Sudanese regime still has not gotten the message that the United States is serious about stopping the bloodshed.

Many countries continue to view the situation as "business as usual." China is the largest foreign investor in Sudan and continues to provide the Sudanese blood-soaked government with interest free loans. They are even engaging in arms sales, despite the clear evidence of massacre, rape, destruction, displacement and genocide.

Mr. Speaker, if we are serious about stopping the bloodshed in Sudan, we cannot allow business to continue as usual. The Chinese government and governments throughout the world need to start getting the message: If you continue to invest in murderous, blood-thirsty regimes, if you continue to invest in Sudan, there will be consequences, there will be very serious consequences.

I urge support for this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I am now pleased to yield 4 minutes to a leader in worldwide human rights efforts, Mr. SMITH of New Jersey.

Mr. SMITH of New Jersey. I thank my good friend and colleague for yielding.

Mr. Speaker, I would like to thank Ms. LEE for introducing H. Res. 422, which calls on the government of the People's Republic of China to use its unique influence and economic leverage to stop the atrocities being committed in Darfur.

This measure builds on numerous steps that this Congress and the United States Government, through the White House and the executive branch, have taken over the past several years to call a halt to the relentless killings, rapes and displacement of the innocent men, women and children in that region.

Mr. Speaker, it is very clear that Sudan's soil has been soaked in the blood of innocent people. Sudan has not suffered just one, but two genocides. Everybody will recall that in southern Sudan, some two million people were slaughtered by the Bashir government; another 4 million people were displaced.

When President Bush came into office, he announced that Senator Danforth would become our special envoy, and very vigorous and robust efforts were made to try to stop the killing in southern Sudan. We succeeded. But after a short period of time new hostilities broke out in the Darfur region in 2003, in February, and the blood-letting was beginning again. Darfur is now the second genocide that has occurred in Sudan.

I think we should note for the record that no other nation on Earth has done as much as the United States to stop the genocide. Most of the food and the medicines at the refugee camps that my colleagues and I have all visited, looked in the eyes of so many people who have suffered so much, has come from the U.S. taxpayer. I think that should give us some sense of meaning that we have played a significant role in alleviating at least some of this suffering.

Just last week, President Bush announced the expansion and tightening of economic sanctions against the Sudanese government. These sanctions include the barring of 30 more companies owned and controlled by the government of Sudan from the U.S. financial system, and it is a crime for Americans to knowingly engage in businesses with these companies.

It is apparent, Mr. Speaker, that more can and must be done by other members of the international community to address these crimes against humanity. A primary culprit is the complicity in this genocide by the People's Republic of China. Instead of joining the international community in calling an end to the genocide, China has served as enabler-in-chief to the atrocities that continue to take place in Darfur. Not only has the Chinese government provided Bashir with funds and weapons, about over $90 million worth in 2005 alone, but it has lavished him with gifts and a false sense of legitimacy. The money and the weapons that Sudan has received from China has made the Chinese government absolutely complicit in these crimes against humanity.

And now we see China's thwarting or attempting to thwart a U.S.-led effort at the U.N. Security Council for a resolution that would impose extended international arms embargo and new sanctions against the Sudanese government. According to Reuters last week, the Chinese Foreign Ministry spokeswoman said, "New sanctions against Sudan would only complicate the issue. China appeals to all parties to maintain restraint and patience."

I would urge this spokeswoman and all Chinese officials to go to Darfur and again look into the eyes of those who have suffered, look in the eyes of at least some of the 2 million people who have been displaced from their homes, look into the eyes of some of the families, the survivors of the 450,000 that have been killed and say, "let's look for patience and restraint."

China has covered itself in shame. It has enabled two genocides, southern Sudan and now in Darfur. Still, because so many victims are going to be suffering today and tomorrow and the next day, we appeal to the Chinese government, Mr. Speaker, to join us as peacemakers in that troubled region.

Mr. TANNER. Mr. Speaker, I am pleased to recognize Mr. STEVE ISRAEL from New York for 2 minutes.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman from Tennessee, and I rise in support of this very important resolution.

I want to thank the sponsor of this resolution, the gentlewoman from California, not only for authoring it, but for working with me several weeks ago on an amendment that passed by a bipartisan margin in the House of Representatives to send a message to the leaders of Sudan that we will not tolerate genocide and in fact we will explore the upgrade of the Abeche airbase, which is located 100 miles from the border in Chad.

This is a very important resolution. I rise in support of this resolution today because too few people rose in support of those from my faith who were victimized by a holocaust in the 1930s and 1940s.

When I came to this body, Mr. Speaker, I made a vow that I would stand up and oppose and fight against and speak out against any genocide, and speak out against any power that was wittingly or unwittingly empowering or assisting in a genocide, which is what brings me to the floor today.

I was recently in China just 2 months ago engaging the Chinese government on a broad range of energy security issues. China has one of the world's fastest growing economies, arguably the world's fastest growing economy. By the year 2030, it will have more cars on its roads than we have on our roads. It is expanding its defense budget. China can be an important partner with the United States in leading the world, but with that role in leading the world comes a responsibility not to empower, not to assist any kind of genocide. It is time for the leadership of China to stand up with our democracy and say no to the genocide that is occurring in Darfur, and China has a critical opportunity to do that. They purchase 70 percent of Sudan's oil. They invested over $10 million in the Sudanese energy sector over the last two decades. They are the main supplier of arms to Sudan with $83 million exported there in 2005.

Mr. Speaker, we want to work with China. We want to engage China. We want to work with China to lead the world in a constructive way on stability and peace and economic development and environmental stewardship, but China needs to show the world that it is willing to engage those who are perpetrating a genocide, to draw the line and say it will not be tolerated. That is precisely what this resolution does. I am very pleased and proud to support it.

I thank the gentlewoman from California again for her leadership, and I will continue, with my colleagues on a bipartisan basis, to stand up and speak out when genocide is committed, or against those who assist in the commission of a genocide.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield such time as he may consume to Mr. GOODLATTE of Virginia, with whom I had the honor of traveling to Darfur on Ms. LEE and Mr. HOYER's trip to that area recently.

Mr. GOODLATTE. I thank the gentlewoman, and I thank her for her leadership on this issue.

Mr. Speaker, earlier this year I had the opportunity to travel with Congresswoman ROS-LEHTINEN, Majority Leader HOYER and other members of a bipartisan congressional delegation to the war-torn nation of Sudan and see firsthand one of the worst humanitarian crises in recent times.

As a Nation dedicated to freedom and the rights of the individual, the United States has a responsibility to speak out when those rights are violated. While in Darfur, we saw directly the atrocities in this besieged nation. We toured the Alsalam Internally Displaced Persons Camp, where 47,000 people seeking food, water and safety live in crowded, deplorable and often still unsafe conditions.

□ 1630

This is one of nearly 100 such camps which collectively have more than 2 million people. They live in small, makeshift twig huts, many only the size of a pup tent. On numerous occasions, the IDP camps themselves have been attacked. And this is just one of many examples of the deplorable situation in Darfur.

There is no doubt that the ongoing crisis in Darfur has led to a major humanitarian disaster. We along with the rest of the world must band together to bring change to this horrible situation. Next year the world will join together to celebrate the Olympic Games. The Olympic spirit brings together nations and people from all over the world in a spirit of peace. The People's Republic of China as the Olympic host country has a profound responsibility to ensure that spirit of peace will be celebrated throughout the games. However, I am deeply worried that this spirit will be deeply compromised due to China's implicit acquiescence to the atrocities being committed in Darfur.

The People's Republic of China has a deep relationship with Sudan and has substantial economic investment there. China's connection to Sudan, a country that supports the genocide of its own people, is troubling and seriously undermines the spirit of the Olympic Games.

There is no question that China is in a position to help improve the situation in Darfur. As an economic partner to Sudan, China must use all means possible to help bring an end to this genocide. As they seek to host the world, they must show the true extent of their leadership and call for an end to this genocide.

House Resolution 422 rightfully calls on the People's Republic of China to end military and economic assistance to Sudan until Sudan ceases attacking civilians and promotes the humanitarian and peacekeeping efforts going on in Darfur in its own country. I urge my colleagues to support this resolution and call on China to fully support the Olympic spirit by calling on Sudan to end the genocide in Darfur.

While I have never seen anything like what I saw in Darfur, the situation is not completely hopeless. The humanitarian assistance the United States is providing is helping millions of people in desperate circumstances. But we must continue to do more and we must urge the international community to join with us to bring an end to the genocide. Mr. Speaker, I look forward to continuing to work with my colleagues in a bipartisan spirit to bring an end to this international crisis.

Mr. TANNER. Mr. Speaker, I now am proud to yield the floor to Mr. GEORGE MILLER from California for 2 minutes.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and I thank all of my colleagues who have spoken on this resolution and certainly to BARBARA LEE, my colleague from California, who has been such a not only supporter and the author of this resolution but all of our efforts to change the situation in Darfur.

I had the honor to accompany Congresswoman LEE and our Speaker to Darfur a year ago February and saw the incredible devastation and the brutality and the genocide that is taking place there and vowed to do whatever I can to see if we can change it. I have been wearing this green band to save Darfur for over a year and a half. But this band will not save the people of Darfur, all of my constituents, thousands of my constituents who have marched throughout the Bay area, who have come across the country to march to save Darfur will not save Darfur. What will save Darfur is the nations of the world owing up to their responsibility to reject this genocide, to stop this genocide, to stop this holocaust against these people and get the government of Sudan to do so.

Of course today we are here to call upon the nation of China to owe up to its responsibilities, given its huge influence, its economic influence, its military influence, its resource influence in Sudan, to use that influence to get the government of Sudan to start to sit down and to negotiate with all of the parties to end the arms trade that is taking place, to stop the economic engagement until such time as these people in Darfur are once again made safe, until these people in Darfur are once again allowed to return to their villages, to their families and start to put their lives back together and to end the genocide. That's what is necessary to be done.

My colleague Mr. GOODLATTE referred to the Olympics. It's hard to believe that the world is going to look upon the host of the Olympics and see there at the same time a nation that is underwriting a genocide. That is absolutely on a daily basis by its inaction and then by its positive actions underwriting and allowing the genocide to go forward. It's not that China can stop this alone, but in concert with the rest of the nations of the world that have called out for an end to this genocide, to take actions against the economic activity and the military activity in Sudan.

Congresswoman LEE has pushed the effort of divestiture that has been followed up in many States and cities and universities and other entities. This has got to continue to stop the genocide that now so many of my colleagues have witnessed firsthand on those terrible, terrible visits to Darfur where we see the worst of humanity and the violence against these individuals and their families and their children. It has got to stop. I want to thank my colleagues for bringing this bipartisan resolution to the floor to help us try and end the genocide in Darfur.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, may I inquire how much time we have?

The SPEAKER pro tempore. The gentleman from Tennessee has 5 minutes.

Mr. TANNER. I am pleased to yield to the author of the resolution our remaining time.

Ms. LEE. Let me thank the gentleman once again for yielding and would like to thank so many of our young people from around the country who have been nonstop in their work to end the genocide. Also, I would like to thank and recognize and salute the faith community, because this has been a movement to save Darfur by young people in the faith community. I would just like to mention a few of the organizations that have been unbelievable and unrelenting in their commitment. The Save Darfur Coalition, and my colleague from California referred to our arm bands, Not on Our Watch, Save Darfur. The Sudan Divestment Task Force. The American Jewish World Service. STAND, which is the Student Anti-Genocide Coalition. Dream for Darfur. Genocide Intervention Network. ENOUGH: The Project to End Genocide and Mass Atrocities. These are examples of the type of organizations at the grassroots level that have been working day and night to help us here in the House of Representatives understand our focus and what we need to do as a country to join hands to end this horrible massacre that is taking place.

I just want to once again thank Congresswoman ILEANA ROS-LEHTINEN, Chairman LANTOS, Mr. TANNER from Tennessee and especially once again Congressman DON PAYNE for beating the drum, oftentime being a lone voice in the wilderness, but making sure that the rest of the world knew that it is incumbent upon the United States Government to lead to end this genocide and to say again to our country, to the world, not on our watch will this take place. And today we are taking one more step closer to bringing the world together to ask China to join with us, as Congressman GEORGE MILLER said, to stop underwriting this genocide that is taking place and to come together now with people and countries of good conscience who stand together to say to General Bashir and the Sudanese government to stop this carnage, to allow the people of Darfur to return home to their villages. They want to go home. They want to go live their lives and raise their children. We want the international forces, the U.N. forces, to go in and to help protect the refugees and to help the AU forces to make sure that people are protected until they can go home. And, of course, finally to find a long-term political solution.

A month ago we called upon the League of Arab Nations to do the same thing. And so it's time that the world stand together and say, no more. It's time that we stand together and say to the people of Darfur that hope is coming and that 450,000 people should not have been tolerated, but we don't want to see another single death occur as a result. China has got to help us do this. And so today we are asking the Chinese government in the spirit of cooperation to help stop this genocide that is taking place.

Mr. MCGOVERN. Mr. Speaker, a little over a year ago, Chairman LANTOS and I protested in front of the Sudanese Embassy about the continuing genocide in Darfur. I'm privileged to say that I've shared jail time with the distinguished gentleman from California.

I also want to thank Congresswoman LEE for her leadership on this issue, and I'm honored to be an original cosponsor of this bill.

Mr. Speaker, others have already described the terrible humanitarian crisis affecting the civilian population of Darfur. Crimes against humanity are committed on a daily basis. President Bush and the Congress have determined the systematic killings and deprivations in Darfur constitute acts of genocide.

These serious matters demand a sustained, multilateral response by the United States and the international community. Together, we must pressure the Government of Sudan to stop the killing, stop the arming and support of proxy militias, and negotiate and implement a just and lasting peace.

Key to the success of such a strategy is the active support of Sudan's major economic and political partners: China, Russia, Malaysia, Egypt and India.

China is Sudan's largest economic partner and its largest provider of military arms and equipment.

China can play a significant, perhaps even decisive, role in ending the genocide in Darfur and convincing Khartoum to negotiate a lasting peace accord.

But will it?

China has taken some steps in the right direction. It supported the deployment of a joint United Nations-African Union peacekeeping force, and recently appointed a special envoy to Darfur.

But rather than condemn the violence against defenseless civilians, China's envoy cited poverty as the reason for Darfur's suffering.

Did poverty displace over two-and-a-half million people into camps, Mr. Speaker?

Did poverty force another half a million to flee the country and live in refugee camps?

I visited some of these camps in eastern Chad, Mr. Speaker. I saw first-hand how the conflict in Darfur is destabilizing Sudan's neighbors.

Did poverty burn Darfur's villages to the ground, poison water wells, rape women, murder men, and leave children to die of hunger and thirst?

No, Mr. Speaker. The regime sitting in Khartoum has orchestrated and condoned these actions.

This resolution asks China to acknowledge this violence and use its influence to stop the death and destruction taking place in Darfur.

To stop selling military arms and equipment to Sudan.

To exercise its considerable economic leverage by suspending its economic ties until Khartoum stops the killing, complies fully with U.N. Security Council resolutions, and enters good faith negotiations to end the fighting in Darfur.

Next year, China will host the 2008 Summer Olympics. It has chosen as its theme for the Games a motto filled with hope: "One World, One Dream."

But life in Darfur is no dream, Mr. Speaker. It's an unspeakable nightmare.

China has the ability to change that reality.

It is, as always, Mr. Speaker, a matter of political will.

Is China's so-called dream for the world nothing more than a paper banner carried around by a cute and cuddly mascot?

Or does China genuinely want to play a responsible role in world and human events and help stop the genocide in Darfur?

We are watching, Mr. Speaker.

The world is watching, Mr. Speaker.

I urge my colleagues to support H. Res. 422.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H. Res. 422, which calls on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan. I traveled to Darfur in February 2006. I will never forget what I saw, nor will I relent in my work to end the ongoing genocide.

China, if it chose to, could play a critical role in ending the genocide in Darfur. The President's Special Envoy to Sudan, Andrew S. Natsios, has said that "China's substantial economic investment in Sudan gives it considerable potential leverage, and we have made clear to Beijing that the international community will expect China to be part of the solution." China has a close relationship with the Government of Sudan, economically and militarily. It purchases 70 percent of Sudan's oil. China has agreed to cancel nearly $100 million if Sudan's debt to the country, and it has invested over $10 million in the Sudanese energy sector over the last two decades. China, already the main supplier of arms to Sudan with $83 million exported there in 2005, recently agreed to cooperate more closely militarily "in every sphere."

With this resolution we are asking China to acknowledge and condemn the violence taking place in Darfur, Sudan. Additionally, we are calling on China to cease all military arms and equipments sales to Sudan. Finally, we are strongly encouraging China to suspend economic ties to Sudan until the Government of Sudan stops attacking civilians, complies with U.N. Security Council resolutions, and enters into peace negotiations with rebel groups. China has the ability to end the genocide and horror. I hope it chooses to act immediately.

Mr. Speaker, I encourage all of my colleagues to support this important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 422, calling on the People's Republic of China to use their influence and economic leverage with the Government of Sudan to stop the genocide and violence in Darfur. I am proud to join a large number of my colleagues, from both sides of the aisle, in cosponsoring this important legislation.

Mr. Speaker, we stand in serious risk of allowing the ongoing slaughter in Darfur to become one of the blackest marks on humankind's history. This is absolutely unacceptable. It has been nearly 3 years since we in Congress declared that "the atrocities unfolding in Darfur, Sudan, are genocide," a sentiment that has been repeated only recently by President Bush, who went on to say "we have a moral obligation to stop it." Congress has been outspoken in expressing a bipartisan consensus of disgust at the atrocious human rights abuses committed in the western region of Sudan.

Genocide in Darfur continues to play out on our watch. Current estimates put the death toll at 450,000 people, with an additional two million driven from their homes and livelihoods into wandering uncertainty or refugee camps. More than 3.5 million people within Darfur are currently entirely reliant on the international community for the crucial aid that might enable them to survive.

Some valuable foundations have been laid. The 22,500-strong U.N. peacekeeping mission authorized by United Nations Security Council Resolution 1706 is absolutely necessary to boost the brave but struggling African Union forces already in the region. These U.N. soldiers must be deployed immediately in Sudan, and given unimpeded access to the Darfur region. We must continue to press this issue until U.N. boots are actually on the ground in Darfur.

To do this, we must step up pressure on China. As the principle export destination of Sudanese oil, China is complicit in the genocide perpetrated by the Sudanese government. However, the immense economic and diplomatic weight wielded by the Chinese government could be used to great effect in ending the killing in Darfur, if applied to that end. It remains my hope that China may be persuaded to provide the type of constructive leadership in Sudan befitting a great power.

To this end, this resolution strongly urges China to acknowledge and condemn the atrocities in Darfur, to cease all military arms and related sales, to suspend economic cooperation with the Government of Sudan, and to work to positively influence the Government of Sudan to achieve a number of specific objectives, including the full compliance with Security Council Resolutions.

As China prepares to host the 2008 Summer Olympics, I believe we should expect China to work to live up to its own Olympic slogan: "One World. One Dream." The time for admirable speeches and impassioned rhetoric, valuable though these are, has passed. The people of Darfur need definitive action and decisive leadership, and they need it now. Now is the moment to seize upon bipartisan common ground, and to work together to respond actively, to fulfill our humanitarian promises, and to finally help bring an end to this shameful chapter in human history. This bill is an important, definitive, and imaginative step toward this goal, and I commend my colleague for introducing this bill.

Mr. Speaker, Darfur continues to burn on our watch. Since the genocide began, we have commemorated both the 60th anniversary of the liberation of Auschwitz, and the 10th anniversary of the Rwandan genocide with candles and powerful speeches of regret. We have expressed a bipartisan consensus against the genocide, and yet it continues.

Though we in Congress are currently faced with a number of important and pressing issues vying for our attention, Darfur must be made a priority, and it must remain so until the genocide has ended. I strongly support this bill, and I urge my colleagues to do so as well.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 422.

This resolution aims at encouraging the People's Republic of China to use its influence as one of Sudan's chief purchasers of oil to place pressure on the Sudanese government to improve the conditions for the people in the Darfur region and allow humanitarian organizations to enter the region and assist the people of Darfur.

The underlying basis for the conflict in the Darfur region is difficult to define. Some scholars describe it as a conflict between Arab and African cultures, although this is a simplistic view. Whatever the foundation of the conflict, the Nile Valley region (the area around the Darfur region in Sudan), has had cultural conflicts dating as far back as the fourteenth century.

The current conflict in the Darfur region of Sudan places the Sudanese military and the Janjaweed militia against rebel groups, including the Sudan Liberation Movement and the Justice and Equality Movement. The Sudanese government, while denying its support for the Janjaweed militia, has nonetheless provided funding and weapons to the Janjaweed.

Because of this military conflict, humanitarian aid groups have been unable to reach most parts of the Darfur region. Further, journalists have been prevented from entering the region by the Sudanese government, thus ensuring that many of the atrocities occurring in Darfur go unreported.

U.N. officials have estimated that over 400,000 Darfur residents have died since the conflict began, many due to starvation. Further estimates put the number of residents displaced from their homes at over 2 million.

It is important that the United States look to any means available to quell the atrocious acts occurring in Darfur. As a leading arms dealer to the country of Sudan, The People's Republic of China is uniquely situated to encourage the Sudanese government to accept the decisions of the United Nations with regard to helping the inhabitants of the Darfur region.

As China readies itself for the spotlight on the world stage at the 2008 Beijing Olympics, it is important that China, along with the rest of the world, step up its influence on the Sudanese government and ensure that the atrocities and human rights violations taking place in the Darfur region are put to an end.

I encourage my colleagues to support this resolution.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to join my colleagues in support of ending the genocide and violence in Darfur, Sudan.

For far too long, the international community has paid inadequate attention and devoted insufficient resources to stopping the crisis in Darfur. Although the problems of Sudan lay a long way from our homes, we have learned from the Holocaust in Europe, as well as ethnic cleansing in Yugoslavia and genocide in Rwanda, that an assault on humanity anywhere is an assault on humanity everywhere. We cannot continue to ignore this genocide without diminishing our own humanity.

As a member of the House Committee on Foreign Affairs, I am committed to bringing security and relief to the people of Darfur. I have led efforts to encourage state, local, and university divestment of funds from companies that conduct business operations in Sudan. And now I join my colleagues in urging China to do the same.

Given its economic interests throughout the region, China has a unique ability to positively influence the Government of Sudan to abandon its genocidal policies and to accept the United Nations' peacekeeping mission. To be accepted as a responsible player at the world's diplomatic table, China must end all military and economic assistance to the government of Sudan until Sudan stops overt and covert support for attacks on civilians and engages in meaningful peace negotiations.

All members of the international community share a moral obligation to end to the human suffering in Darfur. The situation is dire, but I am confident that we can all do our part to help stop this genocide and bring peace and stability to millions of innocent men, woman, and children.

Calling on the People's Republic of China to use its influence to help stop the genocide in Sudan is the right thing to do. That is why I urge my colleagues to vote "yes" on H. Res. 422.

Ms. WATERS. Mr. Speaker, I rise to support H. Res. 422, which calls on China to use its leverage with the government of Sudan to end the genocide in Darfur.

The ongoing genocide in the Darfur region of Sudan already is believed to have caused the deaths of almost half a million people. More than 200,000 people have been killed by Sudanese Government forces and armed militias since 2003, and another 200,000 people have died as a result of the deliberate destruction of homes, crops and water supplies and the resulting conditions of famine and disease. Over one-third of the population of Darfur has been displaced, and the United Nations estimated that almost 250,000 people have been displaced in the past 6 months alone, due primarily to government-sponsored militia attacks.

China, unlike most nations in the international community, has cultivated a close relationship with the Government of Sudan. China maintains close military ties with Sudan and purchased almost $2 billion worth of Sudanese oil last year. China also has cancelled $100 million in Sudanese debt and provided an additional $20 million to finance the construction of a presidential palace in the capital city. As a result, China is in a unique position to put pressure on the Government of Sudan to stop the violence in Darfur. So far, it has failed or refused to do so.

This resolution urges China to acknowledge and condemn the atrocities in Darfur, cease all weapons sales to Sudan, and suspend economic cooperation with Sudan. The resolution also urges China to use its leverage to influence the Government of Sudan to: comply with United Nations Security Council Resolutions providing for disarmament of militias in Darfur and deployment of a full-scale peacekeeping force; participate in peace negotiations to secure a legitimate peace agreement between all parties; and improve working conditions for humanitarian organizations operating in Sudan and ensure they have access to the 2.5 million people displaced by this genocide.

I urge my colleagues to support this resolution, and I urge China to join with the international community and take a stand against genocide in Darfur.

Mr. WOLF. Mr. Speaker, I rise today in support of H. Res. 422, which calls upon the Government of the People's Republic of China to use its unique influence and economic leverage to stop the genocide in Darfur.

The violence in Darfur grows more gruesome by the day. I led the first congressional delegation to Darfur in 2004 with Senator SAM BROWNBACK, and I have personally witnessed the nightmare there with my own eyes. Every day that passes, more men are killed, more women are raped, and more children die of malnutrition. This is simply unacceptable.

The people in Darfur have lost their homes, their livelihoods, their loved ones. They have seen unspeakable horrors, carried out by the genocidal National Islamic Front in Khartoum and their cruel compatriots, the Janjaweed militia.

The U.S. and the international community have made strong efforts to halt the violence in Darfur, and have provided significant levels of humanitarian support to the victims of this genocide. However, these efforts have largely failed to stop the NIF's desire to complete their campaign in Darfur.

The Chinese Government's destructive role in the region is partly to blame for the continuing violence in Darfur. A recent Amnesty International report showed that China is making the conflict worse by providing weapons to the Sudanese Government to carry out the genocide in Darfur.

When President Hu visited Khartoum in February, instead of using his influence to persuade Sudanese President Omar al-Bashir to stop the violence in Darfur, he promised to build Bashir a brand new palace.

When President Hu appointed a new special envoy to Darfur, the envoy came back from the region claiming that the "final solution" for Darfur lies with removing "mistrust" between the Sudanese Government and the United States. He said the violence in Darfur is limited to sporadic conflicts along the border with Chad.

China has used its veto power on the U.N. Security Council to repeatedly obstruct efforts by the U.S. and the U.K. to introduce peacekeepers to curtail the slaughter. Beijing is uniquely positioned to put a stop to the slaughter, yet they have so far been unabashed in their refusal to do so.

China, which is a major business partner of Sudan, should be using its influence with the Sudanese Government to bring an end to the violence in Darfur. China's role in extracting oil from Sudan and maintaining close business relations with this genocidal regime are clearly more important to the Chinese Government than saving human lives.

This resolution calls on the Chinese Government to use its influence to stop the violence in Darfur. It urges China to push the Sudanese Government to accept a hybrid peacekeeping force, to disarm the Janjaweed militia, and to join the international community in imposing economic sanctions on Sudan if the government continues to support attacks on civilians.

I urge my colleagues to support the passage of this resolution. A critical part of our efforts on Darfur is pressing the Chinese Government to stop supporting the genocide there. China must begin playing a constructive role in the region.

Mr. OLVER. Mr. Speaker, I rise today in support of H. Res. 422 to call on the People's Republic of China to use its unique influence and economic leverage to halt the ongoing genocide in the Darfur region of Sudan.

As hundreds of thousands have died at the hands of government-backed militias in Darfur, China, and Sudan have cultivated a mutually beneficial relationship that provides crucial energy resources to China in return for thwarting international efforts to sanction the Khartoum government and deploy a United Nations peacekeeping force in Darfur.

China and Sudan have extensive economic, political, and military ties. China is Sudan's largest foreign investor and purchases two-thirds of Sudanese oil exports. China has sold arms to the Sudanese military and in February cancelled $80 million in Sudanese debt.

While it can do much more, China has taken some steps to alleviate the suffering in Darfur. Last November, China helped negotiate the agreement at Addis Abba which called for the deployment of a joint United Nations/African Union peacekeeping force. In May, China appointed a Special Envoy to Sudan and pledged $5.1 million in humanitarian aid to Darfur. Yet these positive steps are far outweighed by China's continuing support for the genocidal regime in Khartoum.

Unless China acts to pressure the Khartoum government into accepting a U.N. peacekeeping force, China risks having the 2008 Beijing Olympics forever known as the genocide Olympics. China must condemn the violence taking place in Darfur, halt all military arms sales to Sudan, and suspend economic ties to Sudan until the Government of Sudan stops attacking civilians, complies with U.N. Security Council resolutions, and enters into peace negotiations with rebel groups.

As China rises as a power in the 21st century, it must realize that with its increased power comes a greater responsibility to take action to stop genocide.

Mr. RUSH. Mr. Speaker, I rise today to voice my support for H. Res. 422, which calls on the Government of the People's Republic of China to use its unique influence and economic leverage to stop the genocide and violence in Darfur.

The world must be united in its call for an end to genocide. As China seeks to enter onto the world stage as a global economic and diplomatic power, the government must assume the responsibility, as well as the benefits that accompany this distinction.

China must use its close economic and military ties and advise the Sudanese government that genocide is very bad for business. Congress and the world are watching. It is imperative that China uses its power in a responsible manner and help bring a change to this troubled region.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H. Res. 422, a resolution calling on China to use its unique influence and economic leverage to stop genocide and violence in Darfur.

I would like to thank the Congresswoman from California for her dedication to human rights throughout the world and especially in Darfur.

I was pleased to be a cosponsor of this bill and pleased that this Congress will not let the ongoing genocide go unnoticed or ignored.

What's taking place in Darfur today is truly a crime against humanity. Every day women are raped, men are killed, and children face violence, hunger, and desperation.

China has chosen to continue to invest in Sudan and to prop up a government bent on murder and bloodshed. Let us be clear: Any country that supports the Khartoum government's brutality—either through monetary or military support—is complicit.

I urge the support of this resolution and call on our own administration to take immediate actions to bring an end to the genocide in Sudan.

Mr. AL GREEN of Texas. Mr. Speaker, I wish to support H. Res. 422, a resolution calling on the government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan. This resolution highlights China's inaction regarding the genocide in Darfur and I am particularly proud to be a cosponsor of this resolution.

Since the conflict began 4 years ago, 400,000 persons have been murdered and 2.5 million displaced. Thousands are still dying from the ravages of war each month in an area roughly the size of Texas. This campaign of terror in the region has been labeled "genocide" by our Government.

China is Sudan's largest trading partner and the main foreign investor in Sudan's oil industry. China National Petroleum Corporation has a 40 percent share in the international consortium extracting oil in Sudan, and it is building refineries and pipelines, enabling Sudan to benefit from oil-export-revenue since 1999. Although most Western oil companies have withdrawn from Sudan under pressure from human rights organizations, Chinese companies have turned a blind eye to the brutal way in which Sudan forced 2.5 million of its citizens from oil-rich lands without compensation. Nor have these companies shown concern that Sudan uses oil revenue to purchase arms for its wars against its population.

Mr. Speaker, countless people have spoken out against the tragedy taking place in Darfur, but now it is time for elected leaders to demand that action be taken to end this genocide in Darfur. If we fail to take action it is likely that future generations will view our inaction as complicity. I am hoping that our government will do everything in its power to stop this genocide. Additionally, it is my strong desire that the international community, including China, do everything in its power to end this genocide as well.

H. Res. 422 calls on the People's Republic of China to acknowledge and condemn the violence taking place in Darfur, cease all military arms and equipments sales to Sudan, and suspend economic ties to Sudan until the Government of Sudan stops attacking civilians, complies with UN Security Council resolutions, and enters into peace negotiations with rebel groups.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 422, a resolution calling on the government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H. Res. 422, offered by my good friend from California, Ms. LEE. This resolution urges the People's Republic of China to use its influence and economic leverage to stop the genocide in Darfur.

I recently returned from a congressional delegation to China. I understand Beijing's unique economic and diplomatic ability to pressure the Government of Sudan. For example, China has invested in Sudan's oil industry and imports Sudan's oil. China's potential veto power at the U.N. Security Council gives China important influence over the issue. Finally, as revealed in media reports, China provides military assistance to Sudan. In light of these facts, China's condemnation of the atrocities in Darfur is simply not enough. For years, despite strong condemnation from the international community, the Government of Sudan and its Janjaweed allies continue to murder innocent civilians with impunity.

China must not only acknowledge and condemn the atrocities in Darfur, it must cease all military arms and related sales to the Sudan. During my trip to China, I was told that China is taking numerous steps to press Sudan to resolve the crisis in Darfur and that the international community should not link the 2008 Olympic Games with what is occurring in the Sudan. That is why I was startled to learn a month ago of news reports claiming that arms were freely flowing from China to Sudan, including reports of Chinese jet fighters in Darfur. For example, Amnesty International has reported that Sudan imported $24 million worth of arms and ammunition, nearly $57 million worth of parts and aircraft equipment, and $2 million worth of parts for helicopters and aircraft from China. Such reports are definitely more than the "limited" assistance that Chinese officials claim is taking place.

I understand that China has taken some constructive steps and is deeply concerned about what is occurring in Sudan. I applaud China's efforts in using diplomatic means to resolve the conflict, such as the April 2007 trip of Zhai Jun to Sudan to push the Sudanese Government to accept a United Nations peacekeeping force. These steps are necessary, but in a conflict in which at least 200,000 people—some say as many as 400,000—have died and 2.5 million have been displaced, it is crucial to cut off the supply of war machinery which fuels the conflict. On my visit to China, I worked strenuously to convey that we all live together in the spirit of cooperation and friendship. As the host of the 2008 Olympics, I know the Chinese hold this belief and hope that they will continue to work together with the international community to end the violence in Darfur.

Mr. TANNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 422.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TANNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CALLING ON THE GOVERNMENT OF IRAN TO RELEASE DR. HALEH ESFANDIARI

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 430) calling on the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 430

Whereas Haleh Esfandiari, Ph.D., holds dual citizenship in the United States and Iran;

Whereas Dr. Esfandiari taught Persian language and literature for many years at Princeton University, where she inspired untold numbers of students to study the rich Persian language and culture;

Whereas Dr. Esfandiari is a resident of the State of Maryland and the Director of the Middle East Program at the Woodrow Wilson International Center for Scholars in Washington, D.C. (referred to in this preamble as the "Wilson Center");

Whereas, for the past decade, Dr. Esfandiari has traveled to Iran twice a year to visit her ailing now-93-year-old mother;

Whereas, in December 2006, on her return to the airport during her last visit to Iran, Dr. Esfandiari was robbed by three masked, knife-wielding men, who stole her travel documents, luggage, and other effects;

Whereas, when Dr. Esfandiari attempted to obtain replacement travel documents in Iran, she was summoned to an interview by Iran's Ministry of Intelligence;

Whereas Dr. Esfandiari was interrogated by the Ministry of Intelligence for seven to eight hours per day;

Whereas the questioning by the Ministry of Intelligence focused on the Middle East Program at the Wilson Center;

Whereas Dr. Esfandiari answered all questions to the best of her ability, and the Wilson Center also provided extensive information to the Ministry in a good faith effort to aid Dr. Esfandiari;

Whereas Lee Hamilton, former United States Representative and president of the Wilson Center, has written to Iranian leader Mahmoud Ahmadinejad to call his attention to Dr. Esfandiari's dire situation;

Whereas Mr. Hamilton repeated that the Wilson Center's mission is to provide forums to exchange views and opinions and not to take positions on issues, nor try to influence specific outcomes;

Whereas the lengthy interrogations of Dr. Esfandiari by the Ministry of Intelligence of Iran stopped on February 14, 2007, but she heard nothing for ten weeks and was denied her passport;

Whereas, on May 7, 2007, Dr. Esfandiari was summoned to the Ministry of Intelligence and taken immediately to Evin prison, where she was arrested and is currently being held;

Whereas Iran's Intelligence Ministry has implicated Dr. Esfandiari and the Wilson Center in advancing what it alleges is the United States Government's aim of a "soft revolution" in Iran;

Whereas Parnaz Azima holds dual citizenship in the United States and Iran;

Whereas Ms. Azima is a journalist for Radio Farda;

Whereas the Iranian Government confiscated the passport of Ms. Azima when she arrived in Iran to visit her ill mother in January of 2007;

Whereas the Iranian authorities have interrogated Ms. Azima on multiple occasions;

Whereas Ms. Azima's attorney was told in April 2007 that she would be detained in Iran for at least two years or more;

Whereas social scientist Kian Tajbakhsh was arrested in mid-May by Iranian security officials while consulting for the Open Society Institute, which runs humanitarian programs in Iran;

Whereas Mr. Tajbakhsh holds dual citizenship in the United States and Iran;

Whereas Mr. Tajbakhsh was retained by the Open Society Institute as a consultant to facilitate public health, humanitarian assistance, and urban planning projects that were undertaken openly and with the knowledge of the Iranian Government;

Whereas on May 31, 2007, a State Department spokesman announced that California businessman Ali Shakeri, who holds dual citizenship in the United States and Iran, had been arrested approximately ten days earlier;

Whereas Mr. Shakeri serves on the board of University of California at Irvine's Center for Citizen Peacebuilding, a research institution that seeks to promote reconciliation and sustainable peace in areas of international conflict;

Whereas Mr. Shakeri's arrest occurred as he sought to leave the country after having visited his ill mother, who passed away during his stay;

Whereas reports indicate that a fifth dual American-Iranian citizen, who has thus far remained anonymous, has also been imprisoned unjustly by Iranian authorities;

Whereas the Iranian Government has yet to produce evidence of wrongdoing by any of these individuals to justify its actions toward them; and

Whereas Dr. Esfandiari, Ms. Azima, and Mr. Tajbakhsh have been charged with espionage and, if convicted, face execution: Now, therefore, be it

Resolved, That Iran should immediately and unconditionally release dual Iranian-American citizens Dr. Haleh Esfandiari, Ms. Parnaz Azima, Mr. Kian Tajbakhsh, Mr. Ali Shakeri, and a fifth unnamed individual also being detained against his will, replace their lost travel documents, cease its tactics of harassment, and permit them to leave Iran.

Amend the title so as to read: A resolution "calling for Iran to immediately release five dual Iranian-American citizens currently being held unjustly.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I rise in support of this resolution and yield myself as much time as I may consume.

Mr. Speaker, just a few short months ago, a remarkably accomplished Iranian American woman, Dr. Haleh Esfandiari, made a decision that any of us would make under a similar circumstance. Her 93-year-old mother was failing and she needed to visit her in Tehran without delay. She boarded a flight to Iran, completely unsuspecting of what would unfold.

After a visit with her ailing mother, Dr. Esfandiari reached the Tehran airport. As one of the leading Middle East scholars in the United States at the highly respected Woodrow Wilson Institute, she had no reason to believe she was about to encounter trouble. But on her way to the airport, she was attacked by plain-clothed, knife-wielding thugs and her passport was stolen.

This was only the beginning of her nightmare. Iranian authorities refused to grant her a new passport. She was interrogated and put under house arrest. She was told she would not return to the United States. And the ordeal grew worse. Dr. Esfandiari, a slender woman of 67 years, has been detained without just cause ever since, under the outlandish pretense of being an enemy of Iran. And, ominously, late last month she was formally charged with espionage.

She now sits in Iran's notorious Evin Prison. She has been allowed to make but a few painfully brief phone calls to her family. She has been interrogated at excruciating length. At the height of absurdity, she has been pressured to acknowledge participation in some kind of alleged coup against the Iranian government. This type of effort at forced confession is beyond absurd. It goes to the heart of the injustice of the Iranian regime.

Despite quiet initiatives of diplomacy undertaken by many countries, organizations, and individuals on Dr. Esfandiari's behalf and frustrated by her audacious commitment to the truth, the Iranian security services have done what they know best, and that is arrest without cause.

In discussing Dr. Esfandiari's case, news articles have also cited at least four other cases of dual Iranian American citizens deplorably being detained in Iran for no justifiable reason. It is particularly worrisome that two of these detainees, like Dr. Esfandiari, have now been charged with espionage.

□ 1645

Oddly enough, what all of these five seem to have in common is a commitment to U.S.-Iranian engagement. The government of Iran has unjustly detained five American citizens without due legal process. And Mr. VAN HOLLEN's resolution today aptly expresses the serious concern we have on their behalf and our justifiable demand that they be released without delay. These outrageous arrests are indicative of the blatant excesses and obvious shortcomings of the Iranian political system, too much tyranny and too little rule of law. This is a matter of basic human rights, and we cannot allow the Iranian government to continue trampling on the fundamental liberties of our citizens in this manner.

Ten Iranian parliamentarians have recently formed a Parliamentarian American friendship group. I call on these parliamentarians and all Iranians of good will, all people of good will, to use whatever influence they have to help bring about the immediate release of all American citizens in Iran who are held so unjustly and against their will.

I commend my friend and colleague from Maryland (Mr. VAN HOLLEN) for introducing this important measure.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 430, which decries the unlawful imprisonment of dual U.S.-Iranian citizens by the regime in Tehran. As this resolution illustrates, Iranian intelligence officials have unlawfully detained, interrogated and imprisoned numerous dual U.S.-Iranian citizens, in particular Dr. Haleh Esfandiari, who works for the Woodrow Wilson International Center for Scholars.

The Iranian government incarcerated Dr. Esfandiari in Evin Prison in Tehran on May 9 of this year. However, as I noted, this is not an isolated incident by any means. The Iranian government also confiscated the passport of Radio Farda journalist Parnaz Azima, an American citizen, when she arrived in Iran to visit her ill mother in January earlier this year.

Iranian government officials have interrogated Ms. Azima and pressured her to collaborate with Iranian intelligence. Iran has also imprisoned a consultant for the Open Society Institute and a fourth American citizen who has chosen to remain anonymous and who has been unlawfully detained in Iran for 6 months.

Mr. Speaker, this cannot stand. The Iranian government's recent actions are particularly egregious in light of that regime's past involvement in the killing of Americans and its past incitement and support of the taking of 66 American citizens hostages at the U.S. embassy in Tehran on February 4, 1979, with 52 of those Americans held in captivity for 444 days.

In response, we must remain resolute in our condemnation of the Iranian regime for detaining innocent American citizens for political purposes and demand that the Iranian regime immediately and unconditionally permit all American citizens detained in Iran against their will to leave.

These threatening actions by the Iranian regime come amidst Tehran's ongoing support for Islamic militants in Iraq that are killing Iraqis and Americans alike, its arming and support for Hezbollah in Lebanon and Hamas in Gaza and its continued pursuit of nuclear capability in contempt of international demands that it suspend its enrichment activities. I therefore believe that the United States should suspend all contact with any agent, instrumentality or representative of the Iranian regime until Americans held hostage by Iran are released and other issues critical to the United States are addressed.

I strongly urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), the author of the resolution.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague from Tennessee (Mr. TANNER) for his leadership on the Foreign Affairs Committee and for our national security interests around the world, and I thank the chairman of the committee, Mr. LANTOS, and the ranking member, Ms. ROS-LEHTINEN, for their bipartisan support in sending a strong message to the government of Iran that their actions are absolutely unacceptable and to pass this legislation to immediately and unconditionally release the Americans of Iranian descent that are being held by the government of Iran.

It was on May 30 of 2007, just a few weeks ago, the day after Washington and Tehran held their high profile talks with respect to Iraq that Iran turned around and charged three Iranian Americans, one academic, Haleh Esfandiari, a social scientist, Kian Tajbakhsh, and a journalist, Parnaz Azima, with spying, a charge which under Iran's Islamic law is punishable by death.

These trumped up charges are absolutely ridiculous. Haleh Esfandiari is a constituent of mine. She lives in Bethesda, Maryland. She is a 67-year-old Director of the Middle East program at the Woodrow Wilson International Center for Scholars. Kian Tajbakhsh is a respected social scientist who is consulted by George Soros' Open Society Institute at the World Bank, and Parnaz Azima is a Radio Farda journalist.

The government of Iran accused these Iranian Americans of endangering state security and fomenting a, quote, soft revolution. These are ridiculous charges under any circumstances and clearly an excuse by Iran to once again take action in violation of international law.

Just to emphasize the point, Ms. Esfandiari is someone who has invited scholars and statesmen from Iran to the United States to conferences and events and has even been criticized by some members of the Iranian American community for being too soft on the current regime in Tehran. Mr. Tajbakhsh has consulted directly for the Iranian government and, working with the Open Society Institute, helped run its humanitarian health outreach program in Iran with full cooperation of the Iranian government.

The lists of foreign detainees doesn't stop there. Iranian American businessman Ali Shakeri, who is on the board of the University of California at Irvine's Center for Citizen Peacebuilding, was arrested on May 8 as he returned to the United States from visiting his ill mother, who died during his stay.

These detainees have dedicated their lives to building bridges between the Americans and the people of Iran. Their presence in Iran to visit their parents or to conduct humanitarian work poses absolutely no threat to the people or the government of Iran.

Their detention is a gross perversion of the rule of law. And the claim that the Iranian government has made that they seek dialogue and improved relations with the West is belied by the actions they have taken with respect to these individuals.

So we call today upon the Iranian government to do as they say they want to do, which is to have a better relationship with the United States and the people of the United States and to immediately, unconditionally release these Americans.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 430.

This resolution calls on the government of Iran to release Dr. Haleh Esfandiari, who is being held captive in Evin prison, despite the Ministry of Intelligence offering no evidence of wrongdoing.

Dr. Esfandiari is a respected member of academia, holding the position of director of the Middle East Program at the Woodrow Wilson Center for International Scholars, having previously taught Persian language and literature at Princeton University.

While visiting her ailing 93-year-old mother in Iran, Dr. Esfandiari was held up at knifepoint; her travel documents and luggage were taken in the process. It was while attempting to procure subsequent documents that Dr. Esfandiari was taken into custody by the Ministry of Intelligence in Iran.

Dr. Esfandiari is not the only American taken prisoner in Iran under the guise of being a "spy." With U.S. and Iranian diplomatic relations resuming again after 25 years, it is important that the United States remain vigilant in opposing these unconscionable tactics employed by the Iranian Government toward United States citizens abroad.

This resolution is a strong first step in standing up for the safety of all American citizens traveling abroad. No American should ever be deprived of their liberty simply because they crossed the safe haven of U.S. borders.

I encourage my colleagues to support this resolution.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in strong support of the H.R. 430, introduced by my esteemed colleague Mr. VAN HOLLEN of Maryland, calling for the immediate and unconditional release of dual Iranian-American citizens Dr. Haleh Esfandiari, Ms. Parnaz Azima, and a third unnamed individual also being detained against her will. Mr. Speaker, these three Americans have been unjustly incarcerated without due legal process. They have had their travel documents stolen, and they have been subjected to tactics of harassment. I strongly support this legislation, which expresses the serious concerns we have for these three individuals, and I urge my colleagues to do so as well.

Dr. Haleh Esfandiari, one of the detained individuals, is head of the Middle East Program at the Woodrow Wilson Center for International Scholars and widely recognized as one of Washington's top experts on Iran. Dr. Esfandiari was robbed of her passport upon her arrival at Tehran airport in December of last year when she went to visit her ailing, 93-year old mother. After being refused new documents, she was interrogated at excruciating length by Iranian intelligence, and pressured to make forced confessions that would falsely implicate herself and the Wilson Center in trying to launch a full-fledged coup in Iran. She consistently refused to tarnish her good name or the reputations of her colleagues.

Dr. Esfandiari was arrested on May 7th, and has been incarcerated, despite numerous efforts by countries, organizations, and individuals on her behalf. She faces ludicrous charges of seeking to launch a one-woman coup against the Iranian government. The United States government has called for her immediate release.

Unfortunately, Dr. Esfandiari is only one of a number of American citizens who have recently been detained in Iran without adequate legal grounds. Another case involved a journalist for Radio Farda, who was courageously involved in the effort to bring free and open media to the Iranian people. These outrageous arrests are indicative of the Iranian political system, including the concentration of power and the lack of rule of law.

Another American missing in Iran, former FBI agent Robert Levinson, disappeared after flying to Iran's Kish Island in March. I call on the Iranian government to use all the powers at its disposal to locate Mr. Levinson, if it has not already done so, and to repatriate him.

Mr. Speaker, I believe this is an issue of basic human rights. We as a Congress, and we as a nation, cannot allow the Iranian government to continue trampling on the fundamental liberties of our citizens in this manner. Therefore, I rise in strong support of this resolution, calling for the unconditional release of these three American citizens unjustly being held in Iranian prisons, and I call upon all of my colleagues to do likewise.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H. Res. 430, which calls on the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari.

Dr. Haleh Esfandiari, a highly respected member of the Washington, DC and Maryland communities, is currently serving as the Director of the Middle East Program at the Woodrow Wilson International Center for Scholars. In December, she traveled to Iran to visit her ailing mother, something that she has done countless times before. On her return to the airport, her travel documents and personal effects were taken from her. When she attempted to obtain replacement travel documents in Iran, she was instead subjected to days upon days of interrogation and essentially placed under house arrest for several months.

Last month, Dr. Esfandiari was summoned by the government and was taken to the infamous Evin prison, where she is currently being held. She has been accused by the Iranian Intelligence Ministry of trying to set up networks of Iranians to start a revolution to bring down the government. In fact, she has long advocated for building bridges between the United States and the Middle East

Iran's imprisonment of Dr. Esfandiari is entirely baseless and shows a disregard for the rule of law as well as the Iranian government's continued claim that they would like to gain the world's respect. We must demand Dr. Esfandiari and all other Americans that are being held without just cause be released by the Iranian government.

I urge all my colleagues to join us in support of this important resolution.

Mr. MORAN of Virginia. Mr. Speaker, on December 30, 2006, Dr. Haleh Esfandiari, a prominent Iranian-American scholar, was in Iran to visit her sick 93-year-old mother when she was stopped by the Iranian authorities.

What followed was nearly 5 months of a series of intense interrogations and pressure tactics where she was harassed, threatened, and forced to make false statements against her employer, the Woodrow Wilson Center for International Scholars. On May 8, she was again detained and imprisoned.

Her arrest and detention has angered analysts, human rights groups and lawmakers throughout the world. Yet still, the Iranian regime refuses to release her, claiming she is a spy who was plotting to overthrow the Iranian government.

I would like to submit a statement issued from the Woodrow Wilson Center for International Scholars on May 21, 2007 for the record.

Mr. Speaker, these charges are a farce. Professor Esfandiari is an accomplished scholar of Persian literature, language and history who taught at Princeton University before becoming the Director of the Woodrow Wilson Center for International Scholars Middle East Program. Her husband, Mr. Shaul Bakhash, is a professor at George Mason University of Fairfax, VA. The Woodrow Wilson Center is a non-profit, non-partisan organization whose work is to research and foster dialogue within the scholarly world on current and future public policy issues.

Dr. Esfandiari's tireless dedication to teaching and advocating on behalf of Iran is clear. She has focused on building bridges and opening doors for peace in the Middle East. She has sought to facilitate and strengthen Iranian-American relations through numerous seminars, lectures and workshops with educators, policymakers and groups from both countries and has pressed wider freedoms to communicate about our common bonds and negotiate over our disagreements.

Like thousands of other Iranians living abroad, Professor Esfandiari is an academic who took a personal trip to see her family. If she as one individual scholar threatens this regime so much that they have to interrogate her for almost five months and detain her in a notorious prison cell known for human rights abuses, then one has to assume this regime is desperate to retain whatever control it can.

Today, the Iranian leadership's lack of courage and conscience is as clear as it is disappointing.

It is evident that this regime is criminalizing scholarly work of any kind, despite the fact that Iran's very own history is filled with centuries of scholarly research and discovery. This regime's egregious decision to imprison Dr. Esfandiari reflects a deepening departure from the values and ideals the Iranian people have historically prided themselves on.

Iran's renowned nationalist Prime Minister Mohammed Mossadegh once said "There is no better way to govern Iran than democracy and social justice!"

Professor Esfandiari should be released immediately. Every day she is so unjustly detained, Iran proves the case of its detractors and makes it all the more difficult for institutions like Dr. Esfandiari's Wilson Center to treat the Iranian people with the respect that should be afforded to ah historic civilization and citizenship of 70 million people.

STATEMENT ON THE ARREST IN TEHRAN OF ESFANDIARI, DIRECTOR OF THE WOODROW WILSON CENTER'S MIDDLE EAST PROGRAM

Haleh Esfandiari, director of the Middle East Program at the Woodrow Wilson International Center for Scholars, and a dual Iranian-American national, was arrested in Tehran on May 8 and incarcerated in the Evin Prison.

The background to this entirely unjustified arrest is as follows. Timeline of events:

December 21, 2006, Haleh Esfandiari, director of the Middle East Program at the Woodrow Wilson International Center for Scholars, and a dual Iranian-American national, traveled from Washington D.C. to Tehran, Iran to visit her 93-year-old mother for one week.

On December 30, 2006, on her way to the airport to catch a flight back to Washington, the taxi in which Dr. Esfandiari was riding was stopped by three masked, knife-wielding men. They threatened to kill her, and they took away all of her belongings, including her Iranian and American passports.

On January 3, when applying for replacement Iranian travel documents at the passport office, Dr. Esfandiari was invited to an "interview" by a man from Iran's Ministry of Intelligence.

Beginning on January 4, she was subjected to a series of interrogations that stretched out over the next six weeks, sometimes continuing for as many as four days a week, and sometimes stretching across seven and eight hours in a single day. Dr. Esfandiari went home every evening, but the interrogations were unpleasant and not free from intimidation and threat.

The questioning focused almost entirely on the activities and programs of the Middle East Program at the Wilson Center. Dr. Esfandiari answered all questions fully; when she could not remember details of programs stretching back five and even eight years, the staff at the Wilson Center provided her all the information requested. As a public organization, all Wilson Center activities are on the public record. Repeatedly during the interrogation, she was pressured to make a false confession or to falsely implicate the Wilson Center in activities in which it had no part, but she refused.

On Friday, January 15, in the third week of interrogations, Dr. Esfandiari was told (misleadingly as it turned out) the questioning was over. On January 18, the interrogator and three other men showed up at Dr. Esfandiari's mother's apartment. Dr. Esfandiari was taking a nap and was startled to wake up and see the door to her bedroom open, her privacy violated, and three strange men, one of them wielding a video-camera, staring into her bedroom.

On February 14, the lengthy interrogations stopped.

On February 17, Haleh received one threatening phone call, and then she did not hear anything from her interrogators for ten weeks.

On February 20, Lee Hamilton, president and director of the Wilson Center, wrote to Iranian President Mahmoud Ahmadinejad asking that Dr. Esfandiari be allowed to travel. However, President Ahmadinejad did not reply to the letter.

At the end of April or early May, she was telephoned once again and invited to "cooperate." In effect, she was being asked to make a confession. She refused to make the false statements.

On Monday, May 7 she was summoned to the Ministry of Intelligence once again. When she arrived for her appointment on Tuesday morning, May 8th, she was put into a car and taken to Evin prison. She was incarcerated and was allowed only one phone call to her mother.

On May 9 she called her mother asking her to bring her clean clothes and her medicine. Her mother delivered the small package at Evin Prison on May 10, but was not allowed to see her.

On May 12, the hard-line daily "Kayhan" in an article accused Dr. Esfandiari of working with the U.S. and Israeli governments and with involvement in efforts to topple Iran's Islamic regime.

On May 15, Iranian judiciary spokesman Ali Reza Jamshidi said that Dr. Esfandiari was being investigated for crimes against national security and that her case was being handled by the Intelligence Ministry.

On May 15, Haleh made a brief telephone call to her mother.

On May 16, Haleh's family retained the legal services of Nobel Peace Laureate Shirin Ebadi to represent her.

On May 17, in an interview with Washington Post Staff Writer Robin Wright, Shirin Ebadi indicated that the Iranian government has rejected her request to represent Dr. Esfandiari. She also noted the court refused information on the legal charges against Dr. Esfandiari, and denied her legal team the ability to see Haleh.

On May 21 state-run television broadcasts in Iran indicated that Haleh is being charged with seeking to topple the government of the Islamic Republic of Iran.

Our efforts to obtain Haleh's release will continue and will be redoubled. She will be in our thoughts and prayers every day.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 430, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TANNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROSS) at 6 o'clock and 2 minutes p.m.

MOTION TO SUSPEND THE RULES

Mr. HOYER. Mr. Speaker, I move to suspend the rules and agree to H. Res. 451.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 452) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 452

Whereas, clause one of House rule XXIII (Code of Official Conduct) states, "A Member, Delegate, Resident Commissioner, officer or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.";

Whereas, on June 4, 2007, the United States Department of Justice filed an indictment by a grand jury against the gentleman from Louisiana, the Honorable William J. Jefferson, in the United States Court for the Eastern District of Virginia;

Whereas, in the aforementioned indictment of Representative Jefferson, the grand jury specifies sixteen counts, including but not limited to Solicitation of Bribes by a Public Official, Violation of the Foreign Corrupt Practices Act, Money Laundering, Obstruction of Justice and Racketeering;

Whereas, in the aforementioned indictment, the grand jury alleges that Representative Jefferson did knowingly engage in an unlawful conspiracy "to provide for the unjust enrichment of Defendant Jefferson and his family members by corruptly seeking, soliciting, and directing that things of value be paid to him and his family members in return for Defendant Jefferson's performance of official acts";

Whereas, in the aforementioned indictment, the grand jury further alleges that "Defendant sought to and did conceal his and his family members' expected or actual receipt of things of value by directing congressional staff members, family members, and others to form nominee companies that entered into business agreements to receive things of value sought by Defendant Jefferson while not referencing him or disclosing his involvement in obtaining the agreements";

Whereas, in the aforementioned indictment, the grand jury further alleges that "Defendant Jefferson failed to disclose his and his family's financial interests in these business ventures by omitting this material information from travel and financial disclosure forms required to be filed by the Rules of the House of Representatives and, in some cases, by failing to make any of the required filings":

Whereas, in the aforementioned indictment, the grand jury further alleges that "On or about July 30, 2005, in Arlington, Virginia, Defendant Jefferson received $100,000 in cash from [cooperating witness]" for use in an illegal bribery scheme;

Whereas, in the aforementioned indictment, the grand jury further alleges that "On or before August 3, 2005, at his residence in Washington, DC, Defendant Jefferson secreted in his freezer $90,000 of the $100,000 in cash provided by [cooperating witness] as part of the front-end bribe to Nigerian Official A, which was separated into $10,000 increments, wrapped in aluminum foil, and concealed inside various frozen food containers";

Whereas, on February 27, 2007 the House Democratic Caucus unanimously approved the recommendation of House Democratic leaders that Representative Jefferson be elected to the Committee on Homeland Security, a position in which he would have had access to highly sensitive Top Secret information concerning national security matters;

Whereas, on June 5, 2007 Representative Jefferson resigned from the Committee on Small Business to which he was elected by vote of the House on January 23, 2007;

Whereas, the Constitution of the United States authorizes the House of Representatives to "determine the rules of its Proceedings, punish its Members for disorderly behaviour, and, with the Concurrence of two thirds, expel a Member";

Whereas the Committee on Standards of Official Conduct is charged with enforcing the Code of Official Conduct and related rules of the House governing the Conduct of Members and staff;

Whereas, during the 109th Congress, on May 17, 2006 the Committee on Standards of Official Conduct issued a public statement which noted, "[t]he Committee has voted to establish an investigative subcommittee to conduct an inquiry regarding Representative William J. Jefferson";

Whereas, absent any subsequent public statements by the committee concerning Representative Jefferson and in light of press accounts describing the Jefferson inquiry as "halted" and "stalled" it is essential that the House act to ensure that appropriate and timely action is taken to complete the Jefferson inquiry and protect the integrity of the House;

Whereas, clause 5(a)(4)(A) of House rule X states, "At the beginning of a Congress, the Speaker or his designee and the Minority Leader or his designee each shall name 10 Members, Delegates or the Resident Commissioner from his respective party who are not members of the Committee on Standards of Official Conduct to be available to serve on investigative subcommittees of that committee during that Congress. The names of Members, Delegates or the Resident Commissioner so named shall be announced to the House."

Whereas, Republican Leader Boehner, having chosen ten Republican Members for the ethics pool for the 110th Congress earlier this year and Speaker Pelosi only having named the Democrat Members of the pool earlier today: Now therefore, be it

Resolved, That the Committee on Standards of Official Conduct is directed to investigate without further delay alleged illegal conduct and violations of House rules by Representative William J. Jefferson and report its findings and recommendations to the House, including a recommendation regarding whether Representative Jefferson should be expelled from the House.

The SPEAKER pro tempore. The resolution presents a question of privilege.

Under rule IX, the minority leader and the majority leader or his designee each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

The resolution, Mr. Speaker, will instruct the Ethics Committee to review the serious allegations and evidence against the gentleman from Louisiana and report back to the House whether the gentleman should be expelled for conduct that brings dishonor on this institution.

This resolution is not intended to cast innocence or guilt on the gentleman from Louisiana. It is intended to ensure that the Ethics Committee process, a process that all the Members of this House want to see work fairly and honestly, begin its deliberations of this issue.

This Ethics Committee last year, over a period of approximately 6 months, was looking into this matter, but as of today there has not been a subcommittee established to look at the facts of this case. The Republican pool was announced several months ago, and we have been waiting for the majority party to put their pool members onto the Ethics Committee so, in fact, this investigation could continue. And it is somewhat of a sad state that these members weren't announced until today and it took the indictment of Mr. JEFFERSON for the majority to outline to the House who the members will be that will make up their pool.

But the point I make is that all of us have been through a very difficult period in this House, and I think that I have made clear to my colleagues on the minority side of the House that I intend to hold our colleagues to a higher standard. And when we talk about the standard here, we all know that bringing honor on this House is a standard that all of us attempt to meet and make sure that there is no dishonor brought. And we are not talking here about a standard that is very different from that of a criminal plea or a criminal indictment. We are talking about behavior that brings dishonor on this institution.

So I believe that the Ethics Committee can, in fact, do its work. I think they can do it efficiently. And the purpose of this resolution is to ensure that the House speaks to our Ethics Committee to make sure that it is doing its job in resolving this case as soon as possible.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I intend to support this resolution, and I agree with the minority leader. The allegations that have been made are extraordinarily serious. They, if proven true, should lead to the expulsion of the Member in question. They, of course, have not been proved true. They are allegations.

Having said that, I also intend to and have called for a resolution to be considered tonight under suspension. That resolution speaks not only to the Jefferson case, to which the gentleman from Ohio limits his privileged resolution, but also speaks to any allegations of serious criminal conduct that may be made either through indictment or other charging documents; and it calls for action by the Committee on Standards of Official Conduct in any and all of those cases.

We appreciate the sensitivity of the minority leader to this issue at this time. It is, frankly, the first time I recall such a resolution being offered by the minority. For over a year, the Ethics Committee essentially didn't act, didn't operate. In fact, when it did and it held the former majority leader as having adversely affected the ethics of the House, the chairman was summarily removed from the Committee on Standards of Official Conduct; and, in fact, two of the members that had the temerity to vote to have a consequence for actions that reflected on the House were removed from that committee.

But I welcome the minority leader and the minority party's interest in pursuing this matter. I presume that the gentleman's resolution will pass unanimously. I also hope that the suspension resolution will also pass unanimously because there are, of course, unfortunately, a number of allegations being made publicly about Members of this House; and irrespective of what party they may fall into or be members of, it is critically important for us to hold accountable those Members and to assure the American public that the Ethics Committee is looking at those allegations, investigating those allegations, and making reports not only to the House of Representatives but to the people.

□ 1815

We swear an oath to not only defend the Constitution, but to uphold the laws of our land. As Members of this House, we have an absolute obligation to conduct ourselves in a way that does not violate the standards of official conduct or bring into disrepute the House of Representatives. Hopefully, we will agree on that proposition.

So I say to my Republican friends, we welcome them to this focus on holding accountable Members who violate the trust of the American public. We certainly intend to support it. I hope they will support the subsequently offered resolution, which says that in every case we will pursue this focus.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman's support of our efforts, and in support of the Ethics Committee taking up this case and moving as quickly as possible.

Mr. Speaker, the legislation that the gentleman refers to has been shown to us just moments ago. The gentleman, the majority leader, is well aware that legislation does not come to the floor without the cooperation of both sides. And to have seen this bill just moments ago strikes me as something that we never, ever, ever would have considered doing on the floor of the House without clear consultation and advisement of the minority. And so, I will look at the bill. I'm not quite sure what it says because, again, we have just received it moments ago.

Mr. Speaker, with that, I would yield to the gentleman from Missouri, the minority whip, for as much time as he may consume.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I am pleased that the body will move forward this evening to approve this resolution that the Republican leaders offered.

The majority leader indicated in the last Congress that the Ethics Committee didn't meet for a year. I think that is because the Members of the minority at that time, now the majority, wouldn't meet for a year. And now we are in the sixth month of this Congress, and only today is there a group of Members made available by the majority to choose a panel from to investigate this case. Now, maybe that was just an accident. Maybe that's just starting a new majority. Maybe that's not remembering that this investigation was stopped at the end of the last Congress and couldn't start in this Congress unless there was a new panel put in place. Those of us in the minority, I suppose, have less to worry about, so we put our panel of Members out immediately at the beginning of Congress, as we have in the past. We put our panel out there immediately. And now, in June, the sixth month of the Congress, the majority makes Members available suddenly to investigate this case as if it just occurred today, or as if we were just aware of it today. That is almost too big a coincidence to overlook.

We are going to start looking at this case. I am pleased that our friends on the other side are going to join us in that effort. This case has been known to Members of Congress for some time now. It rises to a level of accusations and an indictment that has seldom been met in the history of the Congress. A 94-page indictment that alleges conspiracies on this and at least one other continent that could result in 230 something years of prison time if the Member is found guilty.

Mr. Speaker, even if all of those things did not turn out to produce guilt at the end of this pathway, the standards that have been referred to here on the floor are clearly standards that the Ethics Committee should have been looking at. Those standards that violate the official conduct of the House, you don't have to necessarily have violated a law to violate those standards. You certainly don't have to have violated a law to have brought disrepute on the House, or whatever language is used in the code of conduct we attempt to hold each other to.

Mr. Speaker, I would just say that I think it's high time that we did start this investigation. I think it is unfortunate that we had the time this entire Congress where nothing has been done to look at this case. And because of that, I hope that we not only ask the Ethics Committee to look at the case, but do everything we can to encourage them to not decide necessarily the legal matters, they will be decided somewhere else, but to decide whether or not this Member has violated the ethical code of the House; and if that is the case, what should the action of the House be in the future.

So not only do I stand as the majority leader just did to join the Republican leader in supporting this resolution, but also in encouraging all of our Members to.

Mr. Speaker, if my friend has a quick response, I would be glad to just yield 1 minute to him for that purpose.

Mr. HOYER. I can do it shorter than that. I just wanted to make one point, because I checked.

The important issue is going forward. We agree with that. We can argue about what happened in the past, we certainly have our perspective. Your panel was named last month, not at the beginning of the session, not in January or February or March or April, but last month. So we need to move forward on this, and we are going to. We are going to support this resolution.

I welcome your support of the suspension resolution, which will ensure that in these kinds of cases, that we go forward in every instance as we are going forward today.

Mr. BLUNT. Mr. Speaker, I yield my time back to the gentleman from Ohio. I think that our panel was available before that, but he is the one that would know more about the specifics of that than I do.

I do know that going forward is important. And in fact, if we could set a standard of moving forward we would probably all be better off, but it is awfully hard in any political environment to not keep looking backwards.

We do need to move forward. We need a resolution of this. And it doesn't have to go hand in hand with the resolution of legal matters, it needs to go hand in hand with the code of conduct of the House and what happens there.

Mr. BOEHNER. Mr. Speaker, if I could yield myself such time as I may consume.

The gentleman referred to when our panel members were named, which was on May 1. The gentleman should be aware that our panel was picked and members had agreed to serve on the panel by the end of January of this year. We held the list, trying to work with our colleagues in the majority so that the panels on both sides could be named as soon as possible. And finally, right before Easter, we filed our 10 panel names and they were certified. That occurred on May 1. I am sorry that it is a fact that your panel members were not named until today, and not until after the indictment of a sitting Member.

So the fact that almost 6 months have gone by in this Congress without any work on the part of the Ethics Committee with regard to Mr. JEFFERSON's case I think is a sad record.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. I am pleased to yield for as much time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the leader for yielding.

Mr. Speaker, I have to say, this is a very sad debate. I was one of the members of the Ethics Committee that was not reappointed that was referenced to in the distinguished majority leader's presentation. I will tell you this: before coming to Congress I was a prosecuting attorney in my hometown.

I served on the Ethics Committee for 4½ years. I found the Ethics Committee to be a place where five Members of each party came together and treated the rules fairly, treated the Members fairly, and treated the rules of this House more than fairly.

I sat through and listened to only the second time since the American Civil War that a Member of this House was expelled, my friend, James Traficant of Ohio, but the evidence warranted it.

These competing resolutions, in my opinion, continuing the dumbing down of the House. Now, I don't know whether Representative JEFFERSON is guilty or not guilty of the things that he has been indicted for by the Justice Department. But even Members of Congress, ladies and gentlemen, are entitled to a presumption. And there was a reason that in the Traficant case the Ethics Committee waited until the judicial process worked its will, and that is two things; one, you've got to find out whether the person is guilty or not guilty of what they are accused of. Two, when you have competing investigations, you can actually impede the prosecution of someone who has committed a crime with the Department of Justice.

Your side started this "culture of corruption" last year; we're going to start the "House of hypocrisy" this year. Stop dumbing down the institution.

Members of Congress are human beings. When they are charged with a crime, they should get the full weight of the law. If they are guilty, they should suffer the penalty not only of going to prison or jail, but they should be expelled from the House. But to rush to judgment and to permit the United States Department of Justice or some rogue district attorney, like I happen to believe in Tom DeLay's case, I know you guys aren't big fans of Tom DeLay, but you are sending a message that a common prosecutor in my district, your district, your district, your district can indict you tomorrow, and on the basis of that you are removed from your leadership position, you are removed from your committees, and you may not have done a darn thing.

I think this is a sad day for this House. And I know that I am going to be in the minority tonight, I'm actually in the minority, so it will be a double minority, but I intend to vote against both of these resolutions. I am sorry we've come to this.

I thank the gentleman for yielding.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield to the gentleman from Florida (Mr. PUTNAM) for as much time as he may consume.

Mr. PUTNAM. I thank the gentleman for yielding.

Mr. Speaker, I think it's time for us to have sort of a status report of how we got here.

Two years ago, it was publicly revealed that one of our Members of this House, a gentleman from New Orleans, had an FBI raid on his home and had discovered 90,000 in cash wrapped up in aluminum foil and in Tupperware containers in that freezer. It was also publicly revealed that that same gentleman used National Guard assets that were then being used as part of the rescue and recovery efforts after Hurricane Katrina to go to his home and recover something resembling the boxes that were later found in his freezer to be containing $90,000 in cash.

Since that time, he continued to serve on the Ways and Means Committee for some period of time, which was the committee that he is alleged to have used to conspire on a continent-wide basis in bribery and racketeering of several African nations to profit himself, his family and bring shame and discredit upon this institution. He later left that committee and was unanimously approved by the Democratic Caucus to go to the Homeland Security Committee, that committee being the committee that has jurisdiction over a number of the assets that he misappropriated in the wake of Hurricane Katrina to retrieve the boxes that resembled the ones that had the cash of $90,000 in the freezer.

When it was brought to light that the Republicans would demand a public vote on that Democratic Caucus action, that vote was never called for. He remained on the Small Business Committee until today, several days after the actual indictment.

That same individual, for the first time in the history of the Republic, had his congressional office raided by the FBI. Now, in the course of all those events did the House Ethics Committee, now led by Democrats, ever open an investigation into his behavior in this Congress? The answer is no. Now why is that? Because if an FBI investigation, $90,000 in cash, an FBI raid on a congressional office, and misappropriation of National Guard assets isn't enough to merit an ethics investigation in this body then perhaps the majority leader could share with us what is. And he could also explain to us why, if there had been an ethics investigation, it could not have proceeded because the Speaker had not appointed Members to the investigative pool until today.

□ 1830

So even if they had been proactive, there would have been no one to look into the allegations that have brought shame and discredit upon the People's House.

So it takes a peculiar rhetorical bravado to come to this House floor and say with a straight face that they have been moving forward with these investigations, when for over half of the 109th Congress the Ethics Committee could not function because the Democratic members refused to show up; and in the 110th Congress the ethics investigative pool could not function because no Members had been nominated by the Speaker until today. That undermines this institution; and it is the reason why it requires a very rare motion, the privileged motion that the minority leader is offering today.

Now, Mr. HOYER has offered a suspension bill. Suspension bills are typically used to name post offices. They are typically used to designate National Fishing and Boating Month, National Jewish History Month, National Smoke-Free Awareness Week. That is typically the route that suspension bills are pursued. And suspension means that they enjoy broad, noncontroversial support in this House. So while it is, I hope, broadly supported that we would refer the Jefferson case to Ethics, it seems as though that in this new open and accountable House Chamber that the language of such a suspension that would suspend the rules would have been shared by all the Members. The rare motion that is afforded the Republican leader was available in the public domain for days, which presumably has led to the timing of the suspension vote also being offered today.

As we move forward with this I think it's important that we recognize that the real losers here are the constituents in a Louisiana congressional district who have been denied representation by someone who has brought shame and discredit upon this House, potentially, depending on the outcome of a 16-count indictment that could result in 235 years in prison. And I hope that the majority leader in his haste to craft the suspension bill that we will consider today has included in it improvements to the existing law as it relates to Member pensions. Because nothing drives the American taxpayer more crazy than to know that potentially, if the gentleman from Louisiana is convicted and if the gentleman from Louisiana is sentenced to prison, he would still have his family entitled to a pension. That is a watered-down version of what the House Republicans passed last year that would deny a pension to Members who use their office to engage in criminal activity. And in this particular case, the people who would be eligible to continue collecting the pension are in the public domain as having been coconspirators, beneficiaries of the illegal activity.

So I hope that in his haste to craft a suspension bill, he would bring the pension issue back up for this body to put the teeth back into it that Republicans put in a year ago and add to that additional language that perhaps the majority leader, Mr. REID, would find acceptable in the Senate so that we can actually get it to the President's desk so that the American taxpayer doesn't have to foot the bill for convicts, thieves, racketeers and people who engage in bribery by abusing their office.

This is a very serious issue for this institution, and it should be treated as such, and we should have the highest possible standard for all Members who enjoy the trust in public service, and that includes the issues that follow all of us, including access to the pension, including enforcing the House rules on earmarks that have been routinely abused, and maintaining all of the other rules that we have passed and taken a victory lap for allegedly making this the most open and honest and accountable place. And yet when the rubber meets the road, the path chosen is to airdrop in earmarks, cover up misbehavior on the House floor in terms of threats and intimidation, and unanimously affirm someone who is now under a multi-page indictment, unanimously affirm that person to have a position on the Homeland Security Committee.

I urge this body to endorse, support and vote for the Republican leader's motion that will begin the process of restoring the dignity and honor and respect that this institution deserves.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Chutzpah is a wonderful word. Chutzpah is the position of a person who has been involving themselves in activities for a long period of time and then accusing somebody else of doing the same and being sanctimonious in the process.

That aside, Mr. Speaker, this House was told in November of last year by the people of this country, clean up your House, get rid of the culture of corruption. That's what they said in 2006, on November 7; and that's what we're doing. We adopted one of the strongest rules packages dealing with ethics in the history of this House, eliminating all meals and gifts from lobbyists. Arm's-length transactions. No travel. We just passed a lobbying disclosure bill 2 weeks ago, which most of us voted for because we want to be in on the effort of cleaning up this House.

My young friend from Florida apparently forgets that in January we passed a pension bill which says that if you're convicted and expelled, you won't get your pension. That was the Boyda bill, NANCY BOYDA from Kansas, who came to Congress on a pledge to clean up the Congress. And she was elected to do just that.

Earmarks. Earmarks were quadrupled over the last 14 years. We have now adopted a rule that says they're going to be transparent. You're going to know who made the request for earmarks, that there is going to be some check on those earmarks.

Now, my young friend from Florida says that our resolution, which will be on suspension, was just seen. I will tell him, and there is no way he would know this, I saw the leader's resolution just minutes ago.

But that is not the issue, Mr. Speaker. The issue is the American public did indeed send us here to act ethically, honestly and openly and do the people's business, not the special interests'. And that's why they made a change in this House in November of 2006, that's why we unanimously on our side are going to support this resolution, and that's why we're going to support the suspension bill.

Because not only do we believe it ought to be done in this instance, but there are a lot of Members publicly under investigation in this House whose homes have been raided by Federal officials, but they're not in this resolution. They have not been indicted.

Mr. Speaker, we need to act. The public needs to know we're acting, and we need to hold accountable those who fail to meet their public duty and trust to the American people. This leadership is committed to making sure that we do just that.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield to the gentleman from California (Mr. DREIER) so much time as he may consume.

Mr. DREIER. Mr. Speaker, I thank the distinguished Republican leader for yielding.

I would like to begin by engaging my very good friend and classmate, the distinguished majority leader, in a colloquy, if I might; and I would be happy to yield to him to respond.

Our Republican leader, Mr. BOEHNER, has just referred to the fact that, on May 1, we saw the appointment of the pool of those on the Ethics Committee who would in fact be responsible, or they will be impaneled to deal with this question, and he referred to the fact that we have gone for, really, almost the first half of this year without any action taking place. And as he correctly said, a decision was made to empanel that group on the majority side today.

We got the news yesterday of this very unfortunate indictment. I would just like to inquire of my friend exactly why it is that it took us this long to see action taken, when, in fact, so much other action was taken in the 109th Congress.

I would be happy to yield to my friend.

Mr. HOYER. Well, I don't have a specific answer for that. But let me say this. You gave your list last month. We have given our list this month. The minority leader is correct on that time frame. We heard about this indictment. We determined to take specific action. The minority leader also determined to take specific action. We believe they complement one another, but the real issue is that we need to take decisive action and we intend to do so.

Mr. DREIER. If I could reclaim my time, and I thank the distinguished majority leader, Mr. Speaker, for his comments and for being forthright in saying that they really don't have an answer in response to the fact that this has been open for literally months, this entire year. A very serious question was carried over from the 109th Congress to the 110th Congress, and I listened to my friend just a few minutes ago provide a great campaign speech about the message that was sent last November and the fact that we've got this great degree of openness and transparency and all, the likes of which didn't exist in past Congresses.

But I will say, Mr. Speaker, that I am really very troubled when I look at this resolution that as our Republican leader, Mr. BOEHNER, said was just provided to us.

Now, let me state very clearly for the record, this falls within the jurisdiction of the House Committee on Rules. This has not been referred to the Rules Committee, and with our first look at it, again it was just handed to us, it would be an understatement to say that we're very troubled with the potential ramifications of what this resolution would do, Mr. Speaker.

One of the staff members just said to me, it would be possible that one of our Members could be protesting at the Sudanese Embassy. We know that there is a great deal of controversy and question around policy that takes place in Sudan as it relates to Darfur and other things, and conceivably if a Member of this institution were protesting and were arrested, it would have to be referred to the House Committee on Ethics, and they would be required to empanel an investigative committee to look at this or report back as to why it didn't take place.

In this resolution, it says any Federal or State court. I don't know if someone possibly might be exceeding the speed limit and pulled over and ticketed. I don't know whether or not that Member would have to be referred to the Committee on Standards of Official Conduct and see an investigative committee empaneled to investigate that speeding ticket.

The point that I am making, Mr. Speaker, is we continue to hear about this great new openness and transparency and the deliberative nature of this institution, when we have a resolution that the majority leader correctly has introduced, and he is certainly entitled to do that, to say it is to be referred to the Committee on Rules. Yet from what the majority leader has said, Mr. Speaker, we're scheduled to vote on this in just a matter of a few minutes, and we've just looked at this three-page measure, and those are the questions that we have initially that I would have certainly raised if we had had a hearing up in the Rules Committee on this measure.

Everyone wants to make sure that this institution is held to the highest possible ethical standard. I believe that we all sincerely want to do that.

□ 1845

The issue of ethics and lobbying reform and all has been greatly politicized by our friends in the majority; greatly politicized by our friends in the majority. We had a debate on this just before we adjourned before Memorial Day, and to me it was just outrageous to hear the kind of rhetoric that was used, pointing the finger of blame on this issue.

I think it is very sad. We are here responding to an indictment, the likes of which has not been seen for a Member in a long, long period of time, and I hope very much that as we do seek greater deliberation that we will take resolutions like this and run them through the regular order process.

Mr. HOYER. Mr. Speaker, I don't know when Mr. Cunningham was indicted and convicted, but "a long, long time" seems not to be my recollection of how long ago it was.

Having said that, Mr. Speaker, I will reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think the American people are entitled to see this institution held to the highest ethical standards. They clearly expect more of us than maybe they have in the past. And the reason to bring this resolution here tonight is to not profess innocence or guilt. It is to make sure that the process that we have in this House for protecting the House and protecting the institution and protecting our Members, we want to make sure that that process works the way it was intended.

So I appreciate the support of my colleagues for this resolution.

Ms. KILPATRICK. Mr. Speaker, my love of the Constitution of the United States of America, and my hatred of unfair precedents, equals my vote against the Minority Leader's resolution.

Mr. Speaker, today, I was one of the 26 Members of Congress who voted against the privileged resolution offered by Minority Leader JOHN BOEHNER. My opposition to this resolution has little to do with the serious allegations against Congressman WILLIAM JEFFERSON, and everything to do with the oath that each and every Member of Congress took in this very chamber—to uphold and defend the Constitution of the United States of America. In America, we have a Constitutional principle of innocence before being proven guilty and that no citizen shall be "deprived of life, liberty, or property, without due process of law." The resolution by the Minority Leader will not allow our system of justice to work. If the system of justice is not allowed to work for a Member of Congress, for whom should the system work?

I also oppose this measure because of the horrible precedent it establishes. Instead of illustrating and penalizing those instances of law breaking and working toward establishing higher standards for all Members of Congress, the Minority Leader's resolution puts the behavior of one individual under a microscope. Instead of seeking an opportunity to improve the behavior of all Members of Congress, this resolution makes the political low blow of focusing on the behavior of one.

Members of Congress certainly know, or should know, that the House Committee on Standards of Official Conduct, also known as the Ethics Committee, has traditionally deferred criminal matters to the Department of Justice. This makes perfect sense. The Department of Justice will carry out an investigation, offer a platform for the proving of innocence or guilt, and allows the adjudication of citizens before their peers. The resolution offered by the Majority Leader allows this process to occur, and upon its conclusion, for Congress to then make a decision based on the merit of the facts. The Minority Leader's resolution reaches a conclusion before the facts have even come to court. Indeed, it reaches a conclusion before Congressman JEFFERSON is even formally arraigned.

The disrespect this resolution has for our Constitution that we have all sworn to uphold and defend by not allowing our system of justice to work its will; the absolute terrible precedent this resolution makes in establishing guilt based not on facts but politics; and by focusing on only one Member of Congress instead of seeking to reform or address the behavior of all Members of Congress, are the reasons why I cast my vote against this measure.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

Mr. HOYER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO RESPOND TO THE INDICTMENT OF ANY MEMBER OF THE HOUSE

Mr. HOYER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 451) directing the Committee on Standards of Official Conduct to respond to the indictment of, or the filing of charges of criminal conduct in a court of the United States or any State against, any Member of the House of Representatives by empaneling an investigative subcommittee to review the allegations not later than 30 days after the date the Member is indicted or the charges are filed.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 451

Whereas on June 4, 2007, Representative William Jefferson was indicted on 16 criminal counts by a grand jury in the United States District Court for the Eastern District of Virginia;

Whereas recent credible media accounts indicate that the Department of Justice is investigating the conduct of other Members of the House of Representatives, and these investigations may lead to further indictments;

Whereas the One Hundred Tenth Congress, in its first day of session, strengthened the rules concerning the ethical behavior of Members of the House;

Whereas the House has approved on an overwhelming and bipartisan basis H.R. 2316, the Honest Leadership and Open Government Act of 2007, to establish strict standards and penalties concerning the relationship between lobbyists and Members; and

Whereas these actions by the One Hundred Tenth Congress demonstrate that illegal, unethical, or inappropriate conduct by Members of the House will not be tolerated: Now, therefore, be it

Resolved, That whenever a Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress, is indicted or otherwise formally charged with criminal conduct in a court of the United States or any State, the Committee on Standards of Official Conduct shall, not later than 30 days after the date of such indictment or charge—

(1) empanel an investigative subcommittee to review the allegations; or

(2) if the Committee does not empanel an investigative subcommittee to review the allegations, submit a report to the House describing its reasons for not empaneling such an investigative subcommittee, together with the actions, if any, the Committee has taken in response to the allegations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. HOYER) and the gentleman from California (Mr. DREIER) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority leader, in closing on the resolution that will be voted on in a short time, correctly observed that every Member of the House needs to be held accountable for conduct which undermines the faith, respect and confidence that the American public has in this institution. We agree with that. In fact, we have been saying that for years and we have acted to effect that objective. This resolution, we believe, furthers that effort.

Essentially, Mr. Speaker, what this resolution says, it directs the Committee on Standards of Official Conduct to respond to an indictment of or the filing of charges of criminal conduct in a court of the United States of any State against any Member of the House by empaneling an investigative subcommittee to review the allegations not later than 30 days after the date the Member is indicted or charges are filed.

As I said in my statement with reference to the previous resolution, this will be a general process of the House so that every Member knows that this process will be employed, not on a partisan basis, but on the basis of conduct and on the basis of actions that have been taken.

It also says, however, to the committee that if they find that such an investigative committee, under the circumstances that the bipartisan committee reviews, do not feel that going forward is appropriate, they can report that back. That, I think, responds to the concerns properly raised by the gentleman from California. This resolution under this suspension is the general of what the other resolution is on the specifics.

Mr. Speaker, I said that NANCY BOYDA from the State of Kansas came here and offered legislation which essentially said that if Members were found guilty of a crime that adversely affected their service in the Congress of the United States, that their pensions would be at risk. That legislation was overwhelmingly adopted. I congratulate the gentlelady from Kansas for her focus on ensuring the ethics of this body and that the public is not subsidizing criminal or unethical behavior which subjects a Member to removal.

Mr. Speaker, I am pleased to yield such time as she may consume in support of the suspension to the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Speaker, last November, voters charged a new congressional majority with a clear mandate: End the scandals and clean up Congress. At first, we embraced the voters' charge. The Democratic majority passed an ethics reform package that banned Members from accepting gifts from lobbyists, we blocked Representatives from flying on corporate jets, and we prevented Congressmen from pressuring private businesses to hire or fire for political reasons.

Now the time has come for another step, and our actions in the next days will determine the strength of our resolve. Did we mean it last November when we said we would change Congress, or were our words just mere election-year slogans?

If we meant what we said, then it is clear what must happen next. First, the House Ethics Committee must launch investigations into public reports of congressional corruption, including accusations that Mr. WILLIAM JEFFERSON committed crimes such as racketeering, soliciting bribes and money laundering. This committee must investigate. No excuses and no delays. And if the Ethics Committee proves unable to complete this, its most basic responsibility, then Congress must create a more independent Ethics Committee, capable of the initiative and oversight that the American people deserve.

But that isn't enough. Although Mr. JEFFERSON should and must enjoy the presumption of innocence granted to all American defendants, as a Member of Congress he has a special pact with the American people. If Mr. JEFFERSON left Congress today, if he were to resign today, as I know many of us wish that he would, then tomorrow he will begin drawing a Federal pension for his service in Congress. According to the National Taxpayers Union, that pension will exceed $40,000 a year.

This, and I mean this word literally, is an outrage. Taxpayers should not fund the pensions of Members of Congress who had to resign or have resigned in disgrace, and Congress has the responsibility to end this state of affairs.

We must strip the pensions of any Member of Congress who commits a major Federal crime while in office. I offered a bill, the Pensions Forfeiture Act, to do precisely that, and it passed the House of Representatives earlier this year. A similar bill has passed the Senate, and now it must be sent to the floor as a reconciled bill that we can finally send to the President.

Let's not permit committee delays or needless procedure to interfere one more day with real, meaningful ethics reform. Let's pass the Pensions Forfeiture Act into law, and, what's more, let's end the revolving door. Let's establish an independent ethics commission, and let's begin to rebuild the trust of the American people.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, but I have to say that I am very, very troubled that we are where we are.

I see the distinguished chairman of the Committee on the Judiciary, my very good friend from Detroit, Mr. CONYERS, on the floor. Just before we adjourned for the Memorial Day break, he and I were in a lengthy exchange, both upstairs in the Rules Committee and then here on the House floor dealing with the issue of lobbying reform, and I was very pleased that Mr. CONYERS supported an amendment that I offered dealing with disclosure of post-employment plans for Members. It was a very thoughtful process. Concern had been raised about that, and Mr. CONYERS was very, very generous in looking at that issue, in dealing responsibly with it, and accepting the amendment that I proposed to that issue.

When we were in the midst of debate, and I will have to say when he stood there, I was somewhat concerned over the fact that we saw gross politicization from some of our colleagues on the other side of the aisle, who have continued to try to make campaign speeches on this issue of lobbying and ethics reform, talking about the message that was sent last November.

We all know that the American people want an institution, a United States House of Representatives, that is above reproach. We all know that Members of this institution should in fact be held to the highest possible standards.

But I will tell you, Mr. Speaker, what troubles me about where we are at this moment. I just today looked at a report that was issued on the great new openness and the way this institution has been run and how dramatically improved it is. And then we are given, with this resolution, with all due respect, Mr. Speaker, a very, very poorly drafted resolution. That is the reason that we have a referral process.

In the 109th Congress, we had many, many issues that we had to address. And original jurisdiction matters that were referred to the Committee on Rules in fact were addressed in hearings, were addressed in markups, and in fact were resolved.

We listened to colleagues on the other side of the aisle, Mr. Speaker, talk about all of these great reforms that were implemented on the opening day of the 110th Congress and these great changes that have taken place. Well, Mr. Speaker, I have to tell you that we also have been spending time in the 110th Congress cleaning up the poorly worded, messy language that we dealt with.

One example: In a rule that was passed by this House we self-executed a provision which actually allowed Members to once again attend charitable events. In the opening day rules package that was put into place on this issue, Mr. Speaker, there was a provision that actually denied Members, it denied Members, the opportunity to attend charitable events.

Now, that was rectified. But I use that one example, Mr. Speaker, to point to the fact that if we had handled this issue the way Mr. CONYERS had handled the issue of lobbying ethics reform, which we supported in a bipartisan way, we would not be dealing with a resolution that creates the potential, Mr. Speaker, for Members of this House who face a traffic ticket, Members who might want to protest, as I said earlier in my remarks, at the Sudanese Embassy over policies that are taking place there.

What it would mean, Mr. Speaker, is under this resolution, a Member who gets a traffic ticket, gets a ticket for littering, is arrested for protesting at the Sudanese Embassy, that that would have to be referred to the Committee on Standards.

My friend has just said there is a provision in here, it is the last line, item 2 in the "resolved" clause, which says if the committee does not empanel an investigative subcommittee to review the allegations, submit a report to the House describing its reasons for not empaneling such an investigative subcommittee, together with the actions, if any, the committee has taken in response to the allegation.

So, Mr. Speaker, this very, very poorly crafted resolution basically does state that the Committee on Standards of Official Conduct does in fact have to deal with this, even if they choose, because it was a protest or a traffic ticket or a littering ticket, they still have to deal with this issue by choosing not to empanel an investigative committee to address that.

Now, our new colleague from Kansas stood up and very proudly talked about the fact that she is dealing with this issue of pension reform. We all want to do everything that we can to make sure that Members don't have the taxpayers subsidizing these pensions of criminals, people who are imprisoned.

☐ 1900

We know there was concern raised about family members, but I will say there is nothing in this resolution that we are debating right now, Mr. Speaker, that addresses the issue of ensuring that criminals who have served in this institution are not going to continue to benefit from their pensions. In this very unique case, Mr. Speaker, I will say that we are very troubled over the fact that there are co-conspirators involved in this charge; and, Mr. Speaker, they are in fact family members who potentially could become the beneficiaries of this pension.

So, Mr. Speaker, I will say again I am going to vote in favor of this resolution, but I am very, very troubled about the way it has been worded. I am very troubled over the fact that it was not referred to the Rules Committee of which I am privileged to serve as the ranking minority member. I think this is a very poor way of doing business.

Our Republican leader came forward with an appropriate privileged resolution which simply called for the Ethics Committee to expeditiously take action. We have had to wait for nearly half a year without any action whatsoever being taken to follow up on the action that was taken in the 109th Congress.

I believe everyone should in fact be deemed innocent until proven guilty beyond a shadow of a doubt. I believe that as we look at this, though, it is imperative that we have action taken as quickly as possible.

Mr. Speaker, I am happy to yield 1 minute to my very good friend from Texas, Judge GOHMERT.

Mr. GOHMERT. Mr. Speaker, I was in my office and was so encouraged to hear the majority leader earlier say, as I understood it, unethical conduct would be pursued no matter where, no matter who. And, of course, we just recently had an allegation by MIKE ROGERS regarding unethical conduct, and the majority leader moved to table that action in that pursuit.

We know the majority leader to be an honorable man. I am deeply encouraged that apparently if Mr. ROGERS will remake that resolution or motion, this time the majority leader would not move to table it, would not marshal forces to stop the pursuit of alleged unethical conduct, and we can get this body on track. And I am greatly gratified.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. SPACE), who comes to the Congress replacing Mr. Ney because the people wanted honest representation.

Mr. SPACE. Mr. Speaker, I thank the majority leader for yielding me this time and for his leadership on this issue.

I rise today to support this resolution. In order to restore the integrity to this Chamber and restore America's faith in its elected officials, we must continue to undertake substantive action with regard to ethics reform.

This Congress has made huge strides in reforming itself and cleaning up Washington, as our majority leader alluded to earlier this evening, but there is still more to be done. Our actions today will not only enhance the most fundamental principles of a democratic society, they will remind our constituents that we are a body of the people, and not above the people.

Simply put, when a Member of Congress is indicted, there should, as a matter of course, be an immediate ethics investigation.

Coming from a district whose previous Congressman became mired and then consumed by scandal, my fellow district residents and I understand all too well the perils associated with weak and loosely monitored ethics regulations. We have suffered the frustration, disappointment, and anger associated with a betrayal. We suffered from not having a Member of Congress available to attend the needs of the citizens of our district.

But we are not alone. Other districts have suffered similar tragedies, and that is inexcusable and unconscionable. The people that we serve in this body deserve a Member of Congress that is committed to representing their needs, and we cannot afford to wait any longer in addressing this issue.

The time to act is now. As Members of Congress, we have an extraordinary burden to those who have bestowed this great honor upon us. I ask my colleagues to join me in supporting this important measure.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would like to once again engage in a colloquy with my very good friend from Maryland, the distinguished majority leader, if I might.

As we are standing here today, I will say, unfortunately, on the House floor this has become sort of the Rules Committee original jurisdiction process. We are now doing it on the House floor because a decision was made by the majority leadership to prevent the Rules Committee from having an opportunity to even consider this resolution.

Mr. Speaker, if I might just pretend as if this is a committee hearing and assume that the distinguished Chair has yielded time to me, I would like to inquire of the author of the resolution as to whether or not it is the intent to have Members of this institution who might possibly be engaging in a very, very great protest over which they feel very strongly and they are arrested, I would like to inquire is it the intention of the author of this resolution, Mr. Speaker, to have that measure, have that Member, referred with a potential huge, huge legal fee, $450 to $1,000 an hour, to action taken by the Committee on Standards of Official Conduct?

And, similarly, I ask whether or not it is the intent of the author of the resolution to have the measure if someone, a Member of this House, gets a traffic ticket and they have to face a legal challenge there, if it is their intent that the issue of a Member's traffic ticket be referred to the Ethics Committee so the Ethics Committee can decide whether or not they want to empanel an investigative group to look at this, or choose to waive it. Or, as I said earlier, for littering or any other small instance.

My concern with this very poorly crafted resolution, my concern, Mr. Speaker, is we will see a situation whereby Members are faced with that kind of challenge.

I would be happy to yield to my friend to have him respond if that is the intent of his legislation here.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for his question.

What the resolution anticipates is applying generally that which the resolution offered by the minority leader raises specifically because we believe that the Ethics Committee ought to ensure for the American public that ethical conduct which does not call in question the House of Representatives' standards of official conduct is being pursued.

But I will tell the gentleman further that I have great confidence in this Ethics Committee, led by a former member of the judiciary, I might add, who knows the law and who knows process. And I have full confidence that she and the Members of the Ethics Committee on both sides, and, as the gentleman knows, it is five Republicans and five Democrats, would summarily have a form available to them that would say if someone gets a traffic ticket that is not subject to further action. You and I would agree with that without hesitation.

Mr. DREIER. Mr. Speaker, reclaiming my time.

Mr. HOYER. I wanted to fully answer the gentleman's question in this committee hearing we are having.

Mr. DREIER. Mr. Speaker, the gentleman did say and he talked about the great colleagues we have who serve on the Committee on Standards of Official Conduct, and he did refer to the fact that this measure and the concern over a traffic ticket would, in fact, have to be referred to the Committee on Standards of Official Conduct. So I am inferring from that that it is the gentleman's intent that a measure like a traffic ticket or a protest at the Sudanese Embassy is to be referred to the Committee on Standards.

Mr. HOYER. If the gentleman would yield for a very specific response to that.

Mr. DREIER. Sure. I am happy to yield to the gentleman.

Mr. HOYER. First of all, a traffic ticket is a charge, not a conviction. It is a de minimus charge that I think the committee would summarily deal with.

Mr. DREIER. Mr. Speaker, reclaiming my time, I would just say if the gentleman were to read the resolution which he has authored, he would see there is no specificity. And, in fact, it is very possible, it is very possible that if we pass this legislation, we would be in a position where the Committee on Standards would be forced to deal with the issue of a traffic ticket, a protest, a littering ticket or any measure like that. My only question of the gentleman was that in fact his intent. He said this was authored in response to the Republican measure.

Mr. Speaker, I yield 30 seconds to the gentleman from Maryland.

Mr. HOYER. I would say to the gentleman, the intent of the resolution I think is clear. And that is to say when charges are made, and the gentleman tries to bring up de minimus charges that no American would think violates the ethics of the House of Representatives or essentially major transgressions.

I think the Ethics Committee, if that was brought before them pursuant to this resolution, would deal with them summarily as not being worthy of consideration as you and I would deem them not worth of consideration.

Mr. DREIER. Mr. Speaker, reclaiming my time, the only point I am trying to make to my very good friend from Maryland is that this is a measure that clearly should have been referred to the Committee on Rules. The gentleman has on three occasions talked about the intent, the intent of his legislation.

This is drafted. We are about to vote on it. Why is there not specificity as to how Members are treated when dealing with an issue like of a traffic ticket juxtaposed to the 16 counts we are dealing with in the case of Mr. JEFFERSON?

There is not clarity in this measure, Mr. Speaker, and I believe it is very important for us to recognize that if we are in fact in this House with a great new sense of openness and a greater deliberative nature, this is a sad commentary on where we are. As I said in my remarks, everyone wants to talk about and is a proponent of holding this institution to high ethical standards. This is not a partisan issue. Unfortunately, it was used as a very partisan issue in last November's election.

But as we have found, there are problems of corruption on both sides of the aisle. It seems to me that as we deal with an issue that is as important as holding this institution to the highest possible ethical standards, Mr. Speaker, it is very important for us to do it right.

Unfortunately, and again, while I am going to vote for this resolution, I think it was very, very poorly crafted. I think we as an institution, Mr. Speaker, can do much, much better than we did with this.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, clearly what the gentleman is trying to do in a debating framework is trying to say we didn't mention every specific instance, whether very serious, moderately serious, or extraordinarily serious.

The gentleman is correct. I have responded to the gentleman that the Ethics Committee clearly, we believe, can make those judgments; and we believe and are confident that the committee will make such judgments and will not treat de minimus assertions as seriously calling for investigative subcommittees or further action by the committee.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, the bribery and corruption charges against Congressman JEFFERSON are serious. They go to the very heart of our ability as a representative government to do its job. It is fundamental that the people trust their elected representatives to act in the people's interest, not in their own. The very appearance that these allegations create is damaging to the image of this institution.

In the coming days, Congressman JEFFERSON will answer in a court of law to the 16 charges on which he was indicted. Congressman JEFFERSON is entitled to the presumption of innocence in the allegations against him, including bribery, racketeering, money laundering and obstruction of justice.

However, the Congress should be held to the highest standards. Earlier today, I called for the Ethics Committee to initiate its own investigation into the charges against Congressman JEFFERSON.

I support this resolution which calls for the automatic initiation of an Ethics Committee investigation when a Member of this body is indicted or formally charged with criminal conduct. This principle applies not just to Congressman JEFFERSON but to any Member of this House.

In the opening days of this Congress, I rose on the floor in support of a tough new ethics package.

☐ 1915

I said then that Members of Congress should be held to the highest regard by the people they represent. Illegal, unethical or inappropriate conduct by Members of the House cannot be tolerated.

I was elected to this Congress to help change the way we do business in Washington, and I will continue to do so without regard to person or party.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side of the debate?

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining. The gentleman from Maryland has 10 minutes remaining.

Mr. DREIER. Mr. Speaker, I wonder if my friend from Maryland would be very generous. Most of the time that I yielded was for his very thoughtful explanations as we were going through what I consider to be the Rules Committee hearing process here.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. DREIER. Well, 5 minutes, actually I'm going to reserve the time. If the gentleman would like to answer on his own time, the gentleman has twice as much time as I have. We have requests, and we are trying to get through the entire Rules Committee hearing here in a matter of 15 minutes. It's going to be a challenge for us, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman reserve the balance of his time?

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. The gentleman from Maryland has many people who are very interested in speaking on this issue, and I will have to yield to them and use the time to do so.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I thank the Leader, and I rise in support of this resolution. Ethics reform must be more than rhetorical. It simply must be real. I, like many of my colleagues, came to Congress with a promise that corruption should not be tolerated from either party. This is not about partisan politics, but this is rather about upholding strong ethical standards.

I was extremely disappointed to hear that another Member of Congress was indicted on such serious charges and this is not something that we can take lightly. A Member of Congress under such serious charges really should think long and hard about whether or not they can remain in Congress.

This is truly about justice, about doing the right things for the Member of Congress and for the Member of Congress's constituents.

Should the Member, in fighting these allegations, think hard about stepping down? Can the Member truly defend himself or herself and adequately represent the constituents of his or her district?

This is something I think that people under indictment should consider, as well I would encourage Mr. JEFFERSON to take this under advisement and encourage him to step down.

I rise in support of this resolution. Ethics Reform must be more than rhetorical—it must be real. I came to Congress with a promise that corruption should not be tolerated from either party. This is not about partisan politics; it is about upholding strong ethical standards.

I was extremely disappointed to hear that another Member of Congress is indicted on such serious charges and this is not something that can be taken lightly. A Member of Congress under serious indictment does not belong in the United States House of Representatives.

It is my hope that this situation with Congressman JEFFERSON can be resolved quickly and judiciously. However, given the serious allegations and ethical issues the indictment presents, I call on Congressman JEFFERSON to resign from the U.S. House of Representatives.

Mr. DREIER. Mr. Speaker, I'm going to reserve the balance of my time, and I really, really look forward to continuing our Rules Committee hearing process with my friend, the majority leader, after we have our line of very thoughtful speeches being made by our friends on the other side of the aisle. He said he had a whole lot of them, so I'm going to reserve my time if I might, Mr. Speaker.

Mr. HOYER. I thank the gentleman. He will observe that our speakers have all been from districts where this was a compelling issue in the November election, and that is why they are so interested in speaking about it.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, my position is similar to that of the gentleman from Pennsylvania.

I had the opportunity the last 2 days to be down in the gulf coast, to be in New Orleans today, and quite frankly, Mr. JEFFERSON is entitled to a presumption of innocence. That is the way of our judicial system and our code in this country.

Mr. Speaker, first, I rise in support of this resolution. An investigation needs to be conducted. We need to have the Ethics Committee take a look at this.

But I would also suggest to this House that when someone, anyone, is under indictment, it's a difficult position for him to do justice to himself or herself and to also do justice for their particular district, and those concerns were raised by people in New Orleans today, as well as in the newspaper.

So, as with Mr. CARNEY, I would suggest that the Ethics Committee take a good long look at this, that Mr. JEFFERSON obviously is going to take a good long look. I would suggest that he do justice to himself, prepare his defense, and that his district have someone else.

Mr. DREIER. Mr. Speaker, I'm going to continue to reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 2 minutes, with the possibility of an additional minute, to my good friend from the State of Florida, Mr. TIM MAHONEY.

Mr. MAHONEY of Florida. Mr. Speaker, no party's immune from corruption. Democrats and Republicans alike share the blame for outrageous ethical lapses that have occurred in Congress. In order to rebuild the trust of the American people and restore integrity to this great House, it is clear that we need to change the way ethics rules are enforced.

While I am pleased that the House will consider legislation tonight to strengthen enforcement of ethics rules, I would like to reiterate the need to create an independent ethics office.

We need independent ethics enforcement to prevent the kind of rampant corruption that was condoned in the last Congress and hold all Members accountable for questionable and illegal behavior.

Creating an independent ethics office with the authority to blow the whistle on questionable behavior would introduce the impartiality and accountability that has been missing from the enforcement of House ethics rules. It would depoliticize ethics enforcement and get the fox out of the hen house once and for all.

We have seen the costs of corruption. It erodes the trust of the American people, hurts our constituents and damages our ability to solve the critical challenges facing our great Nation.

In order to offer real solutions to the many challenges facing our country, we need a solid foundation. I'm committed to supporting efforts to hold all Members of Congress to higher standards of ethics and integrity, but it is time for this body to listen to the will of the American people and establish once and for all an independent ethics office.

Mr. DREIER. Mr. Speaker, may I inquire of my very good friend, the distinguished majority leader, how many speakers he has remaining on his side?

Mr. HOYER. I think that we are concluded with our speakers and I will close.

Mr. DREIER. Okay. Mr. Speaker, may I inquire how much time we have remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining, and the gentleman from Maryland has 6 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I'd like to during this period of time engage my friend in a colloquy.

And let me say as we begin this process, that I'm very troubled that we have this 40 minutes of debate, and we are in a position right now where we had to hear a whole line of campaign speeches that were, as the gentleman from Maryland said, a very important part of last November's process, the election, and we had to listen to those speeches again rather than trying to clean up this very, very poorly crafted legislation.

Now, I asked my friend to yield earlier, and he refused to yield to me, Mr. Speaker. And as I made that request, I was struck with the fact that the report that was just issued today continued to talk about this great sense of civility, openness and bipartisanship that exists in this institution. So I will say that I was somewhat troubled by that.

Mr. Speaker, I have just been informed that the distinguished majority leader has another speaker from which we're going to hear, and before I engage in my colloquy with him, and I hope he might be generous with whatever time is remaining so that we can try to clean up this legislation or at least the intents of it, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we believe this resolution is well-crafted, and it's well-crafted to effect the end that it seeks. And the end that it seeks is very simple, that when issues are raised, the Ethics Committee will pursue them and that they will give confidence to the American public that we are taking seriously the allegations and/or the transgressions that might undermine the integrity of this House.

We think that's what the American people want. That's what we are pursuing. We think this legislation is very clear on that issue.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. GILLIBRAND).

Mrs. GILLIBRAND. Mr. Speaker, I thank the majority leader.

I rise today to speak on the issue of ethics. This body must focus its attentions on ethics and accountability. In the last election, the American people demanded such, and I think this resolution offered by Mr. HOYER is something that will begin to address that concern.

The Ethics Committee must begin to respond to allegations of wrongdoing by this House. I think a mandatory 30-day return time makes an extraordinary amount of sense.

As a member of the freshman class who cares a lot about ethics and accountability, we also hope to eventually have an independent ethics counsel which will also provide recommendations to the House Ethics Committee.

I think this is the first step in the progress of making sure that the American people can begin to have faith and confidence in its government and its elected leaders.

Mr. DREIER. Mr. Speaker, may I inquire again how much time is remaining?

The SPEAKER pro tempore. The gentleman from California has 4 minutes remaining. The gentleman from Maryland has 4½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

As we've been sitting here listening to what frankly have been a flow of campaign speeches, we've been trying to sort of study and analyze and scrutinize what the majority leader, for whom I have highest regard, describes as well-crafted legislation.

So I'm going to with the remaining time that I have continue to try and inquire about this legislation which should have been referred to the Rules Committee, that should have been an original jurisdiction hearing.

A question that has just come to my attention, Mr. Speaker, and I would be happy to yield to my friend for an answer on this, is whether or not a Member who conceivably receives a traffic ticket, and again, the language here says, "be it Resolved, That whenever a Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress, is indicted or otherwise formally charged with criminal conduct."

Now, my question to my friend would be, if a Member were to get a speeding ticket, and I was just informed by one of our crack staff people here who is aware of the fact that in the State of Virginia, if someone exceeds the speed limit by 10 miles an hour, they could be out here on the George Washington Parkway, there is in fact a criminal charge leveled against them. If that were to happen to a Member, is that Member under this resolution that we are going to be voting on compelled to actually inform the Committee on Standards of Official Conduct that that person faces that criminal charge?

And I'd be happy to yield to the majority leader to clarify this bit of confusion that we have in this legislation, Mr. Speaker.

Mr. HOYER. Mr. Speaker, would the gentleman from California yield?

Mr. DREIER. I'm happy to yield to my friend.

Mr. HOYER. I thank my friend for yielding.

My friend continues to focus on traffic tickets. He tries to—

Mr. DREIER. Mr. Speaker, if I could reclaim my time, when the gentleman says I'm just focusing on traffic tickets, if in fact someone is arrested for a protest at the Sudanese Embassy, is it the intent that that Member be compelled to inform the Committee on Standards of Official Conduct of this action?

These are the questions we want to have answered, and I'm underscoring, Mr. Speaker, the fact that there is a lot of confusion about this resolution. I'm happy to further yield to my friend.

Mr. HOYER. Mr. Speaker, would the gentleman from California yield?

Mr. DREIER. I'm happy to yield.

Mr. HOYER. Mr. Speaker, it is a short resolution. The gentleman may not think it's well-written, but nor has he well-read it. There is nothing in there that says the Member is compelled to do anything.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, that is the reason we need to have that clarified. Let me read the resolution on which we're about to vote.

It says, "otherwise formally charged with criminal conduct." That is the language that is here. If that happens, then the Committee on Standards of Official Conduct is expected to take action, whether or not they choose to empanel an investigative committee or choose to waive it. The Committee on Standards of Official Conduct is compelled to take action, whether it be a traffic ticket, an arrest at the Sudanese Embassy or a littering ticket.

And I'm happy to yield to my friend if he wants to further clarify the confusion and explain to us what "otherwise formally charged with criminal conduct" is, and Mr. Speaker, the reason I'm doing this is to simply underscore the fact that this measure should have been referred to the Committee on Rules so that we could have held an original jurisdiction and done what we've already had to do in this Congress so far, and that is clean up on issues like the charitable events attending, we had to clean that up through a self-executed measure in a rule that was passed last month.

□ 1930

That's why we have a chance to do it. I believe it should be done.

I am happy to yield to my friend.

Mr. HOYER. I thank the gentleman for yielding.

I will tell the gentleman that this resolution that we are now considering does not seek to trivialize the issue. I suggest that the gentleman is trying to trivialize this issue. This issue does not deal with traffic tickets.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I am not trivializing. I am not trivializing this issue at all.

Mr. HOYER. If the gentleman wants an answer, then he ought to give me the time to answer.

Mr. DREIER. Mr. Speaker, I am not trivializing this issue at all. There is nothing trivial about this issue.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. My time has expired? Will the gentleman from Maryland yield me time to respond?

Mr. HOYER. How much time do I have?

The SPEAKER pro tempore. The gentleman from Maryland has 4½ minutes remaining.

Mr. HOYER. I yield the gentleman from California 1 minute.

Mr. DREIER. Mr. Speaker, let me say there is absolutely nothing trivial about this issue. We are here on the floor because of the fact that we have faced a very serious attack with an indictment against one of our colleagues. That Member happens to be a Democrat.

We have all discussed the fact that this is a bipartisan issue, and there is a goal to ensure that this institution is held to the highest possible ethical standards. We have before us a resolution, which, based on my experience in this House, is very poorly crafted. It is a resolution which creates the potential for all kinds of havoc.

I have been spending the last 40 minutes making a feeble attempt at trying to create some kind of legislative history as to how Members of this institution in the future are going to be treated, as our friends on other side of the aisle have rushed to the floor and tried to politicize this very, very important substantive issue.

They have done it. They have done it through the campaign process last fall, and I believe that we need to do what we can to put this measure before the Committee on Rules so we can, in fact, have a decent hearing on it.

I thank my friend for yielding.

Mr. HOYER. The gentleman is welcome.

The pain of accountability is evident. What this resolution says, and I am pleased that the gentleman from California is going to vote for it, is that the American people are going to have confidence that when a criminal act is committed by a Member, whatever that act, that the Ethics Committee will look at it.

I said earlier in the course of this debate that I have full confidence that the Ethics Committee will dismiss summarily, summarily, the examples that the gentleman from California raises. That's not what the American public are concerned about.

Yes, perhaps it's politicized. But when Duke Cunningham takes $2.5 million of bribes to put earmarks in bills and calls the Defense Department and says, give Mr. Wade a contract, the American people knows that's something they want looked at. They want action taken. That Member was not expelled until conviction.

When Mr. Abramoff takes trips with a lot of people to Scotland for free, the American people knows that's not a traffic ticket. It's not demonstrating in front of the Embassy of Sudan to say stop the genocide in Darfur. The American public knows the difference.

When a gentleman gets $5,000 in chips to put in his pocket and pay his bills with, they know that's not a traffic ticket, particularly when legislative action is taken shortly thereafter on this floor. They know the difference.

I would hope that every Member would vote for this, because I believe that every Member in this House wants an ethical House, Republican and Democrat. Why? Because unethical conduct, yes, criminal conduct, reflects on every one of us, because the American public too readily assumes, well, if one does it, all do it.

That is not the case. I believe that I am privileged to serve with those of you on the Republican side and those on the Democratic side with some very ethical members of our society who have been chosen by your neighbors to represent them in this body.

All we are saying in this resolution is that, ladies and gentlemen of America, we are going to hold accountable each and every one of us if we do not act in accordance with your justifiably high expectations. I hope every Member of this body votes for this resolution and says to our constituents, this body will be an ethical, honest body representing your interest.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. HOYER) that the House suspend the rules and agree to the resolution, H. Res. 451.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to suspend the rules on H. Res. 397, by the yeas and nays; motion to suspend the rules on H. Res. 422, by the yeas and nays; motion to suspend the rules on H. Res. 430, by the yeas and nays; motion to suspend the rules on H. Res. 451, by the yeas and nays; adoption of H. Res. 452, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CONDEMNING VIOLENCE IN ESTONIA AND ATTACKS ON ESTONIA'S EMBASSIES IN 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 397, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 397, as amended.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 426]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Baca
Becerra
Cantor
Cooper
Hastings (FL)
Holden
Holt
Honda
Hunter
Jefferson
Meehan
Myrick
Paul
Payne
Pickering
Reyes
Tancredo
Watson
Woolsey
Wynn

□ 2007

Ms. WASSERMAN SCHULTZ changed her vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING ON THE GOVERNMENT OF CHINA TO STOP GENOCIDE AND VIOLENCE IN DARFUR, SUDAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 422, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 422.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 427]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite,
  Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
  (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
  E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
  Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda
  T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
  Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Baca
Becerra
Cantor
Cooper
Hastings (FL)
Hobson
Holden
Holt
Hunter
Jefferson
Knollenberg
McNerney
Meehan
Myrick
Paul
Payne
Pickering
Reyes
Tancredo
Watson
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2014

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING ON THE GOVERNMENT OF IRAN TO RELEASE DR. HALEH ESFANDIARI

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 430, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 430, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 428]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite,
  Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner

Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Baca
Becerra
Braley (IA)
Cantor
Cooper
Hastings (FL)
Holden
Holt
Hunter
Jefferson
Manzullo
Meehan
Myrick
Paul
Payne
Pickering
Reyes
Tancredo
Watson
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

☐ 2022

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: A resolution "calling for Iran to immediately release five dual Iranian-American citizens currently being held unjustly.".

A motion to reconsider was laid on the table.

Stated for:

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall No. 428, had I been present, I would have voted "yea."

WELCOMING COLE RODGERS

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, we are very, very privileged tonight to have a guest on the floor. Little Cole Rodgers is here with his mother, Representative CATHY MCMORRIS RODGERS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO RESPOND TO THE INDICTMENT OF ANY MEMBER OF THE HOUSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 451, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. HOYER) that the House suspend the rules and agree to the resolution, H. Res. 451.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 10, answered "present" 15, not voting 20, as follows:

[Roll No. 429]

YEAS—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)

Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (FL)

NAYS—10

Clay
Conyers
Doolittle
Filner
LaTourette
McDermott
Nadler
Stark
Whitfield
Young (AK)

ANSWERED "PRESENT"—15

Barrett (SC)
Bonner
Brown, Corrine
Delahunt
Doyle
Green, Gene
Grijalva
Gutierrez
Hastings (WA)
Jones (OH)
Kline (MN)
McCaul (TX)
Roybal-Allard
Schakowsky
Waters

NOT VOTING—20

Baca
Becerra
Cantor
Cooper
Hastings (FL)
Holden
Holt
Hunter
Jefferson
Meehan
Murtha
Myrick
Paul
Payne
Pickering
Reyes
Tancredo
Watson
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 2030

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

QUESTION OF THE PRIVILEGES OF THE HOUSE

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 452, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 373, nays 26, answered "present" 13, not voting 20, as follows:

[Roll No. 430]

YEAS—373

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (FL)

NAYS—26

Bishop (GA)
Brown, Corrine
Butterfield
Clarke
Clay
Clyburn
Davis (IL)
Doolittle
Ellison
Filner
Gutierrez
Honda
Johnson, E. B.
Kilpatrick
LaTourette
Lee
McDermott
Nadler
Rohrabacher
Rush
Schakowsky
Stark
Stupak
Thompson (MS)
Whitfield
Young (AK)

ANSWERED "PRESENT"—13

Barrett (SC)
Bonner
Delahunt
Doyle
Engel
Green, Gene
Hastings (WA)
Jackson-Lee (TX)
Jones (OH)
Kline (MN)
McCaul (TX)
Roybal-Allard
Waters

NOT VOTING—20

Baca
Becerra
Cantor
Cooper
Hastings (FL)
Holden
Holt
Hunter
Jefferson
Meehan
Murtha
Myrick
Paul
Payne
Pickering
Reyes
Tancredo
Watson
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 2037

Mr. DAVIS of Illinois and Mr. RUSH changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2446, AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–174) on the resolution (H. Res. 453) providing for consideration of the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE CRAIG THOMAS, A SENATOR FROM THE STATE OF WYOMING

Mrs. CUBIN. Mr. Speaker, I offer a privileged resolution (H. Res. 454) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 454

Resolved, That the House has heard with profound sorrow of the death of the Honorable Craig Thomas, a Senator from the State of Wyoming.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 40

Mr. LATHAM. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.J. Res. 40, which was added by the sponsor without my permission.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RECOGNIZING HUNGER AWARENESS DAY

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute.)

Mr. LARSEN of Washington. Mr. Speaker, today I rise in recognition of Hunger Awareness Day.

Each day millions of our fellow Americans will go to bed hungry. In my home State of Washington, around 95,000 families suffer from hunger. Each day, approximately 300,000 families in Washington State are forced to choose between putting food on the table and paying their bills. Worst of all, 39 percent of those served by Washington's largest hunger relief agency are children.

In the wealthiest and most agriculture-rich nation in this world, this is simply unacceptable. As Americans, we all must do our part to make sure everyone in our communities, young and old, get enough to eat.

In my district, organizations like the Boys and Girls Club of Monroe, Washington, are using today to hold food drives and benefit dinners to support local food banks. Many organizations across the State and Nation are doing their part to fight the hunger epidemic. We need to match their efforts in Congress.

So as Congress works to reauthorize the farm bill this year, we need to make sure that Federal anti-hunger programs and emergency food assistance programs get the resources they need. I want to thank our local leaders in Washington State and across the country for their work fighting hunger, and I call on my colleagues in Congress to join their efforts.

CONGRATULATING THE CLEVELAND CAVALIERS ON WINNING THE NBA EASTERN CONFERENCE CHAMPIONSHIP

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Mrs. JONES of Ohio. Mr. Speaker, to all my colleagues, I want you to join me in saying congratulations, Cleveland Cavaliers, Eastern Conference champions. Come on now.

It is such a wonderful experience for the great City of Cleveland to have an opportunity to have a team like the Cleveland Cavaliers, to be led by "King" Lebron James. We are so excited, because, Cleveland, we needed a boost, and we got a boost in our basketball team, and we ask you to turn us on, because we will turn you up.

Cleveland Cavaliers, Eastern Conference champions.

THE LAST GAVEL

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, pending before this body June 5, 1941, Mr. Speaker, was a debate on the war in Europe. Everyone listened as Representative John Elliott Rankin of Mississippi delivered yet another unfortunate anti-Semitic diatribe. Not even the events of Hitler's rise to power stopped him. Not even knowing there were six Jewish Members of the House stopped him.

When he was done, New York Congressman Mike Edelstein jumped to his feet and responded to this diatribe of anti-Semitism and he said the following words: "I deplore the idea that men in this House attempt to use the Jews as their scapegoat. I say it is unfair and I say it is un-American. All men are created equal, regardless of race, creed or color, and whether a man be Jew or Gentile, he may think what he deems fit."

Those were the words of Mike Edelstein, June 5, 1941. He left this podium, went into the Speaker's Lobby and died of a heart attack, and I wanted to recognize this on the anniversary of his passing.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 2045

HONORING PARREN MITCHELL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise today to praise a great man, a former Member of Congress, a former colleague of many who are still here, Parren Mitchell of Maryland.

Today, with the Maryland delegation, our distinguished majority leader, along with ELIJAH CUMMINGS, gave the eulogy today with both Senators present, the Governor of the State, the mayor of the city, all of the clergy, not all but a representation of it, and family and friends of this great man, Parren Mitchell.

Many Members of Congress who still serve here served with Parren, and they know he was a champion for economic and social justice.

Mr. Speaker, I want the rest of our colleagues to know about the Mitchell family. They were in the forefront of the civil rights movement; and, as a native Baltimorean, I knew full well the quality of their leadership and the extent of their effectiveness.

Parren Mitchell was a part of that leadership. He came to the Congress in 1971. He was the first African American from Maryland to serve in the Congress and the first African American since 1898 to come to the Congress from south of the Mason-Dixon line. So he made history when he came here, and he was a fighter who made progress while he was here. He was a pioneer and patriot. He fought for our country on the battlefields of Europe. He received the Purple Heart. He fought in the civil rights movement, and then fought here on the floor of the Congress until he decided to leave Congress.

It was wonderful to hear his nephew speak about him, and other representatives of the family speak about him, as an uncle and a friend and a mentor.

It was wonderful to hear the clergy speak of him as a child of the church, a truly religious person who brought his religion and his faith into public service.

It was wonderful to hear the elected officials sing his praises as ones who had learned from him. Senator MIKULSKI, Senator CARDIN. They had learned from him and worked with him. Again, he was a champion for many issues.

He was a founder of the Congressional Black Caucus, and I am so happy that he lived to see five members of the Congressional Black Caucus become chairs of the full committee in the House. We have Chairman RANGEL, who will be making our economy fairer and all of the economic justice that Mr. Mitchell talked about; and Chairman CONYERS, who did speak today about bringing the civil rights movement into our Congress, into our legislation, protecting and defending our Constitution and our civil liberties.

So it was a happy occasion, although he will be greatly missed. It was a celebration of his life that was enjoyed for many hours today in St. James Episcopal Church in Baltimore, Maryland.

Congressman SARBANES was there, along with his full family, his mother and father, former Senator Paul Sarbanes, his brother, Michael, and of course a Member of Congress we are very proud of, JOHN SARBANES.

And AL WYNN was there. We almost had all of the Maryland delegation, the Democrats, that is. And the delegation is almost all Democratic, but that is for another discussion on another day. AL WYNN was there representing the area nearest Washington, DC, but close to the service of Parren Mitchell.

When I spoke at the service I said we would be gathering here tonight to talk about Parren Mitchell and his wonderful contribution to our country and that they should tune in. But I wanted to tell you tonight what we saw today, which was a community who truly respected this great man and truly loved him and who will miss him sorely.

With the passing of Parren Mitchell, our Nation has lost one of its most passionate champions of justice and equality. I offer my deepest condolences on behalf of all of my colleagues in the House to Congressman Mitchell's family, friends, and all who loved him.

Growing up in Baltimore, I learned to revere the Mitchell family for their dedication to economic and social justice. Parren, his brother Clarence, and indeed his entire family, devoted their lives to ending racism and ensuring that our Nation's bounty was shared by all of its citizens. For that, we have all benefited. That is because their advocacy brought us closer to the ideal of equality that is both America's heritage and our hope.

The story of Parren Mitchell's life tracks the progress we've made. But it also shows how much farther we must travel to truly achieve justice for all.

At age 11, Parren Mitchell understood the reality of racism at its most violent and brutal. His older brother, Clarence, a true champion of social justice in his own right, came home one day and told of having just seen the body of a man who had been murdered—lynched—in Somerset County. In that moment, Congressman Mitchell would later say, he decided to dedicate his entire life to fighting for the rights of African Americans.

Years later, in 1950, after graduating from Morgan State, the University of Maryland refused to admit Congressman Mitchell to its College Park campus, telling him that it was "inadvisable" for blacks to attend. But that injustice would not prevent Parren Mitchell from pursuing his dream. He fought back. He won his court case. And Parren Mitchell became the first African-American graduate student at the College Park campus, and earned his master's degree in sociology. Because Parren Mitchell refused to see his dream of attending graduate school denied, many more were able to pursue their own dream of a graduate education.

Then, in 1971, when first sworn in as a Member of the House, Congressman Mitchell became the first African-American Member of Congress elected from the State of Maryland. This achievement must have been tempered by the knowledge that he was the very first African-American elected to Congress from below the Mason-Dixon line since 1898. It took almost a century for a Black American from the South to find a seat here in the People's House.

Across the 85 years of Parren Mitchell's life—in his own story and the story of America—we see the slow march of progress. We celebrate today a man who made sure that, however slow at times, we continue to march in the right direction—toward peace, understanding, and justice for all.

Congressman CUMMINGS recently described Mr. Mitchell as "never concerning himself about fame or fortune but, rather, devoting himself entirely to uplifting the people he represented." That was apparent through his leadership as the first African American to chair the House Small Business Committee. There, he put into law guarantees that minority-owned business would share in public works and transportation contracts.

It is also a great testament to the leadership of Parren Mitchell that the organization he helped found—the Congressional Black Caucus—continues to serve as the conscience of the Congress and increase its ranks to the benefit of all Americans. I am sure Mr. Mitchell is looking down upon us today and that he is pleased that so many CBC members are here to honor him today.

With Congressman Mitchell's passing, we have lost a friend, a former colleague, and a passionate advocate for seeing that America's promise of freedom and equality are realized by all of our citizens. Whether in the Army, where he earned a Purple Heart, teaching at his alma mater, Morgan State, or serving his community as a social worker or a member of this body, Parren Mitchell dedicated his life to service. His loss leaves a void that we must work together to fill.

I hope it is a comfort to Congressman Mitchell's family and friends that so many people mourn their loss and are praying for them at this sad time.

REMEMBERING PARREN J. MITCHELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, as a young man I worked on Capitol Hill for a United States Senator, along with the Speaker, Senator Daniel Brewster.

From time to time, Clarence Mitchell, Jr., one of the giants of American history in civil rights in America, would visit Senator Brewster; and I would have an opportunity to meet him. I was honored and awed to meet him. Many called him the 101st United States Senator. Clarence Mitchell, Jr., was the brother of Parren James Mitchell.

Shortly after I graduated from law school, I was honored by the citizens of my district who elected me to the State Senate. I went to the State Senate as a young man, but there was a young man 6 months younger than I. His name was Clarence Mitchell, III, Clarence Junior's son. We served together.

Over the years, I got to know very well Juanita Mitchell, an extraordinary family, an extraordinary family whose matriarch, Ms. Jackson, was an extraordinary leader in her own right.

Parren J. Mitchell was my friend. In 1981, many years after I met the Mitchell family for the first time, I ran for Congress. Juanita Mitchell and Parren Mitchell and Clarence Mitchell, III, were very helpful to me in that campaign. I represented a large African American population. They have always been very supportive of me and I of them. Parren Mitchell did a radio ad for me during the course of that campaign urging all in Prince George's County to elect me. That was a significant help, in my opinion, to my election.

He has been succeeded when he decided voluntarily to leave the Congress by two extraordinary representatives. One was Kweisi Mfume, who spoke at the funeral today; and the other was my colleague and my friend, the immediate past chairman of the Congressional Black Caucus which was founded by Parren J. Mitchell with Lou Stokes and others.

ELIJAH CUMMINGS spoke. He spoke powerfully and eloquently about the relationship that he throughout his life had with the Mitchell family and the impact that they made on him as an individual. The Mitchell family and Parren J. Mitchell in particular were extraordinary servants of the people, of our democracy, of our country.

When Parren J. Mitchell was sworn in as the first African American to represent the people of Maryland in Congress, he joined this institution at a landmark moment for equality in America. It was 1971. The Voting Rights Act of 1963 and the Civil Rights Act of 1964 and 1968 had already been signed into law. African Americans were making strides that once seem unimaginable; and the assassinations of leaders like Dr. Martin Luther King, Jr., Malcolm X and Robert Kennedy raised questions as to what the future of the civil rights movement would be.

Parren Mitchell. Parren Mitchell, a man who took it upon himself to not only protect the legacy of the civil rights pioneers who had come before but to build upon the progress that made it possible for him to come to Washington in the first place.

Rather than be satisfied with how far the struggle for freedom and equality had come in recent years, Parren took responsibility for moving America even further, dedicating his life to ensuring that American society reflected the values and the principles for which this great country stands.

Parren was a founding member, as I have said, of the Congressional Black Caucus, a body that has transformed the way we approach issues of social and economic justice through an understanding that unity is the key to lasting change here in the United States.

Parren fought for fairness in American workplaces and institutions of higher learning as a staunch advocate of affirmative action programs that opened the doors of opportunity to thousands of minorities. As the Speaker said today in her remarks, he was not only committed to equality but understood that equity, particularly ownership in our society, a piece of the pie, was absolutely essential as well.

Parren helped to enhance the fortunes of America's minority business community by introducing legislation ensuring that minority owned business enterprises have a fair shot at Federal contracts, a provision we see mirrored in local and State government contracting practices all over our Nation today because of the leadership and commitment of Parren Mitchell.

Parren's life was one of historic firsts, from the first African American congressman from Maryland to the first African American to receive a degree from my alma mater, the University of Maryland.

His life was also one of service, serving his country proudly and honorably as an officer in the 92nd Infantry Division during World War II and serving the people of Baltimore and our Nation as a man who would never give up fighting for what he knew to be right and just.

Coretta Scott King once said that struggle is a never-ending process, and freedom never really won; you earn it and win it in every generation.

We are all profoundly fortunate that a leader like Parren Mitchell was here to carry the torch of human progress that was passed down to his generation, and we all are profoundly grateful for his contribution to expanding the reach of civil rights and equal opportunity in America.

Mr. Speaker, as we commemorate the life of Parren J. Mitchell, I would like to offer my sincere condolences to his family and loved ones and many friends, to express my deep gratitude for his years of service to this House, the State of Maryland and this great country.

Parren J. Mitchell was short in stature, but he was a giant of a man. He stood tall. He stood with courage, he stood with commitment, and he stood with conviction for the rights of all Americans, not just those who were African Americans but of all Americans, irrespective of who they are, what they were, where they came from, how they worshipped. He knew that equality for one was absolutely essential if there was to be equality for all. America was blessed by the service of Parren J. Mitchell.

Today we heard of the love, the respect, and the honor with which he was held by his community. I am proud to join Speaker PELOSI from his beloved city of Baltimore; ELIJAH CUMMINGS who represents that city so well today and that district that Parren represented. He would be so proud, ELIJAH, of the representation you give to the 7th Congressional District. And to JOHN SARBANES whose father served shoulder to shoulder with Parren Mitchell in this House from 1971 to 1976. He would be so proud of you, JOHN, and the role you play in representing that great city.

I was blessed, Mr. Speaker, to serve with Parren Mitchell for the time that he served and I served together. I learned from him. I am better because of him, and I miss him deeply.

□ 2100

HONORING THE MEMORY OF PARREN J. MITCHELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, it gives me great honor this evening to talk about my good friend and mentor, former Congressman Parren Mitchell.

I said today at his memorial service that Parren Mitchell was without a doubt a man of great humility. He was a mentor of mine; and many, many years ago we came in contact with each other. One of the things that he made clear was that being in elected office is not about seeking to be a celebrity. It must be about service. He was one who made it his business to serve his constituents to the nth degree.

If you were to ride around the 7th Congressional District, much of which is in the inner city of Baltimore, you would hear people, from presidents of corporations to the folks working in the markets to the bank tellers, call him PJ. They called him PJ not out of disrespect. They called him PJ because of their love for him and because of his humble spirit.

It was not unusual for Parren Mitchell to show up at a church or show up at a funeral or show up at somebody's Eagle Scout ceremony. He was the kind of guy who spent his lifetime trying to lift up other people.

The interesting thing, too, is that he did something for African American young people that very few have been able to do. When he ran for office in 1968, he lost by about 5,000 votes. Now, in many instances, if somebody got a total of 15,000 votes, which he did, and lost by 5,000, which he did, they would give up.

Two years later, Parren Mitchell came back and in 1970 was elected by a tremendous landslide margin of 38 votes, and that was so significant for us because back then I was in high school, and it showed me that an African American could be elected to the Congress of the United States of America.

In other words, what Parren Mitchell showed us was what we thought to be impossible was possible, and since that time we have seen Kweisi Mfume come to this body, and yours truly, and we've seen African American Congressmen from all over this country, and I would venture to say that he had a tremendous impact on others, in the Hispanic community and women and many others, who may have thought at one time it was almost impossible to come here.

And so we pay tribute to this great man. His record is clear: a staunch advocate for small business; a staunch advocate for those who have been left out; a staunch advocate for making sure that civil rights are adhered to.

And finally, let me say this, Mr. Speaker, as I summarize Parren's life in a written piece for the Afro-American newspaper, Parren Mitchell was one who built bridges to opportunities and tore down walls which caused people not to be included in this society.

COMMEMORATING THE LIFE AND LEGACY OF CONGRESSMAN PARREN J. MITCHELL

The SPEAKER pro tempore (Mr. DONNELLY). Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise today to join others in commemorating the life and legacy of Congressman Parren J. Mitchell. Growing up in Baltimore, I came to understand the tremendous positive impact this great man had on my community, the State of Maryland and indeed this country.

The first African American Congressman from my State, Parren Mitchell fought against racism at every turn, but he fought on other fronts as well, wherever he saw injustice, and inhumanity. At his memorial service earlier today in Baltimore, we heard again and again of a man unafraid to speak truth to power.

I would like to share my own personal story of how I felt the presence of this man.

Some years ago, Congressman Mitchell was honored at the 15th anniversary of the Public Justice Center, an organization committed to building systemic change in our society.

It was an easy choice to salute Congressman Mitchell, but it was not easy for him to attend the event. He was by then quite frail, and as he was helped to the stage to receive the honor, I remember wondering whether he would have the energy to speak.

I needn't have worried. A steady and resonant voice filled the hall, and from this slightly built man, at that point in his life no longer able to stand up, came simple and powerful words of gratitude and inspiration.

He spoke at length and without hesitation about his core principles of honesty, justice and compassion. It was, Mr. Speaker, a tour de force. I can only imagine what that voice was like when it held forth in this Chamber and carried the day on so many critical issues.

Something else happened that night that is worth relating. After Congressman Mitchell finished speaking, the organization honored a young man from the community who had struggled and succeeded in overcoming unfair labor practices in his industry. That young man, looking out on a crowd of 500 people, said this: "We need to make sure that the big corporations pay the little guy for the hard work."

I looked at Congressman Mitchell, and I saw a smile creeping across his face. It was truth to power at its very best, all that Parren Mitchell had ever stood for.

Mr. Speaker, it is an honor to salute this fine American and great son of Baltimore.

TERMS OF SURRENDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the United States is being invaded by millions of people from many countries throughout the world.

The invasion has taken place by land, sea and air. The rulers of some of those Nations have encouraged the invasion, by words and other methods such as providing tactical maps as to how to illegally enter the United States.

The people coming here want what the United States has. Some claim the land in the Southwest actually belongs to their native country and are retaking it. Some here are to commit lawless acts, but most are here as occupiers that have intentions of living here and reaping the benefits of the United States. No matter the reason, they are all here illegally. It is an invasion when masses of people move to someone else's country without permission.

So, we have been invaded by people from other Nations. So what do we do? Some want the invasion to stop. I am one of those. Some in the United States want the invasion to continue. And some here in the United States are indifferent.

But what about our government? Is it fighting to protect our sovereignty? Well, no. Rather than protect the United States border, the United States Federal Government is raising the white flag and has already drawn up terms of surrender. It is called the "Grand Bargain." It's a plan to allow the illegal occupiers to just stay in America. The United States Government appears to take the position that it cannot stop the invasion so it will just legalize the invasion. So the occupiers will win the day and they will get to stay.

The propaganda machine of our government is trying to convince Americans that this proposal is not amnesty. The idea is to change the meaning of the word "amnesty." Sort of a new take on what definition of "is" is. The political propaganda people are trying to convince Americans it is better to surrender to the occupiers than to prevent illegals from coming across our borders, but it's still amnesty.

Even though I was a judge in Texas for over 20 years, you don't have to have a law degree to know that amnesty means forgiveness or pardon. To give you an example, if somebody trespasses on your land or is a squatter on your land, as some people call it, if that person is caught and they pay a fine but they get to remain on your property, it's still trespassing, and if they get to remain on your property, even paying a fee, it is amnesty.

Trespassers are required to leave when caught, no matter how long they have been trespassing on somebody else's property. This has been the law of nations for thousands of years. But our government's going to legalize trespassing and let squatters stay whether Americans and legal immigrants like it or not.

Make no mistake. This plan, or treaty of capitulation, lets the illegal occupiers stay here. It's cold hard amnesty. The Feds have their priorities wrong.

When a Nation is invaded, the duty of government is to stop the invasion. That is the first duty of our government, to defend, protect and secure the Nation. We protect the borders of other nations, but we don't protect our own. Our government has not protected the border but talks about legalizing the illegals. In other words, agree to the invasion and give in to the demands of the occupiers. And this is absurd. This is surrender.

The first answer to an invasion is to defend the land, seal the border. Stop the people from coming here and don't give in to them. Simply stop the invasion.

It's in the best interest of America that the government realizes there's a border war going on, and rather than surrender the government needs to get on the right side of the border war, the American side, and stop the invasion. Secure the border, then decide what to do with the people that are here illegally. But if the border's not protected, more occupiers will continue to come here illegally, and our government will continue to be missing in action.

And that's just the way it is.

U.S. INVOLVEMENT IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, there is hardly anyone asking the right question at this time, and it is whether the U.S. involvement in Iraq will end as it did in Vietnam or last forever as it has in Korea. Last week, the President declared his intention to keep America in Iraq forever. That's a sure sign the President's been talking to the Vice President again.

Iraq looks nothing like Korea did in 1952. There is no DMZ and no 38th parallel separating the opposing forces. In Iraq, the war is everywhere. In Korea, the DMZ is one of South Korea's most popular tourist destinations, with buses hauling people back and forth. It's so popular you have to book the trip weeks in advance. It costs $42, by the way, and that's without lunch.

At the DMZ, you can visit the small building where an armistice was signed, and risk stepping across a painted line on the floor separating North and South Korea, which remain technically at war. Is this the President's vision of Iraq? Hardly, but that's what he would like the American people to believe.

It sounds so simple and so safe and so utterly detached from Iraq, where every street corner in Baghdad is a war zone. The President wants an indefinite military presence in Iraq, but a majority of the Iraq parliament signed a petition demanding a timetable for the U.S. to leave, which the President ignores.

The President wants permanent military bases in Iraq despite the thoughtful and bipartisan conclusion of the Iraq Study Group. That group said, "The United States can begin to shape a positive climate for its diplomatic efforts internationally and within Iraq through public statements by President Bush that reject the notion that the United States seeks to control Iraq's oil or seeks permanent bases within Iraq."

But the President rejected their common sense and ordered the base building to go forward. What exactly are we protecting with the Iraqi people fleeing by the millions? South Korea never looked like this.

In Iraq, students graduating from college used to dream about getting a good job and raising a family. Now they dream of getting out of Iraq alive and as quickly as possible.

Just today, the United Nations issued a new report that says 4.2 million Iraqis have been displaced, half driven out of their homes by rampant and unrelenting bloodshed, and the other fleeing the country. It's estimated by the U.N. that 30,000 Iraqis cross into Syria every month, and Syria says the actual number is much higher. Jordan, meanwhile, has already taken over 1 million Iraqis. What have we done? We have granted 701 Iraqi refugees asylum in the United States.

The President recently announced we're willing to accept up to 7,000 Iraqis. Over 2 million Iraqis have fled their homeland so far, and we're going to take in a few thousand.

When we left Vietnam, we took hundreds of thousands of Vietnamese with us. Within a few months 130,000 Vietnamese had resettled here, and within a few years the number topped 320,000. These were our Vietnamese friends, people who had risked their lives to help us in Vietnam. We didn't desert them and they didn't desert us.

In Iraq, the President says we're willing to take a few thousand in a Nation losing millions of its people. The Iraqi people are fleeing their homes and their homeland in increasing numbers, flooding into nearby countries unable to cope with the refugee crisis.

Millions of peaceful, law-abiding Iraqis from its intellectual establishment, to its merchants, professionals, civil servants, and ordinary citizens are doing whatever they can to leave. And the President is doing everything he can to stay, building bases and demanding a so-called law to gain access to Iraqi's oil.

The President's stay-the-course strategy has evolved into his stay forever strategy. It hasn't worked before and it won't work now.

The President's military escalation is an absolute failure, and the sooner the President admits his mistake, the faster we can develop a national exit plan that protects our soldiers and gives Iraq back to the Iraq people, no strings or military bases attached.

Mr. Speaker, please pass the message to our President. It's time to bring the troops home. A hundred a month are dying, more and more. Last month, the third highest month in the war. It's not getting better. We've got to bring the troops home.

□ 2115

INFECTIONS AND HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Chairman, I am here to talk about a sad but true problem in our health care institutions in this country, and that is this. The Centers for Disease Control tells us in any given year some 2 million people will catch an infection while either in their hospital or health care center. Some 90,000 people will die, and some $50 billion is spent on this each year in our hospitals.

Now this chart here depicts what we have as of this evening, 853,747 cases so far, over 38,000 deaths and over $21 billion already spent as of today. These are bacteria, viruses, fungi and parasites that cause these common hospital infections. Most common are influenza, flu or colds. The thing about this is so many can be prevented, but a huge problem among the bacteria types, some 70 percent of the bacteria are resistant to at least one medication. There is a huge problem in American hospitals, which is causing so many deaths and a big part of our health care costs.

Now these microorganisms can be present when a patient comes in, and that's why it's so important to understand how the staff, the hospital staff, the doctors, the visitors, the patients themselves need to adhere to some special procedures in order to prevent this problem from occurring and killing so many and costing us so much on our health care dollars.

For example, diseases are passed on by poor hygiene from poor hand washing; clothes that are not necessarily clean on even the doctors, nurses and visitors; unclean equipment, catheters that are left in too long that lead to urinary tract infection; respiratory infections from those with colds or flu who are around patients; bed sores. The list goes on and on.

This is not rocket science how we prevent this, and some estimates are as high as 25 or 30 percent or more of things such as methicillin or resistant Staphylococcus Aureus can be prevented by hand washing before and after contact with any patient.

Many of these diseases can be prevented by sterilizing all equipment used with patients, including making sure that hospital staffs have clean stethoscopes, otoscopes, thermometers, et cetera, making sure they clean up after every procedure, the proper use of antibiotics, pretesting patients on admission to evaluate the presence of an infection, wearing masks if someone is suspected of having some illness, using infection control boards at hospitals to monitor and manage patients, empowering staff to stop or intervene on any procedure when clean rules are violated, and using aggressive educational campaigns for staff and visitors in the hospital.

The point is it can be done. Yes, indeed, it can be done. As a matter of fact, Allegheny Hospital in Pennsylvania reduced the rate of central line-acquired infections from 19 to almost zero within 90 days through staff training and control.

A major teaching hospital in Saint Louis found that they saved costs up to $1.5 million. Mercy Hospital in Oklahoma performed 400 surgeries without any infections. The VA Pittsburgh Healthcare system has reduced MRSA infections by 85 percent in an inpatient surgical unit because they paid attention to these things.

Now here is one of the sad truths in America. Hospitals don't have to report when they have infections. Although 13 States are considering legislation, only 6 States require reporting of health care associated infections: Florida, Illinois, Missouri, New York, Pennsylvania and Virginia. Pennsylvania is the only State that makes its information available to the public.

It is time we change this. I have introduced H.R. 1174, the Healthy Hospital Act, to encourage others to reduce and eliminate these deadly infections and to take some of the savings from this and set aside 10 percent to allow the Secretary of Health to use this for grants back to hospitals that reduce their infection rates to zero.

We have got to transform our health care system into what it needs to be: an affordable, accessible, quality health care system that focuses on patient safety, patient qualify and patient choice. But in order to do that, we need to have this information available.

Now, another sad truth. While I have been speaking, the number of cases has gone up. While I have been speaking, another person has died in the hospital. While I have been speaking, the costs have gone up $100,000.

Something is terribly wrong with this system. We know hospitals can clean this up. We also need to know that we need to stop wasting our health care dollars on preventable infections. Let's join together as a Nation and pass H.R. 1174.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 2007 AND 2008

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, pursuant to section 207(f) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD revised 302(a) allocations for the House Committee on Appropriations for fiscal years 2007 and 2008. I am also providing current law mandatory allocations for informational purposes only.

REVISED ALLOCATION OF SPENDING AUTHORITY TO HOUSE COMMITTEE ON APPROPRIATIONS

[In millions of dollars]

	2007[1]	2008
Discretionary action:		
BA	950,316	953,053
Outlays	1,029,465	1,028,398
Current Law Mandatory:		
BA	549,102	548,676
Outlays	533,495	536,972

[1] Includes emergencies incorporated into the Congressional Budget Office March baseline.

IRAQ AND U.S. SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I commanded an aircraft carrier battle group of 30 ships off Afghanistan during the war from the Indian Ocean. We were told one day to take those 30 ships into the Persian Gulf, which some thought would be the running start to the Iraqi war.

Of those 30 ships, 20 of them were not United States' ships. They were Japanese. They were Australian. They were Italian. They were Greek. There were many other ships from throughout this world. But when we entered through the Strait of Hormuz into the Persian Gulf, none of those ships came with us except the British and the Australians. At that time, I knew that this war in Iraq would be a tragic misadventure.

Two months after the war in Afghanistan commenced, I was actually on the ground in Afghanistan. I saw for a very short period of time what needed to be done in order to bring about a successful resolution of that conflict.

After the war in Iraq was over and I left my carrier battle group, I was on the ground again for a short period again in Afghanistan and saw what had not been done, because we had diverted not just our attention but our resources, our PSYOPS forces, our special forces, our civil affairs units to Iraq. To me, Afghanistan is a poster child, as it is pre-terrorist and the Taliban have shifted into the southern provinces again and what Iraq has done to U.S. security worldwide.

So, therefore, I believe that the only strategy that we can pursue for success in Iraq is to have a date that is certain by which we will redeploy out of Iraq. We have to do this for two primary reasons.

First, a date certain changes the structure of incentives within the countries that are in that region to change the behavior. Iraqis need to step up to the plate, understanding we will not be there providing political and military cover to pursue the personal fiefdoms within the ministries of Baghdad's governments.

Also, Iran and Syria are involved destructively in this war. Once they know that we will not be there, they have an incentive to work for stability. They do not want the more than 4 million refugees that are dislocated within Iraq, and some have already filled our borders, to continue to overflow it, if we are not there to contain that instability.

Second, they do not want a proxy war between these two allied nations, Syria, Sunni and Iranian Shi'a. If we are not there, they do not want to fuel a proxy war between themselves as they support different religious factions.

But there is a second reason why we must have a date certain with sufficient time to redeploy our troops.

It took us 6 months to redeploy out of Somalia, a much smaller force. In Iraq, we have 140,000 troops and over 100,000 civilians. No one should ever try to redeploy those troops, and what is the hardest military operation to do is withdrawal, when they are most vulnerable in a short period of time.

We must have a date certain as a strategy, as the only leverage remaining to change the behavior of nations within that region to work for stability and to have our troops, those who wear the cloth of this Nation, that we sent there to have a redeployment that can be safe.

I ask this Congress to think the next time, as we must work for an end to this open-ended commitment, that we do so with sufficient time, as my bill said, by the end of December 31, but on an authorization bill, not an appropriations bill, where we again would be forced to vote, as I had to, for the safety of our troops versus the need to redeploy from Iraq, under a strategy which can leave behind an unfailed state.

To bring about greater security, an authorization bill is needed. Being in the military is a dangerous business. It has the dignity of danger. It should never be unsafe because we are forced in an appropriations bill, with a short period of time, to not provide the resources for our forces.

I therefore say that it needs to be an authorization bill with a date certain to bring about a greater security for the United States.

HONORING THE HOUSTON FOOD BANK ON THEIR 25TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wonder how many of us have experienced hunger in our lives. I wonder how many recognize the number of Americans who go to bed every night hungry.

It is for this reason that I rise to salute the Houston Food Bank on its 25th anniversary and to acknowledge the 25 years that the Houston Food Bank, connected to many food banks around America, has served our community, serving nearly 500,000 hungry men, women, children and their families.

I would like to express my sincere appreciation and thanks to the staff, the board of directors, volunteers and friends of the Houston Food Bank that have generated this most important and especially deserving organization in our community.

Hunger is devastating, but, more importantly, hunger can kill. It can kill, because those who suffer can have low nutrition that leads, if you will, to their vulnerability to disease and, yes, ultimately death. Most Americans are not familiar with the extremes of hunger. But, yet, it faces our community, or we are faced with it every single day.

In southeast Texas alone, more than 900,000 people are food insecure, meaning they do not know where their food will come from or the next meal will come from. Many children go to school, and their only meal are the free lunches and breakfasts.

So it is with great honor and privilege that I pay tribute to the Houston Food Bank and for the celebration that they had today on the steps of City Hall. I was delighted to be able to briefly attend, as I headed back to Washington, and I am even more privileged to be able to salute them tonight.

Might I also acknowledge the End Hunger Network, whose programs remove the barriers, lack of transportation, marketing and experience, that prevent Houston from using available food resources. They are a very able partner to the Houston Food Bank.

But let me acknowledge again that this organization that acknowledges the fact that nearly 900,000 individuals in southeast Texas are food insecure and this very organization that on a given day in the greater Houston area, where more than 33,000 people suffer from hunger, the Houston Food Bank feeds more than 80,000 people each week, because they are very much aware of the struggles that people who cannot feed themselves or provide for themselves engage in.

This organization was first developed in the mid-1960s by retired businessman John van Engel, using surplus crops from local farmers. The Houston Food Bank first opened on March 8, 1982, operating from a donated storefront in a local shopping center.

That organization now is on the 59 North freeway in the 18th Congressional District, which is my congressional district. During its first year alone, the organization was able to distribute 1 million pounds of food to hungry families in the Houston area. By 1984, the Houston Food Bank had joined the Second Harvest Network, an organization formed in the mid-1970s, to set up food banks throughout the country. This is part of a national commitment and a national passion, a national avocation.

I believe that we should, in our lifetime, stamp out hunger. By the end of 1984, the Houston Food Bank was handling more than 3 million pounds of food. Since that time, the Houston Food Bank has continued to exponentially expand its operations, moving to a new permanent home and reaching more and more needy citizens, again located in the 18th Congressional District.

My community has also been represented in the past by the Honorable Mickey Leland. The Houston Food Bank is a tribute to him. Mickey Leland lost his life on the side of an Ethiopian mountain trying to deliver food to the starving Ethiopians in the 1980s.

Today around the world, people are hungry, and here in the United States they remain hungry. One in four children in Houston lives at or below the poverty level. On any given day, as I said earlier, 33,000 gulf coast residents are hungry. But we are grateful for the Houston Food Bank for its 38 million pounds of food distribution last year, the 80,000 people fed each week, nearly 400 hunger programs that are supported by the food bank in 18 southeast Texas counties, church food pantries, homeless shelters, safe havens for the battered and abused, nutrition sites for children and the elderly, more than 100,000 volunteer hours contributed annually, and 73,000 square foot central warehouse and other space truck fleet. We can be assured of the fact that the Houston Food Bank is on the front lines of the war against hunger. It is my privilege to pay tribute to them today for 25 years of selfless, hard work of the volunteers and the leadership of their organization.

Might I acknowledge, Mr. Speaker, as I close that they also serve the Kids Cafe, the Backpack Buddy Club, Operation Frontline, Community Kitchen Culinary Academy, and today Kroger food store gave $100,000 to the Houston Food Bank.

Keep the fight up for another 25 years for together we will stamp out hunger.

Mr. Speaker, I rise tonight to pay tribute to the Houston Food Bank, on the occasion of their 25th anniversary. For the past 25 years, the Houston Food Bank has been serving our community, feeding nearly 500,000 hungry men, women, and children. I would like to express my sincere thanks to the staff, Board of Directors, volunteers, and friends of the Houston Food Bank for all their courageous work, and commend them for making a positive difference in the lives of hundreds of thousands of people in the Houston area.

Hunger is a devastating condition that plagues communities in America, as well as nations throughout the world. We have all experienced the symptoms of temporary hunger, and we know all too well the lethargy, weakness, and inability to concentrate that hunger pains can cause. Even with this knowledge, it is difficult to imagine living with these symptoms daily, always wondering where the next bit of nourishment will come from. It is unthinkable to fathom the plight of parents, forced to choose between feeding their children and paying to heat their homes. It is nearly impossible to envision the prospect of facing the world with a perpetually empty stomach.

And yet, this is a scenario that is all too real for hundreds of thousands of Americans. In southeast Texas alone, more than 900,000 people are "food insecure," or they do not know where their next meal will come from. Nationwide, the statistics are just as staggering, with one in 100 households experiencing hunger, and 11.9% of families nationwide suffering from food insecurity.

Particularly vulnerable are children. In southeast Texas, 44% of those hungry are under 18 years old, while nationally one in every five children does not know where their next meal will be found. These children suffer particularly in the summer, when schools are closed. Mr. Speaker, our children should be concerned about their grades in school; they should spend their days studying, dreaming up and planning future careers, engaging in athletic activities, and socializing with their friends. They should not be expected to worry about food; they should not have to wonder where they might find proper nourishment.

Into this bleak situation come organizations like the Houston Food Bank. Food banks were first developed in the mid-1960s by retired businessman John van Engel, using surplus crops from local farmers. The Houston Food Bank first opened on March 8, 1982, operating from a donated store-front in a local shopping center. During its first year alone, the organization was able to distribute 1,000,000 pounds of food to hungry families in the Houston area.

By 1984, the Houston Food Bank had joined the Second Harvest Network, an organization formed in the mid-1970s to set up food banks throughout the country. By the end of 1984, the Houston Food Bank was handling more than 3,000,000 pounds of food. Since that time, the Houston Food Bank has continued to exponentially expand its operations, moving to a new permanent home and reaching more and more needy citizens.

Today, the Houston Food Bank distributes 38 million pounds of food each year to nearly 400 hunger agencies in 18 counties in southeast Texas. This food reaches 80,000 different people each week, and about 498,000 people a year. These numbers are absolutely staggering. That's nearly 500,000 grateful men, women, and children, who, thanks to the tireless efforts of the staff, volunteers, and supporters of the Houston Food Bank are granted some security in their uncertain worlds.

Mr. Speaker, I am particularly proud to mention the Houston Food Bank's programs for children. Of the 80,000 individuals that the food bank feeds each week, about 44% are children. Children who are hungry cannot concentrate in school; they will not have the energy to play sports or enjoy other activities with their peers. They are also more prone to illnesses and other health issues. With these unfortunate facts in mind, the Houston Food Bank has developed the Kid's Café program, one of the nation's largest nutrition education programs, providing children with the nourishment they may not get at home. Through the collaboration of local chefs, dietitians, students and volunteers, Kid's Café is able to provide 500 kids each month with nutritious meals in safe surroundings. The program goes on to emphasize food safety, nutrition education, and hands-on instruction, helping to instill in these children the skills and knowledge they need to create healthy lifestyles.

The Houston Food Bank also touches the lives of needy children through the Backpack Buddy Club. Because many hungry children receive meager or no meals on weekends, the Houston Food Bank has implemented a program to give children backpacks, filled with food that is child-friendly, nonperishable, easily consumed and vitamin fortified, every Friday in participating schools. This program ensures that local children can receive proper nutrition even on days that they are not in the classroom.

In addition to these two programs, the Houston Food Bank operates a number of other initiatives designed to provide nutrition education, outreach, and job training to the local community. These programs are crucial to the development of positive nutrition habits, and they speak to the very real long-term needs of the community.

The Houston Food Bank has also proven its leadership in disaster relief, successfully accommodating the sharp increases in demand following the catastrophic Hurricanes Katrina and Rita. Since September 2005, volunteers traveling from as far away as Hawaii have distributed nearly 9 million pounds of food in disaster relief. The Houston Food Bank successfully provided relief to hurricane evacuees displaced from their homes, their belongings, and their livelihoods. Organizations like the Houston Food Bank have been a crucial aspect of ensuring that hurricane victims have felt welcome and well-treated in Houston.

In conclusion, Mr. Speaker, I would like to recognize Brian Greene, the President and CEO of the Houston Food Bank, together with the Board of Directors, the staff, the many dedicated volunteers, and all other supporters of the Houston Food Bank. These individuals are making a profound impact in their local community, and they are changing the worlds of thousands of hungry children. I thank you for your service to our community and your compassion to your fellow humans, and I wish you every success in future endeavors.

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IMMIGRANT SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, tonight I stand here today to honor the contribution of immigrants that have been made to our Nation, particularly defending our Nation in support of comprehensive immigration reform.

We need effective legislation that strikes the right balance between national security and reforming our current immigration system. This should include a path to permanency for millions of law abiding and tax paying immigrants who call the United States their home.

It's my hope that the Senate finalizes debating their immigration reform bill, and that our Chamber continues to work to adopt legislation that will truly reform the system and enhance our Nation's security.

Immigrant families are an important part of our social fabric and our economy. Undocumented workers, you may not know, contribute as much as $7 billion a year in Social Security into our system and $1.5 billion in Medicare every year, yet do not collect those benefits.

Immigrants, you may know, play an important role in defending our Nation. In all of our wars throughout our history, immigrants have fought side by side and have given their lives to defending America's freedoms and ideals.

Twenty percent of the recipients of the Congressional Medal of Honor, the highest honor that our Nation bestows on our war heroes, has been granted to sons and daughters of immigrants. Their bravery is proof that immigrants are as willing as any other Americans to defend our country's freedom, and their service is no less important and valuable because of their immigrant status.

For example, as of May 2006, 33,449 noncitizens served in our Armed Forces, and more than 26,000 servicemembers have become U.S. citizens since the Iraq war began, and 75 servicemembers received posthumous citizenship.

Immigrants make up 5 percent of all enlisted personnel on active duty in the U.S. Armed Forces, and immigrants continue to demonstrate that they are a part of this country through their service in the military.

Without the contribution of immigrants the military, as we know it today, could not meet its own recruiting goals. Without the assistance of immigrants, the military could not fill the need for foreign language translators, interpreters and cultural experts.

Immigrants provide unique incredibly valuable contributions to the military, and it's critical that we continue to recognize and appreciate their efforts and that of their families.

In the district I represent in California, we've unfortunately suffered several casualties, including that of immigrant servicemembers who gave their lives for our country. One is the fallen Marine Lance Corporal Francisco Martinez Flores who died while serving overseas in Iraq. At the age of 21, and only 2 weeks away from gaining U.S. citizenship, Francisco was killed in the line of duty. He was one of thousands of lawful permanent residents who have volunteered their service to protect the United States by joining the U.S. military.

On April 2003, Francisco was granted posthumous U.S. citizenship and Congress honored his memory by passing a bill that I authored to celebrate his life in the City of Duarte by naming a Post Office after him.

But in 2003, Sergeant Atanacio Haro-Marin, from the City of Baldwin Park, from my district from California also died in Iraq. He came under heavy enemy fire. This young man was born in Zacatecas, Mexico and moved to Los Angeles at 2 years of age. He'll be remembered as a proud and courageous soldier who was living out a long held dream of serving in the U.S. military and will be honored by having a Post Office named after him in the City of Baldwin Park.

The sacrifices that my constituents made inspired me to pursue legislation to help other legal permanent residents who risk their lives every day and die protecting our country's liberties and values, achieve the dream of becoming a citizen.

And in 2003, I introduced the Naturalization and Family Protection for Military Members Act. The bill, which was included in the Department of Defense Authorization Conference Report, was signed into law, and recognizes the enormous contributions of immigrants in the military by providing them with easier access to naturalization and immediate family immigration protections for those killed in action.

It is a tribute to them and their families and all veterans for the enormous sacrifices they've made so we and others around the world can live in freedom.

I'm proud today to tell you that I support our military men and women, and especially those that continue to serve us that are legal permanent residents. We need to see an immigration reform program come forward that is comprehensive, and salute soldiers such as this who have given their ultimate sacrifice for our country.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, I rise this evening, as I do most Tuesday evenings, on behalf of the 43-member strong, fiscally conservative Democratic Blue Dog Coalition. Some people may say, what's the Blue Dog Coalition and what's it all about?

Well, Mr. Speaker, we're a group of fiscally conservative Democrats that are trying to restore fiscal discipline and common sense to our Nation's government. We're a group of conservative Democrats that were founded back in 1994 after the Republicans took control of the Congress. And at the time, it was a group that felt like they were being choked blue by the extremes of both parties. And today, we believe that we are in the middle, which is where we believe the majority of the people in America are.

We talk a lot about fiscal discipline. We talk a lot about accountability, because it is important, Mr. Speaker, that this Congress and this administration is responsible and accountable for how your tax money is being spent.

As you walk the halls of Congress, it is not difficult to know when you're walking by the office of a fellow Blue Dog Member, a fellow fiscally conservative, common-sense Democrat, because you will see this poster that says the Blue Dog Coalition, and it reminds Members of Congress and the constituents, the citizens of America who walk the halls of Congress that today the U.S. national debt is $8,831,299,779,793. Again, 8,831,299,779,793. That's a big number. But if you were to divide that by every man, woman and child living in America today, including those born today, every one of us, our share of the national debt is $29,242. It's what those of us in the Blue Dog Coalition refer to as the debt tax, D-E-B-T tax. And that is one tax that cannot be cut and that cannot go away until we get our Nation's fiscal house in order.

So for the past 6 years we've seen record deficit after record deficit, which has resulted in this record debt. Now that the Democrats have a majority in this Congress, we, as members of the Blue Dog Coalition, are trying to put our Nation's fiscal house back in order. We are trying to restore fiscal sanity to our Nation's government. We are trying to restore common sense to our Nation's government.

As a small child growing up, I always heard it was the Democrats that spent the money, and it was the Republicans that balanced the budget. And after 6 years of the Republicans controlling the White House, House and Senate, what did they leave us? They left us the largest debt ever, ever in our Nation's history and they gave us record deficit after record deficit.

When I first came here in 2001, the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security Trust Fund. Republican leadership refused to give me a hearing or a vote on that bill and now we know why, because they have continued to raid the Social Security Trust Fund to fund tax cuts for folks earning over $400,000 a year, and they have continued to pass record deficit after record deficit and leaving our children and grandchildren with the bill.

The total national debt from 1789 to 2000 was $5.67 trillion. But by 2010, the total national debt will have increased to $10.88 trillion. Mr. Speaker, this is a doubling, a doubling of the 211-year debt in just 10 years. Interest payments on this debt are one of the fastest growing parts of the Federal budget, and the debt tax, D-E-B-T is one that cannot be repealed until we get our Nation's fiscal house in order and return to the days of a balanced budget.

At the Ross household in Prescott, Arkansas, my wife makes sure that we live within our budget. And I can assure you that most of the people in America live within their budget. Small businesses, big businesses, the majority of businesses in America live within their budget. Farm families live within their budget, and I don't believe it's asking too much to ask our Nation to do what 49 States are doing, and that's living within their means, requiring a balanced budget.

Why do deficits matter? Deficits reduce economic growth. They burden our children and grandchildren with liabilities.

They increase our reliance on foreign lenders who now own 40 percent of our debt. Let me repeat that. They increase our reliance on foreign lenders who now own 40 percent of our debt. The U.S. is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of about $2.199 trillion of our public debt. Compare this to only $623.3 billion in foreign holdings in 1993.

Who are they? Our Nation continues to borrow money not only from the Social Security Trust Fund, but under the past 6 years of Republican rule, not only have they borrowed money from the Social Security Trust Fund, with absolutely no provision made on how it's going to be paid back or when it's going to be paid back, but they've also borrowed money from foreign central banks and foreign investors.

And much like David Letterman, we have a top 10 list. The top 10 current lenders, countries loaning money to the United States of America that, for the past 6 years, under these failed policies of the Republican leadership, have given tax cuts to people earning over $400,000 a year leaving the rest of us to foot the bill.

□ 2145

So who are they? Rounding out the list, number one, Japan, our Nation has borrowed $637.4 billion from Japan; China, $346.5 billion; the United Kingdom, $223.5 billion; OPEC, imagine that, $97.1 billion; Korea, $67.7 billion; Taiwan, $63.2 billion; the Caribbean Banking Centers, $63.6 billion; Hong Kong, $51 billion; Germany, $52.1 billion.

And rounding out the top 10 countries that lend money to the United States of America to help us pay off these massive debts: Mexico. That is right. The United States of America has borrowed $38.2 billion from foreign central banks and foreign lenders in Mexico to fund tax cuts in this country for folks earning over $400,000 a year.

Record deficit after record deficit equals what? The largest debt ever in our Nation's history: $8,831,299,779,793. That is right. Today, the U.S. national debt, $8,831,299,779,793 and some change, but we ran out of room on our poster.

Well, as I mentioned earlier, another reason deficits should matter is because interest payments on the debt are one of the fastest-growing parts of the Federal budget. In fact, our Nation is spending about a half billion dollars a day, that is with a "b." Our Nation is spending about a half billion dollars a day paying interest on the national debt. And that, Mr. Speaker, is before we borrow an additional billion dollars every day. And that is money that cannot go to education, to homeland security, to veterans' benefits, to build highways and roads, that can create jobs and economic opportunities, because it is going to pay interest on the national debt. It is going to pay interest to Japan, China, United Kingdom, OPEC, Korea, Taiwan, Caribbean Banking Centers, Hong Kong, Germany, and Mexico.

In my district, I represent about half of Arkansas, 29 counties. About 13 of them are in the delta region, one of the poorest regions in our country. A lot of hope in that region that I–69 will some day bring jobs and economic opportunities. I–69 was announced 5 years before I was born in Indianapolis; and with the exception of 40 miles in Kentucky and the section they are now building from Memphis to the casinos, there has not been any of it completed in 50 years south of Indianapolis.

We need about $1.6 billion to complete Interstate 69 across my district in Arkansas. That is a lot of money. At least for a country boy from Prescott, Arkansas, that is a lot of money. But, Mr. Speaker, we will spend more money paying interest on the national debt in the next 4 days than it would take to build I–69 across the delta region of my district, the delta region of this country, creating jobs and economic opportunities for generations to come. That is on the eastern side of my district bordering Mississippi.

On the western side of my district, bordering Texas and Louisiana to the south and also Oklahoma to the west, there is a lot of hope for the completion of Interstate 49. It will be the first north-south corridor through the middle of our country. We need about $2 billion to complete Interstate 49. They have been talking about it since I was a small child. About $2 billion is needed to complete Interstate 49. A lot of money. But, again, we will spend more money paying interest on the national debt in the next 4 days than it would take to complete I–49 across Arkansas.

There are a lot of people that would like to see U.S. Highway 82 four-laned across Arkansas from Texas to Mississippi. It is the only section of U.S. Highway 82 that is not four-laned. I don't know. It would take $3 or $4 million to do it. We will spend more money paying interest on the national debt today than it would take to fourlane U.S. Highway 82.

Interstate 530 is under construction in my district. We need $300 million to complete it. It will connect I–30 and I–40 in Little Rock and Pine Bluff with someday I–69 between Monticello and Warren, Arkansas, and eventually, hopefully, find its way to connect with I–20 in Louisiana at Bastrop, Louisiana. We need, depending on what section of it you want to complete, between $300 million and $800 million to complete that highway. A lot of money. But, again, we will spend more money paying interest on the national debt in the next 2 days than it would take to complete this interstate, creating jobs and economic opportunities.

If you think back with me, the last two Presidents to make any significant investment in our Nation's infrastructure was Roosevelt with the WPA program and Eisenhower with the interstate program. It is time that we invest in this Nation's infrastructure. We can create jobs and put people to work to build this Nation's infrastructure; and, once it is completed, it will create economic opportunities and jobs for many generations to come. But as long as we are spending half a billion dollars a day paying interest on the national debt and borrowing another billion dollars each day from places like Japan and China and Mexico, we will continue to neglect our Nation's infrastructure. And that is one reason why it is important that we get our Nation's fiscal house in order.

Let me tell you another reason that interest payments on our national debt do matter, and this chart makes it crystal clear. In the red, Mr. Speaker, you will see the amount of money that we spend each year paying interest on the national debt. That is the red bar. Contrast that to what we spend on education.

We say we love our children. We talk about how we want to ensure that they receive a world-class education. We talk about making college education more affordable for our young people. We talk about giving 3- and 4-year-olds a fighting chance, and we should.

We live among the freest of all people in the world. One of the few things in life we do not get to choose is who our parents are. Some children get really lucky; some don't. I did, and I can tell you that as an American citizen and as a Member of this House I believe that we have a duty and an obligation to be there for all of God's children. We can invest a little bit in them at an early age and have a good chance at turning a lot of children that have been neglected at home into productive, taxpaying adults. Or we can continue to neglect them and do what? Spend tens of thousands, hundreds of thousands of dollars warehousing them for a lifetime behind bars. I believe that we should commit ourselves to education.

But look at the light blue bar. Look at how much we are spending on our children's education compared to the red bar, how much we are spending simply paying interest on the national debt.

Homeland security, a lot of talk these days about homeland security. But look how much we are really putting into homeland security. Again, the red bar demonstrates the amount of money that we are spending of your tax money, Mr. Speaker, paying interest on the national debt. Contrast that to the light green bar, which demonstrates how much money we are spending protecting our homeland.

And, finally, and very sad, the dark blue bar, look at the amount of money we are spending on our veterans, on our veterans. And we all know that we have got a new generation of veterans coming home from places like Iraq and Afghanistan. Contrast the dark blue box, the amount of money we are spending taking care of our veterans, keeping our promises to our veterans, ensuring that they receive health care, compare how much we are spending on our veterans to how much we spend paying interest on the national debt. And I believe that chart very clearly demonstrates why deficits matter, why debts matter, and why the 43 members of the fiscally conservative Democratic Blue Dog Coalition are committed to commonsense principles that will help get this Nation's fiscal house back in order.

One of the new Members of Congress and new member of the Blue Dog Coalition is my good friend from Indiana, Mr. JOE DONNELLY. At this time, I yield to him and thank him for joining me this evening.

Mr. DONNELLY. Thank you, Mr. ROSS. It is a privilege.

And as you look at that chart and you see the indicator of how many of our veterans are waiting for service, waiting for care, when we are spending $300 billion, Mr. ROSS, on interest payments and on the veterans approximately $25 billion, I have the privilege of being on the Veterans Affairs Committee, and we have crying needs in almost every part of this country.

We were blessed in my home area just this past week. We were able to announce that there will be a new veterans' clinic opening in approximately 8 months in Elkhart County, Indiana. But, Mr. ROSS, we need so many more. There is a need in the southern part of my congressional district down around Cass County and Fulton County, but we have to plan so carefully because our financial needs require that we spend $300 billion on paying down interest.

Mr. ROSS, I ask you to think of what we could do for veterans, opening new clinics and new hospitals, if just a small portion of those funds could be used instead of paying down a national debt that has exploded over the last years.

Mr. ROSS. The gentleman is correct. I mean, we talk a good game when it comes to our veterans, but then we saw the truth about what was really going on at Walter Reed. And tomorrow there will be a hearing with the Armed Services Committee that is a follow-up to a series that NBC News did about whether or not our men and women in uniform are really getting access to the very best body armor on the market today.

I don't care who makes it. I don't care where it comes from. I would prefer for it to come from America. I believe that is important. But if our Nation is going to continue to send $12 million an hour, $12 million an hour of your tax money to Iraq, I believe it is time to tell the Pentagon and this administration and the Iraqis that it is time for them to be accountable for how this money is being spent. And part of that is ensuring that our brave and dedicated men and women in uniform and, yes, my brother-in-law is in his 18th year in the Air Force, and I am very proud of him. My first cousin is in the Army and getting ready to go back to Iraq for a second time.

We all have been affected by this war. We all know someone who has been to Iraq. Unfortunately, too many of us know people who have been injured or have died; and I question this government on how many of those deaths and life-changing injuries could have been avoidable had we ensured that our men and women in uniform were properly equipped.

So this hearing tomorrow is going to be about body armor. And, again, I don't care who makes it. I don't care where it comes from. I want it to come from America. But just because our men and women were receiving the very best body armor when the war began in 2003 does not necessarily mean that in 2007 that that is still the very best body armor on the market.

And John Grant, I want to thank John Grant from Pearcy, Arkansas, in Garland County, the father of a soldier in the 39th Brigade of the Arkansas National Guard. His son has been to Iraq once. You know the deal with the Guard. You are supposed to go once every 5 years, but the President did that waiver thing, and now they are headed back again.

☐ 2200

They haven't even been home 3 years. It is my understanding that by Christmas, or shortly thereafter, they will be back for a second tour of duty. These are not full-time military, these are members of the Arkansas National Guard, 39th. John Grant wants to ensure that his son and all soldiers, not just the 39th, but all soldiers in Iraq are receiving the very best body armor possible.

This hearing tomorrow before the Armed Services Committee tomorrow will be very important. I am committed, as are some 42 Members of Congress that signed a letter with me to the Pentagon, in ensuring that our brave men and women in uniform are provided the very best in equipment and the very best in body armor so that we can ensure their safe return.

I yield to the gentleman from Indiana.

Mr. DONNELLY. We, in my hometown of South Bend, just this past weekend, last Saturday, sent off 175 young men and women who will be going over to serve in Iraq, and again, a number of them on their second tour of duty. The best, the bravest, the finest you could ever see. I want to make sure that they have the finest body armor that they could possibly have; the best vehicle protection that they could have; the best equipment; the best training. All of that costs funds. We want to make sure those funds are there, and we will.

But think, Mr. ROSS, of $300 billion just to pay down a debt that never should have been run up in the first place. Those Guardsmen, as they were leaving, I was telling them all good luck, Godspeed. And they said, sir, it's our privilege to serve this country. It is a right that we look at and cherish, and it is a great honor for us to have this opportunity. Well, our obligation is to make sure they have everything they need. As you said, there is a hearing tomorrow on body armor.

I have been fortunate enough over the last few months to have gone to Walter Reed Army Hospital on a number of occasions. I went through Building 18. I saw the holes in the ceiling; I saw the mold on the wall; I saw the wallpaper peeled off and hanging down. I saw plastic buckets along the floor because the roof was leaking in a United States medical facility, an outpatient housing center. And living in there were our brave Iraq and Afghanistan veterans who had been wounded and come back, and what they received when they came back was a room with a leaking roof, with mold. This facility is being closed in 2011, but part of the concern is do we have enough funds to cover everything? And here we are sending $300 billion a year to the Chinese, to the Japanese, to the Mexicans because they are holding our paper.

Our obligation is to clean up this mess. That is what we are trying to do with PAYGO and similar systems that the Blue Dogs have sponsored and have brought to the floor of this House. So, I am proud to be an Indiana Blue Dog, along with my fellow Hoosier Blue Dog, BRAD ELLSWORTH of Evansville, BARON HILL of the Ninth District, along with my 40 other colleagues. And I know we are hoping next week to add approximately five more. We will continue to try to bring common-sense, moderate policies, not partisan fights, to this country so we can restore sanity back to the operations of this country again.

I yield to my good friend, Mr. ROSS.

Mr. ROSS. Well, I thank the gentleman from Indiana (Mr. DONNELLY) for his insight and for his work on the Veterans Committee, among others. We appreciate what he's doing there to try to help our veterans and our men and women in uniform.

These are examples of why it is important that we get our Nation's fiscal house in order. As long as we've got record debt after record debt and record deficit after record deficit that the Republicans have given us, and we can't turn this thing around overnight, but we've got a budget that's going to put us back in balance by 2012, perhaps sooner. That is important if we are going to meet America's priorities, improving our infrastructure, improving and making health care more affordable and more accessible, funding education at the level it deserves to ensure our children receive a world-class education, keeping our homeland safe, making homeland security a lot more than just a buzz word. Let's put our money where our mouth is and ensure that every American citizen in this country is safe from terrorists. And of course, making sure that our veterans have the health care and have the things they need and were promised for their service to our country.

A lot of talk about Iraq. If you ask a hundred different people what they think about this Iraq policy, you get about a hundred different answers. I can tell you one of the things that the Blue Dog Coalition is united on is demanding accountability for how your tax money, Mr. Speaker, is being spent in Iraq. Now, for the last 4 years, if you had questioned the funding in Iraq, the President would tell you you're unpatriotic. Well, members of the Blue Dog Coalition are now standing up and saying enough is enough, and we demand accountability for how your tax money, Mr. Speaker, is being spent in Iraq.

What are the Iraqis doing with your tax money, some $12 million an hour? Is enough of it going to protect our men and women in uniform? Is enough of it going to provide them the most advanced body armor on the market today? Well, we all know that waste, fraud and abuse of taxpayer dollars has happened in the Iraq war. In fact, over the past several years, media and government reports have detailed examples of the abuse of taxpayer dollars in the government's funding of military operations in Iraq and Afghanistan. As recently as April of this year, the Government Accountability Office, GAO, has released reports detailing examples of how long-standing problems with the management of government contracts, yes, government contracts, continue to provide opportunities for fraud, waste and abuse in the funding of the war in Iraq. Specifically, the GAO identifies the following major factors contributing to the mismanagement of contracts and ultimate waste of taxpayer dollars.

Number one, military commanders and senior officials at the Department of Defense do not have visibility over contractors, which prevents the Department of Defense from knowing the extent to which it is relying on contractors for support in Iraq. Also, the Department of Defense lacks clear guidance and leadership for managing and overseeing contractors. The Department of Defense personnel lack the most basic ability to make sure that government contractors even provide the services they are being paid to provide. The report finds that the Department of Defense's limited visibility has unnecessarily increased contracting costs to the Federal Government and introduced unnecessary risk.

For example, one Army official estimates that about $43 million, $43 million is lost each year on free meals provided to contractors' employees at deployed locations who also receive a per diem, food allowance. Additionally, the GAO found that the Department of Defense and its contractors all too often do not have a clear understanding of reconstruction objectives and how they translate into the terms and conditions of a contract. As a result, at least $1.8 billion of taxpayer money has been obligated on contracts without Department of Defense and the contractors reaching an agreement on the final scope and cost of the work.

The report gives one particularly shocking example of this, where the government allocated $84 million for an oil mission and never agreed upon the final terms of the task order until more than a year after the contractor completed the work. The GAO estimates that the United States has obligated about $14 billion to restore essential services such as oil, electricity and water, and more than $15 billion to train, equip and sustain Iraqi Security Forces. However, the Iraqi government continues to be fraught with corruption, operating ineffectively and inadequately resourced accountability institutions.

U.S. officials estimate that a shocking 20 to 30 percent of the Iraqi Ministry of Interior personnel are "ghost employees," nonexistent staff paid salaries with your tax money, Mr. Speaker, that are collected by other corrupt officials in Iraq.

The GAO also highlights in its report the weaknesses in the $15.4 billion program to support the development of Iraqi security forces. Consequently, poor security conditions have hindered the management of the more than $29 billion that has been obligated for reconstruction and stabilization efforts since 2003. Additional government and media reports have exposed equally as outrageous examples of waste, fraud and abuse in the funding of the war in Iraq. Is this $12 million an hour we are sending to the Iraqis being used to protect and equip our brave men and women in uniform?

One such report details an instance where U.S. administrators could not account for $20.5 million in development funds for Iraq grants. Another government report exposed a situation where $7.3 million was mismanaged, and $1.3 million entirely wasted during construction of a police academy in Iraq. The Office of the Special Inspector General for Iraq Reconstruction just recently released its quarterly report to Congress. As in previous reports, this most recent one again describes continued abuses in the government's funding of the war in Iraq. And we are going to go into more of this in just a little bit. We are going to provide specific examples of what was contained in that report.

But at this time I want to yield to my fellow Blue Dog, a new Member of Congress from Pennsylvania, a veteran of the Iraq war, a captain that served in Iraq, and that is the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. Thank you, Congressman ROSS.

Last month, the Blue Dogs joined a wide bipartisan margin of our colleagues in passing the National Defense Authorization Act. This bill funds defense spending at a level 10 percent higher than in 2007. It also calls for a much needed pay raise for our troops, and a benefit boost to spouses who had to face the worst news of all.

The other thing this bill does is it institutes some much needed accountability into the management of the war in Iraq. We owe special thanks to Chairman IKE SKELTON, and to our fellow Blue Dogs who worked so hard to introduce this long overdue accountability and fiscal discipline over Iraq war operations.

Mr. Speaker, report after report has shown that billions of dollars have vanished, and thousands upon thousands of weapons have gone missing. And until recently, there have been no tough questions and no accountability. With this bill, we said that it will no longer be acceptable for blatant mismanagement to take place when our soldiers' lives are on the line.

As a former soldier who fought in Iraq, it makes me very proud to be able to fight for accountability and oversight in Iraq and to demand answers here at home. It is astonishing to me that until now no one has tried to establish a clear sense of which American agency carries out contracts in Iraq. I assure you, to our troops in harm's way, missing money and missing weapons translate into increased danger. It is that simple. Having these rules and procedures in place will be very important to our troops.

This is a war that is perhaps different than any other; there is no front line. The enemy doesn't belong to a single country. They don't wear a uniform. And they are willing to sacrifice themselves and even their children to kill Americans.

Understanding the rules of engagement and knowing exactly who is on the ground and what they are allowed to do will be vitally important in keeping American service men and women safe.

The accountability provisions also establish a database so that everyone knows which American agency is servicing a contract. These provisions that all of us fought for and Chairman SKELTON thought were worth including in the defense bill will establish the necessary oversight and fiscal discipline we have needed for a long time in Iraq.

☐ 2215

Clear rules and accountability are vital to winning the war on terror. It has been more than 4 years since we invaded Iraq and since President Bush declared "mission accomplished," and yet our troops are still refereeing a religious civil war, while too many Iraqis continue to sit on the sidelines.

While Iraq continues to smolder, Osama bin Laden, the murderer of more than 3,000 innocent Americans, is still at large. President Bush, when asked recently why bin Laden hadn't been brought to justice yet, said, "Why is he still at large? Because we haven't got him yet. That is why. And he is hiding, and we are looking, and we will continue to look until we bring him to justice." That is unacceptable.

Meanwhile, the Taliban is resurgent in Afghanistan, and American commanders on the ground there are asking for more troops to fight terror, hunt down al Qaeda and kill Osama bin Laden.

We need to win the war on terror, and that means being successful in Afghanistan. Our troops over there are doing an amazing job and they deserve our continued support. It is getting harder for them, especially along the border of Afghanistan and Pakistan and some of the areas where we believe bin Laden is still at large.

Mr. Speaker, when I was elected, I said that we need to be tough and smart in fighting the war on terror, and I also promised to ask the tough questions of this administration. One question that needs to be asked is about Pakistan President Musharraf. Right now we can count President Musharraf as an ally, but is he doing all he can to hunt bin Laden? We need to jump-start this debate, because we cannot afford to let a mass murderer slip through our fingers again.

The U.S. has sent $5.6 billion in military reimbursements to Pakistan for counterterrorism efforts. That is $80 million per month. Just as we demanded accountability in Iraq, we have some benchmarks and goals for this funding as well.

In the early days in the war in Afghanistan, President Bush decided to outsource the hunt for bin Laden in Tora Bora, and he escaped. Now we need to examine are we relying too much on Pakistan and their accord with tribal warlords near the Afghan border for the same reason? Why is the United States continuing to make large payments, roughly $1 billion per year, to Pakistan, even though Pakistan decided to slash patrols through the area where al Qaeda and the Taliban fighters are the most active?

Why, as Senator REID said, are we not paying for specific objectives, rather than reimbursing Pakistan for their efforts?

Is it true, as two American analysts and one American soldier reported, that Pakistani Security Forces fired in direct support of Taliban ground attacks on an Afghan army post?

Blue Dogs have a long tack record of asking the tough questions and demanding accountability. I hope over the coming weeks and months this Congress gets answers to these vital questions, so we can effectively prosecute the war on terror.

Blue Dog Democrats know how to win the war on terror, and part of that is by demanding results after more than 4 years in Iraq and nearly 6 years in Afghanistan. We cannot let Afghanistan become the forgotten war. We cannot stop asking the tough questions and demanding answers from this administration. Our troops are fighting bravely over there and they need all the help we can give them.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Pennsylvania, Mr. MURPHY, an Iraq war veteran, for his insight and leadership within the Blue Dogs and within this Congress on restoring accountability, on how our tax money is being spent in Iraq, and ensuring that it is being spent to protect our men and women in uniform.

The gentleman raised an interesting point. We are in year five of this thing now, and a recent survey indicated that 71 percent of the Iraqi people don't want us there. In fact, 60 percent of them think it is okay to kill a U.S. soldier. You contrast that with Afghanistan, where 80 percent of them are glad we are there. The last time I checked, Osama bin Laden was spotted closer to Afghanistan than he was to Iraq.

So, while we continue, and I think this is just me personally, I think we have got to demand more from the Iraqi government to train Iraqis to be on the front lines, providing the police and military force for them in this civil war.

This line that it is better to fight the terrorists there than here, I don't buy that. If there are some 10 to 14 to 20 million illegal immigrants in this country, do you think we only allowed illegal immigrants into this country? Terrorists are already here in America, and that is why we need to do more to protect our homeland by properly funding the Department of Homeland Security. That is why we need to demand more of the Iraqis and to do more in Afghanistan, that is becoming more and more neglected every day.

I yield to the gentleman from Indiana, Mr. DONNELLY.

Mr. DONNELLY. Mr. Speaker, it was interesting over Memorial Day weekend, I was back home and went to a Memorial Day service in Rolling Prairie, Indiana, which is in LaPorte County, a beautiful county right next door to where I live, and some of the World War II veterans said to me, "You know, Joe, when we went to war, everyone sacrificed. We were all in this together."

Then I was fortunate enough a few days later to read a book called "The Price of Liberty" by Robert Hormats. This book explained a simple factor, that in this war we have been asked to go shopping, while the military sacrifices every day and their families sacrifice every day.

Mr. Speaker, what was pointed out in the book is that this is the first war in history where at a time we were going to war, we also decided to cut taxes and increase other spending, and this formula has resulted in explosive deficits.

My good friend from Arkansas, next to him is a poster detailing the cost of Operation Iraqi Freedom, close to $400 million, heading to $500 billion. When this was first discussed, the Office of Management and Budget some years ago said the top cost we would have was $50 billion to $60 billion. We were told, my dear friend from Arkansas, that the oil revenues would cover all the costs.

Look where we are some years later. There has been an air of unreality from the start in facing up to the fact that, in the past, all Americans sacrificed together. And instead of sacrificing, we borrowed the money from the Chinese, we borrowed the money from the Mexican government, we borrowed the money from the Japanese government.

My good friends throughout my district, the veterans in Cass County and in Carroll County, would roll their eyes if they knew that we were funding our war by borrowing money from the Chinese. They would say, "Joe, how crazy is this? How does this make any sense at all?" And the answer is, it doesn't.

Instead of looking each other square in the eye and saying we have obligations, we have responsibilities, we have a sense of shared sacrifice, this administration has told us we can take a pass. Well, my good friend, we cannot take a pass, and the policy of cutting taxes and increasing spending on other government programs while funding this war continues on, the hole gets bigger, and the burden we are passing on to our children grows every day.

So I yield back to my good friend from Arkansas, with the hope that at some point we will understand that we are all in this together and that not all the burden should be placed on our military families.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Indiana, a fellow Blue Dog Member, Mr. DONNELLY, for his insight, and invite him to continue to stay with us for the remaining 15 minutes or so we have got here this Tuesday evening on the House floor to talk about accountability, on how your tax money, some $12 million an hour of your tax money being spent to Iraq is being spent.

You can see the cost of Operation Iraqi Freedom. Starting in 2001–2002, $2.5 billion; $51 billion in 2003; $77.3 billion in 2004; $87.3 billion in 2005; $100.4 billion in 2006; and $60 billion in 2007. That was before the supplemental that we passed about a week ago which was about $100 billion. So we are actually up to about $160 billion for 2007, which brings this number not to nearly $400 billion, but to now nearly $500 billion, nearly half a trillion dollars.

Now, I promised to show a few of the examples of the waste, fraud and abuse of taxpayer dollars that was detailed in the report from Iraq.

Number one, of 150 primary healthcare centers that were originally planned to be built, only 15 have been completed. Of those 15, only eight are currently open to the public. In addition, eight primary healthcare centers have stopped work altogether.

Number two: The U.S. Agency for International Development Office of Transition Initiatives was supported by $350 million to focus on democracy building, human rights, civic programs and investigations of crimes against humanity. However, USAID could not determine whether the intended outputs of the 4,789 grants under this contract were even accomplished because of "insufficient documentation."

Number three: The report also found water damage in one healthcare facility that caused bathroom floor tiles to break and ceilings in lower floors to leak and collapse, increasing the health risk to patients.

Number four: A shortage of sinks and toilets combined with workmanship deficiencies, inferior materials and insufficient maintenance, caused significant deterioration to the barracks at one military base, a facility which cost our government $119.5 million.

The report also details construction and equipment installation at the Iraq Civil Defense Headquarters that did not comply with the international standards required by the contract and task order. This particular project cost the Federal Government, our government, our tax money, Mr. Speaker, some $3 million. We will come back to this in a little bit.

Number six: At the Baghdad International Airport, an enhancement project costing the Federal Government $11.8 million required the installation of 17 new generator sets. However, when the airport was recently inspected, 10 of the 17 generator sets were not even operational.

And the list goes on and on. We will come back to it.

Mr. Speaker, at this time I yield back to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I would like to thank the gentleman from Arkansas, and point out when I was in an earlier deployment before Iraq, I was in Bosnia in 2002. Our soldiers on the ground there would often call the contractors Kellogg Brown & Root "Kellogg Brown & Loot," because of the looting, of what they were doing to their own country when it comes to our fiscal dollars. And I am not trying to be cute or funny. That is a sad commentary on what is really going on over there in these deployments.

Mr. Speaker, when I heard my colleague, Mr. DONNELLY, here from the great State of Indiana, and I know he went to the University of Notre Dame, I was with a colleague of mine on the phone yesterday. I was driving back from a memorial service for Private First Class Bobby Dembowski, who was a paratrooper in the 82nd Airborne Division who was killed recently in Iraq. He was from Bucks County, in my district.

When I was driving back from his memorial service yesterday with a heavy heart, I called my buddy, who is also a University of Notre Dame graduate, Captain Kobe Langley. I called Kobe, Mr. Speaker, and I said to him, "Kobe, I am coming back." He said, "How are you doing, Murph?" I said, "Kobe, not too good. I am coming back from another memorial service for one of our heroes that gave the ultimate sacrifice." He said, "Well, you got to keep fighting. You got to keep doing what you are doing."

□ 2230

He asked, What was the press conference you gave the other day?

I said I was standing up to this administration. I have the great honor of serving on the Armed Services Committee. I know my colleague and my fellow Blue Dog Representative DONNELLY serves on the Veterans Affairs Committee. We were both cosigners for House Resolution 162 because we want to hold this administration accountable when the Armed Services Committee says our troops deserve a 3.5 percent pay increase and there is already a wide gap between military pay and civilian pay.

The people who join the military are not trying to get rich. But if you are a private in Iraq, I don't think making $18,000 a year is too much to ask for. We were trying to give those privates and everyone across the board a 3.5 percent pay increase to lessen that gap. President Bush in writing said a 3.5 percent pay increase for our troops is, I quote, "unnecessary." Unnecessary. A private first class making $18,000 a year in Iraq is unnecessary. It is too much money to ask for.

So this House bill in which the Speaker pro tempore, Mr. ELLSWORTH, and Mr. DONNELLY cosponsored says a sense of the Congress is it should be a 3.5 percent pay increase. We support the troops and understand their sacrifice. We can find the money through PAYGO rules which the Blue Dogs believe in. As the gentleman from Arkansas says, $9 trillion is what we owe in debt.

So my daughter Maggie, who is home with my beautiful wife, when my daughter was born in Lower Bucks Hospital 6 months ago, she was born $29,000 in debt, a debt that we all owe combined, every man, woman and child, $9 trillion.

Some folks, when I am meeting folks in my district, they would say, Patrick, we are at war. Of course, it is going to cost money. I tell them this Iraq war has cost $450 billion, now up to maybe $500 billion. We owe $9 trillion to Communist China, to Mexico and to Japan. In March, 2007, the interest that we pay on that debt was $21 billion.

Now I know those folks at home who believe in what the Blue Dog Democrats believe in, of fiscal responsibility, of accountability. They say to themselves, wow, Congressman MURPHY, $21 billion just in interest.

When I tell them how I used to be an educator at West Point and how we need to be more and more competitive in a global economy, I show them the numbers, we only spent $5 billion in education in March, 2007, yet $21 billion on the interest rate and the debt that we owe that we continue to rack up and rack up.

Finally, the Blue Dogs are taking such an incredible leadership role, establishing a PAYGO system and doing the things necessary to put our fiscal house back in order.

Mr. Speaker, I know you cannot speak, but I know you are a Blue Dog, and I am proud that you are up there; and, Mr. ROSS, I am proud you are one of our leaders of the Blue Dog Coalition. I am also proud of the freshmen Blue Dogs that I serve with, because we will demand answers and we will demand accountability of this administration and the next administration, hopefully a Democratic one, to make sure that we continue the progress that we are making in this 110th Congress.

Mr. ROSS. I thank Mr. MURPHY of Pennsylvania for joining us this evening and for helping write House Resolution 97, providing for Operation Iraqi Freedom Cost Accountability. We are not just talking about this. We are trying to do something about it.

In fact, some of these key provisions were included in the defense authorization bill, and we want to thank Chairman SKELTON and members of Armed Services for doing that.

It does four things. It calls for transparency on how Iraq war funds are spent. It calls for the creation of a Truman-like commission to investigate the awarding of contracts. It provides a need to fund the Iraq war through the normal appropriations process and not through the so-called emergency "let's hide the real cost of the war" supplementals. And, finally, it encourages the use of American resources to improve Iraqi assumption of internal policing operations. In other words, put Iraqis on the front line and get our soldiers off the front line and provide our soldiers to train their soldiers so they can fight their own civil war.

I yield to Mr. DONNELLY.

Mr. DONNELLY. I know we are starting to run short on time, so I just want to sum up what I have been thinking and saying here tonight with this: How far have we gone askew? How confused have we become with this administration when a 3.5 percent pay raise is unnecessary, but we lose $12 billion in Iraq that there is no trace of, that was loaded onto skids into an airplane and can't even be found. But we can't give a 3.5 percent pay raise to the best, the bravest, the finest who have ever served this country.

Mr. Speaker, Mr. Ross, that's part of the reason we need this Iraq War Accountability Act, just one of the many glaring things, but I leave that with the American people and let them know these Blue Dogs are on the hunt to get that fixed.

Mr. ROSS. I thank the gentleman from Indiana for his insight and the gentleman from Pennsylvania for his.

Mr. Speaker, if you have any comments, questions or concerns, you can e-mail us at BlueDog@mail.house.gov. That is BlueDog@mail.house.gov.

I am talking about House Resolution 97, providing for Operation Iraqi Freedom Cost Accountability. We are not just talking about a problem. We are trying to fix the problem. There are only 43 of us in the Blue Dogs, a group of conservative Democrats, and yet we already have 63 cosponsors on this bill.

House Resolution 97 also calls for the Iraqi government and its people to progress towards full responsibility for internally policing their own country.

Recently, members of the Blue Dog Coalition worked together with House Armed Services Committee Chairman, IKE SKELTON, to include key provisions of House Resolution 97 in the fiscal year 2008 National Defense Authorization bill. With the passage of this bill, we took the first step towards ensuring complete fiscal transparency in the funding of the war in Iraq.

The American people deserve to know that their tax dollars are being spent wisely and that our troops have the resources they need to succeed. The Blue Dogs are committed to passing legislation that accomplishes this goal.

Members of the Blue Dog Coalition also believe strongly that funding requests for the Iraq war should come through the normal appropriations process, as I mentioned earlier. Since 2003, the Republican-held Congress has been funding the war through emergency supplemental requests, two of them in 2003, another one in 2004 and 2005 and 2006 and 2007. It is time we stop hiding the cost of this war. We demand fiscal accountability in Iraq.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. ELLSWORTH). Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank my leadership for the opportunity once again to come to the floor and to shed a little light. Tonight, we are going to shed a little truth on some of the messages that we have heard just now and maybe previously here in Washington.

This is another edition of The Official Truth Squad. The Official Truth Squad is a group of Republicans who desire to make certain that some sense of factual information is provided. Mr. Speaker, as we talk about the issues that are dealt with on the floor of this House.

We have a favorite, a number of favorite quotes. One of them is from Daniel Patrick Moynihan. Senator Moynihan said, everyone is entitled to their own opinion but not to their own facts.

Mr. Speaker, it is curious to hear my friends on the other side of the aisle and their righteous indignation, the righteous indignation that they have about so many various things, particularly tonight when they talked about spending and funding the troops.

Well, Mr. Speaker, it is curious because the bill that this House passed under the leadership on the other side, the majority party leadership, just 2 weeks ago, I know you will find this amazing, but that is a bill that could have been passed the first or second week of January of this year to appropriately fund the troops who are standing in harm's way, who are defending our liberty and our freedom and attempting to carry out what they believe, we believe, to be a role that will result in a more safe and secure Middle East and a more safe and secure United States of America.

That bill was held up literally for 5 months because of political posturing and gamesmanship and all sorts of things that, frankly, Mr. Speaker, Americans are tired of. They are tired of it.

We all got back in Washington from a week at home. Most of us went home to our districts. It is good to go home and hear what people are really thinking. The folks in my district on the northern side of Atlanta, they are mad as can be about the partisan games that are played here in Washington.

Mr. Speaker, I am here to bring a little truth and light and fact to many different areas. But I think it is important for everybody to appreciate, especially in this body, that the bill that was passed to appropriately fund the troops, 2 weeks ago we passed that bill, that is a bill that could have been passed by virtually every single positive vote in this House the first or second week of January had our good friends, the Blue Dogs and others, not participated in the kind of gamesmanship that the American people are, frankly, tired of.

I want to talk a little bit about the fiscal house being put back in order. Our good friends on the other side of the aisle talked about putting the, quote, "fiscal house back in order" which is why the Blue Dogs felt that they increased their numbers and assisted the election of the majority.

I think it is curious when they talk about putting the fiscal house of this Nation back in order. Because if you look at the truth, if you look at facts, if you listen to facts and not just opinion, Mr. Speaker, you will appreciate I know that what has happened over the first, a little over 5 months of this new Congress under new leadership is that we have seen an increased authorization for over $50 billion in new spending. So are they putting the fiscal house back in order by decreasing spending? No. Over $50 billion in new spending authorized by this new majority with the Blue Dogs supporting virtually every one of those bills.

So they must be then decreasing taxes, right, Mr. Speaker, in order to put the fiscal house back in order. Well, no, they are not doing that either. Because the budget that they adopted, this Democrat majority with I think the unanimous support of the Blue Dogs on the other side of the aisle, the budget that they adopted, over $400 billion in new taxes for the American people. It is the largest tax increase in the history of the Nation. I guess that they would argue that is putting this fiscal house back in order.

Well, I will tell you, Mr. Speaker, it has many folks at home asking me if the Blue Dogs are not just lap dogs and if they are not just kowtowing to the Democratic leadership and doing what they are told to do, as opposed to being fiscally responsible. Which is what so many of us on our side of the aisle are working so hard to do.

So things are a little curious, which is why I think it is important to bring some truth and facts to the debate and the discussion.

We had some curious things happen on the floor of the House today, Mr. Speaker. I know that you were as puzzled as I at some of the events that occurred yesterday. There was an indictment that was passed down in a court that indicted a Member of Congress, a Member of the House of Representatives. They indicted him I think on 16 counts. So the new majority party came to the floor of the House today, having known about the problem that this individual has had for years, literally. They came to the floor of the House today and they were stumbling over themselves to get to the microphone and to the floor as fast as they could to address this issue that could have been addressed long ago, and passed a resolution that said that anybody who had any criminal charge against them as a Member of Congress, a Member of the House, or any indictment would be referred to the Ethics Committee.

□ 2245

That may be appropriate. It passed by a wide margin. I was pleased to support it. I think the process was flawed. It didn't go through the regular committee process and, consequently, was a pretty poorly written bill, but it moves us in a little bit of the right direction.

In that whole process of talking about it on the floor of the House this afternoon and evening, the majority leader said something to the effect of anyone accused of wrongdoing needs to be investigated. Any Member of the House who is accused of wrongdoing needs to be investigated, which brings up, Mr. Speaker, the whole issue of earmarks, of special projects.

That's what I'd like to spend a little time talking about this evening, the whole issue of pork projects, special projects, earmarks, things that have inflated our budget to a huge degree and things that, frankly, ought not be included in the vast majority of bills, and if they are, they ought to have the greatest amount of scrutiny by both sides of the aisle, Members from both sides, and certainly greatest amount of scrutiny from our constituents, from people all across this Nation, and a great amount of scrutiny from the press.

That's what we call sunshine. That's what I call sunshine for earmarks, and it's an important thing. And the majority party made a huge deal as they ran for office last fall about the importance of spending restraint and getting the fiscal house in order, as it were, although we haven't seen a whole lot of that since they took over, but they made a huge point about controlling earmarks and putting a lid on earmarks and special projects.

And this past week, we've heard a lot about it, but what has happened is that things have actually gotten worse. Mr. Speaker, I know it's hard to believe, but they have actually gotten worse. And there are a number of people who believe that and a number of objective individuals. Again, facts will back up this case.

There was a letter written by the minority leader to the Speaker recently in which he said, We now have reached the point at which the congressional earmark process has become less transparent and less accountable than it was during the 109th Congress, directly violating pledges made last year by Democratic leaders.

That goes a long way. I tell you that's a major statement, less transparent, meaning not the kind of sunshine, and less accountable so that who knows where these projects are coming from. How are the people, how are the American citizens, supposed to hold their Member accountable if, in fact, they're doing what they don't believe they ought to do?

It has gotten so bad that a Member of even the Democrat majority has said, A lot of Democrats believe it's our turn at the trough. Quite a statement, Mr. Speaker. A lot of Democrats believe it's our turn at the trough. That's a fact that that was indeed said, and in fact, it's distressing because it appears to be that that's the fact of action on the part of this new majority.

Now, what did they do in fact? I have coined it Orwellian democracy because so often what has happened with this new majority is that they have said the right thing, they said they were going to do something, and then in fact either done exactly the opposite or ignored what they said they were going to do.

Well, what do I mean by that, Mr. Speaker? I have in my hand here the book of rules of the House of Representatives. It's a pretty dry read, but it's got some important points in it, and these are the rules by which the House operates and by which we supposedly make certain that individual Members of this House are held accountable for their actions.

One part of the rules talks about congressional earmarks. What's an earmark? How do you determine what an earmark is? How do you determine what a special project is? It's important to know that so you can say, yeah, that ought to be subject to a certain amount of scrutiny, hopefully more scrutiny, a certain amount of sunshine, that the individual Member of Congress ought to have to stand up and say that's my project, I support that project, I'm interested in having us spend Federal taxpayer money on that project.

So what's the definition of a congressional earmark? Well, in House rule XXI, subclause 9(d) it says, congressional earmark means a provision or report language included primarily at the request of a Member providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority or other expenditure targeted to a specific State, locality, or congressional district other than through a statutory or administrative formula-driven or competitive award process.

Now, what does that mean? That means that if an individual Member of Congress says I believe that certain Federal tax dollars, hard-earned taxpayer dollars ought to go for a specific project in my district for a specific purpose, and it's not part of any other authorization that the Federal Government has for another role or another aspect of its responsibility, it's something that a specific Member requests, that's a congressional earmark.

Now, how do you make certain that there's appropriate accountability for that? Well, Mr. Speaker, another portion of the rules it says that a list of those earmarks have to be in any bill that has an earmark, and the list has to include the Member's name who requested it. That's an important point because that allows for the sunshine. That makes it so that all Members of this body know who's requested that. It makes it so that the press know who's requested it and they can follow up on it and do investigations if they deem it to be appropriate. It's necessary so that constituents, people out across America, can know who's requesting these things.

And it goes on to say that if a list isn't included, the way that you can follow the rules as well is that a statement that the proposition contains no congressional earmarks may suffice. So, if the bill actually contained no earmarks, then all that it took was the chairman of the committee to write a statement to the Speaker and to the Rules Committee that, in fact, the bill contained no earmarks, no special projects.

Now, one of the reasons that I've dubbed this the new Orwellian majority and Orwellian democracy is that what we've seen is that multiple bills, Mr. Speaker, multiple bills have come to the floor of the House with special project after special project after special project, millions and sometimes billions of dollars, and yet what is included in the report language from the committee is the sentence from the chairman that no congressional earmarks are in the bill, in spite of the fact that they're in the bill. That's why I call it Orwellian democracy because it just simply takes the chairman, an individual, to say, well, there aren't any earmarks in there, and so it satisfies the rule.

Now, I went to the parliamentarian on this because I couldn't believe it. I said, Do you mean to tell me that if the chairman of the committee just says, regardless of its truth, just says there are no earmarks in this bill that that satisfies, that means there are no earmarks, even if there are? And the parliamentarian said absolutely correct, absolutely.

And so the only option that we have is to come to the floor and say, look, what they've said just isn't the truth. Remember, it's an opinion. It's not a fact. And the fact of the matter is, Mr. Speaker, that time after time this new majority has brought bill after bill to the floor with earmarks and special project after special project after special project and simply gotten around the rules because they say, oh, no, there's no earmarks here.

Let me give you a couple of examples, Mr. Speaker, because I know people would be interested in looking at that. Members of the House, if they're interested, H.R. 1100 was a bill that we voted on just a couple of weeks ago. The whole legislation really was one big earmark with a $7 million estimate cost by CBO over a number of years, and it specifically dealt with one congressional district, one specific project, and it did not have any other statutory or administrative formula-driven or competitive award process. The whole thing was an earmark, but it had in the language of the report from the committee, no earmarks here, no earmarks here. Mr. Speaker, that emperor has no clothes I promise you.

H.J. Res. 20 was the continuing resolution to make certain that there was the money in place to continue the Federal Government's responsible activities. What did that have? Multiple earmarks, multiple. Millions and millions of dollars of earmarks, and in fact, got around the rule by just saying, oh, there are no earmarks here, there are no earmarks here. Orwellian democracy, Mr. Speaker.

And then most recently, the emergency supplemental appropriations bill had billions, billions of dollars in special projects, and in fact, all that was done in order to comply with the rules of the House was to have one of the chairmen of the committee say, oh, no, there are no earmarks here.

It reminds one of the Wizard of Oz, you know, where the wizard says, oh, don't pay any attention to that man behind that curtain. Well, that's kind of what the majority party is asking; don't pay attention to these earmarks even though we say there are none.

So what's the solution now? They have taken a lot of heat, this majority party has taken a lot of heat for trying to put these special projects, pork projects into bills. And so what's their solution? Well, they have come up with a solution.

Before we talk about that solution, it's important to remember what they promised. What did this new majority promise? And what they said was, We're going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of night and the public and other Members can see what's being done. We need to have earmarks subject to more debate. That's what debate and public awareness is all about. Democracy works if people know what's going on. That was Majority Leader HOYER last fall after the election. That's what he said about the earmark process.

And the now-Speaker said about a year ago, It's the special interest earmarks that are ones that go in there in the dark of night. They don't want anybody to see, and that nobody does see and then they're voted upon. So transparency, yes, by all means, let's subject them all to the scrutiny that they deserve and let them compete for the dollar. That's now-Speaker PELOSI. That's the statement that she made just a little over a year ago.

What's happened? What's the reality, Mr. Speaker? What's the facts, not the opinion, not the Orwellian democracy of, oh, there aren't any earmarks in that bill, don't bother looking because there aren't any earmarks in that bill? But what's the facts?

The fact is that after promising this unprecedented openness regarding Congress' pork barrel practices, what the majority party, the House Democrats, have done, they've moved in exactly the opposite direction. As they draw up spending bills, the new appropriations bills are coming on line for this new budget year, they're side-stepping the rules approved on the very first day that they took power in January where they said we need to identify earmarks. Remember those rules, Mr. Speaker, where you had to have a list of earmarks? You had to have the individual that requested them? Had to make certain that there was sunshine?

Rather than including specific pet projects or grants or contracts in the legislation as it's written, this is what's new, Mr. Speaker. Democrats are following an order by House Appropriations Committee Chairman to keep the bills free of such earmarks until it's too late in the process to challenge them. Too late in the process to challenge them. Phenomenal, absolutely phenomenal.

Associated Press writer Andrew Taylor said just 2 days ago, After promising unprecedented openness regarding Congress' pork barrel practices, House Democrats are moving in the opposite direction.

From an article by Andrew Taylor, the Associated Press of January 3, Representative DAVID OBEY, who is the chairman of the Appropriations Committee, says that those requests for dams, community grants and research contracts for favored universities or hospitals will be added spending measures in the fall. That's when the House and the Senate negotiators assemble their final bill. So, as a result, most lawmakers will not get the chance to oppose or even identify specific projects as wasteful or questionable when the spending bills for various agencies get their first vote in the full House this month.

So what's going to happen, Mr. Speaker, is that instead of this wonderful transparency, instead of the sunshine, all the accountability that this new majority talked about, in fact what they're doing is going way back, way back to an old time long, long ago when these special projects were put in late at night with nobody watching, no ability to gain accountability for it, no ability to see what's happening, no opportunity for average Members of this House of Representatives to see and appreciate what's happening in terms of spending in the appropriations bills as they go forward.

The House-Senate compromise bills due for final action in September cannot be amended, and it's extremely pivotal because you can't say, well, this is a project that we ought to have more discussion on, more debate on. So it can't be amended and they're only subject to 1 hour of debate.

□ 2300

It's not just those of us who believe in sunshine for earmarks, something that I have fought for a number of years. It's not just those of us in the House of Representatives who are concerned. Tom Shatz, the President of Citizens Against Government Waste says, "Who appointed him judge and jury of earmarks? What that does is leave out the public's input."

The article from Mr. TAYLOR goes on to say what Mr. OBEY is doing runs counter to new rules. The Democrats promised they would make such spending decisions more open. Those rules made it clear that projects earmarked for Federal dollars and their sponsors were to be made available to public scrutiny when appropriations bills are debated. The rules also require lawmakers requesting such projects to provide a written explanation describing their request in a letter certifying that they or their spouse wouldn't make any financial gain from them.

So it's important to appreciate what is happening with this new Orwellian democracy, Orwellian majority, is that what we are seeing is them saying one thing and then doing something exactly the opposite.

Again, it's not just those of us on this side of the aisle who believe that and have documented that. This is an article from the St. Petersburg Times that explains in an editorial, "The new game that House Appropriations Chairman DAVID OBEY intends to play with budget earmarks this year is worse than the usual hide-and-seek. He's taken the whole thing underground, as though he is to be trusted as a one-man auditor for congressional pork. If this is to be the new ethic the Democrats promised, voters might want to get their ballots back."

Something that I have talked about, the American people are paying attention, they are watching, and they are disappointed with what they see. This new majority talked about taking the Nation in a new direction. They have taken it in a new direction, and it has been exactly backwards, backwards to a time, as documented or given the opinion by the St. Petersburg Times. It's worse than what has happened in the past.

The Las Vegas Review Journal notes that it didn't take long for Democrats to break their promise on earmark reform. "When Democrats took control of Congress 4 months back, incoming House Speaker NANCY PELOSI bragged that it would take her party less than 100 hours to curb wasteful pork spending by requiring Members to attach their names to their earmarks, exposing such waste to the harsh light of public scrutiny. She failed to mention this reform would remain in effect for little more than the 100 days."

Didn't even last that long, because, as we have documented already, what has taken place is this process of bypassing or skirting the rules by saying, oh, no, there is no earmarks there, when, in fact, there is a laundry list as long as your arm in there. That's the fact. That's the fact of the matter.

So while Democrats plot to hide their wasteful spending from the American people, our side, House Republicans, will continue to work to make the earmark process much more transparent and more accountable; and we will work to root out that wasteful spending and balance the budget without raising taxes, without raising taxes, which is so remarkably important.

I mentioned that I was home last week, many of us were home in our districts last week. That's what I heard, that individuals all across my district that I talked to have been concerned about spending. Over and over and over they said, we know that you can balance that budget without increasing spending and without increasing taxes.

So when our friends on the other side of the aisle talk about getting the fiscal House in order, yet they authorize more spending and they increase in their budget taxes by over $400 billion, the largest tax increase in the history of our Nation, my folks, the folks in my district at home say, well, that just doesn't wash. That's not the kind of leadership we want.

So that new direction, those ballots that that editorial talked about, folks getting back, may, in fact, need to occur. And it's a wonderful thing to be able to have accountability for Members of Congress every 2 years. I believe firmly that the American people are, indeed, watching; and they are already tired of what they see on the part of this new majority, especially in the area of earmark reform.

I have been joined by a very good friend from Arizona, who truly is the champion of earmark reform, a fellow who has worked tirelessly in his time in Congress to bring light and shed light on the egregious activity that occurs here in the special project. I am so pleased to have my good friend join me, Mr. FLAKE from Arizona. I look forward to your comments.

Mr. FLAKE. I appreciate you taking the time to bring this important issue to light.

I am the first to admit that our party didn't handle this issue very well. We went over about a decade or 12 years, depending on how you count them, from about 1,400 earmarks in all appropriation bills to more than 15,000. So the process exploded with Republicans in charge. That doesn't speak well for us as a party. We should not have let that happen.

I think right here near the end we woke up, and we passed some legislation in October of last year. Unfortunately, I think it was near the end of the appropriation process, when it was really too late to do any good.

The Democrats, to their credit, when they came into power in January of this year, passed a little stronger legislation than I think we did, and I think I and many of my colleagues gave them credit for that. It was a good thing to add more transparency to the earmark process.

The problem, as the gentleman from Georgia has so aptly pointed out, is that the rules that we set are only as good as our willingness to enforce them. So you can have pretty good rules with regard to earmark reform, with regard to transparency, but unless you are willing to enforce them, they are of little worth.

As the gentleman pointed out, when you have rules that allow the chairman of the committee to simply make a declaration that there are no earmarks in this bill, when there clearly are, we have no recourse. We have to accept that statement as if it were fact, when it clearly isn't.

The gentleman mentioned the war supplemental that came up. We actually had an example where there was a press release of one Member actually claiming credit for an earmark that had been received for that Members' district, put out a press release touting it. Yet, for that same bill, there was a statement in the RECORD saying there are no earmarks in this bill.

So, the gentleman mentioned, it was like a fairy tale. I think it's a lot like Alice in Wonderland, where you say a word has whatever meaning I give to it; and, in this case, you know, an earmark is whatever I pretend to call it. Unfortunately, that doesn't lend itself to transparency.

We have the situation now, which is far worse than anything we have heard before, that we won't have any earmarks in the House bills, but, rather, we will wait until the House bill is done, the Senate bill is done. Then the earmarks will be airdropped into the conference report.

Now, if that is the case, there is no way for any Member of this body to challenge any of those earmarks that come up. There is no way you can amend, because you can't do that to a conference report. You have to ask yourself, is that more transparency? Is that a better process?

The Chairman of the Appropriations Committee stated that more time was needed to actually scrub these earmarks, to make sure that they are proper, and that the committee was undertaking to do that.

I think, and I think those who have been watching this process will agree, that the best way to scrub the process is to let sunlight in to allow these earmarks to be made known, to allow the media, the blogging community out there, organizations that follow this and other Members of this body, to actually see these earmarks and to judge them and to determine who is it going to, who is going to benefit from this earmark?

If we are really concerned about scrubbing these earmarks, to make sure that they are proper, then let people know about them. Nobody is served well if they are kept secret.

So I commend the gentleman again for bringing this important issue to light. I would encourage him to keep up this battle and to make sure that earmarks get the sunlight that they deserve. If we want to really curb this practice that has gotten out of control, we need to ensure that we have more sunlight, not less.

Mr. PRICE of Georgia. Thank you so much for your comments and for your good work on this matter. It's an issue that really strikes a chord, because it gets to the heart of irresponsible activity and irresponsible spending here in Washington.

So many of our friends back at home just are tired of it. They are tired of it. I think that's the message this they sent in November. I think that's the message that they sent. It wasn't some of the things that our good friends on the other side of the aisle, the message that they were sending. The message that they were sending is be responsible about your spending.

I will bet that if you had a referendum last November and you asked every single voter who went to the polls, would you think it would be a better idea to hide from the American people the special project spending that goes on in Congress to a greater degree than currently exists, yes or no, I bet you couldn't find a soul in this Nation that would support that.

Mr. FLAKE. Most certainly, I think across the country the taxpayers want to know what is going on. I think that they look at the process that we have now where Members will submit requests, earmark requests, but those requests are only made public if their earmark is actually part of a bill that comes to the House.

Now, under this new procedure that has been announced by the majority, those earmark letters, which indicate who the earmark is to go to, won't be made public at all until it's too late in the process to actually challenge that earmark.

So it means little to go through the process that we have set up if, by the time it has any effect, it's too late in the process to change.

So the gentleman is correct, I think. Across the country, that's what I hear when I am out there. People want to know. They want open government.

When you think about it, every second that this Chamber is in session is captured on C–SPAN, this conversation and every other conversation, whenever this body is in session. When we are in committee, every word that is said is transcribed and is captured. So we have an open process.

Yet when it comes to spending money, we have a very secretive process in terms of earmarks, where, according to the majority this year, we won't know it all until it's too late to actually change it, until we have to just do one up and down, up or down vote on a bill.

There are several bills in the past, in fact, one bill, the highway bill a couple of years ago, that had 6,300 earmarks in the bill. You could conceivably have that again. At least, you know, virtually every appropriation bill is up somewhere approaching 1,000 or maybe 2,500. So, think of that, 2,500 earmarks in a single bill. The Members here won't even have the ability to challenge one of those, won't even know that they are there until you have to have to take one up or down vote on that legislation. I think every American knows that that simply is wrong.

Mr. PRICE of Georgia. That really brings to light the issue of accountability, what your constituents want. I know what my constituents want me to do is to make certain that I am paying attention to all of these items and that I raise questions about items that I believe they would not support.

Sometimes just a question of clarification, I have been so pleased to be able to support you in many of your efforts to shed light on so many earmarks that have been brought to the floor, and maybe you wouldn't mind sharing with our colleagues the process that that takes and how to get just one vote on a specific earmark and how this process would foil all of that and make it so that there would be no transparency at all.

Mr. FLAKE. Over the appropriation process last summer, I believe we brought 39 earmarks in several appropriation bills to the floor; and my effort was, in many cases, simply to see whose earmark this was and to have that Member actually justify the need for that earmark.

We simply didn't know who requested it. We saw it in the committee report. When the bill came to the floor, it would generally be a vague description of an earmark to a certain entity or a company. But you wouldn't know who actually sponsored the earmark until you challenged it on the floor. Then, typically, the author of that earmark would come to defend it, but not always.

I should mention that many of the earmarks that were challenged on the floor in the last appropriation cycle, the author of the earmark never even came to the floor to defend it. He or she simply knew that, through the process of log rolling, that other Members would know I won't challenge that earmark and the author of that earmark won't challenge mine.

So it was a very disheartening process to go through. But at least we could go through that process. At least we knew something about what was in the bill, because we had the reports come to the floor. Under the process that has been announced, we wouldn't even have that ability.

□ 2315

These bills would come to the floor, there would be no earmark, there would be no letters attached saying there are this many earmarks. There would be no lists listing the Members who had requested earmarks. Nothing. We would simply have to wait until it was too late in the process to actually challenge until the earmarks were air dropped into the conference report. So it's an important distinction.

I think the process has been far too secretive in the past. We would typically only get these lists in the committee reports hours before the bill actually came to the floor. But that's miles better than what is being discussed now because these earmarks would not be made known at all until it's too late. They would be kept secret from the body as a whole, and from the taxpayers across the country.

I thank the gentleman for yielding.

Mr. PRICE of Georgia. I thank you again for your comments.

And I think it's important, Mr. Speaker, for our colleagues to appreciate that this is a proposed process that is being put in place by the majority party to correct what they have perceived as a lack of transparency and a lack of accountability. But their solution will result in less accountability and less transparency. And as I mentioned before. I don't think that's what the American people want. It certainly isn't what my constituents want, and it's not what you fought for for years and years to have greater transparency and greater accountability to the whole special project earmarking process.

Does the gentleman have any more comments?

Mr. FLAKE. Well, I just again thank the gentleman. And just to reiterate again, we have had a bad process. We recognize that. That was the reason for the reforms that we did in the fall of last year. And as I mentioned, I applauded the Democrats for the reforms that they put in place in January. The problem is we're running away from those reforms rather fast. And if we are really serious about bringing in sunlight and transparency, then we have to stop this proposed new rule, or this proposed process I should say, it's not a formal rule, to make sure that these earmarks get the sunlight that they deserve, that every member of this body and every taxpayer across the country has a chance to see what this body is doing. That's what open government is all about. And I, again, thank the gentleman for yielding.

Mr. PRICE of Georgia. Thank you so very much. I appreciate you coming and joining us this evening.

So folks say well, what is it that you're asking for? Well I've talked about American values and American vision. And what we believe, what I believe Americans are asking for in this instance is open and honest leadership. It's what we oftentimes here in Washington give lip service to. But the fact of the matter is that the American people desire and I believe are demanding open and honest leadership. I believe, we believe that they have a right to transparent and fair legislative process. And the process that has been described for dealing with these earmarks, these special projects, these pork projects is neither transparent nor is it fair because it puts, it's not transparent because there's no light on it. There's no sunlight. There's no ability for, as my good friend from Arizona said, there's no ability for anybody to know who's asking for these earmarks during the process. And then there's no way for the House to work its will on an individual special project as to vote them up or down. Maybe thousands, literally thousands of them included in a particular bill. So that's not a transparent process. It's not a fair process because it concentrates power into the hands of too few individuals, the chairman of Appropriations or the subcommittee chairmen on Appropriations.

We believe that Americans have a right to sunshine on how taxpayer money is spent. That again gets to the transparency. You ought to shed light on it. How does this process work?

Who's asking for the money? And so that they have to stand up and defend it in front of their constituents, in front of their colleagues and in front of the media, in front of the press.

And finally, that Americans have a right to merit based spending that's open to the public debate and open to public scrutiny.

Those are principles that I believe, we believe incorporate American values and an American vision that individuals all across this Nation have as the kind of vision for their government, how they believe their government ought to act.

Again, in November, if one had asked on everybody's ballot across this Nation, do you think that there ought to be less transparency, that there ought to be less accountability for special projects in Congress, Mr. Speaker, I'll bet you wouldn't have got 1 percent of the people across this Nation to vote in favor of that. Not one. So what we're asking for is accountability, is transparency.

I think it's also important, again, to appreciate that there are others across this Nation who are concerned and dismayed by this process proposal that's been put forward by the new majority party. And I'd just like to highlight some of them, because I think it's important for folks to appreciate that this isn't just your usual political backbiting. This is serious business. This is how we're spending hard earned American taxpayer money. And the proposal is such that I believe, we believe, that it would be much less responsible, certainly much less transparent and much less accountable, and there are folks who believe that all across this Nation.

As I mentioned, the editorial in the St. Petersburg Times, one of the lines there said, "The result then is that the earmark projects will receive almost no public scrutiny and no Congressional debate." Significant, major paper in an editorial today.

The Review Journal in Las Vegas, the Las Vegas Review Journal said, "Democrat earmark reforms lasted 100 days. When Democrats took control of Congress just 4 months back, incoming House Speaker NANCY PELOSI of California bragged that it would take her party less than 100 hours to curb wasteful pork spending by requiring Members to attach their names to their earmarks exposing such waste to the harsh light of public scrutiny. She failed to mention that this reform would remain in effect for little more than 100 days. The anti-earmark reforms are just for show, mere window dressing." That's the Las Vegas Review and Journal from an editorial today.

There is a gentleman on CNN, Mr. Cafferty, Jack Cafferty, who has had a lot to say about Washington spending. Yesterday he said, "Remember when the Democrats took control of the Congress back in January? On their very first day in power they approved rules to clearly identify so-called pet projects or earmarks in spending bills. You know, part of their promise to bring openness and transparency to government. Well, guess what? The Associated Press reports Democrats are not including the spending requests in legislation as it's being written. Instead they're following an order from the House Appropriations Committee Chairman David Obey to keep the bills free of these earmarks until the fall. Now, by doing this, nobody will know what the earmarks are when the bills are first voted on in June. And when they're finally announced in the fall, well, then it will be virtually too late to do anything about them. Clever, don't you think?" That comes from CNN's Jack Cafferty, June 4, yesterday.

And so it's people all across this Nation who are concerned about the process that's been defined. The Toledo Blade, newspaper in Toledo, Ohio, in an editorial a little over a week ago, said, "Backtracking on earmarks. Here's the outrage of the week from Washington. Democrats who took control of Congress by pledging reform and whacking Republicans over the issue of special interest earmarks already are perpetuating this odious waste of taxpayer money. Democrats promised to end such abuses. Now that they are in charge, they should live up to their rhetoric." That's an editorial in the Toledo Blade a little over a week ago.

From Montana, the Missoulian in Montana said, "Congressional pork too tasty to leave alone. Congress is ignoring election promises and feasting on pork projects. What's on the menu on Capital Hill these days? Pork of course. Not that we're surprised, but we're scratching our heads given the promises and pronouncements of the last election season. In their first half year in office, the newly powerful House Democrats have seemingly lost their reformist zeal." Editorial from the Missoulian Montana this May 31 of this year.

How about Pennsylvania? Reading, Pennsylvania, the Reading Eagle in Pennsylvania said, "Democratic vows remain unfulfilled. They can talk the talk but they seem to have difficulty walking the walk. As the approval ratings of Republicans plummeted prior to last November's general election, Democrats saw their chance to regain Congressional control. Representative NANCY PELOSI, who was soon to become Speaker of the House, said, 'We pledge to make this the most honest, ethical and open Congress in history.' That pledge," this is now from the Reading Eagle, from Reading, Pennsylvania. "That pledge was broken in March when democratic leaders pushed through a $124 billion emergency supplemental bill to fund the military in Iraq and Afghanistan that was laden with $21 billion in pork barrel spending known as earmarks. A House rule instituted by Democrats that prohibits swapping earmarks for votes also seems to have fallen by the wayside."

In fact, that brings up a specific point that is of grave concern to many of us. We highlighted on our side of the aisle a member of the Appropriations Committee who challenged and literally threatened a Member of the minority party, Republican Member, with saying that if he didn't support a certain bill, a certain provision, that his earmarks would be pulled from the appropriations bill. And it happened on the floor of the House. Many people witnessed it. And what did the new majority, when that was brought to light, what did they do with that complaint, with that concern, with that issue?

Well, Mr. Speaker, as you know, and you remember, they moved to table the motion, the resolution that would have simply required an investigation of that process. And tabling, as you know, Mr. Speaker, means that it kills the issue. It's dead. So the majority party wielded their muscle and made certain that an individual who is in the majority, who is muscling another Member of the House of Representatives and threatening to withhold certain funds from a bill because he wouldn't support another provision, that will go uninvestigated. That will just be tossed under the rug, swept under the rug. That, Mr. Speaker, is not the kind of United States House of Representatives that Americans desire or that they deserve.

Further, a couple of others, Mr. Speaker, of objective individuals citing their concern about this new process for spending on the part of our new majority. CNN investigative reporter Drew Griffin said on May 25, "The new open Democratic Party-controlled Congress promised the earmark process would no longer be secret. All earmark requests are made public with plenty of time for debate. But DAVID OBEY, the chairman of the House Appropriations Committee, and one of those Democrats bragging about those changes, has decided that earmarks, those generous gifts of your money, will be inserted into bills only after the bill has cleared the House floor. In other words, earmarks will still be done in secret with no public debate. There was supposed to be some kind of change. In the next few months, in what Congressman OBEY says is the most open earmark process ever, the bills will be drafted, the earmarks added. But only then, just before those bills are passed, will the public learn where the treasure is buried."

Mr. Speaker, that's not the kind of process that my constituents desire. That's not the kind of process that they voted for. It's not the kind of process that we've proposed. It's not the kind of process that is becoming of a House, especially when the majority party says that they are desirous of getting this fiscal house in order. It's more of that Orwellian democracy. Just because you say it doesn't make it so.

Associated Press on June 3 said, "After promising unprecedented openness regarding Congress's pork barrel practices House Democrats are moving in the opposite direction as they draw up spending bills for the upcoming budget's year. Democrats are sidestepping rules approved their first day in power to clearly identify earmarks, lawmakers' requests for special projects, and contracts for their states in the documents that accompany spending bills."

And finally, CNN's Drew Griffin said on May 31, "Thousands of pages of earmarks in a bill time after time, and the Democrats promised reform and it's not happening."

Mr. Speaker, what a shame. Truly what a shame. What a great opportunity we have to work together and fashion a system and a process that provides greater transparency, that provides greater openness, that answers the concerns of our constituents who say we want to make certain that there's sunshine on this process. We want to make certain that folks are held accountable. We want to make certain that our hard earned tax money that's going to Washington is being spent in the most responsible fashion.

And so what is it that we desire? Open and honest leadership, Mr. Speaker. Americans have a right to transparent and fair legislative process. They have a right to sunshine on how taxpayer money is spent. They have a right to merit based spending that's open to public debate and to public scrutiny.

So I would ask my colleagues, I would challenge my colleagues on the other side of the aisle to talk to their leadership, to implore them to urge them to move in the direction that they said they would move and that is greater transparency and greater openness and greater scrutiny of how these public monies are being spent.

□ 2330

So all is not lost. This is recoverable. I know that the chairman of the Appropriations Committee said that it would be so, but this is a 435-Member body, and it ought to act in a majority fashion, and I am hopeful that at least some members of the majority party will see that that is not the kind of leadership and not the kind of process that their constituents desire.

Mr. Speaker, before I close this evening, I do want to touch on one other item very briefly, because I know that time is getting late, and that is the whole issue of taxes and spending.

As I mentioned, I was home this past week in the district over the Memorial Day break. And person after person, constituent after constituent kept coming up to me and talking about issue after issue, and one of the major issues was spending, spending in Washington, and taxes, making certain that tax money was being spent responsibly and that taxes didn't go up, which was why it was so concerning to them that this new majority has increased the authorization for spending already, in just 5 months, by over $50 billion; also why it was concerning to them that this new majority has passed a budget that incorporates $400 billion in new taxes. The largest tax increase in the history of the Nation, $400 billion. Phenomenal, absolutely phenomenal.

So when you think about how our economy has been relatively rolling along over the past number of months, over 16, 17, 18 quarters of growth in a row; more homeownership than ever before in the history of the Nation; the unemployment rate at its lowest continual rate in decades, lower than the average of the 1960s and the 1970s and the 1980s and the 1990s; remarkable success in terms of an economy that is performing extremely well, one would think that it would behoove the majority party to say, well, I wonder how that happened. I wonder how that economy got to be so strong.

There are issues and points in time that you can recognize and point to and say there were changes made then that resulted in a very strong economy, and one of them occurred in 2003. This graph highlights it. These are tax revenues coming into the Federal Government.

And, Mr. Speaker, as you know, between 2000 and 2003, Federal tax revenue was declining. We had been hit by some significant challenges, 9/11, a recession, the tech dot com boom burst, and so tax revenue was decreasing. So what happened in 2003, whatever this was, whatever happened on this vertical line here at that point in time, it resulted in significant increases to the Federal Government tax revenue because of a significant increase in the economy, a significant increase in productivity.

Well, Mr. Speaker, as you know, what happened at that time was that appropriate tax reductions were put in place. Fair tax cuts for the American people were put in place so that the marginal rates were decreased for everybody, so that there was a decrease in capital gains and dividends tax, a decrease over a period of time in the marriage penalty and the death penalty. All of those appropriate tax reductions were decreased.

Tax cuts result in more economic activity and more economic growth. It sounds counterintuitive, but, in fact, it happens every single time that you cut taxes. If you cut taxes, if you give the American people more of their hard-earned money, what they do is they determine when they save or they spend or they invest that money, and that results in a flourishing, increasing economic development and an increasing economic activity in our Nation, and it is undeniable what happened.

There is another graph that demonstrates it, that talks about jobs growth. Here you have a number of jobs created on the horizontal line from 2001 through 2007, and you see again, Mr. Speaker, before the appropriate tax reductions in 2003, what happened was a relative decrease in job growth, month after month after month after month. And what happened with the tax cuts on the American people, allowing people to keep more of their hard-earned tax money, what happens is an incredible increase in job growth, and that is why we have seen over 7 million new jobs created since August of 2003. Incredible economic activity.

So it astounds me that the majority party believes somehow that if they increase taxes, again by passing a budget that has the largest tax increase in the history of the Nation, nearly $400 billion in increased taxes to Americans, almost $2,700 for every single Georgian, a phenomenal increase in taxes, it is incomprehensible to try to understand why the majority party believes that that is the appropriate kind of policy to put in place if they want to continue this kind of activity.

If they wanted to continue this kind of activity, one would think that they would conclude appropriately, objectively, looking at the facts, that the appropriate tax reductions ought to continue. But what they have said is, no, they ought not continue, that those marginal rates ought to go up, that we ought to increase taxes on every single American who pays taxes, that we ought to increase the marriage penalty, that we ought to do away with the decreases in death tax, that we ought to have increases in taxes on capital gains and dividends and we ought to decrease the incentive for investment. It just doesn't make sense.

I know that my colleagues on the other side of the aisle are responsible. I know that they desire to do the right thing. I know that they have heard from their constituents back home, and I suspect what they have heard is please make certain that we continue an economy that allows our Nation to grow, that allows our Nation to defend itself, that allows our Nation to create jobs, that allows our communities to thrive. And one way to do that, one of the most effective ways to do that, is the way that it has happened every single time that it has been tried in our Nation's history, and that is to decrease taxes on the American people. Allow Americans to keep more of their hard-earned money. Allow them to be the ones who determine when they spend or they save or they invest their money.

So I call on my colleagues on both sides of the aisle to take a good look at what has happened. Take a good look at history. Take a good look at the remarkable economic growth and development that we have had across this Nation over the past 3 to 4 years. And I think what you will conclude, Mr. Speaker, is that those tax reductions ought to remain in place.

We live in an incredible Nation, a Nation that allows those of us who represent districts all across this Nation to come to the House of Representatives and to try our best as honestly and openly as we can to represent our constituents. It is a wonderful Nation. It is a beacon of hope and liberty for folks all around the world, and it is so because we are responsible when we act responsibly and we listen to our constituents and we decide issues based upon what their desires are and what is in the best interest of them and our Nation.

So I call on my colleagues to think seriously about the issues as they relate to taxes and economic development of our Nation. And I know that they will conclude what I have concluded; and that is decreasing taxes results in increasing economic development, increasing economic activity, and, amazingly enough, increasing revenue to the Federal Treasury.

GAS PRICES

The SPEAKER pro tempore (Mr. ELLSWORTH). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from New York (Mrs. MALONEY) is recognized for 11 minutes.

Mrs. MALONEY of New York. Mr. Speaker, schools will be letting out soon, and American families will be hitting the road for their summer vacations. But how far will they get this year with sky-high prices at the pump?

The average price of regular gasoline is hovering near record highs, and this week stands at about $3.16 a gallon. This means American families are spending nearly $54 on average every time they fill up their tank, an astonishing $30 more per tank since President Bush took office.

According to the AAA, the typical American family is on course to spend over $3,600 this year just to fill up their cars if these prices persist. Gasoline prices set a new record of $3.22 a gallon on May 21, according to the AAA's fuel gauge report. Gasoline prices in 34 States broke record highs in the past month. Prices are expected to climb again as the summer driving season progresses.

Record high gas prices may not cause hardworking Americans to cancel vacation plans, but they are forcing families to cut back on other spending, putting our economic growth at risk.

Wherever I go Americans are asking, why are gas prices so high? Surprisingly, the answer is not because crude oil prices are higher than they were last year. According to the Department of Energy, the largest component of U.S. retail gasoline prices is the price of crude oil. What is unique about the current situation is that crude oil prices, the red line, are lower right now at the onset of the summer driving season than they were at this time last year. But, as we all know, gasoline prices, the blue line, are higher than they were this time last year.

The Department of Energy projects that crude oil prices will average $2 less per barrel this summer than last. But they also predict that gasoline will average about $2.95 a gallon this summer, up more than a dime from last summer's $2.84 a gallon on average. Analysts attribute this in large part to the fact that our refinery capacity has failed to keep pace with demand.

We haven't had a new refinery built in the United States in 30 years, pushing refineries to operate at capacity levels that are overtaxing the system. Refining costs account for about 22 percent of the retail price of gasoline, up from 15 percent in 2003.

With the increase in oil and gas prices over the last several years, refining margins are at historical highs. Refining profits in the first quarter of 2007 increased 36 percent over last year, and the U.S. refining margin increased to over $17 per barrel of refined oil.

High gas prices should be an incentive for expanding refining capacity, but instead of building new refineries the industry argues that it has focused on expanding and upgrading existing refineries to keep up with increased demand.

U.S. refining capacity has stayed relatively stable over the past few years, and that is the red bar here. But demand has steadily increased, and that is the blue bar. So capacity utilization has risen, regularly reaching levels above 90 to 95 percent of capacity throughout much of the 1990s and continuing into this decade.

The problems and risks associated with running near full capacity have become very apparent in recent months. As this chart shows, overtaxed refineries have required unplanned maintenance which has taken supply off line and caused short-term price spikes. Refiners typically perform planned maintenance during off-peak driving season, which impacts available stocks of gasoline when the demand is lower. But the increasing frequency of unplanned maintenance is cause for great concern. Unexpected refinery outages choke off supply and cause price spikes at the pump.

A recent spate of such unplanned outages in refineries across the country have made the price spikes a common occurrence and have kept gas prices in the headlines. BP, ConocoPhillips, and Valero Energy have all reported unexpected shutdowns at a number of U.S. refineries.

Oil companies certainly have the profits to invest in increased capacity, but they are not investing. With capacity as tight as it is, refiners can boost profits by taking capacity off line, particularly when there is a lack of competition at the refinery level. It is hard to prove that they are purposely limiting supply, but the risk of manipulating capacity to maximize profits is certainly greater with fewer players in the market.

□ 2345

Consumer advocates, such as the Consumer's Union Mark Cooper, argued that a lack of competition in the market has enabled oil companies to exploit the tight market they have created by purposefully uninvesting and mismanaging refinery maintenance.

With refining margins as high as they are, construction of a new refinery is not a losing proposition, particularly for profit-laden Big Oil companies. But ExxonMobil's CEO, Rex Tillerson, has indicated that he will not build a new refinery in the U.S., pointing to research that U.S. gasoline consumption will plateau in coming years as ethanol and energy efficiency measures become more prevalent.

The current runup in gas prices underscores the urgent need for a better national energy policy. But instead, we see stubborn inaction and complicity on the part of the administration. The Bush administration has turned a blind eye to oversight of the oil and gas industry in general, and especially with respect to mergers. Mergers in the gas and oil industry over the past decade have resulted in dangerously concentrated levels of ownership in the U.S. refining market, leaving us with only five major domestic oil companies controlling the majority of our domestic refining capacity.

The President has approved mergers at such a break-neck speed that by 2005, the top 10 refiners controlled 81 percent of the market, up from 56 percent since 1993. So it has jumped an astonishing amount. This concentration of refiners has restricted production capacity, causing American consumers to pay more at the pump than they would be with more market competition. The lack of competition is hurting consumers now and will hurt our economy in the future.

As a first step toward protecting consumers, the House passed the Energy Price Gouging Prevention Act just before the Memorial Day weekend. This legislation will provide relief to consumers by giving the Federal Trade Commission the authority to investigate and punish those who artificially inflate the price of energy. It would ensure the Federal Government has the tools it needs to adequately respond to energy emergencies and prohibit price gouging. With a priority on refineries and Big Oil companies, especially during a time of national crisis such as Hurricane Katrina, the Energy Price Gouging Prevention Act will provide the FTC with new authority to investigate and prosecute those that engage in predatory or unconscionable pricing from oil companies on down to local gas stations, with an emphasis on those who profit most. This includes the gouging of gasoline, home heating oil, propane or natural gas. It will enpower the Federal Government to impose tough civil penalties of up to triple damages of all excess profits from companies that have cheated consumers.

Until we have abundant renewable energy alternatives to benefit consumers, in the short term Congress must carefully look at the current market framework to see what can be done to improve competition in the marketplace. At the refinery level, Congress should look at strengthening antitrust laws, changing the way oil mergers are reviewed by U.S. antitrust agencies, cracking down on anti-competitive actions by oil companies, and/or improving price transparency at the wholesale level.

Mr. Speaker, high gas prices is an issue that has a supply side and a demand side, and we need to address both. Government leaders and businesses are recognizing the need to reduce our dependency on oil by making our vehicles more fuel efficient and investing in clean, renewable energy sources and technologies.

Mr. Speaker, I request additional time.

The SPEAKER pro tempore. The Speaker's policy of January 18, 2007 does not allow for an extension of the gentlewoman's time.

Mrs. MALONEY of New York. Mr. Speaker, I ask permission to revise and extend my remarks.

The SPEAKER pro tempore. Without objection.

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, last month, it was announced in my home district that New York City cabs are going green, as the Mayor plans to replace the city's fleet with hybrid cars by 2012.

The Joint Economic Committee recently released a report entitled, "Money in the Bank, Not in the Tank", which argues that we have to take the issue of improving fuel efficiency seriously.

America's cars were more efficient two decades ago when our fleet-wide average was 26.2 miles per gallon. Now, our fleet-wide average for cars and trucks has slipped to 25.4 miles per gallon. Clearly, we're going in the wrong direction.

And it's hurting our competitiveness—our nation ranks at the bottom of the list of industrialized nations when it comes to fuel efficiency.

In Europe, fuel efficiency averages around 40 miles per gallon and they're looking to raise it to 51 miles per gallon by 2012. Japan is trying to get to 50 miles per gallon by 2010 across their fleet.

If we raised CAFE standards to 35 miles a gallon from 27.5 miles per gallon, the average American family would reduce their spending on gas by nearly one-quarter.

With families on course to spend more than $3,600 on average filling up their cars this year, this would be a savings of $900 a year.

Despite major technology gains, especially hybrid technologies, and record-breaking gas prices, we are decades behind when it comes to making our cars more efficient.

More efficient cars mean American families spend less at the pump, we're less dependent on foreign oil, and our environment benefits from lower emissions.

The President's priority has been to give tax breaks to oil and gas companies even as their profits have soared to new heights. The big five oil companies enjoyed eye-popping profits of $120 billion last year.

Instead of using those profits to expand refining capacity or make serious investments in renewable energy, the big oil companies are buying back their own stock to enhance prices for their shareholders.

Moreover, oil companies seem to be working hard to prevent gasoline alternatives, such as ethanol-based products, from being pumped at their branded gas stations.

In our first 100 hours of work in the majority, the House voted to roll back $14 billion in taxpayer subsidies for Big Oil companies and reinvest that money here at home in clean alternative fuels, renewable energy and energy efficiency.

We have also passed a bill that encourages research and development of markets for biofuels.

Speaker PELOSI has created a Select Committee on Energy Independence and Global Warming to develop policy initiatives and assure that progress is made toward reducing our dependence on foreign oil.

Democrats in Congress are working on legislation to protect consumers and increase our energy independence by investing in renewable energy sources and reducing global warming emissions.

We need this new direction for energy policy that brings relief to American families and strengthens our economy.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the Chair recognizes the gentleman from Texas (Mr. BURGESS) for 11 minutes?

Mr. BURGESS. Mr. Speaker, I come to the floor tonight for what time is left to us to talk a little bit about health care. I do try to do that every week because this is such an important issue that faces our country, and over the next 18 to 24 months we are going to see perhaps some significant changes proposed and some, in fact, enacted in the Nation's health care system.

Mr. Speaker, I wanted to draw your attention, today there was an excellent piece written in today's Wall Street Journal. This piece was on the editorial page, it was written by Dr. Robert A. Swerlick. It is entitled, "Our Soviet Health System."

Mr. Speaker, Dr. Swerlick does such a good job of encapsulating a lot of the issues that I have been talking about here over the past several weeks and I just wanted to share a couple of quotes with you from his article as we get started. He is talking about the imbalance between supply and demand. He became aware of it when he found no trouble finding a veterinarian for his pet, but found difficulty finding a pediatric endocrinologist for a diabetic child. And the reason for the imbalance, Mr. Speaker, according to Dr. Swerlick, is because of some of the distortions of the marketplace and the inaccurate signals delivered to the marketplace because of our manipulation of those signals and of those market forces with the pricing structure we have in our Medicare system.

I am quoting from the article from today, and it says, "The roots of the problem lie in the use of the administrative pricing structures in medicine. The way prices are set in health care already distorts the appropriate allocation of efforts and resources in health care. Unfortunately, many of the suggested reforms of our health care system, including the various plans for universal care or universal insurance or a single payer's system that various policy makers espouse, rest on the same unsound foundations and will produce more of the same." Going on and continuing to quote, "The essential problem is this; the pricing of medical care in this country is either directly or indirectly dictated by Medicare. And Medicare uses an administrative formula which calculates appropriate prices based upon imperfect estimates and fudge factors rather than independently calculate prices, private insurers", and Mr. Speaker, this is key, and many House Members don't realize this, let me slow down and say this again. "Rather than independently calculate prices, private insurers in this country almost universally use Medicare prices as a framework to negotiate payments, generally setting payments for services as a percentage of the Medicare fee structure."

Then further on into the article, again quoting, "Unlike prices set on the market, errors in this system are not self-correcting." That is, we make a mistake in our policy meetings, in our committee hearings, we make a mistake in setting the actual value to a medical service, and that mistake never gets corrected by market forces. It is insulated, it is anesthetized from market forces, and the consequence is it gets worse over time. And then we compound the error when we try to fix things at the committee level or at the level of the Federal agency.

One last thing that I would like to point out that the article does state so succinctly. Markets may not get all the prices exactly correct all of the time, but they are capable of self-correction, a capacity that has yet to be demonstrated by administrative pricing.

Again, a very worthwhile article. And I commend it, Mr. Speaker, to you. And perhaps some of our colleagues will also be interested in that article as well because I think it very succinctly sums up a lot of the things that I have been pointing out over the past several weeks here.

Mr. Speaker, in the few remaining minutes that I have left, I wanted to talk just a little bit about the physician workforce of the future, because that is something we have to focus on as we have this health care debate. A lot of times I worry we are getting the cart before the horse. Here is a cover of the Texas Medical Association's professional magazine back in my home State of Texas. Texas Medicine last March devoted a lot of the issue to the concept of running out of doctors. As a consequence, I am introducing three physician workforce bills tomorrow that will deal with the person perhaps thinking about a career in medicine, the young physician just starting out in either medical school or residency, and then finally, a third bill to deal with the iniquities in the Medicare pricing system that I just referenced in the article of today's Wall Street Journal.

The physician workforce crisis has to be approached on several fronts. The issue of medical liability is one that we need to take on, and we need to be quite serious about that. But when we look at perhaps the largest group of doctors that we may not have in the very near future because of the things we are doing in our Medicare pricing schedule, these are the areas where we really need to concentrate. Baby boomers are going to retire, they are going to get older. Demand for services are going to go nowhere but up. If the physician workforce continues its downward trend, as it is doing year over year, we may not be talking any longer about funding a Medicare program, we may be talking about why there is no one there to take care of seniors.

Year after year reduction in reimbursement plans from the Center of Medicaid and Medicare Services to physicians for services they provide for their Medicare patients. This is wrong. It is not a question of doctors wanting to make more money, it's about a stabilized repayment for services already rendered. And it isn't affecting just doctors, it is affecting patients every day. It becomes a real crisis of access. Not a week goes by that I don't get a letter or a fax from some physician who says, you know what? I've just had enough and I am going to retire early, or I am no longer going to see Medicare patients in my practice, or I am going to restrict the procedures that I offer to Medicare patients. Unfortunately, I know this is happening because I saw it in the hospital environment before I left practice to come to Congress a few years ago. And I hear it in virtually every town hall that I do back in my district. Congressman, how come on Medicare, you turn 65 and you've got to change doctors? The answer is because their doctor found it no longer economically viable to continue to see Medicare patients because they weren't able to cover the cost of delivering the care, they weren't able to cover the cost of providing the care.

Medicare payments to physicians are modified annually using a formula called the Sustainable Growth Rate. I won't bare you with the intricacies of that formula tonight, I may do that at some other time. But because of flaws in the process, physicians get a mandated fee cut every year, year over year for several years to come. If no long-term congressional action is implemented, the SGR will continue to mandate fee cuts. Unlike hospital reimbursement rates, unlike reimbursement rates to HMOs or drug companies, those closely follow the cost of living index, but the physician's formula does not. In fact, Medicare payments to physicians cover only about 65 percent of the actual cost of providing the services. Can you imagine, Mr. Speaker, any industry or company that would continue in business if they received only 65 percent of what it cost to cover the care? Currently, the SGR links physician payment updates to the gross domestic product, which has no bearing in reality as to what it costs to deliver those services.

The problem is repeal of the SGR is very costly. The Congressional Budget Office currently scores that at about $280 billion. There are ways to approach this. There are short term and long-term ways. And we need to have the political courage, we need to have the political will to do the things necessary to ensure that we do repeal the SGR and the formula and pay doctors on a more rational Medicare economic index such as hospitals are paid that recognizes the increase and cost of delivering care. All of this information is technicomplex and it is even boring to listen to, but it is an incredibly important story for our country. It is a story of how the most advanced, most innovative and most appreciated health care system in the world needs a little help.

The end of this story should read "happily ever after," but I am not sure we can reach that conclusion given where we are today. The last chapter should read "a privatized industry leads to a healthy ending."

As I stated in the beginning, before I began this talk, we are in a debate that will forever change our health care system. We must understand what is working in our system and what is not. We cannot delay making changes and bringing health care into the 21st century. The only way that we can have this to work is to allow the private sector to lay the foundation for improvements. The pillars of this health care system we have must be rooted in the bedrock of a thriving public sector and not the shaky ground of a public system that has proven costly and inefficient in other countries and in fact in our own back yard. Again, I reference the article from today where the errors are self-perpetuating in the system and market forces are never allowed to correct those errors.

We must devote our work in Congress to building a stronger private sector in health care. History has proven this to be the tried and true method. We can bring down the number of insured, we can increase patient access, and we can stabilize the physician workforce, modernize our technology, and bring transparency to the system. All of these things are within our grasp if we have the foresight, the determination, the courage and the political will to get things done.

Thank you, Mr. Speaker, for your indulgence. The day is concluded, and I will yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. HOYER) for today and Wednesday.

Mr. WYNN (at the request of Mr. HOYER) for today.

Mrs. EMERSON (at the request of Mr. BOEHNER) for May 24, on account of attending her son's graduation from the United States Military Academy at West Point, New York.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and June 6, 7, 8, 11, and 12.

Mr. BURTON of Indiana, for 5 minutes, today and June 6 and 7.

Mr. WELDON of Florida, for 5 minutes, today and June 6.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today and June 6.

Mr. ENGLISH of Pennsylvania, for 5 minutes, on June 6.

Mr. MACK, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, on June 7.

Mr. JONES of North Carolina, for 5 minutes, on June 11 and 12.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 231. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012; to the Committee on the Judiciary.

S. 398. An act to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes; to the Committee on Natural Resources in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 32. Concurrent resolution honoring the 50th anniversary of Stan Hywet Hall & Gardens; to the Committee on Oversight and Government Reform.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 414. An act to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel García Méndez Post Office Building".

H.R. 437. An act to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office".

H.R. 625. An act to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office".

H.R. 1402. An act to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building".

H.R. 2080. An act to Amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

H.R. 2206. An act making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 214. An act to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 1104. An act to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on May 24, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 988. To designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office".

Lorraine C. Miller, Clerk of the House, reports that on May 25, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 2206. Making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Resolution 454, the House stands adjourned until 10 a.m. today, as a further mark of respect to the memory of the late Honorable CRAIG THOMAS.

Thereupon (at midnight), pursuant to House Resolution 454, the House adjourned as a further mark of respect to the memory of the late Honorable CRAIG THOMAS until today, Wednesday, June 6, 2007, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first quarter of 2007, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 22 AND FEB. 24, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Price	2/22	2/24	Haiti		460.00		1,090.20				1,550.20
Hon. Wayne Gilchrest	2/22	2/24	Haiti		460.00		1,346.20				1,806.20
Hon. Bobby Rush	2/22	2/24	Haiti		460.00		1,586.20				2,046.20
John Lis	2/22	2/24	Haiti		460.00		1,346.20				1,806.20
Tommy Ross	2/22	2/24	Haiti		460.00		1,346.20				1,806.20
Rachael Leman	2/22	2/24	Haiti		460.00		1,346.20				1,806.20
Keenan Keller	2/22	2/24	Haiti		460.00		1,346.20				1,806.20
Eric Jacobstein	2/22	2/24	Haiti		460.00		1,346.20				1,806.20
Carol Peterson	2/22	2/24	Haiti		460.00		1,346.20				1,806.20
Delegation Expenses	2/22	2/24	Haiti						12,358.27		12,358.27
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID E. PRICE, Chairman, May 2, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, SYRIA, SAUDI ARABIA, PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 30 AND APR. 7, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Nancy Pelosi, Speaker	3/30	4/3	Israel		2,028.00		(3)				2,028.00
Hon. Henry Waxman	3/30	4/3	Israel		2,028.00		(3)				2,028.00
Hon. Nick Rahall	3/30	4/3	Israel		2,028.00		(3)				2,028.00
Hon. Tom Lantos	3/30	4/3	Israel		2,028.00		(3)				2,028.00
Hon. David Hobson	3/30	4/3	Israel		2,028.00		(3)				2,028.00
Hon. Louise McIntosh Slaughter	3/30	4/3	Israel		2,028.00		(3)				2,028.00
Hon. Keith Ellison	3/30	4/3	Israel		2,028.00		(3)				2,028.00
Hon. Wilson Livingood	3/30	4/3	Israel		1,948.00		(3)				1,948.00
Dr. John F. Eisold	3/30	4/3	Israel		1,948.00		(3)				1,948.00
Michael Sheehy	3/30	4/3	Israel		1,948.00		(3)				1,948.00
Reva Price	3/30	4/3	Israel		1,948.00		(3)				1,948.00
Nadeam Elshami	3/30	4/3	Israel		1,948.00		(3)				1,948.00
Robert King	3/30	4/3	Israel		1,948.00		(3)				1,948.00
Kenny Kraft	3/30	4/3	Israel		1,948.00		(3)				1,948.00
Dwight Comedy	3/30	4/3	Israel		1,948.00		(3)				1,948.00
Nancy Pelosi, Speaker	4/3	4/4	Syria		282.00		(3)				282.00
Hon. Henry Waxman	4/3	4/4	Syria		282.00		(3)				282.00
Hon. Nick Rahall	4/3	4/4	Syria		282.00		(3)				282.00
Hon. Tom Lantos	4/3	4/4	Syria		282.00		(3)				282.00
Hon. David Hobson	4/3	4/4	Syria		282.00		(3)				282.00
Hon. Louise McIntosh Slaughter	4/3	4/4	Syria		282.00		(3)				282.00
Hon. Keith Ellison	4/3	4/4	Syria		282.00		(3)				282.00
Hon. Wilson Livingood	4/3	4/4	Syria		250.00		(3)				250.00
Dr. John F. Eisold	4/3	4/4	Syria		250.00		(3)				250.00
Michael Sheehy	4/3	4/4	Syria		250.00		(3)				250.00
Reva Price	4/3	4/4	Syria		250.00		(3)				250.00
Nadeam Elshami	4/3	4/4	Syria		250.00		(3)				250.00
Robert King	4/3	4/4	Syria		250.00		(3)				250.00
Kenny Kraft	4/3	4/4	Syria		250.00		(3)				250.00
Dwight Comedy	4/3	4/4	Syria		250.00		(3)				250.00
Hon. Nancy Pelosi, Speaker	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Hon. Henry Waxman	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Hon. Nick Rahall	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Hon. Tom Lantos	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Hon. David Hobson	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Hon. Louise McIntosh Slaughter	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Hon. Keith Ellison	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Hon. Wilson Livingood	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Dr. John F. Eisold	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Michael Sheehy	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Reva Price	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Nadeam Elshami	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Robert King	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Kenny Kraft	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Dwight Comedy	4/4	4/6	Saudi Arabia		527.00		(3)				527.00
Hon. Nancy Pelosi, Speaker	4/6	4/7	Portugal		336.00		(3)				336.00
Hon. Henry Waxman	4/6	4/7	Portugal		336.00		(3)				336.00
Hon. Nick Rahall	4/6	4/7	Portugal		336.00		(3)				336.00
Hon. Tom Lantos	4/6	4/7	Portugal		336.00		(3)				336.00
Hon. David Hobson	4/6	4/7	Portugal		336.00		(3)				336.00
Hon. Louise McIntosh Slaughter	4/6	4/7	Portugal		336.00		(3)				336.00
Hon. Keith Ellison	4/6	4/7	Portugal		336.00		(3)				336.00
Hon. Wilson Livingood	4/6	4/7	Portugal		336.00		(3)				336.00
Dr. John F. Eisold	4/6	4/7	Portugal		336.00		(3)				336.00
Michael Sheehy	4/6	4/7	Portugal		336.00		(3)				336.00
Reva Price	4/6	4/7	Portugal		336.00		(3)				336.00
Nadeam Elshami	4/6	4/7	Portugal		336.00		(3)				336.00
Robert King	4/6	4/7	Portugal		336.00		(3)				336.00
Kenny Kraft	4/6	4/7	Portugal		336.00		(3)				336.00
Dwight Comedy	4/6	4/7	Portugal		336.00		(3)				336.00
Committee total											46,839.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

NANCY PELOSI, Speaker of the House, May 4, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Christopher Shays	1/26	1/28	Switzerland		390.00		(3)				390.00
	1/28	1/29	Greece		186.00		(3)				186.00
Hon. Barney Frank	1/23	1/28	Switzerland		1,080.00		6,846.84				7,926.84
Joseph Pinder	3/16	3/19	Guatemala		738.00		595.20				1,333.20
Scott Morris	3/16	3/19	Guatemala		738.00		1,010.20				1,748.20
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BARNEY FRANK, Chairman, May 21, 2007.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1993. A letter from the Acting Deputy Chief of Legislative Affairs, Department of the Navy, Department of Defense, transmitting Notice of the decision of a public-private competition of Department of Navy military space operations services, pursuant to 10 U.S.C. 2462; to the Committee on Armed Services.

1994. A letter from the Director, Pentagon Renovation Program, Department of Defense, transmitting the Department's certification that the total cost for the planning, design, construction and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1, pursuant to 10 U.S.C. 2674 Public Law 108-87, section 8055(a); to the Committee on Armed Services.

1995. A letter from the Principal Deputy Under Secretary for Policy, Department of Defense, transmitting the Department's 2007 annual report pursuant to Section 234 of the National Defense Authorization Act of Fiscal Year 1998, Pub. L. 105-85, pursuant to 50 U.S.C. 2367; to the Committee on Armed Services.

1996. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Barry M. Costello, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

1997. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's annual report on the National Guard Counterdrug Schools for FY 2006, pursuant to Public Law 109-469, section 901(f); to the Committee on Armed Services.

1998. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's notification of payment-in-kind compensation negotiated with the United Kingdom for the return of U.S.-funded housing and improvements in Bentwaters, Bishop's Green, Blackbushe, Burtonwood, Caversfield, Chicksands, Clayhill, Greenham Common, Sculthorpe, Upper Hayford, Welford, and Woodbridge, pursuant to Public Law 101-510, section 2921(g); to the Committee on Armed Services.

1999. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Disclosure Requirements and Prohibitions Concerning Franchising Disclosure Requirements and Prohibitions Concerning Business Opportunities — received May 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2000. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-29, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

2001. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on the activities of the Multinational Force and Observers (MFO) and U.S. participation in that organization for the period January 16, 2006, to January 15, 2007, pursuant to Public Law 97-132, section 6; to the Committee on Foreign Affairs.

2002. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2003. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for FY 2007 that no United Nations organization or United Nations affiliated agency grants and official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103-236, section 102(g); to the Committee on Foreign Affairs.

2004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination that five countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Iran, North Korea, Syria, and Venezuela, pursuant to 22 U.S.C. 2781; to the Committee on Foreign Affairs.

2005. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 012-07); to the Committee on Foreign Affairs.

2006. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of defense articles to the Government of Israel (Transmittal No. DDTC 020-07); to the Committee on Foreign Affairs.

2007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistant agreement for the export of technical data, defense services and defense articles to the Government of the Netherlands (Transmittal No. DDTC 030-07); to the Committee on Foreign Affairs.

2008. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of the Category XV -- Spacecraft Systems and Associated Equipment of radiation-hardened microelectronic circuits, pursuant to Section 38(f) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2009. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the Annual Report of the Corporation, which includes the Corporation's operational and financial results as of September 30, 2006, pursuant to 29 U.S.C. 1308; to the Committee on Oversight and Government Reform.

2010. A letter from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting a copy of the Balance Sheet of Potomac Electric Power Company as of December 31, 2006, pursuant to D.C. Code section 43-513; to the Committee on Oversight and Government Reform.

2011. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2012. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2006, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

2013. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2007; to the Committee on Oversight and Government Reform.

2014. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's annual reports for FY 2006 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

2015. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting a copy of the Office's Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report, dated March 30, 2007; to the Committee on Oversight and Government Reform.

2016. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Long Term Care Insurance Program: Miscellaneous Changes, Corrections, and Clarifications (RIN: 3206-AK99) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2017. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Veterans' Preference (RIN: 3206-AL00) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2018. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Employment in the Senior Executive Service, Restoration to Duty from Uniformed Service of Compensable Injury, Pay Administration (General), and Pay Administration under the Fair Labor Standards Act; Miscellaneous Changes to Pay and Leave Rules (RIN: 3206-AL21) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2019. A letter from the Office of the Special Counsel, transmitting the Office's Fiscal Year 2006 Annual Report, pursuant to 5 U.S.C. 1218; to the Committee on Oversight and Government Reform.

2020. A letter from the Administrator, Department of Labor, transmitting the Department's final rule — Labor Certification for the Permanent Employment of Aliens in the United States; Reducing the Incentives and Opportunities for Fraud and Abuse and Enhancing Program Integrity (RIN: 1205-AB42) received May 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2021. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Security Requirements for Unclassified Information Technology (IT) Resources

(RIN: 2700-AD26) received May 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2022. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Calculation of QPAI and W-2 wages by pass-thru entities under 199 (Rev. Proc. 2007-34) received May 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2023. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examinations of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part 1, 199; 1.199-1 through 1.99-9, 1.199-3T, 1.199-5T, 1.199-7T, 1.199-8T.) (Rev. Proc. 2007-35) received May 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2024. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.602: Tax forms and instructions. (Also: Part 1, 1, 223.) (Rev. Proc. 2007-36) received May 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2025. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Credit for New Qualified Heavy-Duty Hybrid Motor Vehicles [Notice 2007-46] received May 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2026. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 482.—Allocation of Income and Deductions Among Taxpayers (Rev. Rul. 2007-35) received May 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2027. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 199.—Income Attributable to Domestic Production Activities (Rev. Rul. 2007-30) received May 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2028. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 118.—Contributions to the Capital of a Corporation (Rev. Rul. 2007-31) received May 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2029. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deductability of Lodging Expenses [Notice 2007-47] received May 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2030. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Distributions from a Pension Plan upon Attainment of Normal Retirement Age [TD 9325] (RIN: 1545-BD23) received May 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2031. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1221.—Capital Asset Defined (Rev. Rul. 2007-37) received May 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 24, 2007 the following was filed on May 30, 2007]

Mr. LANTOS: Committee on Foreign Affairs. H.R. 2446. A bill to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes (Rept. 110–170). Referred to the Committee of the Whole House on the State of the Union.

[Filed on June 5, 2007]

Mr. GORDON: Committee on Science and Technology. H.R. 632. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy; with an amendment (Rept. 110–171). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 1467. A bill to authorize the National Science Foundation to award grants to institutions of higher education to develop and offer education and training programs (Rept. 110–172). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 1716. A bill to authorize higher education curriculum development and graduate training in advanced energy and green building technologies; with an amendment (Rept. 110–173). Referred to the Committee of the Whole House on the State of State of the Union.

Mr. McGOVERN: Committee on Rules. House Resolution 453. Resolution providing for consideration of the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes (Rept. 110–174). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER:

H.R. 2557. A bill to amend the Internal Revenue Code of 1986 to increase and extend the alternative motor vehicle credit for certain flexible fuel hybrid vehicles; to the Committee on Ways and Means.

By Mr. SULLIVAN:

H.R. 2558. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Oversight and Government Reform.

By Mr. GEORGE MILLER of California (for himself, Mr. McKeon, Mr. Hinojosa, and Mr. Keller):

H.R. 2559. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Ms. DeGETTE (for herself, Mr. Murphy of Connecticut, Mr. Langevin, Mr. Space, Mrs. Boyda of Kansas, and Mr. Carnahan):

H.R. 2560. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit human cloning, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DENT:

H.R. 2561. A bill to protect the United States by targeting terrorists at the border, and for other purposes; to the Committee on Homeland Security.

By Mr. DENT:

H.R. 2562. A bill to amend the Indian Gaming Regulatory Act to limit casino expansion; to the Committee on Natural Resources.

By Mr. LATHAM (for himself, Mr. King of Iowa, Mr. Braley of Iowa, Mr. Boswell, and Mr. Loebsack):

H.R. 2563. A bill to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office"; to the Committee on Oversight and Government Reform.

By Mr. WELDON of Florida (for himself, Mr. Stupak, Mr. Smith of New Jersey, Mr. Pitts, Mr. Pence, Mr. Boozman, Mr. Garrett of New Jersey, Mr. Fortenberry, Mrs. Schmidt, Mr. Franks of Arizona, Mr. Chabot, Mr. King of Iowa, Mr. Akin, Mr. Renzi, Mr. Lipinski, Mr. Rahall, Mr. McIntyre, Mr. Manzullo, Mr. Sessions, Mrs. Jo Ann Davis of Virginia, Mr. Tiahrt, Mr. Gingrey, Mr. Lewis of Kentucky, Ms. Foxx, Mr. Boustany, Mr. Hensarling, Mr. Jordan, Mr. Terry, Mr. Ferguson, and Mr. Keller):

H.R. 2564. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 2565. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Natural Resources.

By Mr. ENGEL:

H.R. 2566. A bill to provide American consumers information about the broadcast television transition from an analog to a digital format; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Ms. Granger, Ms. Baldwin, Mr. Pickering, Mr. Kuhl of New York, and Mr. Tierney):

H.R. 2567. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 2568. A bill to amend the Fair Credit Reporting Act to establish additional reporting requirements to enhance the detection of identity theft, and for other purposes; to the Committee on Financial Services.

By Mr. GRAVES:

H.R. 2569. A bill to codify certain changes proposed by the Department of Agriculture to the rules governing eligibility for the rural broadband access program, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE (for herself, Mr. Perlmutter, Mr. Lamborn, Mr. Tancredo, Mr. Udall of Colorado, Mr. Salazar, and Ms. DeGette):

H.R. 2570. A bill to designate the facility of the United States Postal Service located at

301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. PASCRELL:

H.R. 2571. A bill to amend the Internal Revenue Code of 1986 and the Foreign Trade Zones Act to simplify the tax and eliminate the drawback fee on certain distilled spirits used in nonbeverage products manufactured in a United States foreign trade zone for domestic use and export; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California:

H.R. 2572. A bill to amend the Higher Education Act of 1965 to establish a student loan forgiveness program for nurses; to the Committee on Education and Labor.

By Mrs. TAUSCHER (for herself, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, and Mr. SCHIFF):

H.R. 2573. A bill to establish State infrastructure banks for education; to the Committee on Education and Labor.

By Mr. UDALL of Colorado (for himself, Mr. WOLF, Mr. MCCAUL of Texas, Mr. LIPINSKI, Mr. ROSS, Mr. CASTLE, Mr. MOORE of Kansas, Mr. CULBERSON, Ms. HARMAN, Mr. TOM DAVIS of Virginia, Mr. SALAZAR, Mr. DENT, Mr. CUELLAR, Mr. EHLERS, Mr. ISRAEL, Mrs. EMERSON, Mr. SHULER, Mr. ENGLISH of Pennsylvania, Mr. FORTENBERRY, Mr. BOSWELL, Mr. FORTUÑO, Mr. LINCOLN DAVIS of Tennessee, Mr. GERLACH, Mr. MATHESON, Mr. GILCHREST, Mr. HILL, Mr. HOBSON, Mr. BOUCHER, Mr. JONES of North Carolina, Mr. WU, Mr. KINGSTON, Mr. PETERSON of Minnesota, Mr. KUHL of New York, Mr. MAHONEY of Florida, Mr. REICHERT, Mr. MORAN of Virginia, Mr. REGULA, Mrs. BOYDA of Kansas, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. TIBERI, Mr. UPTON, Mr. WAMP, Mr. WHITFIELD, and Mr. WICKER):

H.R. 2574. A bill to implement the recommendations of the Iraq Study Group; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, Financial Services, the Judiciary, the Budget, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM:

H. Con. Res. 164. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Norman E. Borlaug; to the Committee on House Administration.

By Mr. HOYER (for himself, Mr. CLYBURN, Mr. EMANUEL, and Mr. LARSON of Connecticut):

H. Res. 451. A resolution directing the Committee on Standards of Official Conduct to respond to the indictment of, or the filing of charges of criminal conduct in a court of the United States or any State against, any Member of the House of Representatives by empaneling an investigative subcommittee to review the allegations not later than 30 days after the date the Member is indicted or the charges are filed; to the Committee on Rules. considered and agreed to.

By Mr. BOEHNER:

H. Res. 452. A resolution raising a question of the Privileges of the House; considered and agreed to.

By Mrs. CUBIN:

H. Res. 454. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Craig Thomas, a Senator from the State of Wyoming; considered and agreed to.

By Ms. BEAN (for herself, Mr. UPTON, Mr. GENE GREEN of Texas, Mr. SHIMKUS, Mr. MATHESON, Mr. DONNELLY, Mr. HILL, and Mrs. GILLIBRAND):

H. Res. 455. A resolution supporting the goals and ideals of National Internet Safety Month; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H. Res. 456. A resolution supporting the goals and ideals of an annual National Time Out Day to promote patient safety and optimal outcomes in the operating room; to the Committee on Energy and Commerce.

By Mr. MCCOTTER (for himself, Ms. BERKLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. PETERSON of Minnesota, Mr. SHIMKUS, Mr. SHUSTER, and Mr. TANCREDO):

H. Res. 457. A resolution calling on the Russian Federation to withdraw its military forces, armaments, and ammunition stockpiles from the sovereign territory of the Republic of Moldova; to the Committee on Foreign Affairs.

By Mr. PUTNAM:

H. Res. 458. A resolution supporting the goals and ideals of National Fishing and Boating Week; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. ZOE LOFGREN of California introduced A bill (H.R. 2575) for the relief of Mikael Adrian Christopher Figueroa Alvarez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. BOUSTANY.

H.R. 18: Ms. SUTTON.

H.R. 20: Mr. KENNEDY, Mrs. BOYDA of Kansas, and Mr. TIERNEY.

H.R. 21: Mr. STARK, Mr. SIRES, and Mr. PAYNE.

H.R. 89: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 96: Mr. PASTOR.

H.R. 154: Mr. GOODE, Mr. TIERNEY, Mr. ALLEN, Mr. BOUCHER, and Mr. PETERSON of Minnesota.

H.R. 171: Mr. ISRAEL.

H.R. 172: Mr. KUCINICH, Mr. PAYNE, and Mr. WEXLER.

H.R. 174: Ms. CORRINE BROWN of Florida.

H.R. 180: Mr. SHERMAN and Mr. SESTAK.

H.R. 260: Mr. ENGLISH of Pennsylvania.

H.R. 364: Mr. WU, Mr. WILSON of Ohio, Mr. CHANDLER, Mr. MITCHELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MATHESON, Mr. MILLER of North Carolina, and Mr. CARNAHAN.

H.R. 380: Ms. SLAUGHTER.

H.R. 402: Mr. SHULER.

H.R. 473: Mr. HELLER.

H.R. 480: Mr. DUNCAN and Ms. GINNY BROWN-WAITE of Florida.

H.R. 491: Mr. TIAHRT.

H.R. 507: Mr. SMITH of New Jersey, Mr. REHBERG, Mr. MILLER of North Carolina, and Mr. PETERSON of Minnesota.

H.R. 532: Mr. KENNEDY.

H.R. 566: Mr. SCHIFF and Mr. HOLT.

H.R. 579: Mr. KENNEDY and Mr. ISRAEL.

H.R. 592: Mr. HONDA and Mr. DOYLE.

H.R. 620: Ms. NORTON.

H.R. 632: Mr. MCHENRY.

H.R. 642: Mr. DOYLE and Mr. LINCOLN DAVIS of Tennessee.

H.R. 643: Mr. LINCOLN DAVIS of Tennessee and Mr. SHUSTER.

H.R. 670: Mr. BARROW.

H.R. 695: Mr. DELAHUNT.

H.R. 697: Mr. HUNTER and Mr. WAMP.

H.R. 718: Mr. DOYLE, Mr. PETERSON of Minnesota, Mr. BISHOP of Georgia, Mr. RYAN of Ohio, and Mr. MOLLOHAN.

H.R. 721: Mr. PEARCE.

H.R. 728: Mr. FILNER.

H.R. 748: Mr. GOODE, Mrs. CUBIN, Mr. CHANDLER, Mr. PETERSON of Minnesota, Mr. YARMUTH, Mr. ABERCROMBIE, Mr. WALZ of Minnesota, Mr. ROTHMAN, Mr. WALSH of New York, Mr. DENT, Mr. ROGERS of Kentucky, Mr. MURTHA, and Mr. LANGEVIN.

H.R. 758: Mr. SNYDER, Mr. SAXTON, and Mr. KAGEN.

H.R. 814: Mr. OLVER and Mr. WAXMAN.

H.R. 821: Mr. FILNER.

H.R. 829: Mr. SMITH of New Jersey.

H.R. 849: Mr. MCCOTTER.

H.R. 850: Mr. MCCOTTER.

H.R. 864: Mr. ENGLISH of Pennsylvania.

H.R. 869: Mr. MOLLOHAN and Mr. ETHERIDGE.

H.R. 871: Mr. NADLER and Ms. LEE.

H.R. 882: Mr. MILLER of North Carolina, Mr. TIM MURPHY of Pennsylvania, Mr. CUMMINGS, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, Mr. MARKEY, and Mr. ROGERS of Michigan.

H.R. 885: Mr. MCCOTTER.

H.R. 891: Mr. MARKEY and Mr. LYNCH.

H.R. 906: Mr. GORDON.

H.R. 923: Ms. LINDA T. SÁNCHEZ of California.

H.R. 940: Mr. FORTENBERRY.

H.R. 943: Mrs. CAPPS.

H.R. 947: Mr. SHAYS.

H.R. 948: Mrs. WILSON of New Mexico.

H.R. 962: Mr. DELAHUNT, Ms. ZOE LOFGREN of California, Mr. BLUMENAUER, and Mr. SHERMAN.

H.R. 969: Mr. KENNEDY, Mr. GUTIERREZ, and Mr. WEXLER.

H.R. 971: Mr. BOREN, Mr. SHUSTER, Mrs. MUSGRAVE, Mr. BOYD of Florida, Mr. WALZ of Minnesota, Mr. BLUMENAUER, and Mr. NADLER.

H.R. 980: Mr. CUELLAR, Mr. THOMPSON of California, Ms. DEGETTE, Mr. AL GREEN of Texas, Mr. ORTIZ, Mr. WYNN, and Mr. REYES.

H.R. 983: Mrs. MCMORRIS RODGERS.

H.R. 1014: Mr. UDALL of Colorado, Mr. JACKSON of Illinois, Mr. BOREN, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Mr. YARMUTH, and Mr. WEINER.

H.R. 1034: Mr. KIND.

H.R. 1038: Mr. ALLEN.

H.R. 1043: Mr. MCGOVERN and Mr. PETERSON of Minnesota.

H.R. 1059: Mr. MILLER of Florida.

H.R. 1060: Mr. MILLER of Florida.

H.R. 1061: Mr. POMEROY.

H.R. 1065: Ms. ROS-LEHTINEN.

H.R. 1073: Mr. RUSH, Mr. SPACE, Mr. MARSHALL, and Mr. GORDON.

H.R. 1078: Ms. SCHWARTZ, Mr. KAGEN, and Mr. MELANCON.

H.R. 1088: Mr. FORTENBERRY.

H.R. 1104: Mr. SIRES.

H.R. 1107: Mr. SALI.

H.R. 1108: Mr. SERRANO, Ms. BEAN, Mrs. GILLIBRAND, and Mr. SNYDER.

H.R. 1110: Mr. STUPAK, Mr. PEARCE, Mr. LaTOURETTE, Mrs. CAPPS, Mr. McGOVERN, Mr. LaHOOD, Mr. SMITH of Washington, Ms. CORRINE BROWN of Florida, Mr. EHLERS, and Mr. GORDON.

H.R. 1115: Mr. BAIRD.

H.R. 1125: Mr. McHUGH, Mr. PORTER, Ms. WOOLSEY, Mr. HENSARLING, and Mr. FORTUÑO.

H.R. 1134: Mr. KING of New York, Mrs. CUBIN, Mr. WALDEN of Oregon, Mr. DEAL of Georgia, Mr. CHANDLER, Mr. PETERSON of Minnesota, Mr. DICKS, and Mr. WOLF.

H.R. 1152: Mr. GILLMOR.

H.R. 1178: Mr. UPTON.

H.R. 1179: Mr. MICHAUD.

H.R. 1188: Mr. LaTOURETTE and Mr. FILNER.

H.R. 1192: Mr. BARTLETT of Maryland and Mr. WEINER.

H.R. 1198: Mr. PICKERING, Mr. HONDA, Mr. WALZ of Minnesota, and Mr. DOYLE.

H.R. 1199: Mr. BAIRD.

H.R. 1211: Mr. SCOTT of Georgia and Mr. KANJORSKI.

H.R. 1216: Mr. MARSHALL.

H.R. 1222: Mr. PETERSON of Minnesota and Mr. PAUL.

H.R. 1223: Mr. PETERSON of Minnesota.

H.R. 1226: Ms. HIRONO and Mr. ENGLISH of Pennsylvania.

H.R. 1229: Mr. MELANCON and Mr. DINGELL.

H.R. 1230: Mr. RUSH.

H.R. 1239: Mr. McDERMOTT.

H.R. 1246: Ms. LORETTA SANCHEZ of California.

H.R. 1265: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1267: Mr. DOYLE.

H.R. 1268: Mr. REYES.

H.R. 1273: Mr. HARE.

H.R. 1276: Mr. CALVERT.

H.R. 1279: Mr. CARNEY and Mr. DOYLE.

H.R. 1280: Mr. KUCINICH, Ms. SUTTON, and Mr. EHLERS.

H.R. 1308: Mr. ABERCROMBIE.

H.R. 1310: Mr. POMEROY, Mr. KIND, Mr. DOGGETT, and Mr. EMANUEL.

H.R. 1328: Mr. McCOTTER and Mr. MITCHELL.

H.R. 1330: Mr. REYES.

H.R. 1333: Mr. MELANCON.

H.R. 1338: Mr. RUPPERSBERGER, Mr. POMEROY, Mr. CUMMINGS, and Ms. HOOLEY.

H.R. 1343: Mrs. NAPOLITANO, Mr. ENGLISH of Pennsylvania, Mr. WOLF, Mr. BECERRA, Mr. YARMUTH, Mrs. BLACKBURN, Ms. SLAUGHTER, Mr. REYNOLDS, Mr. WEINER, Ms. GIFFORDS, Mr. ARCURI, Mr. PUTNAM, and Mr. ROGERS of Kentucky.

H.R. 1344: Mr. WALSH of New York.

H.R. 1352: Mr. WATT and Mr. CUMMINGS.

H.R. 1371: Mr. GILLMOR.

H.R. 1380: Mr. DOYLE and Ms. CORRINE BROWN of Florida.

H.R. 1381: Ms. WATSON.

H.R. 1391: Ms. SLAUGHTER.

H.R. 1394: Mr. HOLT.

H.R. 1398: Mr. McCARTHY of California, Mr. STEARNS, Mr. BURTON of Indiana, Mr. WAMP, and Mr. UDALL of Colorado.

H.R. 1400: Mr. KAGEN, Ms. HIRONO, Mr. ROSKAM, Mr. SPACE, Mr. PETERSON of Pennsylvania, Mr. ROGERS of Michigan, Mr. LARSEN of Washington, and Mr. ETHERIDGE.

H.R. 1406: Mr. DONNELLY and Mr. EMANUEL.

H.R. 1439: Mr. HOLT and Mr. LINCOLN DAVIS of Tennessee.

H.R. 1459: Mr. ROGERS of Kentucky, Mr. MARIO DIAZ-BALART of Florida, Mrs. McCARTHY of New York, Ms. VELÁZQUEZ, Mrs. MUSGRAVE, and Mr. PETERSON of Minnesota.

H.R. 1460: Ms. DeGETTE.

H.R. 1461: Mr. GEORGE MILLER of California, Mr. LYNCH, and Mr. BAIRD.

H.R. 1464: Mr. MICHAUD.

H.R. 1467: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1474: Mr. ANDREWS, Mr. WEINER, Ms. CASTOR, Mr. WALZ of Minnesota, Mr. RYAN of Ohio, Mr. PETERSON of Minnesota, Mr. BLUMENAUER, and Mr. NADLER.

H.R. 1475: Mr. CUMMINGS.

H.R. 1491: Mr. ALLEN.

H.R. 1497: Mr. KIND, Mr. INSLEE, and Mr. FARR.

H.R. 1498: Mr. REHBERG, Mr. MILLER of North Carolina, and Mr. PLATTS.

H.R. 1509: Mr. BRADY of Texas.

H.R. 1514: Mr. PETERSON of Pennsylvania, Mr. LINCOLN DAVIS of Tennessee, and Mr. MEEK of Florida.

H.R. 1532: Mr. REYES and Mr. ETHERIDGE.

H.R. 1542: Mr. PAYNE.

H.R. 1551: Ms. WOOLSEY, Mr. CARNEY, and Mr. SARBANES.

H.R. 1559: Mr. CARTER.

H.R. 1560: Mr. WAMP, Mr. BOUCHER, Ms. SLAUGHTER, Mr. TIERNEY, Mr. GENE GREEN of Texas, Mr. PETERSON of Minnesota, Mr. ALLEN, Mr. STARK, Mr. CLAY, and Mr. FORBES.

H.R. 1561: Mr. ALLEN and Mr. ABERCROMBIE.

H.R. 1567: Mr. FILNER and Mr. YOUNG of Alaska.

H.R. 1582: Mr. BUCHANAN and Ms. JACKSON-LEE of Texas.

H.R. 1589: Mr. SHIMKUS and Mr. KENNEDY.

H.R. 1608: Mr. BOUCHER.

H.R. 1614: Mr. FILNER, Mrs. McCARTHY of New York, Mr. CONYERS, Mr. STARK, Mrs. BOYDA of Kansas, Ms. NORTON, Ms. VELÁZQUEZ, Ms. HARMAN, and Mr. MEEHAN.

H.R. 1616: Mr. HINOJOSA.

H.R. 1641: Mr. BISHOP of Georgia.

H.R. 1647: Ms. SOLIS, Mr. BURTON of Indiana, Mr. KENNEDY, Ms. CORRINE BROWN of Florida, Mr. WATT, Mr. NADLER, Ms. WATSON, Mr. SCOTT of Georgia, Mr. BOYD of Florida, Mr. MARSHALL, Mr. DAVID DAVIS of Tennessee, and Mr. PETERSON of Minnesota.

H.R. 1651: Mr. ETHERIDGE.

H.R. 1673: Mr. PLATTS.

H.R. 1683: Mr. HELLER and Mr. DUNCAN.

H.R. 1687: Mr. BLUMENAUER, Mr. DeFAZIO, Mr. BISHOP of Georgia, Mr. MURTHA, and Mr. OBERSTAR.

H.R. 1688: Mr. SERRANO, Ms. HIRONO, and Mr. HONDA.

H.R. 1693: Mr. RANGEL and Ms. CASTOR.

H.R. 1699: Mrs. McCARTHY of New York, Mr. MARKEY, Mr. MOORE of Kansas, Mr. McGOVERN, and Mr. LANTOS.

H.R. 1705: Mrs. CAPPS and Mr. RUSH.

H.R. 1707: Mr. NADLER and Mr. LARSEN of Washington.

H.R. 1709: Mr. KUCINICH, Mr. McHUGH, and Mr. MEEKS of New York.

H.R. 1712: Mr. HOLT.

H.R. 1713: Mrs. DAVIS of California and Mrs. McCARTHY of New York.

H.R. 1716: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1733: Mr. CHABOT and Mr. FEENEY.

H.R. 1742: Mr. CONYERS, Mr. ROTHMAN, Mr. CALVERT, and Mr. HONDA.

H.R. 1743: Mr. TIERNEY.

H.R. 1745: Ms. ROYBAL-ALLARD.

H.R. 1746: Mr. ENGEL and Mr. NADLER.

H.R. 1755: Mr. MORAN of Virginia.

H.R. 1759: Mr. GINGREY, Mr. BACA, and Mr. BLUMENAUER.

H.R. 1763: Ms. CLARKE.

H.R. 1764: Mr. McCOTTER.

H.R. 1783: Mr. WEXLER, Mr. CUMMINGS, and Mr. RUPPERSBERGER.

H.R. 1814: Mr. GORDON.

H.R. 1818: Mrs. MALONEY of New York, Ms. JACKSON-LEE of Texas, and Mr. KAGEN.

H.R. 1830: Mr. BLUMENAUER.

H.R. 1845: Mr. TIERNEY and Mr. GORDON.

H.R. 1849: Mr. PAUL and Mr. McNERNEY.

H.R. 1869: Mr. HOEKSTRA, Mr. BONNER, Mr. BOREN, Mr. MARCHANT, Mr. PAUL, and Mr. McNERNEY.

H.R. 1880: Mr. BISHOP of New York.

H.R. 1889: Mr. PAYNE.

H.R. 1890: Mr. BERRY.

H.R. 1927: Mr. RYAN of Ohio.

H.R. 1933: Mr. GORDON.

H.R. 1937: Mr. WESTMORELAND, Mr. CARTER, Mr. MARCHANT, Mr. RADANOVICH, Mr. CANTOR, Mr. BOUSTANY, Mr. McKEON, Mr. BOOZMAN, Mr. RENZI, Mr. SMITH of Texas, and Mr. PETERSON of Minnesota.

H.R. 1938: Ms. NORTON and Ms. McCOLLUM of Minnesota.

H.R. 1940: Mr. MICA, Mr. FEENEY, Mr. NEUGEBAUER, Mr. GOHMERT, and Mr. CALVERT.

H.R. 1947: Mr. SIRES and Ms. ESHOO.

H.R. 1959: Mr. BOUCHER and Mr. MARSHALL.

H.R. 1965: Mr. GILLMOR, Mr. RYAN of Ohio, Mr. ISRAEL, and Mrs. McCARTHY of New York.

H.R. 1971: Mr. PRICE of North Carolina and Mr. EMANUEL.

H.R. 1975: Mr. SCOTT of Georgia and Mr. GUTIERREZ.

H.R. 1977: Mr. SALAZAR, Mr. RAMSTAD, Mr. BERMAN, Mr. PASCRELL, Mrs. MUSGRAVE, Mrs. BONO, Mr. ROTHMAN, and Mr. PAYNE.

H.R. 1983: Mr. PETERSON of Minnesota.

H.R. 1985: Mr. PAYNE.

H.R. 1992: Mr. LINCOLN DAVIS of Tennessee, Mr. SPACE, and Mr. MARSHALL.

H.R. 2017: Ms. SUTTON.

H.R. 2035: Mr. LAMPSON, Mr. GRAVES, Mr. BISHOP of Utah, and Mrs. SCHMIDT.

H.R. 2045: Mr. McGOVERN, Mr. PAYNE, Mr. BLUMENAUER, and Mr. ENGLISH of Pennsylvania.

H.R. 2053: Mr. DICKS, Mr. GINGREY, Mr. BOSWELL, Mr. RAHALL, and Ms. CARSON.

H.R. 2060: Mr. ISRAEL, Ms. SLAUGHTER, Mr. BAIRD, Mr. PAYNE, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. DICKS, Ms. MOORE of Wisconsin, Ms. LINDA T. SÁNCHEZ of California, Mr. EMANUEL, and Mr. KENNEDY.

H.R. 2074: Mr. FERGUSON.

H.R. 2075: Mr. MARSHALL, Mr. BECERRA, Mr. PETERSON of Minnesota, and Mr. FORTENBERRY.

H.R. 2095: Mr. LoBIONDO, Mr. LOEBSACK, Mr. LaTOURETTE, Mr. TOWNS, Mr. ROTHMAN, Mr. MILLER of North Carolina, Ms. HERSETH SANDLIN, Mr. BAIRD, and Mr. CUMMINGS.

H.R. 2108: Mr. McGOVERN and Ms. ESHOO.

H.R. 2111: Ms. CORRINE BROWN of Florida.

H.R. 2125: Mr. McNULTY, Mr. TOWNS, Mr. PETERSON of Minnesota, and Mr. OBEY.

H.R. 2129: Ms. HIRONO, Ms. MOORE of Wisconsin, Mr. HIGGINS, and Ms. SLAUGHTER.

H.R. 2134: Mr. TIM MURPHY of Pennsylvania and Mr. McCOTTER.

H.R. 2135: Ms. HERSETH SANDLIN.

H.R. 2140: Mrs. BOYDA of Kansas.

H.R. 2146: Mr. MEEKS of New York and Mr. PETERSON of Minnesota.

H.R. 2147: Mr. ETHERIDGE.

H.R. 2159: Mr. THORNBERRY.

H.R. 2164: Mr. PLATTS, Mr. POE, and Mr. PETERSON of Minnesota.

H.R. 2165: Ms. JACKSON-LEE of Texas.

H.R. 2167: Mr. ISSA.

H.R. 2169: Ms. BALDWIN, Mr. SHERMAN, Mr. WEXLER, and Mr. ELLISON.

H.R. 2173: Mr. KENNEDY.

H.R. 2185: Mr. GUTIERREZ.

H.R. 2192: Mr. ELLISON and Mr. BISHOP of New York.

H.R. 2204: Mr. REGULA.

H.R. 2205: Mr. HOEKSTRA.

H.R. 2210: Mr. BOREN, Mr. COHEN, Mrs. CAPPS, and Mr. MARSHALL.

H.R. 2212: Mr. NADLER and Mr. STARK.

H.R. 2253: Mr. SOUDER and Mr. ISSA.

H.R. 2265: Mr. BAIRD and Mr. HOLT.

H.R. 2270: Mr. MCHUGH.

H.R. 2289: Mr. BOUCHER, Mr. FRANK of Massachusetts, Mrs. DAVIS of California, Ms. SUTTON, Mr. ROGERS of Kentucky, and Mr. PETRI.

H.R. 2292: Mr. RODRIGUEZ.

H.R. 2303: Mrs. MYRICK.

H.R. 2304: Mr. HONDA, Mr. INSLEE, and Mr. HALL of New York.

H.R. 2313: Mr. BLUMENAUER.

H.R. 2319: Mrs. JO ANN DAVIS of Virginia.

H.R. 2327: Mr. CLAY, Mr. PLATTS, Mr. MCGOVERN, Mr. SERRANO, Mr. BAIRD, Mr. SHAYS, Mrs. LOWEY, Mr. FERGUSON, Mr. KUCINICH, Mrs. MALONEY of New York, Mr. WEINER, Mr. FILNER, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. WEXLER, Mr. OLVER, Mr. WAXMAN, Mr. TIERNEY, Mr. FARR, Mr. HONDA, Mr. PAYNE, Mr. DELAHUNT, and Mr. EMANUEL.

H.R. 2343: Mr. HULSHOF, Mrs. DAVIS of California, Mr. BOSWELL, Mr. BOUCHER, Mr. PRICE of North Carolina, Mr. MOORE of Kansas, Mr. GONZALEZ, Mr. HINOJOSA, Mr. HONDA, Mr. JEFFERSON, Mr. MILLER of North Carolina, and Mr. PETRI.

H.R. 2353: Mr. SIRES, Ms. ZOE LOFGREN of California, Mr. WAMP, Mr. DELAHUNT, Mr. WOLF, Mr. WEINER, Mr. CLAY, Mr. GEORGE MILLER of California, and Ms. ROS-LEHTINEN.

H.R. 2357: Ms. WOOLSEY.

H.R. 2364: Mr. DAVIS of Alabama, Ms. WOOLSEY, and Mr. MCDERMOTT.

H.R. 2366: Mr. BILIRAKIS.

H.R. 2371: Ms. JACKSON-LEE of Texas, Mrs. CAPPS, and Mr. SNYDER.

H.R. 2395: Mrs. LOWEY and Mr. FILNER.

H.R. 2407: Mr. FORTUÑO.

H.R. 2425: Mr. CARDOZA, Mr. FORBES, Mr. BERRY, Mr. GINGREY, and Mr. SHAYS.

H.R. 2435: Ms. SOLIS, Mr. WEXLER, and Ms. CORRINE BROWN of Florida.

H.R. 2443: Mr. ALTMIRE, Mr. TIM MURPHY of Pennsylvania, Mr. HASTINGS of Florida, Mr. YARMUTH, and Mr. CONAWAY.

H.R. 2449: Mr. HOLT.

H.R. 2458: Mr. LARSEN of Washington.

H.R. 2459: Mr. PAUL.

H.R. 2464: Mr. FORTUÑO and Mr. ENGEL.

H.R. 2465: Mr. MARSHALL.

H.R. 2467: Mr. SMITH of New Jersey, and Mr. GARRETT of New Jersey.

H.R. 2481: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2490: Mr. DANIEL E. LUNGREN of California.

H.R. 2491: Mr. COHEN.

H.R. 2493: Mr. BARTLETT of Maryland, Mrs. BIGGERT, and Mr. CALVERT.

H.R. 2506: Ms. MATSUI.

H.R. 2511: Mr. KENNEDY.

H.R. 2526: Mr. FATTAH and Mr. KUCINICH.

H.J. Res. 12: Ms. GINNY BROWN-WAITE of Florida, Mrs. MCCARTHY of New York, and Mr. SAXTON.

H.J. Res. 37: Mr. HOLT.

H. Con. Res. 75: Mr. HINCHEY, Mr. KUCINICH, and Mr. SCHIFF.

H. Con. Res. 85: Ms. ROYBAL-ALLARD, Mr. NEAL of Massachusetts, Mr. PAYNE, Mr. COBLE, Mr. ALLEN, Mr. HINCHEY, Ms. ZOE LOFGREN of California, Mr. SHAYS, Mr. LINCOLN DAVIS of Tennessee, Mr. HONDA, Mr. MORAN of Virginia, Ms. NORTON, Mr. KIND, Mr. VAN HOLLEN, Ms. CORRINE BROWN of Florida, Mr. COSTELLO, Mrs. MALONEY of New York, Mr. ENGLISH of Pennsylvania, and Mr. ISSA.

H. Con. Res. 94: Mr. GEORGE MILLER of California, Mr. FORTUÑO, and Mrs. BONO.

H. Con. Res. 108: Mr. RAHALL and Ms. SUTTON.

H. Con. Res. 122: Mr. BUTTERFIELD, Mr. MCGOVERN, and Mr. ORTIZ.

H. Con. Res. 131: Mr. ADERHOLT, Mr. SALI, Mr. BILIRAKIS, and Mr. DAVID DAVIS of Tennessee.

H. Con. Res. 133: Mr. ALTMIRE.

H. Con. Res. 135: Mr. PETERSON of Pennsylvania.

H. Con. Res. 137: Mr. HENSARLING.

H. Con. Res. 138: Ms. BORDALLO, Mr. MCNULTY, Mr. MEEKS of New York, Mr. ISSA, Mr. FOSSELLA, Mr. THOMPSON of Mississippi, Ms. KILPATRICK, Ms. NORTON, and Mr. HILL.

H. Con. Res. 147: Mr. PALLONE, Mrs. CHRISTENSEN, and Mr. MACK.

H. Con. Res. 148: Mr. COHEN and Mr. BACA.

H. Con. Res. 152: Mr. WEINER, Ms. BERKLEY, Mr. NADLER, and Mr. MCNULTY.

H. Res. 12: Mr. MCCOTTER.

H. Res. 54: Mr. BOUSTANY and Mr. ISSA.

H. Res. 95: Mr. TOWNS and Ms. KILPATRICK.

H. Res. 111: Mr. MARSHALL, Mr. HOLT, and Mr. MITCHELL.

H. Res. 121: Mr. LYNCH.

H. Res. 154: Mr. HINCHEY, Mr. HODES, and Mr. JEFFERSON.

H. Res. 169: Mr. COSTA.

H. Res. 231: Mr. ADERHOLT, Mr. WALDEN of Oregon, Mrs. MCMORRIS RODGERS, Mr. PUTNAM, Mr. FRANKS of Arizona, and Mr. SALI.

H. Res. 268: Mrs. CAPITO, Mr. BISHOP of Georgia, and Mr. CAMPBELL of California.

H. Res. 281: Mr. POE and Ms. CARSON.

H. Res. 282: Mr. BERRY, Mr. MILLER of North Carolina, Ms. VELÁZQUEZ, Mr. LATOURETTE, Mr. RODRIGUEZ, Mr. BOOZMAN, Mrs. LOWEY, Mr. LARSEN of Washington, Mr. FRELINGHUYSEN, Mr. KUCINICH, Ms. HERSETH SANDLIN, Mr. WOLF, and Mrs. JONES of Ohio.

H. Res. 287: Mr. FALEOMAVAEGA, Mr. ACKERMAN, Mr. SHAYS, and Mr. FILNER.

H. Res. 313: Mr. CHABOT.

H. Res. 353; Ms. BORDALLO, Mr. MCNULTY, Ms. KILPATRICK, and Ms. NORTON.

H. Res. 356; Mr. FATTAH.

H. Res. 358: Mrs. BLACKBURN, Mr. STUPAK, Mr. CONAWAY, and Mr. TERRY.

H. Res. 378: Mr. MCGOVERN, Mr. PRICE of Georgia, Mr. BAIRD, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 395: Mr. ISSA.

H. Res. 401: Mr. HINCHEY, Mr. FORTENBERRY, and Mr. WAXMAN.

H. Res. 407: Mr. CROWLEY.

H. Res. 416: Ms. GINNY BROWN-WAITE of Florida, Mr. CROWLEY, and Mr. TOM DAVIS of Virginia.

H. Res. 417; Mr. MILLER of North Carolina.

H. Res. 421: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 422: Mr. MCCAUL of Texas, Mr. BLUMENAUER, Mr. CARTER, Mr. MCDERMOTT, Ms. MOORE of Wisconsin, Mr. ENGEL, Mr. LOBIONDO, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. PASTOR, Mr. CROWLEY, Mr. SHAYS, Mr. CLAY, Mr. HONDA, Mr. KUCINICH, Mr. HARE, Mr. COURTNEY, Mrs. CAPPS, Ms. MCCOLLUM of Minnesota, Mr. MARKEY, Ms. CARSON, Mr. NEAL of Massachusetts, Mrs. TAUSCHER, Mr. HASTINGS of Florida, Mr. ROHRABACHER, Mr. WEINER, Mr. COHEN, Mr. EHLERS, Mrs. CHRISTENSEN, Ms. BERKLEY, Mr. LOEBSACK, Mr. HERGER, Mr. HIGGINS, Ms. KILPATRICK, Mr. WU, Mr. SCHIFF, Ms. HOOLEY, Mrs. JO ANN DAVIS of Virginia, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. TOWNS, Mr. DEFAZIO, Mr. JOHNSON of Georgia, Mr. MEEK of Florida, Mr. AKIN, Mr. SHERMAN, Mr. BISHOP of Georgia, Mrs. MALONEY of New York, Mr. LIPINSKI, Mr. FARR, Ms. ZOE LOFGREN of California, Ms. WASSERMAN SCHULTZ, Mr. WATT, Ms. SHEA-PORTER, Ms. BALDWIN, Mr. BRALEY of Iowa, Mr. PRICE of North Carolina, Mr. WAXMAN, Mr. ACKERMAN, Mr. JACKSON of Illinois, Mr. SESTAK, Ms. LINDA T. SÁNCHEZ of California, Mr. ELLISON, Mr. ANDREWS, Mr. LANGEVIN, Mr. WELCH of Vermont, Mr. BILIRAKIS, Ms. WATERS, and Mr. MCHUGH.

H. Res. 424: Mr. ISSA, Mrs. MYRICK, and Mr. MITCHELL.

H. Res. 426: Mr. WOLF, Mr. KUCINICH, and Mr. RENZI.

H. Res. 430: Mr. CAPUANO, Mr. GRIJALVA, Mr. TOM DAVIS of Virginia, Mr. BURTON of Indiana, Mrs. MALONEY of New York, Mr. MORAN of Virginia, Mr. BLUMENAUER, Mr. PETRI, Mr. SHERMAN, and Mr. RAMSTAD.

H. Res. 442: Mrs. CAPITO and Mr. CAMPBELL of California.

H. Res. 443: Mr. FORTUÑO.

H. Res. 444: Mr. DANIEL E. LUNGREN of California, Ms. CARSON, Mrs. TAUSCHER, and Mr. GRAVES.

H. Res. 446: Mr. AKIN, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas.

H. Res. 447: Mr. WOLF.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative LANTOS of California or a designee to H.R. 2446, the Afghanistan Freedom Support Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 40: Mr. LATHAM.

EXTENSIONS OF REMARKS

TRIBUTE TO CONGRESSMAN STENY HOYER BECOMING LONGEST SERVING MARYLAND REPRESENTATIVE IN HISTORY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. PELOSI. Madam Speaker, more than 26 years ago, the voters of Maryland's 5th Congressional District demonstrated their great wisdom in electing STENY HOYER to represent them in Congress. As he has now become the longest-serving member of the House of Representatives in Maryland history, we recognize that their trust has never been misplaced, as STENY HOYER has been a tremendous leader for both his district and for the nation.

This week, STENY continues his history of record breaking: when he was just 27 years old, he was elected to the Maryland Senate, and then subsequently became its youngest ever President. But what sets STENY apart is not the length of his leadership, but the quality of it. On issues crucial to his district, such as standing up for federal employees and protecting the beauty of the Chesapeake Bay, STENY has been a stalwart leader. On issues crucial to all Americans, such as education, the minimum wage, the rights of the disabled, and civil rights, he has achieved great progress.

As House Majority Leader, he plays a crucial role in developing and passing our legislation for a new direction for America. He is a skilled legislator and consensusbuilder. He is respected by our colleagues on both sides of the aisle for his savvy, intellect, and integrity.

STENY and I first met more than 40 years ago as interns in the United States Senate. Over the years, it has been a honor to see him as more than just an immensely skilled Member of Congress, but as a loving husband, proud parent, and devoted grandparent and now great-grandparent. It is a personal privilege to call him my colleague and my friend.

IN RECOGNITION OF THE UCSF SCHOOL OF NURSING CENTENNIAL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. PELOSI. Madam Speaker, it is with great pride that I rise to recognize the Centennial Nursing Celebration at the University of California, San Francisco and to honor the University of California at San Francisco School of Nursing, the achievements of its alumni and faculty, and the leadership of nurses at UCSF Medical Center.

Nursing at the University of California began in the spirit of renewal that rebuilt San Francisco after the great 1906 earthquake and fire. Less than a year later, in April of 1907, the University opened its first teaching hospital in San Francisco, along with its first nursing education program. In 1939, the Regents formerly established the University of California, San Francisco School of Nursing—the Nation's first autonomous nursing school at a public university.

Today, the UCSF School of Nursing is consistently ranked among the top nursing schools in the world. UCSF developed the first master's and doctoral nursing programs in the western United States, and currently enrolls more than 600 students in these programs, making them among the largest in the Nation. The school's vision extends far beyond national borders, as exemplified by the scores of international students who come through its doors each year, and the UCSF World Health Organization Collaborating Center for Research and Clinical Training in Nursing.

Over the past century, UCSF has educated more than 10,000 nurses, many of whom have gone on to become health care leaders in California, throughout the country, and around the globe.

UCSF has also established itself as the Nation's preeminent nursing research institution. The school currently ranks first among nursing programs in research funding from the National Institutes of Health. Eight faculty members have been inducted into the Institute of Medicine, a larger number than at any other nursing school. UCSF continues to be on the cutting edge of nursing science—from heart disease and cancer, to pain management and healthy aging.

At UCSF Medical Center and the hospitals and clinics served by UCSF, nurses lead innovations in patient care, translational research, hospital safety, and support for patients and families coping with illness. Beyond the campus, UCSF provides care through a wide range of programs targeting at-risk and underserved populations.

As UCSF celebrates a century of excellence in nursing education, research, and patient care, I urge my colleagues to join me on this auspicious occasion by thanking UCSF nurses for all they have done and continue to do to improve the health care of San Franciscans, of Californians, and of people around the world.

RECOGNIZING MITCHEL WAYNE BUSH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mitchel Wayne Bush, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Mitchel has been very active with his troop, participating in many scout activities. Over the many years Mitchel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Mitchel Wayne Bush for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Mitchel in the United States House of Representatives.

TRIBUTE TO RICHARD ROBINSON

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. DOOLITTLE. Madam Speaker, I would like to take a minute to pay tribute to a friend and staff member who will be leaving my employment soon. His name is Richard Robinson, my Chief of Staff. He is a man possessing great loyalty and integrity.

I first met Richard when he interned for me when I was a State Senator in California. In 1991, he graduated from California Polytechnic State University and came to work for me as a full-time paid employee. It quickly became clear that Richard was a resourceful man whom I could count on for hard work, concise communication and keen strategic thinking. In January, 1991, I was elected to the United States House of Representatives, and I brought Richard with me to my Congressional office as a Field Representative.

In 1994, he married Jennifer Michele Edwards, and today they are the parents of three beautiful girls: Allison, Taylor and Lauryn. Richard is a wonderful father and dedicated husband, and I can understand why, after sixteen years of intense work for me, he has chosen to look to a new career path that may afford him a more predictable and flexible work schedule. Richard will be sorely missed, but knowing Jennifer and the children as I do, I can understand his decision.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I also know Richard to have a big heart. He was a night shift volunteer at the University of California Davis emergency room in 1999; he was a youth pastor of a high school Christian group from 1998 to 2003; and he was Director of Habitat for Humanity's Youth Build program in 1999.

In 2002, Richard graduated from Stanford University, ranking first in his class, with a Master of Arts degree in Education. He also earned a California teaching credential at the same time. I can only imagine how difficult it was for him to attend school and raise a family, but I am not surprised that Richard was successful. His mother, Melinda, tells me that he began reading as early as three years of age and was elected class president in the sixth grade at Rock Creek Grammar School. At Placer High School, he played soccer, but particularly excelled at basketball, a sport made for a man six feet five inches tall.

Richard's service to me has been notable because he has always been willing to put others ahead of himself. He has seen the benefit of developing a team based on strong relationships and mutual respect. Even at our most trying times, I always knew that Richard was acting with my best interests in mind.

As he looks to new opportunities, (and I know they will be numerous for a man of his talents) I wish him and his family much happiness and success.

IN HONOR OF COLONEL MARY GENE RYAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GALLEGLY. Madam Speaker, I rise in honor of my friend Colonel Mary Gene Ryan, who is retiring after 31 years of military service.

Colonel Ryan has served at both military bases in my district, Vandenberg Air Force Base and Naval Base Ventura County. She is retiring from the 30th Medical Group at Vandenberg as the Individual Mobilization Augmentee to the Commander.

After graduating with a bachelor's degree in nursing, Colonel Ryan entered the U.S. Air Force as a Second Lieutenant. She earned her master's degree in public health 4 years later as she worked her way up the ranks and gained experience and accreditation as a second flight nurse, a medical crew director and flight nurse instructor in the C–9, C–141 and C–130 while stationed at Rhein-Main Air Base, Germany.

She returned to the states as Officer In Charge of Environmental Health at Wilford Hall Medical Center in Texas, then made her transition to California as Chief of Environmental Health at Edwards Air Force Flight Test Center. By this time she had been promoted to captain and soon after, to major.

When the Air Force dissolved the Environmental Health Nurse career field, Colonel Ryan transferred to the California Air National Guard at what is now Naval Base Ventura County. She served at Naval Base Ventura County as Nurse Executive and Executive Officer and was promoted to Lieutenant Colonel. She later transferred to the Air Force Reserve and became Chief of Nursing Services at March Air Reserve Base. She was promoted to full Colonel on April 1, 2004.

While pursuing a successful medical military career, Colonel Ryan also worked in the civilian field and co-founded her own business, MGRyan & Co., Inc., a full-service safety and health consulting firm. She also served as Manager of Health & Safety for the County of Ventura and as Director of Occupational Health at Peterson Medical Clinic in Oxnard, California.

And, if that were not enough, Colonel Ryan is also a successful wife and mother. She and Dr. Robert E. Ryan III have three children, 24-year-old Michael, 21-year-old Jessica, and 16-year-old Matthew.

Madam Speaker, I know my colleagues will join me in congratulating Colonel Mary Gene Ryan on her retirement from military service and thank her for her many years of dedication to the military and the health and welfare of the men and women who serve in the Air Force, Air Force Reserves, and California Air National Guard.

TRIBUTE TO WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mrs. CAPITO. Madam Speaker, I rise today to recognize the West Virginia School of Osteopathic Medicine as a leader in the study and practice of rural medicine.

The need for primary care physicians in rural areas is of great importance to our Nation's overall health care delivery system. These providers are often on the front lines of health care delivery and provide much needed care to our sick and elderly populations.

Since its first graduating class in 1978, the West Virginia School of Osteopathic Medicine has countered this need by producing gifted physicians prepared to practice rural medicine.

In fact, nearly half of the school's graduates go on to serve in rural communities that are in desperate need of their care. Often understaffed and covering large geographic areas, these communities require accommodating physicians with a range of services.

Madam Speaker, as today's medical profession is glamorized in the public consciousness by popular television dramas it is the graduates of West Virginia School of Osteopathic Medicine who go on to serve in rural communities that deserve to be celebrated. I thank the school's students, faculty and staff for their service and wish them continued success in the future.

TRIBUTE TO SHELDON S. CRAMMER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, there are many individuals who are called to sacrifice for our country through military service.

Sheldon S. Crammer of Conyers, Georgia answered the call and served our nation in time of war from 1942–1944.

On the beaches of Normandy and in the French Theater on the European continent, Sheldon S. Crammer displayed valor, determination, and calm and was wounded in the line of duty.

This remarkable and courageous man gave of himself, in defense of this Nation.

Sheldon S. Crammer is a soldier, a warrior, a father, a grandfather, a son, a brother, and a friend.

After many years, long overdue recognition of his service is being duly noted with the granting of the Bronze Star and Purple Heart in a special ceremony attended by his family, friends, and fellow veterans.

I was pleased to proclaim May 19, 2007 as Sheldon S. Crammer Day for his brave service to our country.

RECOGNIZING ROBERT ALEXANDER BORGARDTS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Robert Alexander Borgardts, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Robert has been very active with his troop, participating in many scout activities. Over the many years Robert has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Robert Alexander Borgardts for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Robert in the United States House of Representatives.

A TRIBUTE TO MILDRED LEIGH GOLD

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize Mildred Leigh Gold, a compassionate leader, a breast cancer survivor, and an advocate from the Fourth Congressional District. Mrs. Leigh Gold is recognized at the national, regional and local level for her work and achievements in the area of breast cancer awareness and treatment.

Mrs. Leigh Gold came to Milwaukee in 1969. She was immediately hired by Catholic Social Services and worked there for 18 years. She provided counseling, guidance and other assistance to central city youth from 2 community sites: the House of Peace and the Inner City Development Project. In 1989, Mrs. Leigh Gold was diagnosed with breast cancer and this life altering event led to a significant change in her career. She became active with the Breast Cancer Awareness Task Force Board.

In 1990, she accepted the challenge to design and implement the community-focused, City of Milwaukee Breast Cancer Awareness Program. This trailblazing, first-of-its-kind program took breast cancer screening services into underserved neighborhoods with a mobile van. The program has provided breast cancer screening service to over 27,000 women and reached many more women through its education awareness component. Public Health Nurses were utilized to have one-on-one visits with women presenting with abnormal breast exams; and a network of nurturing physicians and relationships with hospitals were developed to ensure follow-up care. In fact, the rate of follow-up visits in this program with physicians was an impressive 98% compared to the national average of 30%. The program she designed and implemented has been replicated throughout the United States because it has achieved such impressive outcomes. Mrs. Leigh Gold, who is retiring in June, 2007, has guided this nationally recognized program for 17 years.

Mrs. Leigh Gold holds a bachelors degree in Social Welfare from A&T State University in Greensboro, North Carolina, a masters degree in Management from Cardinal Stritch University in Milwaukee, Wisconsin, as well as an LPN certificate. She has been married to Joe Gold for over 20 years.

Madam Speaker, for these reasons, I am honored to pay tribute to Mildred Leigh Gold. Mrs. Leigh Gold's dedication to women's health care and her work to promote awareness and provide access to breast cancer treatment has truly been a life saver for many women in my district.

TRIBUTE TO JOE TRUSSO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor Joe Trusso for his 37 years in public service. He was the representative of the southeast neighborhoods of the City of Jamestown in District 16. Mr. Trusso was first elected to the Chautauqua County Board of Supervisors/Legislature in 1971.

I would like briefly to touch on the many areas of service that Joe gave to our county. During his tenure, Mr. Trusso served as the chairman of the School-to-Work/Scholarship Subcommittee, Manpower Utilization, Finance, and Personnel/Human Services Committees. In addition to his current chairmanship of the Audit and Control Committee and vice chair, former chair, of the Public Facilities Committee, he has been a member of and chaired the Judicial and Public Safety and Public Works Committees. He has served on the Airport Commission, the Southern Tier West Board of Directors and Budget Watch Committees. He was also elected Democratic minority and majority leader. As a legislator, Mr. Trusso has authored Pre-Paid Capitalization Legislation and is the co-author of the Trusso-Beckman Debt Reduction Legislation that eliminated the county's long-standing debt.

I must also acknowledge Mr. Trusso's other interests. Joe served on the Resource Center and Allied Industries Board of Directors since 1967, where he is still serving as a special committee member, and has held several leadership positions. Mr. Trusso was the Assistant Director of the Parks, Recreation and Conservation Department and served on the Jamestown Industrial Development and Commerce Committee. He is a member of St. James RC Church, Veterans of Foreign Wars, AMVETS, Samuel Derby Post American Legion, Knights of Columbus—Fourth Degree, Moose Club, Marco Polo Club, Lakewood Rod and Gun Club and the UAW Local #338.

I am proud to mention that Mr. Trusso served his country from 1952–1956 in the United States Air Force (Korean War Veteran); Medical Field Service School and from 1956–1960 in the United States Air Force Reserves.

Madam Speaker, I ask you to join me in congratulating Joe on his wonderful job well done in the Chautauqua County Legislature. Joe, you will be missed by all of the constituents whose lives you touched. Enjoy your retirement!

HONORING HOWARD JONAS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. ENGEL. Madam Speaker, Howard Jonas is a very active supporter of several charities nationally and in his community and serves as a trustee on numerous university, hospital, religious, and social service organization boards. These include New York Presbyterian Hospital, Shaarei Tzedeck Hospital in Jerusalem, Jewish Guild for the Blind, Yeshiva College, AIPAC, Shema Kolainu for Autistic Children, American Friends of Yeshivat B'nei Akiva, Jewish Telegraphic Agency, Newark Public Library, International Rescue Committee, Hebrew Institute of Riverdale, American Friends of Shalva, New Jersey Institute of Technology, Newark Public Library, Riverdale Y, Digital Freedom Network, Tuoro College, Yeshivat Hoveivei Torah, SAR, Eidah, Yeshivat Shmuel Yaakov, Fairness Committee, Voices and Bar Ilan University.

In addition Mr. Jonas has been the honorary chairman of The Beth Jacob/Beth Miriam Yeshiva for the past thirteen years. This is an incredible record of accomplishment for one person and I personally am in awe.

Howard is a local boy who graduated from Bronx High School of Science and went on to get a B.A. in Economics from Harvard University.

He also went on to revolutionize international telecommunications. At age 33, he found a way to supply the world with a U.S. dial tone and cheap international long distance rates, creating international "callback" telephone service, now an over a billion dollar a year industry.

Howard founded IDT in August 1990 and has served as Chairman of the Board and Treasurer since its inception. He was Chief Executive Officer from December 1991 to August 2001. IDT is known as a model of upstart entrepreneurship, continually innovating and looking for the next great cutting edge business opportunity.

He is also the founder and has been President of Jonas Publishing Corporation, a publisher of trade directories, since its inception in 1979.

Howard Jonas is a man who is generous in his help over a wide area and is someone who has made a significant difference in the life of his community.

IN HONOR OF CHRISSIE JAHN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. FARR. Madam Speaker, Members of the House, I rise today to honor Chrissie Jahn, executive director and head of school for the International School of Monterey. Ms. Jahn has been recognized as the California International Education Advocate of the Year, a most deserving tribute to the important work she has done on behalf of Monterey County students.

Ms. Jahn is dedicated to providing a demanding curriculum to area families, offering her students an international education designed to prepare them for success in today's global economy. Ms. Jahn strives to supply her students with the skills necessary to succeed in life, and she approaches that role with an infectious energy.

Ms. Jahn excels at challenging her students, instilling in them a love of learning and a strong sense of self-motivation and respect.

Her school is a tuition-free public charter school with a strong focus on language education, with instruction beginning in kindergarten. Her work fostering skills integral to student success on a global stage is a valuable lesson to educators around the country.

The award was presented to Ms. Jahn by the Visiting International Faculty Program, the largest international-exchange program connecting U.S. schools and teachers around the world.

Madam Speaker, please allow me to convey to Ms. Jahn this body's gratitude for her hard work and dedication.

TRIBUTE TO OUR VETERANS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor the brave men and women who have fallen in service to our country. This weekend, as we return home to celebrate Memorial Day with our friends and families, let us take time to reflect on the countless sacrifices that have been made by our men and women in uniform.

Since the founding of our nation, the men and women in our armed forces have served this country with honor. They have fought to defend and preserve our nation from forces that have threatened to divide our country and destroy our way of life. America is a better place for their courage and their service.

As a grateful nation, we cannot ignore our responsibility to repay those who have served in defense of our country. This means doing everything we can to provide our veterans with comprehensive health care that is affordable, accessible, and available for life.

Instead of honoring our promises to our veterans, this Administration has tried to turn a blind eye to their problems. This Administration has attempted to push the increasing costs of veterans' health care onto veterans by charging higher premium and deductibles and reducing the number of veterans eligible for healthcare. It's absolutely unacceptable to propose forcing a greater financial burden on our nation's veterans. That's why I'm a proud cosponsor of H.R. 579, the Military Retirees Health Care Protection Act, which would protect our veterans from these unnecessary TRICARE fee increases. Our promise of affordable health care for our veterans is one that we must keep.

Additionally, the generation of veterans returning home from combat areas in Iraq and Afghanistan requires new resources to treat their medical needs. However, rather than reinvesting in treatments for traumatic brain injuries (TBI), the Administration has barely scratched the surface of addressing the mental health needs of our veterans. That's why I'm a cosponsor of H.R. 1944, the Veterans Traumatic Brain Injury Treatment Act, which would require the Department of Veterans' Affairs (VA) to actively screen and develop long-term care programs for veterans suffering from TBI.

Furthermore, we must not allow the substandard care, bureaucratic inefficiencies, and dilapidated conditions at Walter Reed to symbolize our dedication to our veterans. I was pleased that the House unanimously passed H.R. 1538, the Wounded Warrior Assistance Act, which will reduce much of the bureaucracy that prevents veterans from receiving quality healthcare, require more caseworkers to be hired, improve the system enabling wounded soldiers to transition from active duty to the VA system, and create a system of patients advocates to hold the VA accountable for problems.

We cannot allow this Administration's record of broken promises to our veterans become an accepted standard of treatment. We can do better. I have introduced H.R. 508, the Bring the Troops Home and Iraq Sovereignty Restoration Act, which would require sufficient funding for veterans' health care every year and would guarantee broad physical and mental healthcare for our veterans.

Memorial Day reminds us that meeting the needs of our service men and women requires sustained commitment and determination. We have a moral obligation to ensure that our veterans have the benefits they need. Their profound dedication and patriotism deserve no less.

IN MEMORY OF RALPH BERING BUSCH, JR.

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GALLEGLY. Madam Speaker, I rise in memory of my friend Ralph Bering Busch, Jr., MD, who passed away on May 23 at age 84.

Dr. Busch was a medical pioneer in Ventura County, California. In the 1960s, Dr. Busch and his partner, M. Kathleen Belton, MD, became the first anesthesiologists to practice in Ventura County. They covered St. John's Hospital in Oxnard, Santa Paula Memorial Hospital, Community Memorial Hospital in Ventura, and occasionally Ojai Valley Community Hospital. Dr. Busch served at Santa Paula Memorial Hospital for twenty years and retired from Community Memorial Hospital in 1989.

Dr. Busch came to California after serving in the South Pacific with the U.S. Navy for four years, after graduating from high school, college, and medical school in the Midwest. He interned at University of Southern California, Los Angeles County Hospital and then practiced at St. Joseph's Hospital in Burbank for the next ten years.

In 1959, he married Deborah "Deedee" Bennett of Palm Springs. As their family grew, they decided to seek the country life of Ventura County. It was a good choice for them and for Ventura County. Ralph and Deedee have been blessed with six children and eighteen grandchildren.

In addition to his dedication to his practice and his family, Dr. Busch dedicated himself to the greater medical community and the community in which he lived. He was a past member of the California and American Societies of Anesthesiology, Ventura County Medical Society, Community Memorial Hospital Board of Directors, Ventura County Museum of History and Art Board of Directors, and Berry Petroleum Co. Board of Directors. He was a forty-five-year member of Saticoy Country Club.

Madam Speaker, I know my colleagues will join me in remembering Dr. Ralph Bering Busch, Jr., as a good friend, a loving family man, a pioneer in Ventura County medicine, and one who worked to make his community stronger. In addition, I know my colleagues join me in extending our condolences to Deedee and their family and to all who called Ralph a friend.

Godspeed, Ralph.

TRIBUTE TO MR. ROBERT M. STEPTOE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mrs. CAPITO. Madam Speaker, I rise today to honor the passing of a great patriot, public citizen, and revered member of his community, Mr. Robert M. Steptoe.

Born in Clarksburg, West Virginia on May 15, 1920, Mr. Steptoe grew up in north central West Virginia and thereafter attended Episcopal High School in Alexandria, Virginia. He continued his studies at Haverford College in Philadelphia, Pennsylvania and Shepherd College in Shepherdstown, West Virginia.

At the outbreak of World War II, Mr. Steptoe served in the United States Navy as the commanding officer of two ships in the sub-chaser class. Mr. Steptoe was involved in the invasions of Sicily, Anzio, southern France, and a brief stint in the Southern Pacific. He retired from the United States Navy with the rank of lieutenant commander.

Following his service during World War II, Mr. Steptoe graduated from the University of Virginia School of Law in February 1949 and began a career in law that spanned over 50 years of distinguished legal practice in Martinsburg, West Virginia. A member of the West Virginia State Bar, the West Virginia Bar Association, the Berkeley County Bar Association, and the United States Judicial Conference for the Fourth Circuit; Mr. Steptoe was awarded the Award of Merit by the West Virginia Bar Association in 2003 in recognition of his years of service.

Mr. Steptoe was also an active public servant who was elected to the West Virginia House of Delegates for four terms and the West Virginia Senate for two terms. He also served as a judge of the West Virginia Court of Claims.

In addition to his professional activities, Mr. Steptoe was an active member of the Rotary, Trinity Episcopal Church, and a member of the Elks Club. Above all, Mr. Steptoe was a proud and dedicated husband, father, grandfather, and great-grandfather.

Mr. Steptoe's life and accomplishments are truly representative of the courage, character and altruism that is often associated with members of our "Greatest Generation." West Virginia was well served by this great American and he will be sorely missed by those who knew him.

TRIBUTE TO EDWARD L. BOUIE, SR. ELEMENTARY SCHOOL

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, many schools strive to excel in competition on the national level.

Ten years ago, the DeKalb County School system gave birth to Edward L. Bouie, Sr. Elementary School and named this extraordinary school for an extraordinary man.

For 10 years now under the leadership and guidance of the past and present principals, teachers, staff, parents, and students, this school has met and exceeded national standards.

The Edward L. Bouie, Sr. Elementary School family constantly demonstrates the will to win, the courage to win, the mechanics of teamwork and the astounding spirit of triumph gained from educating students to be the very best in leadership, scholarship, and service.

Our beloved county, children, and community will benefit from the fruits of that labor insuring that our district, our state and our nation will always be prosperous and productive.

This extraordinary school is celebrating the milestone of their 10th anniversary and I was pleased to proclaim May 18, 2007 as Edward L. Bouie, Sr. Elementary School Day in the 4th Congressional District.

RECOGNIZING COLBY JOHN BUEHLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Colby John Buehler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Colby has been very active with his troop, participating in many scout activities. Over the many years Colby has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Colby John Buehler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Colby in the United States House of Representatives.

IN TRIBUTE TO NICK TOPPING

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to the life and work of Nick Topping, a highly respected, social justice activist, music impresario and business owner. Mr. Topping died on May 9, 2007, at the age of 89.

Mr. Topping earned a degree in history and communications from the University of Wisconsin—Madison. During World War II, he was drafted and served in Army intelligence. When he returned, he founded a store named Topping and Company International House that he ran for over 50 years. The store stocked Greek and Middle Eastern food, books, and records from all over the world.

Mr. Topping was one of nine children born to Greek immigrant parents who ran a grocery store at South 4th Street and West National Avenue. Mr. Topping was born Nick Topitzes and changed his name at the age of 18 because of the discrimination Greeks faced at that time.

Nick Topping spent much of his lifetime working for peace and social justice. He marched with Father James Groppi over the 16th Street Viaduct during Milwaukee's civil rights struggle and took his daughters along on the marches with him. He belonged to the NAACP and became an early local protestor against the Vietnam War. Mr. Topping was also active in the growing south side Latino community and in the Chicano rights movement.

Mr. Topping was a promoter of ethnic and folk music concerts in the 1950s and '60s including singers such as: Miriam Makeba, from South Africa; Pete Seeger; Josh White; Peter, Paul & Mary; Bob Dylan; and Greek composer, Mikis Theodorakis, music composer for the movie *Zorba the Greek*. Nick Topping secured his place in modern Milwaukee history by securing the Beatles for their one and only Milwaukee concert on September 4, 1964. The concert quickly sold out with the most expensive ticket selling for $5.50.

Nick Topping is survived by his wife of 56 years, Harriet; two daughters, Adele Fatemi-Topping and Alexandra Topping; a brother, Agamemnon (Memo); and a sister, Sandra Topitzes Brown, all of Milwaukee.

Madam Speaker, Milwaukee has experienced a profound loss with the passing of Nick Topping. Today, I thank him and his family for their immeasurable achievements. I mourn his loss and I salute his legacy.

TRIBUTE TO FRAN LUS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor Fran Lus for his 12 years of service to Chautauqua County. Mr. Lus is a wonderful example of what public service should be.

I would like briefly to touch on the many areas of service that Fran has been involved with. Fran was first elected to the Chautauqua County Legislature in 1995 as a representative of district 23 in Portland. He served as the Chairman of the Public Safety Committee. Mr. Lus is also a member of the Public Facilities Committee and serves as a delegate to the Inter-County Association of Western New York and is a member of the Cornell Co-operative Extension Board of Directors.

I must also acknowledge Mr. Lus' other interests. He serves as a member of the Stop DWI Committee, the Southern Tier Extension Rail Authority Board, is a life long member of the Southwestern N.Y. Volunteer Firemen's Association and an exempt fireman of the Brocton Fire Department. He was also a member of the Portland Volunteer Fire Department for 3 years. Fran was recently elected to the Brocton Central School Hall of Fame.

I am proud to mention that Mr. Lus served his country during the Korean Conflict from 1950 to 1954 as a member of the United States Air Force and is a life member and former commander of the John W. Dill post 434.

Madam Speaker, I ask you to join me in congratulating Fran on his wonderful job well done in the Chautauqua County Legislature. Fran, you will be missed by all of the constituents whose lives you touched. Enjoy your retirement!

HONORING DR. SPENCER FOREMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. ENGEL. Madam Speaker, for more than two decades Dr. Spencer Foreman's leadership has made Montefiore Medical Center (MMC) one of the most forward thinking and academic medical centers in the country. He is a national health leader, and a respected expert in hospital administration and medicine. Dr. Foreman is a member of the National Academy of Science's Institute of Medicine, a former chairman of the Association of American Medical Colleges and a past trustee of the American Hospital Association. Annually, MMC treats more than 60,000 new patients, has more than 400,000 home visits, and 1.8 million outpatient visits. That, plus an annual budget of more than $1.9 billion, makes it one the largest academic medical centers in the country.

For more than a century, MMC has had a long and distinguished history of meeting the healthcare needs of New Yorkers and patients from around the world.

MMC is one of the most innovative medical centers in the country with a staff of brilliant doctors, nurses and associates on all levels dedicated to giving every patient the highest quality care and service.

This did not happen by accident. The leadership of Dr. Foreman for over two decades led MMC to the top of its class.

I have always been proud to tell people that Montefiore Medical Center is in my Congressional district. It is a mainstay of health care in the Bronx which is famous throughout the world.

But more than that, I have always been delighted to say that Dr. Foreman has been my friend. Dr. Foreman took charge at Montefiore about the same time I came to Congress. For over 18 years we have worked together to better the healthcare system. I count him among my trusted advisors on the state of healthcare in our Nation.

What he has accomplished will continue for generations. He has created a model of health care efficiency to which it can truly be said that thousands owe their lives and well-being. I am proud of the work of Montefiore Medical Center. I am proud of the accomplishments of Dr. Foreman but even more so I am proud of my friend Spike.

IN HONOR OF THE SAINT FRANCIS SOUP KITCHEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. FARR. Madam Speaker, I rise today to honor the achievements of the Saint Francis Soup Kitchen, which recently celebrated its 25th year of service in the Santa Cruz community. St. Francis is an organization founded and run by volunteers who love to help others. In the 25 years that it has been around, St. Francis has fed and clothed countless people who are in need. The city of Santa Cruz has approximately 400 people who are homeless, yet St. Francis is one way in which the community is trying to help the problem.

Father Peter Carota deserves special recognition as the founder of the St. Francis Soup Kitchen. In 1981, when still a layman, Peter sold his home and used the money to start St. Francis. Feeding the poor out of the back of a van, Peter Carota began his dream of running a soup kitchen to feed the homeless. A few years later, in 1983, Peter and some volunteers purchased the property of the current soup kitchen and St. Francis was born. Peter has since become a priest, but his work at St. Francis is carried on by devoted volunteers.

The soup kitchen was founded to help people in need and that is exactly what it does. The kitchen never turns a hungry person away and feeds up to 180 people at lunch every weekday. St. Francis not only provides free lunch every day to the homeless, it also operates a clothing room that provides donated clothes free of charge to guests. However, St. Francis could not function without the support of the dedicated volunteers and the help drawn from churches, high schools, UC Santa Cruz, and the broader community.

Madam Speaker, the St. Francis Soup Kitchen has contributed so much to the city of Santa Cruz and the surrounding community; I have only scratched the surface of its beneficial and compassionate dedication. I commend the St. Francis Soup Kitchen for all that it has done in its 25 years, and I hope that it will continue for another 25 with the same service, attitude, and contribution to the community.

TRIBUTE TO JUSTICE JOSEPH RATTIGAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. WOOLSEY. Madam Speaker, I rise today along with my colleagues, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. SUSAN DAVIS, Ms. ANNA G. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Ms. BARBARA LEE, Ms. LOFGREN, Mr. MCNERNEY, Ms. MATSUI, Mr. GEORGE MILLER, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. LINDA SÁNCHEZ, Ms. LORETTA SANCHEZ, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. MIKE THOMPSON, Ms. MAXINE WATERS, Ms. WATSON, Mr. HENRY WAXMAN, we rise with sadness today to honor our good friend and respected mentor, Justice Joseph Rattigan, who passed away after a long illness on May 12, 2007, in Santa Rosa, California. He was 87 years old.

Joe Rattigan is a legend in Sonoma County and in California. During a long career as an activist, a civic leader, a state legislator, and a jurist, he earned respect from all whose lives he touched, whether political ally or rival. Known for his eloquence, wit, intelligence, and passion, this remarkable man always had time for people and their concerns. He mentored other lawyers and judges as well as generations of Democratic politicians.

Born in 1920, Joe grew up in politics in Washington, DC, where his father was a law partner with Senator O'Mahoney from Wyoming. He attended Catholic University and, after graduating in 1940, worked briefly for the Department of Agriculture before joining the Navy to fight in WW II. He served as an intelligence officer and then commanded a PT boat in the Pacific, earning a decoration for heroism in combat.

After the war, Joe enrolled in Stanford Law School, graduating in 1948. He was part of a post-war generation of young lawyers who settled in California at that time and made their mark on a booming state. He soon joined a Santa Rosa law firm and plunged into local affairs and Democratic politics. He served as president of the Sonoma County Bar Association, county chairman for Adlai Stevenson's 1956 Presidential bid, and a member of the Santa Rosa Board of Public Utilities.

Joe jumped into electoral politics on his own behalf in 1958. He became the youngest state senator in the county's history at age 38, as the Democrats took back the legislature and Edmund G. "Pat" Brown became governor, ushering in a new golden era for California. He served two terms, authoring or co-authoring several key bills, including measures establishing medical care services for the elderly (a model for the Federal Medicare program), the Department of Rehabilitation, and the state university system. In 1960, his last-minute maneuvering created Sonoma State College (later University), which is now an integral part of the county as well as of the state's education system.

During his time in the legislature and his subsequent 18 years as a justice on the Court of Appeals for Northern California, Joe fought for the oppressed. Having grown up in a segregated city, he was fiercely opposed to discrimination. He supported the controversial Rumsford Fair Housing Act which ended the use of restrictive covenants in housing. He also carried the one-man, one-vote reapportionment measure that altered the way state senators were elected even at a personal cost. This measure split Sonoma County into two districts, causing Joe to lose his seat.

Principle always came before politics with Joe Rattigan. He fought against the death penalty, attempting to save convicted felon Caryl Chessman when he was a freshman Senator. It is widely believed that his principled opposition cost him a seat on the state Supreme Court. During his time as an appellate justice, however, he continued to make a mark on California; for example, he supported separation of church and state (despite his Catholic upbringing), championed a first in the nation requirement for cities and counties to adopt general plans, and wrote a decision overturning Black Panther Party leader Huey Newton's murder conviction, which was later upheld.

Joe is survived by Elizabeth (Betty), his wife of 65 years, whom he met in the second grade, by his six children—daughters Catharine Kalin and Anne Paine and sons Michael, Thomas, Patrick, and Timothy Rattigan—as well as 12 grandchildren.

Madam Speaker, this week Sonoma County residents and people throughout California mourn the passing of Joseph Rattigan. Whether people agreed with him or not—and many in the far more conservative Sonoma County of the 50s and 60s did not—he was respected for his integrity, his political acumen, his sharp legal mind, and a heart as big as the Golden State. In 1997, the State Building in downtown Santa Rosa was named the Joseph Rattigan State Building. We would hope that those who pass through its doors into the bright sunlit foyer will stop for a moment and consider the greatest legacy of Joseph Rattigan: a life that demonstrated that good government isn't only desirable, it is possible.

SUPPORT FOR JWOD

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. JOHNSON of Georgia. Madam Speaker, people with disabilities are the largest minority group in the nation. They comprise 20 percent of the American population and represent every ethnicity, gender, and age. Given the breadth and depth of this group of citizens, it is startling that they suffer from a 65-percent unemployment rate. People with disabilities have the ability and desire to work, yet face many barriers to employment. I think it is incredibly important that we give people with disabilities equal opportunity and support for employment.

To that end, I am proud to support employment opportunities for people with disabilities, particularly through the Javits-Wagner-O'Day (JWOD)/AbilityOne Program. The JWOD/AbilityOne Program uses the purchasing power of the Federal Government to buy products and services from participating, community-based nonprofit agencies dedicated to training and employing individuals with disabilities. Through this program, people with disabilities enjoy full participation in their community and are able to become self-sufficient wage earners and tax payers.

In the United States, the program serves approximately 43,000 people with disabilities and generated approximately $360 million in wages earned and nearly $1.8 billion in products sold. In Georgia alone, some 938 people with disabilities earned nearly $9 million in wages last year as a result of JWOD/AbilityOne. I am particularly proud that the 4th Congressional District is home to a JWOD contract for switchboard services. This dedicated workforce of people with disabilities provides excellent 24/7 service to the Atlanta VA Medical Center for nearly 15 years.

It is with great pleasure that I recognize the great contributions of American workers with disabilities. I commend the JWOD Program, its supporters, and its participants for making a difference where it is needed most. America truly works best when all Americans work.

PARKER EVAN LONG FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Parker Long, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 444, and by earning the most prestigious award of Eagle Scout.

Parker has been very active with his troop, participating in many scout activities. Over the years Parker has been involved in scouting, he has earned 30 merit badges and held numerous leadership positions, serving as Assistant Patrol Leader, Patrol Leader, and Senior Patrol Leader. Parker is also a member of the Tribe of Mic-O-Say and will become a Warrior this summer.

For his Eagle Scout project, Parker constructed a new fire pit at the Parkhill Christian Church in Kansas City, Missouri.

Madam Speaker, I proudly ask you to join me in commending Parker Long for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO SALLIE PULLANO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor Sallie Pullano for her years of service to Chautauqua County. Mrs. Pullano is a wonderful example of what public service should be.

I would like to briefly touch on the many areas of service that Sallie has been involved with. Since January 2000 she has served as the Human Services Chair in the County Legislature. This committee oversees the Departments of Social Services, Youth, Aged, Health, Veterans, and Mental Health, and the County Home. There is no doubt that she will be missed in each of these areas. Sallie also has a special place in her heart for children and senior citizens.

I must also acknowledge Mrs. Pullano's other interests. She not only served as an integral member of the Chautauqua County Legislature for many years but she is actively involved in a leading role in the Dunkirk-Fredonia Breast Cancer Support Group and holds membership in the Partners for Prevention Coalition. She also serves on the boards of directors for Hospice Chautauqua and Chautauqua Opportunities, Inc., and is on the Chautauqua County Health Network Advisory Board.

Madam Speaker, I ask you to join me in congratulating Sallie on her wonderful job well done in the Chautauqua County Legislature. Sallie, you will be missed by all of the constituents whose lives you touched. Enjoy your retirement!

HOME INFUSION THERAPY COVERAGE ACT OF 2007

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. ENGEL. Madam Speaker, I am pleased to join with my colleagues KAY GRANGER, TAMMY BALDWIN, CHIP PICKERING and RANDY KUHL in introducing the "Home Infusion Therapy Coverage Act of 2007". This bill would correct long-standing gaps in Medicare coverage for home infusion therapy, and will enable thousands of beneficiaries to obtain these often life-saving therapies in the most convenient and cost-effective setting—their homes.

Currently, most beneficiaries who have severe infections, cancer, congestive heart disease or numerous other diagnoses for which infusion therapy is the clear state-of-the-art treatment must be admitted into hospitals or nursing homes to receive this care. This is most unfortunate, Mr. Speaker. The private sector recognizes the clinical value and cost-effectiveness of home infusion therapy, and as a result full and proper coverage of home infusion therapy is commonplace among private payers. Medicare stands virtually alone in its antiquated coverage policies that discourage the use of a therapy that in actuality should be promoted for its cost savings and convenience.

Home infusion therapy requires the coordination of professional services, supplies and equipment to safely and effectively administer infusion drugs. Part D, the outpatient prescription drug benefit, covers most infusion drugs, but does not cover these services, supplies and equipment necessary to provide infusion therapy in the home. As a result, Part D coverage of home infusion falls far short of its potential to keep patients out of hospitals and nursing homes. Many beneficiaries must pay for the infusion services, supplies and equipment with out-of-pocket funds and most cannot afford this expense. Their only other realistic option is to obtain their care in a hospital or nursing home at a much higher cost burden to our Nation's healthcare system. The clear result is that access to home infusion therapy, despite its potential for cost savings and good clinical outcomes, is needlessly limited.

Our bill is very simple in its approach. It would institute coverage for the home infusion-related services, supplies and equipment under Part B, while maintaining coverage of the drugs themselves under Part D. Medicare Part B clearly is the most appropriate part of the Medicare program for coverage of the non-drug components of the therapy. In addition, the Secretary of the Department of Health and Human Services would apply quality standards that are consistent with the private sector's community standard of care. Both beneficiaries and the Medicare program itself would reap the benefits of broader access to these important medical treatments in the home.

I would like to note that this legislation is strongly supported by a broad coalition of infusion therapy stakeholders, including patient organizations, infusion pharmacies, infectious disease physicians, and manufacturers of infusion drugs. Along with my colleagues, I urge early consideration of this long-overdue bill.

HONORING THE CHRISTIAN REFORMED CHURCH IN NORTH AMERICA ON THE OCCASION OF ITS 150TH ANNIVERSARY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. EHLERS. Madam Speaker, I rise today to honor and congratulate the Christian Reformed Church in North America, which is celebrating the 150th anniversary of its founding. The church is in the midst of a year-long series of observances and services centered on the theme "Grace Through Every Generation," in three phases of emphasis: Remembering, Rejoicing, and Rededicating.

The Christian Reformed Church (CRC) is a group of nearly a thousand Protestant churches in the United States and Canada. The CRC has its roots in the Reformation of the 16th century. In 1517, the Reformation divided the Christian church, and several Protestant denominations were born. One branch developed under the influence of theologians Ulrich Zwingli and John Calvin. The "Presbyterian" church flourished in Scotland and the "Reformed" church in northern Europe, particularly in the Netherlands, with an emphasis on the sovereignty of God, faith in Him alone for salvation, and the preeminence of Scripture in worship.

Dutch Protestants brought their deep faith and their practical piety with them when they emigrated to the United States in the 1800s. My district in West Michigan has some of the deepest roots of Dutch-American history and heritage in the country. Dutch explorers, traders and settlers were a significant part of the earliest European exploration of the New World, especially in New York and New Jersey. However, the first major wave of Dutch immigration began in the 1840s with the Calvinists. Like so many of the original settlers here in America, they wanted more religious liberty than they experienced in their home country. They dared to journey across the Atlantic to New York and then moved across northern New York and finally settled near the shores of Lake Michigan. Waves of Dutch settlers soon found Grand Rapids and Holland, Michigan, to be the places of stability and religious liberty they were seeking. In 1857, a group of four churches—about 130 families—officially broke from the Dutch Reformed Church and formed the Christian Reformed Church in North America.

Throughout its 150 years, the CRC has maintained a commitment to the teachings of John Calvin as well as the great Dutch theologian, Abraham Kuyper, who called the church not only to holy living but to assert Jesus Christ's lordship over all of creation. This means that every aspect of life belongs to God, and every sphere of life—from schools to homes to businesses to government—can be a forum for learning more about God and helping to make the world a better place.

Throughout its 150 years, the CRC has wrestled with many of the same social issues faced by other churches and the country in general. The church's worldview has shaped its level of accommodation of different lifestyles and cultures, its discussions of ways to combat racism, its debates over the place of women in church leadership, and its consideration of the appropriate response to war and other international conflicts.

Throughout its 150 years, several CRC programs and ministries have developed and grown to reflect this worldview. This includes The Back to God Hour, the church's worldwide radio and Internet ministry program; Christian Reformed World Missions, supporting more than 300 missionaries in 30 countries in Africa, Latin America and Asia; the Christian Reformed World Relief Committee, which provides financial assistance and recovery workers in response to disasters and establishes long-term self-promotion and sustainable living projects around the world; and Calvin College and Calvin Theological Seminary, the church's educational institutions that help equip students for lives of work in God's service in every field.

Madam Speaker, I am proud to be a member of this church denomination, which has helped me and millions of others through the last 150 years to worship God faithfully, to experience fellowship with other believers, and to provide spiritual and physical care to those in need. I commend its members during this special time of remembering, rejoicing and rededicating. I ask my colleagues to join me in congratulating the CRC on its 150 years of service.

HONORING THE LIFE AND SERVICE TO THE UNITED STATES OF AMERICA OF SERGEANT IOSIWO URUO, UNITED STATES ARMY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. BORDALLO. Madam Speaker, some men become heroes on the battlefield; some are heroes in their communities, even before they go off to battle. With much sadness, I rise to say that Guam and the island of Chuuk in the Federated States of Micronesia have lost such a hero. Army SGT Iosiwo Uruo, who died on May 24, 2007 in Buhriz, Iraq, in support of Operation Iraq Freedom, was well known and well liked in his home village of Agana Heights for his friendly but quiet, and humble nature.

Fondly known to family and friends as "Siwo," Sergeant Uruo was born in Chuuk on November 29, 1979. His family moved to Guam in 1987 and they were befriended by Agana Heights Mayor Paul McDonald and his family, and the two families became close friends. Siwo's passing deeply grieves both families.

Sergeant Uruo attended Agana Heights Elementary School and Agueda Johnston Middle School. He graduated from George Washington High School in 2000, the first in his family to earn a diploma. Siwo was involved in the high school's ROTC Program and played football for GWHS for several years. In Agana Heights, Iosiwo participated in sporting events such as baseball and softball; he was part of the Mayor's Youth for Hire Program, to help village youths earn money by doing yard work or general cleaning, and the Agana Heights "Fun In The Sun" Summer Program, as youth worker. He also was a member of Troop 22 of the Boy Scouts of America, Agana Heights.

Sergeant Uruo was the proverbial 'good son,' hardworking, respectful, and obedient. He enlisted in the Army after graduating from high school because he wanted to serve his country.

On behalf of the People of Guam and a grateful nation, I extend heartfelt condolences and profound sympathy to Sergeant Uruo's parents, Isaoshy and Iosita; his sisters, Isabel and Josephine; his brothers, Iosiro, Joshua, Alanser, and Ivan; his sisters-in-law, Fatima and Jonea; and nephew Iverson; as well as to his all of his extended family and friends, especially Mayor Paul and Elaine McDonald and their family. Siwo was a caring son, a loving brother, and a proud American patriot.

RECOGNIZING HEATHER KNUDSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievement of Heather Knudson on winning the National Associated Christian Schools International (ACSI) Spelling Bee.

Heather placed second in the regional ACSI Spelling Bee, which took place February 24, in Dallas Texas. Heather then went on to win first place in the National Spelling Bee on May 12, 2007 in Washington, D.C. The contest brought in 46 of the top spellers from around the country, which was narrowed down from 15,000 participants.

By correctly spelling the word, "syzygy" which means, an alignment of three celestial objects, as the sun, the earth, and either the moon or a planet, Heather won a laptop computer, a $200 saving bond and the distinct honor of placing a wreath on the Tomb of the Unknown Soldier.

Heather is an outstanding and bright young woman. She has recently completed the eighth grade at Life Christian Academy in Kansas City. Extremely dedicated, she studied approximately 2,500 words in preparation for the contest. She was able to remember her winning word, which she studied years ago, because it is such an unusual word.

Madam Speaker, I ask you to join me in congratulating the achievement of Heather Knudson on winning first place in the National Associated Christian Schools International Spelling Bee. It is an honor to represent her in the United States Congress.

TRIBUTE TO PHILIP M. KAISER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize the late Philip M. Kaiser, an extraordinary public servant, diplomat, husband, father, grandfather, and a friend of mine.

Mr. Kaiser was born in Brooklyn on July 12th, 1913. He attended the University of Wisconsin and was awarded a Rhodes Scholarship to study at Oxford University upon graduation.

Mr. Kaiser first served his country under President Truman as Assistant Secretary of Labor. He went on to represent the United States as Ambassador to Senegal, Austria, and Hungary under Presidents Kennedy, Johnson, and Carter. During this period, Mr. Kaiser became well-known for his diplomatic abilities, successfully fostering U.S. relations with Hungary and Senegal at a time when communism was on the rise across the globe.

More recently, Mr. Kaiser contributed to the new Democratic majority through his support of 4 successful Democratic congressional candidates, including myself, in 2006.

Phil Kaiser was the type of man who held strong convictions and followed through on his beliefs. He made the most of any position he accepted, and always stayed true to himself and his values. Mr. Kaiser's life is a model of patriotism and dedication.

Phil Kaiser was the patriarch of a beautiful family. He is survived by his wife of 67 years, Hannah, his sons Charles, Robert, and David, and his 4 grandchildren.

I am honored to have known such an incredible, dedicated, passionate, and patriotic man. His contributions to his country, his love for his family, and his spirit will remain an inspiration.

NATIONAL HUNGER AWARENESS DAY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to commemorate National Hunger Awareness Day and to honor the Arlington Food Assistance Center (AFAC), which is located in my congressional district.

National Hunger Awareness Day was established to help inform individuals, communities, corporations and policy makers that hunger is a severe domestic issue and deserves our critical attention. It is part of a grassroots effort to raise awareness about the solvable problem of hunger in America.

AFAC's sole mission is to feed the hungry. AFAC obtains food at no cost from local bakeries, supermarkets, food drives and private donors. This important work allows their clients to make other necessary purchases, such as paying for rent and utilities, without having to sacrifice their health and nutritional needs.

Despite the fact that Arlington County is one of the wealthiest areas in the country, too many local residents do not have enough to eat. AFAC seeks to remedy this problem by distributing bread, vegetables, meat, milk, eggs and other food items to those families in Arlington who cannot afford these dietary. Volunteers at AFAC currently distribute groceries to nearly 700 families each week. Nearly half of the people getting food from AFAC are children.

I would like to commend the staff and volunteers of the Arlington Food Assistance Center who work hard to provide needy families in Arlington with groceries each week. I urge my constituents to donate food to AFAC through a food drive on June 5th.

TRIBUTE TO DOROTHY WALSH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mrs. McCARTHY of New York. Madam Speaker, I rise today to pay tribute to my friend, Dorothy Walsh. Dorothy is the owner of Dorothy Walsh Fine Clothes, in Northport New York. Dorothy Walsh Fine Clothes is a women's boutique known for an exclusive inventory that runs the gamut, from bridal gowns and dresses for special occasions to trendy sportswear.

The very special shop has the distinction of being one of Main Street's oldest businesses, opened in 1950 under the name of Esther Stevens Fine Clothes. Dorothy said she responded to an ad in the newspaper and her first responsibilities as an employee there included bookkeeping and checking in merchandise. Dorothy took over this business in 1994. She will be retiring from this business in August of this year.

We, as clientele, have reaped the benefit of her flair for fashion and meticulous attention to detail, captured in the eye-catching store displays juxtaposing the right colors and accessories. The store became the place to go, not only because Dorothy's taste was impeccable but also because she gave us, her customers, the unparalleled experience of feeling as if we were shopping with a knowledgeable and reassuring friend. I have been shopping with Dorothy for 10 years and would always find the perfect blouse for my suits, a special scarf for a holiday or a gift for my daughter-in-law. (Wrapped, by Dorothy, of course.)

Time spent in the store always was sprinkled with local news and general discussion of political and national events. During the stressful time debating gun violence in this country, we would get a call from Dorothy with encouraging words to keep up the good fight. How grateful I am for her kindness and thoughtfulness.

Dorothy Walsh is a member of the Northport family. She has lived there for more than 30 years and was recently acknowledged by the Northport Historical Society and Museum for years of commitment. She has always supported the community and never said "no". For the last four years, as a member of the Northport Chamber of Commerce, Dorothy has orchestrated Operation Warmth, calling upon the community to donate gently used coats, jackets, gloves and scarves to be distributed to the needy. She has been an integral part of the beautification projects throughout the seasons—bringing her special and tasteful touch to Main Street's outdoor displays.

Madam Speaker, those people who have been lucky enough to know Dorothy and shopped at her store, will miss this special place. We are happy to know that Dorothy will still be in Northport, active in the chamber, her community and her church. Most particularly, Dorothy will be able to have more time for herself and her beloved family. Lucky for us she will still be in Northport. I am grateful to have Dorothy as my friend. I ask that you, and all my colleagues wish Dorothy great success in her next adventure and praise her as a great citizen.

HONORING DR. FRED P. CARTER

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Dr. Fred P. Carter, a resident of my congressional district who recently announced his plans to retire as Superintendent of the Glasgow Independent School District.

For the past 34 years, Dr. Carter has made educating the children of the Commonwealth his top priority. The Glasgow School District has experienced remarkable growth during his tenure resulting in steady student grade improvement. Student performance on Kentucky's CATS test has improved each of the five years he was in charge, climbing into the state's top ten three years ago. Dr. Carter also oversaw the construction of the Highland Elementary School in Glasgow and the instillation of interactive classroom technology in every school across the district.

In retirement, Dr. Carter plans to concentrate on other aspects of his life including his faith and his family. On behalf of countless friends and neighbors in the Glasgow area, I would like to thank Dr. Carter for his many selfless years of service to Kentucky school children.

It is my great privilege to recognize Dr. Fred P. Carter today, before the entire House of Representatives, for his indelible contributions to the Barren County community. He is an outstanding American worthy of our collective honor and appreciation. I ask my colleagues to join me in wishing Dr. Carter a very happy and healthy retirement.

BRAVO TO THE AUSSIES

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. DUNCAN. Madam Speaker, one of my constituents, Rip Kirby, sent me the following article and asked that it be placed in the CONGRESSIONAL RECORD.

Mr. Kirby was the Founder of the Baseball Chapel for the minor leagues of professional baseball. He is a respected Christian leader and an outstanding American.

Many people in this Country and really all over the world are becoming fed up with "political correctness."

I would like to call this article to the attention of my colleagues and other readers of the RECORD.

BRAVO TO THE AUSSIES

I had seen this before, but felt it worth sending again and again to see if our government can have the guts to follow suit.

If anyone has a link to the White House, send it. Though doubt that anything will be done. But maybe in time we can make a difference with as many decent politicians we can elect.

This country needs to get God and human decency back into our society and stop letting others take advantage of our freedoms.

I and most Americans see nothing wrong with the stance that Australia has taken. They deserve our applause.

Muslims who want to live under Islamic Sharia law were told on Wednesday to get out of Australia, as the government targeted radicals in a bid to head off potential terror attacks.

A day after a group of mainstream Muslim leaders pledged loyalty to Australia and her Queen at a special meeting with Prime Minister John Howard, he and his Ministers made it clear that extremists would face a crackdown. Treasurer Peter Costello, seen as heir apparent to Howard, hinted that some radical clerics could be asked to leave the country if they did not accept that Australia was a secular state, and its laws were made by parliament. "If those are not your values, if you want a country which has Sharia law or a theocratic state, then Australia is not for you", he said on National Television.

"I'd be saying to clerics who are teaching that there are two laws governing people in Australia: one the Australian law and another Islamic law, that is false. If you can't agree with parliamentary law, independent courts, democracy, and would prefer Sharia law and have the opportunity to go to another country, which practices it, perhaps, then, that's a better option", Costello said.

Asked whether he meant radical clerics would be forced to leave, he said those with dual citizenship could possibly be asked to move to the other country. Education Minister Brendan Nelson later told reporters that Muslims who did not want to accept local values should "clear off. Basically people who don't want to be Australians, and who don't want to live by Australian values and understand them, well then, they can basically clear off", he said.

Separately, Howard angered some Australian Muslims on Wednesday by saying he supported spy agencies monitoring the nation's mosques.

Quote: "IMMIGRANTS, NOT AUSTRALIANS, MUST ADAPT. Take It or Leave

It. I am tired of this nation worrying about whether we are offending some individual or their culture. Since the terrorist attacks on Bali, we have experienced a surge in patriotism by the majority of Australians."

"However, the dust from the attacks had barely settled when the 'politically correct' crowd began complaining about the possibility that our patriotism was offending others. I am not against immigration, nor do I hold a grudge against anyone who is seeking a better life by coming to Australia." "However, there are a few things that those who have recently come to our country, and apparently some born here, need to understand." "This idea of Australia being a multi-cultural community has served only to dilute our sovereignty and our national identity. And as Australians, we have our own culture, our own society, our own language and our own lifestyle." "This culture has been developed over two centuries of struggles, trials and victories by millions of men and women who have sought freedom" "We speak mainly English, not Spanish, Lebanese, Arabic, Chinese, Japanese, Russian, or any other language. Therefore, if you wish to become part of our society . . . Learn the language!"

"Most Australians believe in God. This is not some Christian, right wing, political push, but a fact, because Christian men and women, on Christian principles, founded this nation, and this is clearly documented. It is certainly appropriate to display it on the walls of our schools. If God offends you, then I suggest you consider another part of the world as your new home, because God is part of our culture." "We will accept your beliefs, and will not question why. All we ask is that you accept ours, and live in harmony and peaceful enjoyment with us."

"If the Southern Cross offends you, or you don't like "A Fair Go", then you should seriously consider a move to another part of this planet. We are happy with our culture and have no desire to change, and we really don't care how you did things where you came from. By all means, keep your culture, but do not force it on others. "This is Our Country, Our Land, and Our Lifestyle, and we will allow you every opportunity to enjoy all this. But once you are done complaining, whining, and griping about Our Flag, Our Pledge, Our Christian beliefs, or Our Way of Life, I highly encourage you take advantage of one other great Australian freedom, 'The Right To Leave'."

"If you aren't happy here then Leave. We didn't force you to come here. You asked to be here. So accept the country You accepted."

Maybe if we circulate this amongst ourselves, American citizens will find the backbone to start speaking and voicing the same truths!

NICOLAS E. BENNETT FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nicolas E. Bennett, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 444, and by earning the most prestigious award of Eagle Scout.

Nicolas has been very active with his troop, participating in many scout activities. Over the years Nicolas has been involved in scouting, he has earned 30 merit badges and held numerous leadership positions, serving as Troop Quartermaster, and Patrol Leader. Parker is also a member of the Tribe of Mic-O-Say, he chose the name of Fast Cheetah, and achieved the rank of Fire Builder.

For his Eagle Scout project, Nicolas helped with the re-construction of a Rosary Garden for St. Andrew the Apostle Catholic Church of Gladstone, MO.

Madam Speaker, I proudly ask you to join me in commending Nicolas Bennett, for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE LAS VEGAS SPRINGS PRESERVE PROJECT

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. BERKLEY. Madam Speaker, today I urge my colleagues to join me in recognizing the Las Vegas Springs Preserve project, and how this one-of-a-kind interactive, historical and educational facility will forever preserve and sustain the original springs where Las Vegas was established.

When it opens in June, this $250 million non-gaming cultural and historical attraction will offer a fun, educational and recreational gathering place to commemorate Las Vegas' dynamic history and provide a vision for a sustainable future. The Preserve will feature a series of historic museums, galleries, outdoor concerts, events, an interpretive trail system, a botanical garden and the Nevada State Museum and Historical Society where Nevadans and tourists alike will find a unique, educational experience about the history of Las Vegas.

Seeking the rich California coast, Spanish traders of the early 19th Century forged a path west that became known as the Old Spanish Trail. Upon discovering a vale of sanctuary, they named it "Las Vegas"—Spanish for "The Meadows." In the years that followed, the Las Vegas Springs welcomed weary travelers, explorers, traders, settlers and Mormon missionaries—all of them drawn here by one common denominator—water from the springs.

Enticing many to remain and make use of its waters, land near the springs was purchased by the railroad, which created the Las Vegas town site. It was water from the natural springs that powered the railroads' steam locomotives. In later years, the Nevada Legislature created the Las Vegas Valley Water District. Among the Water District's inherited holdings was the Las Vegas Springs property.

In 1978, the 180-acre Springs Preserve, located approximately three miles west of downtown Las Vegas, was listed on the National Register of Historic Places. The site represents one of the richest and most unique cultural and biological resources in Southern Nevada. As the largest commercial straw-bale construction project in the United States, the Preserve is erecting seven new green buildings intended to join an elite list of buildings nationwide that have achieved "Platinum" Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green Building Council (USGBC).

Today, the Springs Preserve site is still owned by the Water District—a steward of water resources in the Valley for more than 50 years. During this time, human progress has surrounded this timeless plot of land, but operational wells and water distribution facilities saved the site from development. The Las Vegas Valley Water District and the Springs Preserve Foundation have formed a public-private partnership that will serve as a unique model for teaching cultural and environmental sustainability. Beginning next month, the story of the Las Vegas Springs will be told through both guided and self-guided tours, interpretive stations and several museum galleries.

As the representative of Nevada's First Congressional District, it gives me immense pride to recognize this outstanding and unique educational facility in the heart of my congressional district. With this example of pioneering preservation, sustainable construction and innovative education, visitors to the Las Vegas Springs Preserve will be inspired by what they see and be motivated to implement the ideals of preserving our past, while simultaneously creating a livable future.

Again, I proudly urge my colleagues to join me in honoring this outstanding public-private educational facility.

LIEUTENANT COLONEL ANDREW WEATHERSTONE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. ORTIZ. Madam Speaker, I rise to pay tribute to Major Andrew Weatherstone on the occasion of his promotion to Lieutenant Colonel on June 1, 2007. Andy is an Army Fellow in my Congressional office this year, and he is an extraordinary soldier and human being.

He is a great leader, a motivator of men and women in his command, a seeker of creative solutions . . . an officer uniquely suited to the United States Army at a moment we need all the great soldiers and officers we can get.

We were lucky to get Andy this year; his last assignment was in Iraq. So my team and I have had the benefit of his counsel at a pivotal moment in our history, as we seek solutions to the ongoing conflict in Iraq and the many readiness issues Iraq has highlighted.

A graduate of the University of Tennessee, with a Masters from the University of Central Michigan, Andy is a soldier's soldier. He came up through the ranks, starting as a platoon leader and battery officer in 1993, to operating a 1,200 strong Task Force and a Forward Operating Base in Taji, Iraq, in 2004.

Andy understands the needs of a battlefield soldier; and he understands the political machinations that surround the conduct of our military policy. He may not be patient with that, but few of us are these days.

He understands that democracy must be defended; and he knows that democracy means involving everybody and all opinions in determining policy.

He knows that freedom is not free, and in wearing the uniform of the United States he is one of those paying the price for all our freedoms on battlefields around the world.

Andy's story would not be complete without including his wife, Jennifer, his "champ," and their daughters Lauren and Elizabeth. Andy got to be home when Elizabeth was born this year.

For all that he has learned in the field, in combat, in training, and in teaching other soldiers . . . LTC Andy Weatherstone will be a remarkable leader in the U.S. Army.

I ask my colleagues to join me in congratulating Andy—and his family—on the occasion of his promotion to Lieutenant Colonel.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Tuesday, May 22, 2007, I was unavoidably detained on official business.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted as follows: rollcall No. 395: "No." On motion to recommit with instructions (H.R. 1427).

IN LASTING MEMORY OF HAROLD VENABLE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Harold Venable, of Grady, AR, who passed away June 4, 2007, at the age of 78.

Mr. Venable had two passions—farming and public service. He served on the Lincoln County Quorum Court for 24 years and was a member of the Grady City Council. Mr. Venable was a retired farmer recognized as an accomplished agriculturist who won multiple awards at the Arkansas State Fair and was a past recipient of the Farm Family of the Year Award.

Mr. Venable spent a lifetime giving back to his community and his dedication and numerous contributions to agriculture will never be forgotten. Anyone who ever knew him will always remember his smile and good-natured spirit as he always made time for anyone who wanted to talk.

Perhaps most important was Mr. Venable's gracious nature which he bestowed upon his fellow man, something that was deep-seated in his strong faith. He was an active, lifelong member of the First Baptist Church of Grady where he served as a Deacon. In addition, his humble influence and natural ability to lead was evident in all he did. He was a charter member and past President of the Grady Lion's Club, a member of the Long Lake Drainage Board, the Lincoln County Farm Bureau, and the Big Island Hunting Club.

My deepest condolences go to his beloved wife of 59 years, Charlene Venable of Grady; his two daughters, Sondra Ashcroft of Pine Bluff and Billie Issacs of Grady; his three grandchildren Lee Drake of Star City, Christian Ashcraft of Pine Bluff and Britten Ashcraft of Pine Bluff; and to his three brothers Clyde Venable of Grady, Leonard Venable of Little Rock, and Robert Venable of Grady. Harold Venable will be greatly missed in Grady, Lincoln County, and throughout the state of Arkansas.

IN RECOGNITION OF DR. WESS STAFFORD'S 30 YEAR ANNIVERSARY AT COMPASSION INTERNATIONAL

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. LAMBORN. Madam Speaker, I rise today in recognition of Dr. Wess Stafford's 30th anniversary with Compassion International. A widely respected child advocacy organization, Compassion International has helped over one and a half million children since its inception in 1952 and currently operates in 24 developing countries worldwide.

Dr. Stafford began his work with this worthy group on May 1, 1977 and was elected its president in 1993. Raised by missionary parents in a poverty-stricken town in the Ivory Coast, Dr. Stafford witnessed first hand, immense suffering and tragedy. This experience led him to become a passionate advocate for children all over the world. An admirable Christian, Dr. Stafford believes that all human life is precious and deserves to be protected and cherished; a value he extols in his book Too Small to Ignore.

The mission of Compassion is to "release children from poverty in Jesus' name," and Dr. Stafford has tried to do just that. Today, the organization not only provides a child sponsorship program, it has also put into action an AIDS Initiative, Child Survival Program, and Leadership Development Program. Since becoming its leader, Dr. Stafford has increased the number of children served by Compassion from 180,000 to over 800,000.

Dr. Stafford's evident enthusiasm for his work and selfless dedication to the service of others are a true inspiration. He and those with whom he works are undeterred by the enormity of the problems they seek to solve. Rather than feeling that the mission is an insurmountable challenge, they understand that victory is achieved when one life is saved. Today I offer Dr. Stafford my congratulations on this milestone and appreciation for his work. I am proud and humbled by the privilege of representing him, and all of those who are a part of Compassion International.

TRIBUTE TO JIM BURGER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor Jim Burger, Vice President of Sales and Marketing at Helsel Lumber, who has been named the Small Business Association's Regional Exporter of the Year. Jim was presented with this award at the SBA's annual awards luncheon on May 25th in Pittsburgh, PA, and will also be recognized at the St. Francis University Small Business Development Center's annual luncheon on June 12th.

The SBA Exporter of the Year is chosen from companies in Delaware, Maryland, Pennsylvania, Virginia, West Virginia and Washington, DC. This award recognizes exceptional business professionals whose business has seen an increase in sales and profits as well as growth in the number of employees as a result of exporting. Jim was nominated by the St. Francis University Small Business Development Center.

Mr. Burger began his career with Helsel Lumber, an exporting company in Duncansville, PA, at the age of 16 as an after-school job, returning to the mill full time after graduating from Penn State University and working his way up to vice president and co-owner of the facility in 2001. As vice president, Jim has worked tirelessly to lead the business to become an active and successful exporting company. His efforts have paid off, as Helsel Lumber has grown to include export sales to Europe and Asia and has recently done significant work in China. Helsel Lumber received an Export Achievement Award from the U.S. Commercial Service in 2006.

Jim has made a significant contribution not only to the betterment of Helsel Lumber, but to the region's economic growth and success as well. Our small business leaders are key to the continued economic vitality and success of our communities. The company and the community are lucky to have such a devoted leader, and the members of our community who have benefited from the efforts of Helsel Lumber and Jim Burger would certainly join me in thanking him for his contributions to the community and economy.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. CAPUANO. Madam Speaker, more than three million American women are currently living with breast cancer. The American Cancer Society estimates that this year, approximately 179,000 new cases of breast cancer will be diagnosed among women in the United States and that 41,000 women will die from the disease. According to the National Institutes of Health (NIH), breast cancer will affect one in eight women over the course of their lifetime. Although important advances have been made in screening for and treating breast cancer, we still do not know what causes this disease, or how to prevent it.

There is currently a dearth of studies providing conclusive evidence regarding the effects of environmental factors such as pesticides and other toxins on the development of breast cancer. Further study of these and many other factors, suspected of playing a role but not yet comprehensively examined, could be invaluable in helping to prevent breast cancer.

Many of us have voiced our support for this critical research by co-sponsoring the Breast Cancer and Environmental Research Act over several Congresses. The legislation, H.R. 1157 in the 110th Congress, would authorize $40 million a year for five years for the National Institutes of Health to make grants on a competitive, peer-reviewed basis, for the creation of multi-disciplinary Breast Cancer and Environmental Research Centers of Excellence. The Centers would be the first federally funded entities established specifically to study the potential links between breast cancer and the environment. The Centers would be required to collaborate with community organizations such as those representing women with breast cancer.

Breast cancer is a disease that has unfortunately touched the lives of almost every family in our country. Those of us who have supported programs such as the National Breast and Cervical Cancer Early Detection Program and the DOD Breast Cancer Research program must be equally willing to support efforts to uncover the causes of this terrible disease. H.R. 1157 is an important piece of legislation and I urge my colleagues to support it.

TRIBUTE TO THIRLEE SMITH, SR.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MEEK of Florida. Madam Speaker, I rise today to honor the life of Thirlee Smith, Sr., one of the preeminent role models of our community. A man of great repute and high standing who enriched the lives of so many community members throughout Miami, Thirlee Smith, Sr. lived a meaningful and fulfilling life dedicated to the betterment of our society through acts of good will.

We have lost an outstanding leader, but we are blessed to have been touched by his greatness. It is our collective responsibility to carry forward and continue the good works and deeds that Thirlee Smith, Sr. practiced on a daily basis.

Thirlee Smith, Sr. led voter registration drives throughout the community, because he understood that voting is a civil right. Thirlee Smith, Sr. stood at the forefront of this civil rights voter registration fight. Our democracy is more vibrant, our community is better represented, and our voices are now heard thanks to his tireless efforts.

Thirlee Smith, Sr. was born in Timpson, Texas on June 2, 1912, the second oldest of six children born to his loving parents. In the late 1930s, Thirlee Smith, Sr. married Beulah Finley, and built a three bedroom home in Liberty City which still stands to this day. Together Thirlee, Sr. and Beulah raised three outstanding children, who contributed to our community in their own right: Odessa S. Felder Cook, a retired Miami-Dade County Public School teacher; Thirlee Smith, Jr., a former Miami-Dade County Public School administrator and the first Black reporter for The Miami Herald; and the Honorable Frederica Wilson, my Florida State Senator.

Thirlee, Sr. was a 20-year member of the Revival Tabernacle Assembly of God under the leadership of retired Rev. Selwyn Scott, and served there as a deacon for many years, mentoring children and young adults. Thirlee, Sr. left this world a better place, and now, he returns home to a greater place in God's heavenly kingdom alongside his beloved Beulah Finley Smith.

It is only appropriate that on Friday, March 2, 2007, the city of Opa-Locka held a street naming ceremony in honor of Thirlee Smith, Sr. across the street from the billiard parlor where he registered members of the Black community to vote, led a community drive that resulted in the sanitation workers of Opa-Locka being issued uniforms and pay raises, and dispensed sage-like political and personal advice to friends who were also his patrons.

A husband, father, grandfather, great-grandfather, brother, uncle and friend, Thirlee, Sr. was a family man who leaves behind his devoted daughters; Odessa Felder Cook (Carliss), and Frederica S. Wilson; five loving grandchildren, Chandra Stephens (Clyde), Kimberly Emmanuel (Nicholas), Lakesha Wilson-Rochelle (Shelly) and Paul Wilson, Jr. (Farrah); five great-grand children, Cailey and Clifford Stephens, Najee and Chelsey Emmanuel, and Triston Paul Wilson; and nieces, nephews, cousins, and friends in Miami, Milwaukee, California, Texas and the Bahamas.

A man of great faith and spirituality who was the patriarch of a family that continues to serve our community with the highest levels of distinction, Thirlee Smith, Sr. left our world a better place than the world in which he entered.